

COMMISSION STUDY SESSION

August 21, 2006

Commission Chambers

6:00 p.m.

Discussion of Business Licenses

COMMISSION AGENDA

August 21, 2006 - 7:00 p.m.

Commission Chambers

MEETING NO. 4657

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC HEARING for the 2007 Budget

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)

CONSENT CALENDAR

1. Approval of Minutes of Regular Meeting of August 7, 2006
2. Approval of payment of bills.
3. Approval of cereal malt beverage license for:
 - A. King Kwik Mart, 510 east Wyatt Earp Blvd.
(pending inspections and approval of City Fire, Inspection & Police Dept.)
4. Approval of change orders for Wyatt Earp Reconstruction Project. Report by Public Works Director, Joe Finley.

ORDINANCES & RESOLUTIONS

Ordinance No.3419: An Ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of Dodge City, Kansas, as heretofore authorized by Resolution Nos. 2005-14 and 200515 of the City; and providing for the collection of such special assessments. Report by Finance Director, Nannette Pogue.

Resolution 2006-11: A Resolution authorizing and providing for the construction of improvements to the Civic Center, a public building in the City of Dodge City, Kansas; and providing for the payment of the costs thereof. Report by Finance Director, Nannette Pogue.

UNFINISHED BUSINESS

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.

NEW BUSINESS

1. Approval of the 2007 Budget. Report by City Manager, Jeff Pederson.
2. Approval of Contract with Fraternal Order of Police. Report by City Manager, Jeff Pederson.

OTHER BUSINESS

Commissioners
City Manager

ADJOURNMENT

Dodge City Draft Business License Proposal

1. **Purpose.** Implementation of business licensing in the City of Dodge City makes certain that all business operations are operating within the health and safety codes; assures that for each business a record is maintained of the location, name of a local contact person, and type of operation; ascertains that all business operations contribute their fair share of state and local sales taxes; and in the case of certain identified businesses, that certain additional minimum standards are maintained.

2. **Definitions.**
 - (a) **Business.** Business means and includes businesses, trades, occupations, professions, and also the rendering or furnishing of a service; provided, that the name of a business, trade, occupation or profession may be used, and when so used, shall refer to the particular business, trade, occupation or profession. Each location of businesses operated by a single person shall be considered separate businesses.
 - (b) **Domiciled/Non-domiciled.** The provisions of this Article apply to all businesses operating within the City, whether located in the City (domiciled) or not with a physical location within the City (non-domiciled).
 - (c) **Fee.** An occupation or license fee upon and for the privilege of engaging in business as defined herein.
 - (d) **License.** A document issued by the city acknowledging payment of the required fee and stating the name of the licensee, business and where located, a description of the business activity, the period which the fee covers, other matters as may be required, and signed by the city clerk.
 - (e) **Person.** Any individual, partnership, corporation, firm, organization, association, joint stock company, or syndicate who or which is engaged in any business, trade, occupation, or profession, or rendering or furnishing any service for profit or livelihood and subject to the provisions of this article; provided, any individual in the direct employ of any person licensed under the provisions of this article is exempt unless such individual operates as a subcontractor; but if such individual operates or practices his or her skill for compensation for any person other than his or her licensed employer, he or she must pay the fee and obtain a license as such is required by the terms of this article.

3. **License Required.** It shall be unlawful for any person, firm or corporation, either as principal or agent or employee, to conduct, pursue, carry on, or operate any business, calling, trade, or profession, or render or furnish services for profit or livelihood in the city without first paying the prescribed license fee and procuring such a license from the city. This applies to domiciled as well as non-domiciled businesses operating in the City.

4. **Exemptions.**
 - (a) The interstate portion of any business is exempt from business licensing and fees.
 - (b) Instrumentalities of the Government of the United States are exempt from business licensing and fees, unless authorized by laws of the United States.
 - (c) Charitable activities represented as carried on from unselfish, civic, or humanitarian motives, for the benefit of others, and not for private gain, and may include without limitation athletic, benevolent, charitable, civic, cultural, patriotic, educational, fraternal, historical, medical, philanthropic, political, scientific, social service, religious, or welfare, activities; and from which no profit is derived, either directly or indirectly, by any individual or any other business, person, or organization, and which is exempt from taxation by state or federal law.
 - (d) No producer or grower, or his or her agents or employees, selling in the city, farm or garden products or fruits grown by him or her in the state shall be required to pay any license fee or occupation tax imposed by any law of this city, and he or she, his or her agents or employees, are hereby exempt from the payment of any such fees or taxes. A business license is, however, required. (K.S.A. 12-1617)
 - (e) The City may require any business, instrumentality, or organization claiming to be exempt under this provision to file with the City a verified statement stating the facts upon which exemption is claimed.
5. **General and Specific Licenses.** The provisions of this Article 1 are general business licensing procedures and regulations. Some businesses, services, and occupations in the City have more specific procedures, standards, guidelines, and regulations. These are detailed in other articles of this chapter.
6. **License Period.** The license period shall be from October 1st to September 30th of the following year for existing businesses; and 12 months after start up of any new business operation.
7. **Due Date – Penalty for Late Payment.** Business license fees shall be paid in one annual payment on the first day of October of each year for existing businesses, and on the first day of operation for any new business operation. A penalty of five percent per month shall be added for each month or fraction thereof that the fees remain unpaid, except that no penalty will be assessed against a new business in the first year of initial operation of the business. No penalty will be assessed against a business in the initial year of this program.
8. **License Fees.** Unless otherwise provided, the annual license fee for each occupation, business, or profession shall be as approved by resolution of the governing body, and shown in Chapter 1, Article 9 of the City Code of the City of Dodge City.

9. **License Application.** All applicants of business licenses shall make written application to the City, setting forth the type of business, the business location, names and addresses of responsible parties, state tax numbers, and other information as necessary to implement this program. Where local, state, or national certifications are necessary for a business operation, the applicant shall provide evidence of such. A new application will be required whenever a business changes ownership or relocates to a new location.
10. **License Classification.** Whenever several types of businesses are applicable to one establishment, the primary use shall be used for classification. When one of the possible classifications is an operation subject to a more specific business license, there shall be a general and a specific license issued.
11. **License Issuance.** The City shall review all license applications for conformance with all applicable public health, safety, building, zoning, and other development codes of the City and/or the State of Kansas. When all pertinent matters are found to be in order and the appropriate fees paid, a license will be issued to the applicant. If no action is taken during a 15 day review on the application, it is deemed to be approved and a license shall be issued.
12. **Appeal.** If the City disapproves any application, or revokes any existing license, the City shall give the reason therefore in writing to the applicant. The applicant may appeal such disapproval by filing a written thereof with the City Clerk within 15 days after the notice of disapproval. A hearing on such appeal shall be held by the governing body of the City no more than 30 days after an appeal is filed. The governing body, after such hearing, may reverse or affirm the administrative decision by a majority vote. Nothing in this provision shall prejudice the right of an applicant to reapply at a later date for a business license.
13. **Display of License.** All persons doing business in a permanent location are required to have their license conspicuously displayed in their place of business, and all persons to whom licenses are issued not having a permanent place of business are required to carry their licenses with them and any licensee shall present the license for inspection when requested to do so by any citizen or officer of the city.
14. **Contents of License.** Unless otherwise provided all licenses shall be dated on the date of their issue, and shall state the name of the licensee, the kind of business he or she desires to engage in and the location thereof, the amount paid, and time the license shall expire; and the person having such license shall be authorized to carry on the business therein named.
15. **Records.** The city shall keep a record in which shall be entered the name of each person licensed, his or her address, the date of the license, the purpose for which it

is granted, the amount paid therefor, and the time the same shall expire. Within 24 hours after any license has expired, or has been revoked, the city shall notify the chief of police of such expiration or revocation.

16. **Nontransferable.** No certificate for an occupation fee issued under this article shall be transferable or assignable.
17. **License Renewal.** Business licenses may be renewed upon a showing of compliance with this Article. The City need not require an additional application or an additional investigation unless complaints have been received of violations of the conditions under which such license was issued. The City shall not renew or extend any license where there is evidence of any grounds for the revocation of any prior license, and such applicant shall be required to apply for a license as in the case of an original license
18. **Penalties for Violation.**
 - (a) Any person who conducts, pursues, carries on, or operates within the city limits, any trade, profession or occupation, for which a license is required by this Article after a business license should have been obtained shall be deemed to do so unlawfully. Such violation of this Article is a misdemeanor; and upon conviction thereof shall be fined in a sum of not more than \$100. Each and every day that such violation continues constitutes a separate offense.
 - (b) The payment of the fine for failure to pay the fee and to secure a license shall not constitute payment of the fee nor excuse the person from making payment, and the city may proceed by civil action to collect the tax.
 - (c) Any person liable to pay such business license fee shall be liable for and pay in addition to same, a late fee as detailed in Section 7 of this Article. After 60 days delinquency a complaint may be filed in the municipal court of the city charging the alleged violator with a violation of this article.
 - (d) A business license may be revoked by the City when the operation is found to be in violation of the City police, fire, zoning, building and other codes, and applicable State regulations; subject to the appeal process detailed in Section 13 of this Article.
 - (e) Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation of this Article.
19. **Administrative Determinations.** From time to time the City administration will need to make interpretations and clarifications of these provisions as they apply to individual businesses. Such determinations will be in writing and will be available for public inspection.

PEDDLERS, SOLICITORS, VENDORS

1. DEFINITIONS.

For the purpose of this Article, the following words shall have the following meanings:

- (a) CHARITABLE means any activity represented as carried on from unselfish, civic, or humanitarian motives, for the benefit of others, and not for private gain, and may include without limitation athletic, benevolent, charitable, civic, cultural, patriotic, educational, fraternal, historical, medical, philanthropic, political, scientific, social service, religious, or welfare activities.
- (c) PEDDLER shall mean any person, whether a resident of the city or not, traveling by foot, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, or from a temporary location carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicle or conveyance, and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this ordinance shall be deemed a peddler.
- (d) PERSON means any individual, firm, partnership, corporation, company, religious sect or denomination, society, organization, or league; and includes any trustee, receiver, assignee, agent, or other similar representative thereof.
- (e) SOLICITOR means any individual who conducts business by traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definition shall include any person, who, for himself, herself or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the purpose of exhibiting samples and taking orders for future delivery.
- (f) RESIDENCE shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
- (g) TRANSIENT VENDOR is defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant land, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person so engaged shall not be relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant or

auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

- (h) STREET SALESMAN means any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets, sidewalks, or public spaces of this city.

2. RESIDENTIAL PROHIBITION

The practice of going to residences in the City by peddlers, solicitors, and/or transient vendors is prohibited. The following activities are exempt from this prohibition:

- (a) Charitable activities as defined above.
- (b) Contacts at individual residences where the solicitor, peddler, or transient vendor was invited by the resident.
- (c) School age children not working for someone else
- (d) Newspaper carriers

3. LICENSE REQUIRED

It shall be unlawful for any person to operate as a peddler, solicitor, or transient vendor defined in the preceding sections of this Article, within the City without then having a current valid license in his or her possession and issued by the City. The license will state the nature of the permitted operation and its expiration date.

4. EXEMPTIONS

No peddlers, solicitors, or itinerant vendors license is required, and no fees shall be charged under this Article, for:

- (a) Charitable activities as defined above
- (b) School age children not working for someone else
- (c) Any peddler, solicitor, or vendors which are part of fairs, festivals, or celebrations sponsored in whole or in part by the City or any other governmental subdivision, or the state
- (d) A producer or grower, or his or her agents or employees, selling the City farm or garden products or fruits grown by him or her in the state of Kansas is required to obtain a license, but no fees will be charged. (K.S.A. 12-1617)

5. APPLICATION

All applicants for peddlers, solicitors, or itinerant vendors licenses shall make written application to the City, setting forth the type of operation, the business location, names and addresses of responsible parties, state tax numbers, and other information as necessary to implement this program. Written permission from an owner/occupant is required when the operation will be at a specific location. Where local, state, or national certifications are necessary for a business operation, the applicant shall provide evidence of such. A new application will be required whenever a business changes ownership or relocates to a new location.

6. INVESTIGATION AND ISSUANCE

The City shall review a completed application for conformance with all applicable public health, safety, building, zoning, and other development codes of the City and/or the State of Kansas. When all pertinent matters are found to be in order and the appropriate fees paid, a license will be issued to the applicant. There may be a police background check for certain classifications of peddlers, vendors, and itinerant vendors. If no action is taken during a seven day review period, the application is deemed to be approved; and a license will be issued upon payment of applicable fees.

7. LICENSE FEE

Unless otherwise provided, the fees for peddlers, solicitors, and itinerant vendors shall be as approved by resolution of the governing body, and shown in chapter 1, Article 9 of the City Code of the City of Dodge City.

8. LICENSE TENURE AND RENEWAL

(a) The applicant for a peddlers, solicitors, or itinerant vendors license shall be valid for the time requested, or as agreed upon by the applicant and the City. Fees will vary according to the tenure of the license.

(b) All peddlers, solicitors, and itinerant vendors licenses may be renewed or extended upon a showing of compliance with this Article within a six month period of the expiration date. The City need not require an additional application or an additional investigation unless complaints have been received of violations of the conditions under which such license was issued. The City shall not renew or extend any license where there is evidence of any grounds for the revocation of any prior license, and such applicant shall be required to apply for a license as in the case of an original license.

9. DENIAL OR REVOCATION OF LICENSE

The city may deny any application or may revoke any license issued under this Article for any of the following causes. Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address setting forth the grounds of such denial or revocation.

- (a) Fraud, misrepresentation or false statement contained in the application for license.
- (b) Fraud, misrepresentation or false statement made in the course of carrying on the business.
- (c) Any violation of the City police, fire, zoning, building and other codes, and business regulations.
- (d) Conducting a business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the City.
- (e) Upon conviction of the crime of theft, larceny, fraud, embezzlement or any felony, or conviction within two years prior to the application date.

10. APPEALS

If the City disapproves any application, or revokes any existing license, the City shall give the reason therefore in writing to the applicant. The applicant may appeal such disapproval by filing a written thereof with the City Clerk within 15 days after the notice of disapproval. A hearing on such appeal shall be held by the governing body of the City no more than 30 days after an appeal is filed. The governing body, after such hearing, may reverse or affirm the administrative decision by a majority vote. Nothing in this provision shall prejudice the right of an applicant to reapply at a later date for a business license.

12. USE OF STREETS, SIDEWALKS, OTHER PUBLIC PROPERTY

Except when authorized in writing by the city, no peddler, solicitor, or itinerant vendor shall have exclusive right to any location in the public streets, sidewalks, or other public space for the purpose of selling or soliciting sales.

13. DISTURBING THE PEACE

No licensee nor any person in his or her behalf, shall use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

14. ADMINISTRATIVE DETERMINATIONS

From time to time the City administration will need to make interpretations and clarifications of these provisions as they apply to individual situations. Such determinations will be in writing and will be available for public inspection.

15. PENALTIES FOR VIOLATION.

- (a) Any person who conducts, pursues, carries on, or operates within the city limits, any peddlers, solicitors, or itinerant vendors operation, for which a license is required by this Article after a license should have been obtained shall be deemed to do so unlawfully. Such violation of this Article is a misdemeanor; and upon conviction thereof shall be fined in a sum of not more than \$100. Each and every day that such violation continues constitutes a separate offense.
- (b) The payment of the fine for failure to pay the fee and to secure a license shall not constitute payment of the fee nor excuse the person from making payment, and the city may proceed by civil action to collect the tax.
- (d) Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation of this Article.

GARAGE SALES

1. Definitions.

Garage Sale is a sale of goods operated from a dwelling or combination of dwellings. The display and sale of goods may or may not be actually situated in a garage.

2. Regulations.

(a) A Garage Sale Permit from the City is required in order to conduct a garage sale.

(b) Two garage sales are permitted within any 12 month period without a permit fee.

(c) More than two garage sales at the same location in any 12 month period requires a permit fee and a Kansas State sales tax number. The permit fee shall be set by the governing body and shown in Chapter 1, Article 9 of the City Code of the City of Dodge City.

(d) No garage sale shall last more than 3 consecutive days.

3. Advertising.

Sign permits are not required for garage sales signs. No more than 4 signs, no more than 5 square feet in area, are permitted. Signs are permitted for no longer than the duration of the garage sale. Signs are prohibited on public rights-of-way and private property without the owners' permission. Signs are prohibited on utility poles or traffic control devices.

4. Penalty

(a) Any person who fails to comply with these provisions may be given notice by the City to comply. Failure to comply after official notice shall be a violation of this Article.

(b) Any person violating the provisions of this Article shall, upon conviction thereof, be fined a sum of not less than \$10.00 nor more than \$100.00. Each day of violation shall constitute a separate offense.

MINUTES
August 7, 2006 - 7:00 p.m.
MEETING NO. 4656

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.

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)

Larry Gerber thanked City staff for prompt response in his neighborhood. He stated vandalism hasn't slowed down in town and he asked what is going to be done about it.

Monica O'Hanlon of Lucky Clover's 4-H Club presented the City of Character trait for August - benevolence

Commissioner Sowers presented certificates of recognition for demonstrating Character traits to 3 employees who participated in Dodge City Days Parade along with Commissioners Sowers and Sherer and Jane Longmeyer. Those employees were Cherise Tieben, Ryan Carpenter and Nannette Pogue.

Commissioner Lee moved to remove the expenditure to Dodge City Raceway Park from the Consent Calendar. Commissioner Smoll seconded the motion. The motion was denied by a vote of 2-3 with Commissioners Lembright, Sowers and Sherer voting nay.

The CONSENT CALENDAR was approved on a motion by Commissioner Lembright, seconded by Commissioner Sowers, by a vote of 4-1 with Commissioner Lee voting nay.

1. Approval of Minutes of Regular Meeting of July 17, 2006
2. Approval of payment of bills.
3. Approval of cereal malt beverage license for:
 - A. Wyatt Earp's Alibi, 102 W. Wyatt Earp
 - B. Boot Hill Museum, Front Street
(pending inspections and approval of City Fire, Inspection & Police Dept.)

ORDINANCES & RESOLUTIONS

Ordinance No.3418: An Ordinance vacating a portion of Maple Street in Original Town was adopted on a motion by Commissioner Lee, seconded by Commissioner Lembright, by unanimous vote. Dennis Veatch presented the ordinance for consideration.

UNFINISHED BUSINESS

NEW BUSINESS

1. A bid for 15' Rotary Mower for the Park Department from KanEquip Inc. of Dodge City for a total bid of \$11,872 was approved on a motion by Commissioner Sowers, seconded by Commissioner Smoll, by unanimous vote.
2. A bid for Skid Steer Attachments for Park Department from White Star Machinery of Garden City for a total bid of \$13,699.11 was approved on a motion by Commissioner Lembright, seconded by Commissioner Smoll, by unanimous vote.
3. A bid for Retroreflectometer for Street Department from Flint Trading, Inc. of Thomasville, NC for a bid of \$11,992 was approved on a motion by Commissioner Lee, seconded by Commissioner Smoll, by unanimous vote.

Larry Gerber asked why we needed the retroreflectometer.

OTHER BUSINESS

Commission Lee expressed sympathy to the family of Joe Williamson.

City Attorney Ken Strobel reported there is a date set for the hearing on the reconsideration of motion filed with the Judge.

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

V. James Sherer, Mayor

ATTEST:

Nannette Pogue, City Clerk

(Individual Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

King Kwik Mart, 510 E Wyatt Exp COUNTY, KANSAS, Ford, 20 06

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

(b) Age 52

(c) Place and date of birth Laos - 6-3-54, 20 _____

(d) Residence address 2302 Robin Rd Dodge City Ks. 67801

(e) I have been a resident of the State of Kansas _____ 2 years.

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

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

(b) My place of naturalization and the date thereof is as follows: San Francisco
Mar 1, 05 1998

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

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

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

8. I have (), have not () 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 () 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 ()

(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:

2. The premises for which the license is desired are located at 510 E Wyatt Exp - Ford Blvd

(a) The legal description of said property is _____

(b) The street number is 510 East Wyatt Blvd

(c) The building to be used is _____

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

11. I have () 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. Single

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

A license fee of \$ 125.00 is enclosed herewith.

City of Dodge City

Memorandum

August 14, 2006

TO: Jeff Pederson, City Manager

FROM: Joseph E. Finley, P.E., Director of Public Works *JF*

RE: Wyatt Earp Blvd. Reconstruction Project ST 0201

Attached please find Change Order 1 & 2 for your review on the above referenced project.

Change Order number one is for a decrease of \$7,800.00. The plans originally called for all service lines to be copper tubing. Copper tubing has become difficult to get in a timely manner. The contractor requested that the City consider using poly-pipe. In order to insure that the project could proceed and that businesses be reconnected in a timely manner the request to use poly-pipe was accepted.

The second Change Order is for an increase in \$3,780.00 prior to the project starting, city staff recommended additional signs to be placed at the outskirts of the city to advise the public and truck drivers of the road construction and to use alternate routes if possible.

The net result is a deduction of \$4,020.00. Staff would recommend approval of these two change orders as submitted. Should you have any further questions or need additional information please let me know.

JF/jlg

CHANGE ORDER
For
Change in Plans and Construction

Contract No. 06-012 Change Order No. 1

Description West Wyatt Earp Reconstruction, Phase I, (ST 0201) Dodge City, Kansas

Contractor: Dobson Brothers Construction Address: PO Box 81409, Lincoln, NE 68501

EXPLANATION OF CHANGE RECOMMENDED

Item No. 135-Water Service Connection -- A Change of 2" Cooper Tube Service Line to 2" Poly Tube Service Line (A deduct of \$195/EA)

UNDERRUNS

Revised Quantities	Item No.	Item of Work	Contract Unit Price	Revised Unit Price	Amount
40 Each	135	Water Service Connection	2,100.00	1,905.00	7,800.00

Total Underruns \$ 7,800.00
TOTAL DECREASE/INCREASE \$ 7,800.00

This is to affirm that I/we have inspected this change in plans and construction and hereby agree to the quantities, unit prices, and amount shown above

Contractor Dobson Brothers Construction

Signed By [Signature]

Date 8/1/06

APPROVED:

Owner City of Dodge City

Signed By [Signature]

Date 8/4/06

Recommended for Approval:
Cook, Flatt & Strobel Engineers, P.A.

By: [Signature]

Date July 27, 2006

CHANGE ORDER
For
Change in Plans and Construction

Contract No. 06-012 Change Order No. 2

Description West Wyatt Earp Reconstruction, Phase I, (ST 0201) Dodge City, Kansas

Contractor: Dobson Brothers Construction Address: PO Box 81409, Lincoln, NE 68501

EXPLANATION OF CHANGE RECOMMENDED

New Line Item No. 137- At the request of the City of Dodge City eight additional signs were placed on the outskirts of Dodge City advising the traveling public of the width restriction and alternates routes available in an effort to reduce the traffic on Wyatt Earp Boulevard. Each sign is 32 square feet with high intensity sheeting, black lettering and triple 2" square post for supports.

OVERRUNS

Revised Quantities	Item No.	Item of Work	Contract Unit Price	Revised Unit Price	Amount
8 Each	137	Additional Signs	472.50		3,780.00

Total Overruns \$ 3,780.00

UNDERRUNS

Revised Quantities	Item No.	Item of Work	Contract Unit Price	Revised Unit Price	Amount

Total Underruns \$ 0.00

TOTAL DECREASE/INCREASE \$ 3,780.00

This is to affirm that I/we have inspected this change in plans and construction and hereby agree to the quantities, unit prices, and amount shown above

Contractor Dobson Brothers Construction

Signed By *Carl A. Bartel*

Date 8/1/06

APPROVED:

Owner City of Dodge City

Signed By *Joseph E. Linder*

Date 8/4/06

Recommended for Approval:
Cook, Flatt & Strobel Engineers, P.A.

By: *[Signature]*

Date July 27, 2006

MEMO

TO: Jeff Pederson, City Manager

FROM: Nannette Pogue, Finance Director/City Clerk

SUBJECT: Ordinance No. 3419

Ordinance No. 3419 levies special assessments on property in Candletree Addition No. 2. The special assessments are for sewer improvements to lots 1-10, block 10 and lots 1-5, Bblock 11; and improvements to Gary Avenue and Cervantes Road to lots 6-9, block 8, lots 1-10, block 10 and lots 1-5, block 11.

Earlier in the year, a public hearing was held for these assessments, notice was published in the Dodge City Daily Globe and a letter sent to all of the property owners. The City Commission approved the final costs of these improvements. This ordinance is the final step in the process. The property owners will be sent one more letter giving them until September 30 to pay the assessment in full. If they choose not to pay, or to pay partial, the unpaid amounts will be forwarded to the County Clerk and be put on their property taxes as special assessments. The specials will be paid out over 10 years at an interest rate of 4.5%.

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

ORDINANCE NO. 3419

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF DODGE CITY, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NOS. 2005-14 and 2005-15 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

WHEREAS, the City Commission of the City of Dodge City, Kansas (the "City") has heretofore authorized certain internal improvements (the "Improvements") to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the "Act"); and

WHEREAS, the City Commission has heretofore conducted a public hearing in accordance with the Act and desires to levy assessments on certain property benefited by the construction of the Improvements.

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

SECTION 1. Levy of Assessments. For the purpose of paying the costs of the following described Improvements:

Project No. 1 – Candletree Addition No. 2 – Extension of Sewer

Resolution No. 2005-15

Extension of Sewer to Lots 1-10, Block 10 and Lots 1-5, Block 11, Candletree Addition No. 2 to the City of Dodge City, Ford County, Kansas;

Project No. 2 – Improvements to a portion of Gary Avenue and Cervantes Road in Dodge City.

Resolution No. 2005-14

Improvement of Gary Avenue and Cervantes Road from Cannery Row to the north boundary of Candletree Addition No. 2 to the City of Dodge City, Ford County, Kansas; Improvement district includes Lots 6-9, Block 8, Candletree Addition No. 2, Lots 1-10, Block 10, Candletree Addition No. 2, Lots 1-5, Block 11, Candletree Addition No. 2

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on *Exhibit A* attached hereto.

SECTION 2. Payment of Assessments. The amounts so levied and assessed in *Section 1* of this Ordinance shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part not later than September 30, 2006.

SECTION 3. Notification. The City Clerk shall notify the owners of the properties described in *Exhibit A* attached hereto insofar as known to said City Clerk, of the amounts of their respective assessments; and, said notice shall further state that unless such assessments are paid by September 30, 2006, the assessments will be forwarded to the County to be collected annually with the property tax payment.

SECTION 4. Certification. Any amount of special assessments not paid within the time prescribed in *Section 2* hereof shall be certified by the City Clerk to the Clerk of Ford County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in ten (10) annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official City newspaper.

PASSED by the governing body of the City on August 21, 2006, and signed by the Mayor.

Mayor

ATTEST:

City Clerk

	<u>Property Description</u>	<u>Sewer</u>	<u>Streets</u>	<u>Totals</u>
Lot 6	Block 8		9,673.32	9,673.32
Lot 7	Block 8		4,836.66	4,836.66
Lot 8	Block 8		4,836.66	4,836.66
Lot 9	Block 8		4,836.66	4,836.66
Lot 1	Block 10	1,528.00	6,045.82	7,573.82
Lot 2	Block 10	1,528.00	5,138.95	6,666.95
Lot 3	Block 10	1,528.00	5,138.95	6,666.95
Lot 4	Block 10	1,528.00	4,836.66	6,364.66
Lot 5	Block 10	1,528.00	4,836.66	6,364.66
Lot 6	Block 10	1,528.00	4,836.66	6,364.66
Lot 7	Block 10	1,528.00	4,836.66	6,364.66
Lot 8	Block 10	1,528.00	5,138.95	6,666.95
Lot 9	Block 10	1,528.00	5,146.20	6,674.20
Lot 10	Block 10	1,528.00	6,190.92	7,718.92
Lot 1	Block 11		6,197.57	6,197.57
Lot 2	Block 11		5,150.44	5,150.44
Lot 3	Block 11		5,138.95	5,138.95
Lot 4	Block 11		4,836.66	4,836.66
Lot 5	Block 11		4,836.66	4,836.66

August 15, 2006

MEMO

TO: Jeff Pederson, City Manager

FROM: Nannette Pogue, Finance Director/City Clerk

SUBJECT: Resolution No. 2006-11

Resolution No. 2006-11 authorizes the improvement to the parking lot at the Civic Center. This authorizing ordinance is necessary in order to fund these improvements with G.O. Bonds. This project was in the 2006 Capital Improvement Program in the amount of \$450,000. This \$450,000 for the parking lot is only for the first phase of the project. There are additional monies proposed in 2007 for the second phase of construction. If you have questions or wish additional information, please let me know.

RESOLUTION NO. 2006-11

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE CIVIC CENTER, A PUBLIC BUILDING IN THE CITY OF DODGE CITY, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, K.S.A. 12-1736 provides, in part, that any city in the State of Kansas may erect or construct, acquire a public building or buildings and procure any necessary site therefor and may alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings; and

WHEREAS, K.S.A. 12-1737 provides, in part, that the governing body of any city may, for the purposes of financing the costs associated with the foregoing, issue general obligation bonds of the City; and

WHEREAS, an election upon the issuance of such general obligation bonds shall be required for the purpose of acquiring or constructing city offices, public libraries, auditoriums, community or recreational buildings; and

WHEREAS, the governing body of City of Dodge City, Kansas (the "City"), hereby finds and determines it to be necessary to authorize and provide for the construction of improvements to the Civic Center, a public building in the City, and to provide for the payment of the costs thereof without the necessity of an election, all as provided by said K.S.A. 12-1736 *et seq.*, as amended and supplemented from time to time (the "Act").

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

Section 1. Project Authorization. It is hereby deemed advisable to construct improvements to the Civic Center, a public building in the City, by the reconstruction of the adjacent parking lot, which shall be made under the provisions of the Act in accordance with plans and specifications to be approved by the governing body of the City and placed on file with the Clerk (the "Project").

Section 2. Bond Authorization. The estimated costs of the Project are in the amount of \$450,000. The costs of the Project and associated financing costs shall be payable from the proceeds of general obligation bonds of the City issued under authority of the Act (the "Bonds").

Section 3. Reimbursement. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 4. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

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ADOPTED by the governing body of the City of Dodge City, Kansas, on August 21, 2006.

(Seal)

Mayor

ATTEST:

Clerk

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. _____ of City of Dodge City, Kansas adopted by the governing body on August 21, 2006 as the same appears of record in my office.

DATED: August 21, 2006.

Clerk

Memo

To: City Commission
From: Cherise Tieben, Director of Human Resources
CC: Jeff Pederson, City Manager
Ken Strobel, City Attorney
Date: August 17, 2006
Re: F.O.P. Contract Revisions Summary

Below is an outline of the major changes that were made to the existing contract through negotiations:

Section 4.7 Negotiator's Meeting – previously allowed three specific representatives to attend negotiations and designated their hours as paid leave time if they were scheduled to be on duty. The F.O.P. president will now designate three individuals.

Article 7 Seniority – previously stopped seniority upon resignation. The change will allow the individual to retain seniority under certain defined circumstances. This change was agreed to and has been in effect since July of 2005.

Article 12 Officers Rights – previously outlined the entire process for an internal investigation including officer rights, time frames for notices, content of such notices, etc. The new contract eliminates the technicalities that officers may bring up during disciplinary procedures and simplifies the entire article to include just the officer's rights.

Article 13 Appeal – previously provided for an appeal to the City Manager with review of that decision by advisory mediation. City Manager could affirm or modify the original decision with the employee's final appeal being to a court of competent jurisdiction. The substantial change in the amended article allows the Director of Human Resources to review the Chief's decision. If the employee and the F.O.P. believe that decision to be arbitrary, capricious, unwarranted and/ or unreasonable or is outside of the Department's disciplinary guidelines and the discipline is suspension of 10 days or more, demotion or dismissal, the officer and the F.O.P. may request review by the City Manager or request advisory arbitration. The City Manager will be the final say regarding the outcome of the advisory arbitration unless the officer's files in court. If the officer chooses to appeal directly to the City Manager, the officer is not allowed to seek advisory arbitration.

Section 15.1(a) Vacation Accruals – previously all vacation was capped at 160 hours. The change will allow all employees to accrue two weeks more than their annual allotted accrual.

Section 15.3(a) Holiday Accruals— previously all banked holiday time must have been used by March 1st of the following year or it was forfeited. The change simply extends the deadline for use to April 1st.

Section 16.1 Adoption of the Pay Plan – Allows for a 3% increase in the existing pay plan effective January 1, 2007 with the pay step occurring on the anniversary date of the officer.

Section 16.6 Shift Differential – Added \$.45 to the officer's hourly rate if they work the night shift for more than 30 calendar days.

Section 16.7 Educational Incentive – Adds incentive pay for officer's with an associates, bachelors or masters degree.

Section 16.8 Special Duty Pay – Adds ½ hour per day for daily care compensation plus paid training time for canine officers. Also adds 1 hour extra per day spent training an assigned officer for designated field training officers, this was inadvertently left out of the previous contract.

Section 16.12 Wellness Incentive – Adds a family membership for all employees as long as the employee utilizes the facility at least four times per month.

Section 17.1 Overtime Rate and Scheduling – Changes the payment for overtime after 120 hours worked in a 21 day cycle to payment after 128 hours worked in a 21 day cycle which is in accordance with the Fair Labor Standards Act (FLSA).

Section 20.1 Clothing Allowance – Allows the annual \$500.00 payment for the detectives clothing allowance to be processed on a separate check from payroll.

Section 20.2 Dry Cleaning – Increases the detective's dry cleaning allowance from \$15.00 to \$20.00 per pay period.

Section 25.8 City Wide Salary Survey – Indicates that the City intends to complete a City wide salary survey prior to May 1, 2007 for use in consideration of compensation for all employees in 2008.

Article 29 Duration – changes the contract duration from 2+ years to a 1 year contract.

Appendix V Promotional Testing Policy – allows time spent in an acting position to be considered as time served towards the completion of the requirements to test for the position of sergeant and lieutenant.

Appendix VIII City Provided Equipment List – adds 50 rounds of practice ammunition per month for training use at an authorized facility.

If you have any questions or wish more detail regarding any of the changes or additions, please do not hesitate to contact Jeff, Ken or myself for additional clarification.