

CITY COMMISSION MEETING AGENDA

City Hall Commission Chambers

Monday, May 18, 2015

7:00 p.m.

MEETING #5006

CALL TO ORDER

ROLL CALL

INVOCATION by Pastor Chris Collins of Christ the King Lutheran Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Public Works Proclamation

VISITORS (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

CONSENT CALENDAR

1. Approval of City Commission Meeting Minutes, May 5, 2015;
2. Appropriation Ordinance No. 10, May 18, 2015;
3. Cereal Malt Beverage Applications;
4. Change Order No. 1 for 14th Avenue Sidewalk Program.

ORDINANCES & RESOLUTIONS

Resolution No. 2015-15: A Resolution adopting the South-Southwest Kansas (Region D) Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan. Report by Public Works Superintendent, Corey Keller.

Resolution No. 2015-16: A Resolution Establishing an Industrial Revenue Bond Policy for the City of Dodge City. Report by City Finance Director/City Clerk, Nannette Pogue.

Resolution No. 2015-17: A Resolution Adopting a Policy for the Granting of Exemptions from Ad Valorem Taxation for Economic Development Purposes and Repealing Previous Policies Related Thereto. Report by City Finance Director/City Clerk, Nannette Pogue.

Resolution No. 2015-18: A Resolution Establishing a Policy of the City of Dodge City, Kansas, Relating to Community Improvement Districts. Report by City Finance Director/City Clerk, Nannette Pogue.

UNFINISHED BUSINESS

NEW BUSINESS

OTHER BUSINESS

ADJOURNMENT

PROCLAMATION

WHEREAS, public works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, and snow removal; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, I, Joyce Warshaw, Mayor of the City of Dodge City, do hereby proclaim the week of May 17 through May 23, 2015 as

“NATIONAL PUBLIC WORKS WEEK”

in the City of Dodge City, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and the Seal of the City of Dodge City this 18th day of May, 2015.

Mayor

Attest

Nannette Pogue, City Clerk

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, May 4, 2015

7:00 p.m.

MEETING #5005

CALL TO ORDER

ROLL CALL: Mayor Joyce Warshaw, Commissioner Kent Smoll, Jan Scoggins, Rick Sowers and Brian Delzeit.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Mayor Joyce Warshaw opened the Public Hearing Considering the Advisability of Creating a Community Improvement District. Nannette Pogue explained the project and that the notice of hearing was published in the Dodge City Daily Globe. Gary Turner Village Square Mall, wanted to thank the City staff for all of their work on the McDonalds development at the Village Square Mall property.

PETITIONS & PROCLAMATIONS

The Mayor proclaimed May as National Historic Preservation Month. Chelsea Dawson, Main Street Dodge City presented activities that will be held during the month.

The Mayor proclaimed May 9, as Amtrak Train Day. Melvin Salmans, volunteer at the train station since 2006 spoke regarding the proclamation. He has met numerous travelers in Dodge City over the past few years. He invited everyone to Train Day on Saturday, May 9 at the Santa Fe Depot. Melissa McCoy talked about Train Day and thanked the volunteers at the train station who makes it possible to be open.

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).

Public Works Superintendent Corey Keller, gave report on CREW Recycling Report. Jane Longmeyer brought the Commission up to date on Keep America Beautiful and what is going on in the community related to this. Keep America Beautiful Dodge City received the Keep America Beautiful 2014 President's Circle Recognition Award. Jane thanked CREW/KAB staff for all of their assistance all year long.

Ray Griffin talked about the General Transportation. Starting Monday, his wife can't get picked up because the routes are changing. Kathy Denhardt said that they had met with Ford County

this afternoon and Ford County is interested in talking more about Public Transportation outside the City Limits. Last year they had cut all funding for 2015.

Commissioner Jan Scoggins moved to add an item to the Consent Calendar; the authorization for the City Manager to extend the Letter of Intent with Eco Engineers related to the Biogas Recovery Project. Commissioner Rick Sowers seconded the motion. The motion passed unanimously.

CONSENT CALENDAR

1. Approval of Joint City/County Minutes, April 20, 2015;
2. Approval of City Commission Meeting Minutes, April 20, 2015;
3. Appropriation Ordinance No. 9, May 4, 2015;
4. Cereal Malt Beverage Applications:
 - (a) Love's Country Store, 2505 E. Trail St.
5. Authorize the City Manager to extend the Letter of Intent with Eco Engineers related to the Biogas Recovery Project.

Commissioner Rick Sowers moved to approve the Consent Calendar as presented; Commissioner Kent Smoll seconded the motion. The motion carried unanimously.

ORDINANCES & RESOLUTIONS

Resolution No. 2015-14: A Resolution Encouraging Efforts to Maintain the Southwest Chief Passenger Service through the State of Colorado and Pledge Financial Participation to the La Junta Colorado Tiger VII Grant Application Match, was approved on a motion by Commissioner Brian Delzeit. The motion was seconded by Commissioner Jan Scoggins. The motion carried unanimously.

UNFINISHED BUSINESS

NEW BUSINESS

1. Commissioner Kent Smoll moved to approve the proposals from Building Solutions for the construction of pad sites and relocation of buildings and authorizing the expenditure of; not to exceed \$455,065 for the completion of the work. The motion was seconded by Commissioner Jan Scoggins. The motion carried unanimously.
2. Commissioner Rick Sowers moved to approve the Plat for properties from 1500-1900 East Wyatt Earp Boulevard contingent upon obtaining final signatures and including easements. The motion was seconded by Commissioner Kent Smoll. The motion carried unanimously.

Mayor Warshaw recused herself from the New Business item #3. Vice Mayor Rick Sowers presented the item.

3. Bill Hammond, representing USD 443, presented Resolution No. 20150413 of the Board of Education of Unified School District 443 asking for financial assistance from the City of Dodge City in an amount up to \$300,000 for life safety building improvements and repairs on the premises of the Dodge City Civic Center.

After some discussion, the Vice Mayor recommended to take it under advisement at this time and take a request to the CFAB.

OTHER BUSINESS

City Manager, Cherise Tieben:

- Next Joint Meeting that was scheduled for May 11 is cancelled;
- Two of Five Finalists for the Governor's Award of Excellence were from Dodge City, those two businesses are Victory Electric and ITC;
- With all of the Public Transportation changes, ask the citizens to be patient and see if there are any issues as the program progresses.

Commissioner, Jan Scoggins:

- Publicly thanked the volunteers at the depot.

Commissioner, Rick Sowers:

- For Star War fans May the forth be with you.

Commissioner Kent Smoll:

- Reported on the Sales Tax, which has increased 2.11% from the same period last year;
- The fireworks fund is due soon, so please send in donations.

Mayor, Joyce Warshaw

- Register to vote. The mail in vote for USD #443 will be coming up June 25;
- A 5 x 5 Art Event is being held at the Depot;
- The weather is nice, always look out for the children.

ADJOURNMENT

Commissioner Rick Sowers moved to adjourn the meeting. Commissioner Kent Smoll seconded the motion. The motion carried unanimously.


Mayor

ATTEST:

Nannette Pogue, City Clerk

Memorandum

To: City Manager
Assistant City Manager
City Commissioners

From: Tanner Rutschman, 
Civil Engineer

Date: May 6, 2015

Subject: 2014 Sidewalk Program
ST 1306

Agenda Item: Consent Calendar

Recommendation: Approve change order No.1 14th Avenue Sidewalk

Background: 14th Avenue Sidewalk was approved by the Commission on September 2, 2014.

Justification: 4" Concrete Sidewalk— The overrun of 164 S.Y. of 4" concrete sidewalk. The reason for the overrun was due to the substitution of 4" concrete sidewalk in place of the sidewalk/curb combination.

4" Concrete Sidewalk/Curb Combination— The underrun of 234 S.Y. of 4" concrete sidewalk/curb combination. The reason for the underrun was due to substituting 4" concrete sidewalk in place of the sidewalk/curb combination bid item.

Contractor Furnished Fill — This is a new addition to bid items on the project. It will be paid as L.S. The reason for this addition to the bid items made the substitution of regular 4" concrete sidewalk for the sidewalk/curb combination possible.

Financial Considerations: Change Order No.1 represents no increase or decrease in contract price.

Purpose/Mission: One of the City's core values in Ongoing Improvements. With the construction of these improvements the City is preparing for the community's future and providing new possibilities for current and future citizens of our community.

Legal Considerations: N/A

Attachments: Change Order No.1

Memorandum

*To: City Commissioners
City Manager
From: Corey Keller
Date: May 13, 2015
Subject: Resolution 2015-15
Agenda Item: Ordinances &
Resolutions*

Recommendation: Staff recommends approval of Resolution 2015-15

Background: Every five years FEMA asks that each Region within the State review and update their Hazard Mitigation Plan. This past year Region D made up of Clark, Finney, Ford, Gray, Haskell, Hodgeman, Lane, Meade and Seward County met several to review and update our regions mitigation plan. Staff attended all meetings and made recommendations throughout the review and update process.

Justification: One of the conditions FEMA requires to qualify for disaster funding is that the City adopt the Mitigation Plan. This Resolution will replace Resolution 2011-31 which was adopted in December of 2011.

Financial Considerations: None

Legal Considerations: None

Attachments: Letter from Ed Elam. Letter from FEMA

RESOLUTION NO. 2015-15

A RESOLUTION ADOPTING THE SOUTH-SOUTHWEST KANSAS (REGION D) MULTI-HAZARD, MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Whereas, the City of Dodge City recognizes the threat that natural hazards pose to people and property within our community; and

Whereas, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

Whereas, the U.S. Congress passed the Disaster Mitigation Act of 2000 (“Disaster Mitigation Act”) emphasizing the need for pre-disaster mitigation of potential hazards;

Whereas, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

Whereas, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Agency (FEMA) pre- and post-disaster mitigation grant programs; and

Whereas, the City of Dodge City fully participated in the FEMA prescribed mitigation planning process to prepare this Multi-Hazard Mitigation Plan; and

Whereas, the Kansas Division of Emergency Management and FEMA Region VII officials have reviewed the South-Southwest Kansas (Region D) Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan, and approved it contingent upon this official adoption of the participating governing body; and

Whereas, the City of Dodge City desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the South-Southwest Kansas (Region D) Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan; and

Whereas, adoption by the governing body for the City of Dodge City demonstrates the jurisdictions’ commitment to fulfilling the mitigation goals and objectives outlined in this plan, and

Whereas, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FORD COUNTY, KANSAS, AS FOLLOWS:

Section 1. the City of Dodge City adopts the South-Southwest Kansas (Region D) Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan as an official plan; and

Section 2. the City of Dodge City will submit this Adoption Resolution to the Kansas Division of Emergency Management and FEMA Region VII officials to enable the plan's final approval.

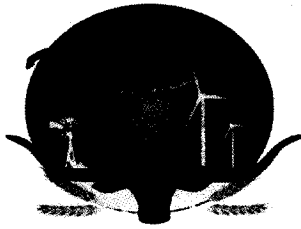
ADOPTED this 18th day of May, 2015.

City Of Dodge City

Joyce Warshaw, Mayor

ATTEST:

Nannette Pogue, City Clerk



Edward W. Elam, County Administrator
100 Gunsmoke
Dodge City, Kansas 67801
620-227-4670

May 5, 2015

City of Dodge City Manager
% Cherise Tieben
P.O. Box 880
Dodge City, KS 67547

RE: Resolution - Region D Mitigation Plan

Dear Mrs. Tieben:

We have completed the Region D Mitigation Plan and it has been approved pending adoption by FEMA. I have attached the APA letter for your information.

One of the conditions for your organization to qualify for disaster funding is that your board has to sign a resolution adopting the South-Southwest Kansas (Region D) Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan as an official plan.

I have attached an example of the resolution. Please modify it to meet your requirements and return the fully executed original to my office so I can submit it to the Kansas Division of Emergency Management. The mailing address is listed above.

If you have any questions or would like me to attend your board meeting to explain this, please do not hesitate to contact me at (620) 227-4670.

Sincerely,

Edward W. Elam
County Administrator

EWE/sb
Enclosure

*The Mission of Ford County Government is to build on our heritage, prepare for the future,
and provide quality services to our citizens*



FEMA

May 5, 2015

Angee Morgan, Deputy Director
Kansas Division of Emergency Management
2800 S.W. Topeka Boulevard
Topeka, Kansas 66611-1287

Subject: Review of the Region D, Kansas Hazard Mitigation Plan

Dear Ms. Morgan:

The purpose of this letter is to provide the status of the above referenced Local Hazard Mitigation Plan, pursuant to the requirements of 44 CFR Part 201 - Mitigation Planning and the Local Multi-Hazard Mitigation Planning Guidance. The Local Hazard Mitigation Plan Review Tool documents the Region's review and compliance with all required elements of 44 CFR Part 201.6, as well as identifies the jurisdictions participating in the planning process. FEMA's approval will be for a period of five years effective starting the date of receipt of adoption documentation.

Formal adoption documentation must be submitted to the Regional office within one calendar year of the date of this letter, or the plan will need to be updated and resubmitted for review. Prior to the expiration of the plan the community will be required to review and revise their plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit it for approval in order to continue to be eligible for mitigation project grant funding.

Local Jurisdiction	Date Submitted	Date Completed	Date of Plan Adoption	Date of Plan Expiration	Review Status
Region D	April 30, 2015	May 1, 2015			Approved pending FEMA's receipt of adoption documentation

If you have any questions or concerns, please contact Joe Chandler, Planning Team Lead, at (816) 283-7071.

Sincerely,

for
Michael R. Scott, Director
Mitigation Division

Memorandum

To: Cherise Tieben, City Manager
From: Nannette Pogue, Finance Director/City Clerk
Date: May 14, 2015
Subject: Economic Development Resolutions
Agenda Item: Resolutions

Recommendation: I recommend approval of Resolution Nos. 2015-16, 2015-17 and 2015-18.

Background: The City of Dodge City as authorized by the State of Kansas has several Economic Development incentives in place. For many years, we have had an Industrial Revenue Bond Policy and a Tax Exemption Policy. We have several businesses inquire about the incentives and several businesses use them. Generally, they first go to the Economic Development Corporation to get the information. The Tax Exemption and Industrial Revenue Bond policies were both adopted in the late 1990's. Since several businesses have asked recently about the Community Improvement District (CID) sales tax, we thought it important to adopt a policy for the Community Improvement District Incentive. At the same time, we decided to update the Tax Exemption Policy and the Industrial Revenue Bond Policy.

Resolution No. 2015-16 is a Resolution establishing an Industrial Revenue Bond Policy for the City of Dodge City. This policy has not changed much from its original adoption.

Resolution No. 2015-17 is a Resolution adopting a policy for the granting of exemptions from Ad Valorem Taxation for economic development purposes and repealing previous policies related thereto. This policy has not changed much from its original adoption.

Resolution No. 2015-18 is a Resolution Establishing a Policy of the City of Dodge City, Kansas, relating to Community Improvement Districts. This is a new policy.

Justification: Establishing policies as it relates to Economic Incentives that the City offers per State Statute.

Financial Considerations: None

Purpose/Mission: On-going Improvement. Together we value progress, growth and new possibilities by providing and preparing for the community's future.

Legal Considerations: All policies are according to State Statutes

Attachments: Summary of City of Dodge City Economic Incentive Programs and Resolution Nos. 2015-16, 2015-17 and 2015-18.

CITY OF DODGE CITY
ECONOMIC INCENTIVE PROGRAMS

The City of Dodge City has a number of economic development programs available to eligible businesses and/or property owners. Many of the programs offer specific incentives and funding. Some of the incentives are available only in specific areas, while others are available throughout the City.

Industrial Revenue Bonds and Property Tax Abatements – Industrial Revenue Bonds may be issued and/or property tax abatement given pursuant to K.S.A. 12-1740 et seq. and 79-201a. The City of Dodge City may provide a 50% (average over 10 years) tax abatement to new and existing businesses on real property investments if the project meets certain criteria pursuant to Section 13 or Article 11 of the Kansas Constitution

Benefit Districts – are a financing and development tool whereby cities can issue general obligation bonds for construction of public improvements and assess the cost to properties that benefit (Special Assessments)

Community Improvement District (CID) allows a commercial property owner to petition the City to levy special assessments or impose up to an additional 2% sales tax within a CID to fund eligible project costs.

Transportation Development District (TDD) is a special taxing district whereby a petitioner of 100% of the landowners in an area request either the levy of special assessments or the imposition of a sales tax of up to 1% on goods and services sold within a given area

Sales Tax Revenue Bonds (STAR) provide Kansas municipalities the opportunity to issue bonds to finance the development of major commercial entertainment and tourism areas and use City and State sales tax revenue generated by the development to pay off the bonds

Tax Increment Finance (TIF) is a development tool which allows cities to pay a portion of redevelopment costs for new development which is located in the state Enterprise Zone, in a Blighted Area, or a Conservation Area.

Neighborhood Revitalization Program (NRP) was established to encourage reinvestment in the City's Original Town.

Rural Housing Incentive Program (RHID) was established to offer infrastructure incentives in qualified and approved residential areas.

RESOLUTION NO. 2015-16

A RESOLUTION ESTABLISHING AN INDUSTRIAL REVENUE BOND POLICY FOR THE CITY OF DODGE CITY.

WHEREAS, the City of Dodge City is committed to encouraging economic development of the City and Ford County by promoting the expansion and improvement of existing businesses and by encouraging new business enterprises to locate facilities in the Dodge City area.

WHEREAS, The City of Dodge City recognizes that Industrial Revenue Bonds are available as a tool for economic development as authorized by the State of Kansas for the purpose of financing appropriate economic and industrial facilities;

IT IS THEREFORE, RESOLVED THE FOLLOWING WILL BE THE CITY'S POLICY ON INDUSTRIAL REVENUE BONDS AS A FINANCIAL TOOL FOR ECONOMIC DEVELOPMENT IN DODGE CITY.

Section 1. Authority

Under K.S.A. 12-1740 et seq. the City is authorized to issue industrial revenue bonds to promote and advance the physical and mental health, industrial, commercial, agricultural, natural resources and recreational development in the state and to encourage and assist in the location of new businesses and industry in the state and the expansion, relocation or retention of existing business, industry and health development. The proceeds of industrial revenue bonds issued under Kansas law may be used to pay all or part of the costs of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling facilities for such purposes. Such revenue bonds and the interest thereon are exempt from all Kansas taxes. In addition, the interest on such bonds may also be excludable from gross income for purposes of federal income taxation, subject to the various exceptions and limitations imposed by the Internal Revenue Code.

Section 2. Type

The City Commission generally will approve requests to issue industrial revenue bonds for economic development purposes as permitted by Kansas law. The Commission desires to promote businesses which will give growth and diversification of the community's economic base. Basic economic or employment generators and no-basic support-type industry, which are necessary to protect or preserve the public well-being will be considered. The Commission will carefully consider proposals that could possibly affect existing businesses within the local market structure. Industrial Revenue Bonds shall not be issued if they would grant an unfair advantage to one firm over other local firms.

Section 3. Exemption of Ad Valorem Taxes

In connection with the issuance of industrial revenue bonds under Kansas law, the City also is authorized to grant exemption of ad valorem taxes with respect to property acquired from the proceeds of such revenue bonds. Such exemption is limited to a period of 10 calendar years commencing in the year subsequent to the year in which the bonds are issued. The City, however, is not required to approve any such tax exemptions. If the applicant intends to request the exemption of all or some portion of the ad valorem taxes with respect to property acquired from bond proceeds.

As a general rule, the City will approve requests for ad valorem tax exemption only in connection with those projects which promise substantial expansion of employment opportunities and some other unusual economic benefit to the City. As a matter of policy, grants of ad valorem tax exemption will reflect the anticipated economic benefits to be realized as a result of a particular project.

In addition the applicant may be required to enter into an agreement to make payments in lieu of taxes in such amounts as may be approved by the City Commission.

Generally, the tax exemption will not exceed 50% over the 10 year period, with the preferred method being a declining schedule with 100% the first year and declining 10% each year thereafter.

Section 4. Procedures

1. Requests for approval to issue industrial revenue bonds by the City of Dodge City shall be submitted through a completed application (attached as Exhibit A) to the Economic Development Department. This application shall be accompanied by a fee of \$1,000.
2. The Economic Development Department will complete a Cost Benefit Analysis with information obtained through the application and any other information needed to complete the analysis.
3. Applications for Industrial Revenue Bonds shall be considered by a committee that will make recommendation to the City Commission. The committee will consist of the Chief Financial Officers or their representatives of: Ford County, USD 443, Dodge City Community College and the City of Dodge City. The Economic Development Director will be the staff representative and will organize the meetings and other actions to complete the process.
4. In addition, the applicant will be required to retain Bond Counsel who will make arrangements for preparation of the legal instruments required in connection with authorization and issuance of the industrial revenue bonds. The City retains the right to approve the applicant's selection of Bond Counsel and if necessary retain counsel satisfactory to the City. As a matter of policy, the City requires that Bond Counsel be admitted to practice in the State of Kansas. In the event the applicant retains counsel who is not admitted to practice in Kansas or is otherwise not satisfactory to the City,

the applicant shall assume responsibility for payment of the professional fees and expenses of counsel selected by the City.

5. If the application to issue industrial revenue bonds includes a request for the exemption of Ad Valorem taxes, in addition to the Cost Benefit Analysis, the governing body shall be required to conduct a public hearing on granting of such exemption. Notice of the public hearing shall be published at least seven days prior to the hearing in the official city newspaper and shall indicate the purpose, time and place thereof. In addition to such publication notice the City Clerk shall notify in writing the governing body of the county and school district within which the property proposed for exemption is located. The City will also notify other governmental taxing units which might be affected by a property tax exemption and solicit their input as a part of the decision making process.

Section 5 – Additional Information

The City may require as a matter of policy the inclusion of certain specific provisions in the agreements relative to the authorization of and security for payment of industrial revenue bonds issued by the City. Such provisions may include specific representations and warranties with respect to the authorized uses of the project site and the prevention of environmental contamination, representations, warranties and indemnity provisions with respect to the offering and sale of the bonds and compliance with applicable provisions of the United States and Kansas securities laws as well as various other matters identified by the City as matters of particular concern.

Large water users may be asked to provide water conservation efforts.

The Industrial Revenue Bonds are not backed by the full faith and credit of the City, however the City wants to ensure timely repayment of interest and principal payments. The applicant will be responsible for the selling of the bonds in whatever method is preferable to the company, the company's bond counsel and/or financial advisor.

Section 6. Service Fee to the City

Following approval of the Lease Agreement, each tenant of a facility shall pay the City annually, on March 1, a service fee to cover administrative costs and other City costs during the lease period. The service fee will be in addition to any payment by the applicant to reimburse the city for its out-of-pocket expenses associated with processing the application or the bonds. In addition, the applicant will pay the City for the costs, expenses, and the City's attorney's time in reviewing and preparing documents. A provision for payment of the service fee will be included in the Lease Agreement.

Section 7. Effective Date

This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the governing body on May 18, 2015.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2015-17

A RESOLUTION ADOPTING A POLICY FOR THE GRANTING OF EXEMPTIONS FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES AND REPEALING PREVIOUS POLICIES RELATED THERETO

WHEREAS, Section 13 of Article 11 of the Kansas Constitution authorizes the Governing Body of any city to grant property tax exemptions for certain economic development purposes; and

WHEREAS, the City Commission has determined that, under certain circumstances, the granting of property tax exemptions can be an effective economic development tool; and

IT IS THEREFORE, RESOLVED THE FOLLOWING WILL BE THE CITY'S POLICY FOR THE GRANTING OF EXEMPTIONS FROM AD VALOREM TAXATION FOR ECONOMIC DEFVELOPMENT PURPOSES

Section 1. Repeal of Resolution No. 97-12, prior tax exemption policy.

Section 2. Purpose

The purpose of these provisions is to establish the official policies and procedures of the City of Dodge City, Kansas for the granting of property tax exemption for real and tangible personal property used for qualified economic development purposes under Section 13, Article 11 of the Kansas Constitution.

Section 3. Authority and Discretion

The Governing Body of each county or city, as the case requires, may exempt from ad valorem taxation certain property used for economic development purposes for a maximum of ten years. The City Commission is under no obligation to approve any requested exemption and reserves the right to deviate from the policies and criteria contained herein if circumstances exist to warrant such deviation. The City Commission may (1) require the owners of any property for which an exemption is requested to provide certain information, (2) condition the granting of an exemption to an agreement for the payment of in lieu charges for taxes under the provisions of K.S.A. 12-147 and 12-148, and (3) require the payment of initial application and annual renewal fees reasonably necessary to cover the costs of administration of these policies.

Section 4. Preliminary Review

Prior to submittal of a formal application for exemption, a business may inquire as to eligibility for tax exemption and the anticipated amount of such tax exemption based upon preliminary employment and/or capital investment figures. In order to obtain a preliminary review, the business shall contact the Dodge City/Ford County Development Corporation and submit a pre-application. The Economic Development Director in conjunction with the City

Manager and/or City Finance Director and City Legal counsel shall review the information submitted and respond to the business regarding apparent eligibility and the potential amount of eligible tax exemption. The response from the City staff shall in no way represent definite findings or be seen as an expression of intent or obligation of the City Commission to favorably consider or approve a formal request for tax exemption. The pre-application information and staff response shall be considered proprietary business information and shall be kept confidential.

Section 5. Formal Application Procedures.

- A. Requests for granting of a tax exemption by the City of Dodge City shall be submitted through a completed application (attached as Exhibit A) to the Economic Development Department. This application shall be accompanied by a fee of \$1,000.
- B. The Economic Development Department will complete a Cost Benefit Analysis with information obtained through the application and any other information needed to complete the analysis.
- C. Applications for granting of a tax exemption by the City of Dodge City shall be considered by a committee that will make recommendation to the City Commission. The committee will consist of the Chief Financial Officers or their representatives of: Ford County, USD 443, Dodge City Community College and the City of Dodge City. The Economic Development Director will be the staff representative and will organize the meetings and other actions to complete the process.
- D. The review committee's determination and recommendation will be forwarded to the City Commission
- E. If the City Commission desires to consider the application further, the governing body shall be required to conduct a public hearing on granting of such exemption. Notice of the public hearing shall be published at least seven days prior to the hearing in the official city newspaper and shall indicate the purpose, time and place thereof. In addition to such publication notice the City Clerk shall notify in writing the governing body of the county and school district within which the property proposed for exemption is located. The City will also notify other governmental taxing units which might be affected by a property tax exemption and solicit their input as a part of the decision making process.
- F. Official action on the application by the City Commission will take place at a public meeting within 30 days following the closing of the public hearing on said application. Prior to the taking of official action on the application, the City Commission will review the analysis of the costs and benefits as prepared by City staff, shall receive the recommendation of the review committee, shall receive the comments from the applicant, effected taxing districts, and the general public. Any approval of a request for exemption will be in the form of a City Ordinance duly adopted by the City Commission.

- G. If the application is approved, a copy of the exemption application and the Ordinance approving the same will be filed with the County Clerk by the applicant.
- H. The applicant shall be responsible for any and all subsequent filings with the State Board of Tax Appeals or other governing state agency, and for the securing of final tax exemption by the State Board of Tax Appeals. The City will cooperate with the applicant in providing information in any proceedings before the State Board of Tax Appeals concerning such exemption. A separate fee will be charged by the State for this process.
- I. In granting a tax exemption, the City Commission may impose any terms or conditions as it deems necessary to fulfill the purpose and intent of this policy.

Section 7. Criteria for Granting Exemption

Each application for property tax exemption shall be evaluated in accordance with the following criteria:

- A. **Costs and Benefits Analysis.** The costs and benefits analysis that is caused to be done by the Economic Development Department will show a positive benefit to the City and other taxing entities.
- B. **Eligible Businesses.** In accordance with the provisions of Section 13 of Article 11 of the Kansas Constitution, a tax exemption will be granted only for businesses engaged in the following activities:
 - 1. Manufacturing articles of commerce;
 - 2. Conducting research and development; or
 - 3. Storing goods or commodities which are sold or traded in interstate commerce
- C. **Eligible Property**

The City Commission may exempt from ad valorem taxation all or any portion of the appraised valuation of:

- 1. All buildings together with the land upon which such buildings are located and all tangible personal property associated therewith used exclusively by an eligible business which commences operations within the City after the effective date of this policy; and
- 2. All buildings, or added improvements to buildings constructed or made after the effective date of this policy, together with the land upon which such buildings or added improvements are located, and all tangible personal property associated

therewith used exclusively by an eligible business which is necessary to facilitate the expansion of any such existing business, if, as a result of such expansion, new employment is created.

3. No exemption shall be granted for tangible personal property unless a factual determination has been made by the City Commission that such an exemption is required to retain jobs in the State of Kansas.
4. No exemption for real property or tangible personal property shall be granted unless the eligible business has made application with the City for such exemption prior to such business' occupancy of a new building or an improvement to an existing building, or its use of any tangible personal property associated therewith.

Section 8. Term and Amount of Exemption

- A. Generally, the tax exemption will not exceed 55% over the 10 year period, with the preferred method being a declining schedule with 100% the first year and declining 10% each year thereafter.
- B. Any ad valorem tax exemption granted pursuant to subsection shall be in effect for not more than 10 calendar years after the calendar year in which the business commences its operations or the calendar year in which expansion of an existing business is completed, as the case requires.
- C. Payment in Lieu of Taxes:
An eligible business receiving a tax exemption pursuant to this policy may be required to make a minimum payment in lieu of taxes which equals the amount of property tax which was paid or was payable for the most recent year on the appraised valuation of the real estate, including either buildings together with land or land only, prior to the construction of new buildings or added improvements to buildings on such property or prior to the acquisition of property by the new business. The purpose of this minimum payment in lieu of tax payment is to assure that City, County, and School district, and other taxing jurisdictions effected by the exemption will not receive less tax revenue from the exempted property than was received prior to the exemption. The minimum payment in lieu of taxes shall be payable to the County Treasurer for distribution under the provisions of K.S.A. 12-148 to the general fund of all taxing subdivisions, excluding the State, which levy taxes on property where the business is situated.

In addition to the minimum payment as set forth above, an eligible business may also be required to make such payments in lieu of taxes as may be required to offset partially or in total the increase in cost to a taxing subdivision resulting directly from the new or expanded exempt business.

D. Special Assessments. Any tax exemption granted for real property under this policy shall not affect the liability of such property for any special assessments levied or to be levied in the future against such property.

Section 9. Annual Review. Each year the applicant is required to submit to the Ford County Appraisal Office a certificate from the City Clerk that states the company continues to meet the criteria for the tax abatement.

Section 10. Revocation of Exemption. The City Commission reserves the right to revoke a granted tax exemption due to a failure in any of the criteria for the granting of the original exemption, for the failure of the business to fully comply in a timely fashion with any terms and conditions of the original exemption, (including failure to make any in lieu of payments in a timely fashion) for a fraudulent submission of an application, for failure to submit the annual application and necessary information, or for a direct showing of bad faith by the recipient.

Section 11. Jurisdiction. It shall be the policy of the city to consider applications for tax exemption only as to property located within the city limits of the City of Dodge City, Kansas, provided, however, the City will consult and cooperate with the County if an application relates to a business located or to be located within three miles of the City.

Section 12. Policy Review and Modification. This policy may be reviewed at any time by the City Commission which reserves the right to amend, revoke, or otherwise modify the policy for the best interest of the City of Dodge City; provided, however, that any modification or revocation of this policy shall not affect any existing tax exemption previously granted under the terms of this policy.

ADOPTED THIS 18th day of May, 2015.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2015-18

A RESOLUTION ESTABLISHING A POLICY OF THE CITY OF DODGE CITY, KANSAS,
RELATING TO COMMUNITY IMPROVEMENT DISTRICTS

WHEREAS, the City of Dodge City recognizes that community improvement is essential to stimulate economic growth and development for industries and businesses in order to provide services, employment and tax revenues for the benefit of the community; and

WHEREAS, it is further recognized that community improvement and the stimulation of balanced economic development is a joint responsibility of the private and public sectors, working closely together to create a positive business environment and to encourage business to locate and expand in the City; and

WHEREAS, to meet these community improvement and economic development goals, the City recognizes the occasional necessity of levying a community improvement district (CID) sales tax and/or special assessments in order to pay the costs of infrastructure improvements.

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

Section 1. Authority.

Community Improvement Districts (CID) are an economic development tool established by K.S.A. 12-6a26 et seq., the Community Improvement District Act, ("the Act"). The qualified expenses are defined in this statute.

The Act further authorizes governing bodies, in order to pay the costs of such Improvement Projects, to impose a Community Improvement District sales tax on the selling of tangible personal property at retail or rendering or furnishing services within Improvement Districts in any increment of .10% or .25% not to exceed 2.0% and/or the levy of special assessments upon property.

Section 2. Policy Statement

It is the policy of the City to consider the establishment of Community Improvement Districts in order to promote economic development and tourism within the City for development or redevelopment projects. It shall be the policy of the City to create a CID, if, in the opinion of the Governing Body it is in the best interest of the City to do so.

The Community Improvement District proposals may be financed in one of the following forms:

- a. Pay-as-you-go financing within the CID to be paid back to the developer/property owner from a CID sales tax within the district.

- b. If a CID sales tax is authorized within the district and special assessments are used to finance infrastructure projects, the CID sales tax will be used by the property owner to repay the special assessments.
- c. Additional operations may be available for financing these improvements per State Statutes and will be completed in accordance with the State Statutes.

Any special CID sales tax within the district must comply with the requirements set forth in the Act.

Section 3. Procedures.

- A. A valid Petition proposing the creation of an Improvement District, the making of Improvement Projects relating thereto and the imposition of a Community Improvement District sales tax in order to pay the costs of such improvement projects must be filed with the City Clerk of the City of Dodge City.
 - 1. The petition must be signed by the owners of more than fifty-five percent (55%) of the land area within the proposed district, and signed by owners collectively owning more than fifty-five percent (55%) by assessed value of the land area within the proposed district, if the petitioners are seeking financing in whole or in part by a proposed Community Improvement District sales tax.
 - 2. The petition shall be submitted in sufficient time for staff to follow established procedures for publication of notice, to review the improvement project's site plans and to analyze the merits of the proposed improvement district in the context of existing economic development and infrastructure projects. The petition must contain a description of the following:
 - a. The general nature of the Improvement Project;
 - b. The estimated cost of the Improvement Project, supplemented by a preliminary budget describing each element of the Improvement Project proposed to be paid for by Improvement District Sales Tax or assessments;
 - c. The proposed method of financing the Improvement Project;
 - d. The proposed amount and method of assessment, if any;
 - e. The proposed amount of any Improvement District sales tax, if any;
 - f. A map and legal description of the proposed Improvement District
- B. The petition shall be accompanied by a fee of \$1,500. In addition to other administrative costs, the fee will cover publication costs.

- C. The City reserves the right to request any additional information to supplement the Petition.
- D. Upon filing of a Petition for an Improvement District financed only by special assessments, the Governing Body may proceed without notice or a hearing to make findings by ordinance as to the nature, advisability and maximum cost of the project, the boundaries of the Improvement District and the amount and method of assessment. Upon making such findings the Governing Body may authorize the Improvement Project in accordance with such findings as the advisability of the Improvement Project, except no assessments may be levied against the municipality at large. The assessments may be reduced or eliminated once the City has received sufficient funds to pay the debt service on any bonds issued for the Improvement Project which would have been paid out of such annual installment. The ordinance shall be effective upon publication once in the official City newspaper.
- E. After review of a complete Petition by the appropriate individuals, and prior to creating any Improvement District (except an Improvement District financed only by special assessments, for which no public hearing is required) the Governing Body shall, by resolution, direct and order a public hearing on the advisability of creating such Improvement District and the construction of such Improvement Projects therein, and to give notice of the hearing by publication at least once each week for two (2) consecutive weeks in the official City Newspaper and by certified mail to all property owners within the proposed Improvement District, the second publication to be at least seven (7) days prior to the hearing and such certified mail sent at least ten (10) days prior to such hearing.
- F. After the Public Hearing is conducted on the proposed Improvement District, the Governing Body shall determine the advisability of creating an Improvement District setting forth the boundaries thereof, authorizing the proposed Improvement Projects, approving the maximum costs thereof, levy the Improvement District sales tax, imposing any special assessments and approving the method of financing the same. Such determinations will be made by adoption of an ordinance.
- G. The City shall create a separate account for each Improvement District and Improvement Project, and all Improvement District sales tax and or special assessment revenues shall be deposited into such account.

Section 4. Other Information

- A. The Community Improvement District Tax may be considered up to the maximum statutory payoff period of 22 years from creation of the Improvement District. The tax will discontinue at the earliest of 22 years or when the eligible costs are repaid.
- B. Any Improvement District approved by ordinance pursuant to this Resolution shall be accompanied by a development or redevelopment agreement between the petitioner and/or lessee and the City. The agreement will be subject to approval by the

governing Body. The agreement will include an approved list of eligible expenses. The agreement will also address an Administrative Service Fee which will be up to five percent (5%) of the total CID tax collected.

- C. All Improvement Projects should be consistent with the city's Comprehensive Plan and traffic plans. When evaluating proposed Improvement Districts, the City will consider (1) the compatibility of the location of the proposed Improvement Project(s); (2) the compatibility of the proposed land uses with the land use, capital improvement, and other relevant plans of the City and (3) the availability of existing infrastructure facilities and essential public services. Depending upon the location of the CID, Traffic Impact Studies may have to be considered.

Section 5. Effective Date.

This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the governing body on May 18, 2015.

Mayor

ATTEST:

City Clerk