CITY COMMISSION AGENDA
City Hall Commission Chambers
Monday, April 4, 2011
7:00 p.m.
MEETING #4842

CALL TO ORDER

ROLL CALL

INVOCATION: by Pastor Siah Edwards of the Living Waters Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

National Library Week 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).

Character Trait, Humility – Presented by Director of Public Information, Jane Longmeyer

Dodge City Public Library Quarterly Update: Cathy Reeves

CONSENT CALENDAR

1. Approval of City Commission Work Session minutes, March 21, 2011
2. Approval of City Commission Meeting minutes, March 21, 2011
3. Appropriation Ordinance No. 7, April 4, 2011
4. Cereal Malt Beverage License
   a. Kwik Shop #703, 1500 W. Wyatt Earp
   b. Kwik Shop #762, 1811 Central
ORDINANCES & RESOLUTIONS

Ordinance No. 3514: An Ordinance Amending the City of Dodge City Code, Chapter II, Animal Control and Regulations, Article 1, General Provisions and Amending Ordinance No. 3387. Report by Director of Finance/City Clerk, Nannette Pogue.

Resolution No. 2011-09: A Resolution Establishing Fees and Rates for Water Utility Service for the City of Dodge City. Report by Director of Finance/City Clerk, Nannette Pogue.

Resolution No. 2011-10: A Resolution Establishing Fees and Rates for Sanitary Sewer Service for the City of Dodge City. Report by Director of Finance/City Clerk, Nannette Pogue.

Resolution No. 2011-11: A Resolution Establishing Fees and Rates for Solid Waste Collection Service in the City of Dodge City. Report by Director of Finance/City Clerk, Nannette Pogue.

Resolution No. 2011-12: A Resolution Establishing Fees and Rates for Storm Water Utility Service for the City of Dodge City. Report by Director of Finance/City Clerk, Nannette Pogue.


UNFINISHED BUSINESS

NEW BUSINESS

1. Approval of payment to acquire easement acquisition for pipeline for Wastewater Reclamation Facility. Report by City Engineer, Ray Slatter.

OTHER BUSINESS

ADJOURNMENT
WHEREAS, libraries provide free access to all – from books and online resources for families to library business centers that help support entrepreneurship and retraining;

WHEREAS, our nation’s school, academic, public and special libraries make a difference in the lives of millions of Americans today, more than ever;

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy;

WHEREAS, libraries are helping level the playing field for job seekers, with 88% of public libraries providing access to job databases and other online resources;

WHEREAS, libraries are places of opportunity providing programs that teach all forms of literacy, promoting continuing education and encouraging lifelong learning;

WHEREAS, in times of economic hardship, Americans turn to – and depend on – their libraries and librarians;

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, be it resolved that I, E. Kent Smoll, Mayor of the city of Dodge City, proclaim National Library Week, April 10-16, 2011. I encourage all residents to visit the library this week to take advantage of the wonderful library resources available at your library. Create your own story at your library.

E. Kent Smoll, Mayor

Nannette Pogue, City Clerk
Humility is not minimizing your achievements or downplaying your significance. True humility is recognizing your abilities and limitations for what they really are. This perspective can help you and your coworkers forget about egos, focus on common goals, and serve customer needs.

Get Perspective
Each person has particular skills, abilities, and talents. Recognize your strengths, and ask yourself how you can help another person today. Also recognize what you're not good at. If you constantly struggle with initiating a big project, be honest about it; and the next time you find yourself coming up with reasons to delay, make yourself take the next step in the project, even if it's something small.

Share The Credit
A humble person recognizes how others have contributed to his or her success: “I couldn’t have done it with Claire’s help.” “I'm grateful to be part of the team.” “A lot of credit goes to Jim - his creativity launched this whole project.”

Build Teamwork
The greatest achievements often result when each team member gives his or her best effort and does not worry about who gets the credit. Help colleagues succeed. Share useful information. Accept criticism graciously. Help when someone is overwhelmed.

Seek Advice
Save time, effort, and headaches by asking for advice. Ask more experienced workers what a particular task requires. Ask your supervisor if there’s something you can improve. Run decisions past someone who will tell you when you’re wrong. Be teachable...especially when advice comes as criticism.

Serve Others
Life requires a number of unpleasant tasks. In these situations, the humble get the job done without arguing over job descriptions, drawing attention to their “humility,” or even thinking how they are helping. To a humble person, there is only a need and the means to meet it.
ROLL CALL: Mayor Kent Smoll, Commissioners Rick Sowers, Jim Sherer, and Michael Weece were present. Commissioner Monte Broeckelman was absent.

WORK SESSION:

1. Public Works Need Assessment was presented by Brad Weisenberger and Steve Todd of Lochner.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk
CALL TO ORDER

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

INVOCATION: by Rev. Jeff Turner of the First Missionary Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

PUBLIC HEARING

1. Consider the Establishment of an RHID District and Development Plan for Wagon Wheel.

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, March 8, 2011
2. Appropriation Ordinance No. 6, March 21, 2011
3. Cereal Malt Beverage License
   a. Lotus Garden Chinese Restaurant, 1202 E. Wyatt Earp Blvd.

Commissioner Rick Sowers moved to approve the Consent Calendar as presented, seconded by Commissioner Jim Sherer. The motion carried 4-0.

ORDINANCES & RESOLUTIONS

Resolution No. 2011-08: A Resolution authorizing filing of application with the Kansas Department of Health and Environment for a Loan under the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329) was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Michael Weece. Motion carried 4-0.
Ordinance No. 3512: An Ordinance of the Governing Body of the City of Dodge City, Kansas, Establishing a Rural Housing Incentive District Within the City and Adopting a Plan for the Development of Housing and Public Facilities in Such District, and Making Certain Findings in Conjunction Therewith (Wagon Wheel Project) was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. Motion carried 4-0.

Ordinance No. 3513: An Ordinance Creating Housing Rehabilitation and Citizens Advisory Board to Serve the Governing Body of the City of Dodge City, Kansas in Matters Pertaining to the City’s 2011 Community Development Block Grant and Establish Said Boards Functions, Duties and Authority was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Michael Weece. Motion carried 4-0. Mayor, Kent Smoll, moved to appoint Vicki Williamson, John Scott, Marilyn Treto, Kevin Israel, and Dan Strucker as members to the Advisory Board. Commissioner Michael Weece seconded the motion. Motion carried 4-0.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval of Engineer and Design Contract with SMH for Candletree Addition #5 Infrastructure in the amount of $46,260.00 was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Michael Weece. Motion carried 4-0.

2. Approval to authorize payment for Easement Purchase for Wastewater Reclamation Facility in the total amount of $1,285.00 was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. Motion carried 4-0.

Commissioner Jim Sherer moved to add an Executive Session to discuss land acquisition to the Agenda. Commissioner Michael Weece seconded the motion. Motion carried 4-0.

OTHER BUSINESS

Ken Strobel, City Manager:
- Watching State Legislative – thanks to Representative Brian Weber; and
- Have appointments set with officials in Washington D.C. next week.

Commissioner Jim Sherer:
- Attended Congress of Cities Meetings in Washington D.C. last week, made invitation for Human Development Steering Committee to meet in Dodge City in June and they accepted. It was an excellent meeting.

Mayor Kent Smoll:
- Championship Bull Riding and Monster Trucks were held at United Wireless Arena – encourage everyone to attend the events held at the Arena; and
- On a more serious note – keep people of Japan in thoughts and prayers.
EXECUTIVE SESSION

At 7:35 p.m., Commissioner Jim Sherer moved to adjourn to Executive Session to discuss land acquisition, not to exceed 30 minutes, and to include Ken Strobel, Cherise Tieben, Nannette Pogue and Paul Lewis. Mayor Kent Smoll will not attend Executive Session. Commissioner Rick Sowers seconded the motion. Motion carried 4-0.

At 8:05 p.m., Commissioner Rick Sowers moved to extend the Executive Session 15 minutes. Commissioner Jim Sherer seconded the motion. Motion carried 3-0.

At 8:20 p.m., the Regular Meeting convened.

ADJOURNMENT: Commissioner Rick Sowers moved to adjourn the meeting; Commissioner Michael Weece seconded the motion. The motion carried 3-0.

_______________________________
E. Kent Smoll, Mayor

ATTEST:

_______________________________
Nannette Pogue, City Clerk
CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES
(This form has been prepared by the Attorney General's Office)

☐ City or ☐ County of Dodge City

SECTION 1 – LICENSE TYPE
Check One: ☐ New License  ☐ Renew License

☐ License to sell cereal malt beverages for consumption on the premises.
☐ License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.

SECTION 2 – APPLICANT INFORMATION
Kansas Sales Tax Registration Number (required): 00486112339F01

<table>
<thead>
<tr>
<th>Name of Corporation</th>
<th>Principal Place of Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kwik Shop, Inc.</td>
<td>Corporation City Hutchinson</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Corporation Street Address</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>734 East 4th</td>
<td>KS</td>
<td>67501</td>
</tr>
</tbody>
</table>

Date of Incorporation: 4/1/1960

Resident Agent Name: Phone No.: 

Residence Street Address: City   State   Zip Code

SECTION 3 – LICENSED PREMISE

<table>
<thead>
<tr>
<th>DBA Name</th>
<th>Licensed Premise (Business Location)</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kwik Shop #703</td>
<td>1600 W Wyatt Earp 1600 W Wyatt Earp 1600 W Wyatt Earp</td>
<td>P O Box 1927</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dodge City</td>
<td>KS</td>
<td>67801</td>
</tr>
<tr>
<td>Hutchinson, Ks 67504-1927</td>
<td>Hutchinson, Ks 67504-1927</td>
<td>Hutchinson, Ks 67504-1927</td>
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</table>

<table>
<thead>
<tr>
<th>Business Phone No.</th>
<th>Applicant owns the proposed business location.</th>
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<tbody>
<tr>
<td>620-669-8504</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td>☑</td>
</tr>
</tbody>
</table>

| Business Location Owner Name(s): Dillon Real Estate - 2800 East 4th - Hutchinson, Ks. 67501 |

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK
List each person and their spouse, if applicable. Attach additional pages if necessary.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeff Parker</td>
<td>President</td>
<td>11/6/1970</td>
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<table>
<thead>
<tr>
<th>Residence Street Address</th>
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<tbody>
<tr>
<td>3107 Princeton Drive</td>
<td>Hutchinson</td>
<td>KS</td>
<td>67502</td>
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</table>

<table>
<thead>
<tr>
<th>Spouse Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathy</td>
<td>Housewife</td>
</tr>
</tbody>
</table>

<table>
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<th>State</th>
<th>Zip Code</th>
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<tbody>
<tr>
<td>same</td>
<td>City</td>
<td>State</td>
<td>Zip Code</td>
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<table>
<thead>
<tr>
<th>Name</th>
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<th>Date of Birth</th>
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<tbody>
<tr>
<td>Mike Gerwart</td>
<td>Vice President of Finance</td>
<td>7/26/69</td>
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<table>
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<th>Zip Code</th>
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<td>209 Carey Place</td>
<td>Hutchinson</td>
<td>KS</td>
<td>67502</td>
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<table>
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<tr>
<th>Spouse Name</th>
<th>Position</th>
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</thead>
<tbody>
<tr>
<td>Kay</td>
<td>Nurse-Medical Center</td>
</tr>
</tbody>
</table>

<table>
<thead>
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<th>Residence Street Address</th>
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<th>Zip Code</th>
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</thead>
<tbody>
<tr>
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<table>
<thead>
<tr>
<th>Spouse Name</th>
<th>Position</th>
<th>Date of Birth</th>
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</thead>
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<td>Residence Street Address</td>
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<table>
<thead>
<tr>
<th>Spouse Name</th>
<th>Position</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence Street Address</td>
<td>City</td>
<td>State</td>
</tr>
</tbody>
</table>
SECTION 5 – MANAGER OR AGENT INFORMATION

<table>
<thead>
<tr>
<th>Manager/Agent Name</th>
<th>Phone No.</th>
<th>Date of Birth</th>
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</thead>
<tbody>
<tr>
<td>David E Smith</td>
<td></td>
<td>3/18/1960</td>
</tr>
</tbody>
</table>

<table>
<thead>
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<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>P O Box 283</td>
<td>Meade, KS</td>
<td></td>
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</table>

Manager or Agent Spousal Information

<table>
<thead>
<tr>
<th>Spouse Name</th>
<th>Phone No.</th>
<th>Date of Birth</th>
<th>City</th>
<th>Zip Code</th>
</tr>
</thead>
</table>

SECTION 6 – QUALIFICATIONS FOR LICENSURE

Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes:
1. Any felony;
2. Any crime involving moral turpitude;
3. Drunkenness;
4. Driving a motor vehicle while under the influence of alcohol (DUI);
5. Violation of any state or federal intoxicating liquor law.

None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which:
1. Had a cereal malt beverage license revoked;
2. Was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.

All of the individuals identified in Sections 4 & 5 are at least 21 years of age.

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-501)

SIGNATURE: [Signature]
DATE: 3/11/11

FOR CITY/COUNTY OFFICE USE ONLY:

License Fee Received: Amount $ 500
Date: 3-21-11
($25 - $50 for Off-Premise license or $250-200 for On-Premise license)

$25 CMB Stamp Fee Received: Date: 3-21-11

Background Investigation: Completed Date: ____________
Qualified: [ ]
Disqualified: [ ]

New License Approved: Valid From Date: ____________ to ____________
By: ____________

License Renewed: Valid From Date: ____________ to ____________
By: ____________

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR QUARTERLY REPORT (ABC-301) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET ROOM 214, TOPEKA, KS. 66625-3512.

1 Spouse not required to be over 21 years of age. K.S.A. 41-2703(b)(9)
CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES
(This form has been prepared by the Attorney General’s Office)

SECTION 1 – LICENSE TYPE
Check One: ☐ New License ☐ Renew License
☐ License to sell cereal malt beverages for consumption on the premises.
☐ License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.

SECTION 2 – APPLICANT INFORMATION
Kansas Sales Tax Registration Number (required): 00486112339F01
Name of Corporation: Kwik Shop, Inc
Corporation Address: 734 East 4th
Date of Incorporation: 4/1/1960
Resident Agent Address: City
Resident Agent State: KS
Resident Agent Zip Code: 67501
Resident Agent Name: Phone No.
Resident Agent Address: City
Resident Agent State: KS
Resident Agent Zip Code: 67501

SECTION 3 – LICENSED PREMISE
Licensed Premise (Business Location):
DBA Name: Kwik Shop #782
Business Location Address: 1811 Central
City: Dodge City, Ks. 67801
Business Phone No.: 620-669-8504
Applicant owns the proposed business location.
Applicant does not own the proposed business location.

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK
List each person and their spouse, if applicable. Attach additional pages if necessary.
Name: Jeff Parker
Residence Street Address: 3107 Princeton Drive
Spouse Name: Kathy
Residence Street Address: same
Name: Mike Gervert
Residence Street Address: 209 Carey Place
Spouse Name: Kay
Residence Street Address: same
Name:
Residence Street Address:
Spouse Name:
Residence Street Address:

AG CMB Corporate Application (Rev. 1.26.10)
SECTION 5 – MANAGER OR AGENT INFORMATION

My place of business will be conducted by a manager or agent.

☑ Yes □ No

If yes, provide the following:

Manager/Agent Name
Victoria L. Spain

Phone No.
620-388-1140

Date of Birth
3/31/81

Residence Street Address
10276 Commercial Ave

City
Spearville, Ks

Zip Code
67876

Manager or Agent Spousal Information

Spouse Name

Phone No.

Date of Birth

Residence Street Address

City

Zip Code

SECTION 6 – QUALIFICATIONS FOR LICENSURE

Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes:

(1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.

☑ Yes □ No

None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which:

(1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.

☑ Yes □ No

All of the individuals identified in Sections 4 & 5 are at least 21 years of age.

☑ Yes □ No

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE

DATE

Administrative Assistant

FOR CITY/COUNTY OFFICE USE ONLY:

☑ License Fee Received Amount $3,000 Date 3-21-11

($25 - $50 for Off-Premise license or $25-200 for On-Premise license)

☑ $25 CMB Stamp Fee Received Date 3-21-11

☑ Background Investigation □ Completed Date □ Qualified □ Disqualified

☑ New License Approved Valid From Date to By:

☐ License Renewed Valid From Date to By:

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR QUARTERLY REPORT (ABC-301) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET ROOM 214, TOPEKA, KS. 66625-3512.

1 Spouse not required to be over 21 years of age. K.S.A. 41-2703(b)(9)
Memorandum

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

From: Nannette Pogue

Date: March 31, 2011

Subject: Ordinance No. 3514

Agenda Item  Ordinances and Resolutions

**Recommendation:** I recommend the approval of Ordinance No. 3514.

**Background:** The current ordinance and code allows residents to harbor companion animals. Currently the definition for companion animals is: dogs, cats, domestic ferrets, domestic rodents commonly kept as pets, domestic rabbits, reptiles commonly kept as pets, excluding any venomous reptile or any constructor snake over six foot in length and domestic birds commonly kept as pets excluding any fowl. Recently there was a case in municipal court in which an alligator was kept in the city limits as a pet. The animal control asked that the residents not be allowed to have the alligator. The judge and the prosecuting attorney felt that our current ordinance was too vague in describing companion pets. The proposed ordinance adds to list of the exclusions of reptiles commonly kept as pets: alligator, caiman, crocodile, anaconda, komodo dragon and monitor lizard. The Animal Control Supervisor researched the types of reptiles that would not be considered common pets and came up with the list. The Prosecuting Attorney is in agreement with the proposed wording of the ordinance.

**Justification:** To clarify the definition of companion animals.

**Financial Considerations:** None

**Purpose/Mission:** To protect the health and safety of the citizens of Dodge City.

**Legal Considerations:** None

**Attachments:** Ordinance No. 3514
ORDINANCE NO. 3514

AN ORDINANCE AMENDING THE CITY OF DODGE CITY CODE, CHAPTER II, ANIMAL CONTROL AND REGULATIONS, ARTICLE 1, GENERAL PROVISIONS AND AMENDING ORDINANCE NO. 3387

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

SECTION 1. Chapter II, Animal Control and Regulations, Article 1, General Provisions, Section 2-101 of the Code of the City of Dodge City shall be amended by deleting the provisions of sub-section (f) and inserting in lieu thereof the following:

(f) Companion Animal means: cats; dogs; domestic ferrets; domestic rodents commonly kept as pets; domestic rabbits; reptiles commonly kept as pets, excluding any venomous reptile or any constructor snake over six foot in length, alligator, caiman, crocodile, anaconda, komodo dragon, monitor lizard; and domestic birds commonly kept as pets excluding any fowl.

SECTION 2: EFFECTIVE DATE. This ordinance shall take effect upon its publication in the official City newspaper.

ADOPTED this 4th day of April, 2011.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk
Memorandum

To: City Manager
   Assistant City Manager
   City Commissioners

From: Nannette Pogue

Date: March 31, 2011

Subject: Utility Service Rates

Agenda Item:

Ordinances and Resolutions

Recommendation: I recommend the approval of: Resolution No. 2011-09, setting fees for the water utility; Resolution No. 2011-10, setting fees for the sanitary sewer service, Resolution No. 2011-11, setting fees for solid waste collection; and Resolution No. 2011-12, setting fees for the storm water utility service for the City of Dodge City.

Background: In March of 1992 the City Commission adopted Ordinance No. 2997 that sets forth an annual review of utility rates. Rates for utility service are set by the City Commission through adoption of the appropriate ordinance. City Code requires the commission to review rates annually to ensure adequate income is received to cover operational maintenance, capital and debt requirements. At a minimum, the rates for each utility shall be adjusted by the amount of increase in the Consumer Price Increase, (CPI), for the Midwestern part of the U.S. The CPI is tabulated by the Bureau of Labor Statistics in Kansas City, KS. Information received from the Bureau in October, 2010, indicates that the Dodge City area had an annual increase of 1.2% in 2010. From this figure, the City of Dodge City will base their increase for water, wastewater, solid waste services and drainage for 2011. The increase in water is 2% which is slightly higher than the 1/2% increase based on the fact that while the CPI has only increased 1/2%, the electric utility and labor costs have exceeded the 1.2%, therefore we are proposing a slightly higher increase to maintain our increased costs. The sewer rate will increase by 3% plus a $3.00 increase in the Sewer Administration Fee. This higher increase is due to our gradual increased fees to cover the cost of new construction. Both the sanitary sewer and drainage fees have a proposed increase of 1.2%.

Justification: The fee increase are part of an annual review of the fees to ensure adequate income is received to cover the costs of operation, capital and debt.
Financial Considerations: As the City's costs increase, fees will reflect our costs.

Purpose/Mission: On-going improvement of the City's utility systems

Legal Considerations: None

Attachments: 1. Resolutions; 2. Spreadsheet that shows current rates, proposed increases and some accounts that will show the effect to consumers; and 3. A comparison of rates from other similar size cities in Kansas.
## City of Dodge City
### Rate Comparison Current vs. Proposed

<table>
<thead>
<tr>
<th>Service</th>
<th>Current Rate</th>
<th>Proposed Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration Fee</td>
<td>7.32</td>
<td>7.41</td>
</tr>
<tr>
<td>consumption charge</td>
<td>$1.93 per 1000 gallons</td>
<td>$1.97 per 1000 gallons</td>
</tr>
<tr>
<td>New Service Fee</td>
<td>$25.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>Reconnect Fee</td>
<td>$35.00</td>
<td>$35.00</td>
</tr>
<tr>
<td>After Hours Fee</td>
<td>$50.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>Shut off for Repair</td>
<td>$25.00</td>
<td>$25.00</td>
</tr>
<tr>
<td><strong>Sewer</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration Fee</td>
<td>$8.45</td>
<td>$11.45</td>
</tr>
<tr>
<td>Consumption Charge</td>
<td>$1.96 per 1000 gallons</td>
<td>$2.02 per 1000 gallons</td>
</tr>
<tr>
<td><strong>Solid Waste Collection</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refuse</td>
<td>15.32</td>
<td>15.5</td>
</tr>
<tr>
<td>Recycle Fee</td>
<td>1.19</td>
<td>1.2</td>
</tr>
<tr>
<td>Total Solid WasteCollection F</td>
<td>16.51</td>
<td>16.7</td>
</tr>
<tr>
<td>Additional Unit</td>
<td>10.33</td>
<td>10.45</td>
</tr>
<tr>
<td>Grass Kart</td>
<td>2.44</td>
<td>2.47</td>
</tr>
<tr>
<td><strong>Drainage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per Unit Fee</td>
<td>1.08</td>
<td>1.1</td>
</tr>
</tbody>
</table>
## Account Comparisons
### Current Vs. Proposed

<table>
<thead>
<tr>
<th>Account</th>
<th>Current</th>
<th>Proposed</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Account #1 (Commercial)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>343.14</td>
<td>350.19</td>
<td></td>
</tr>
<tr>
<td>Sewer</td>
<td>355.04</td>
<td>368.65</td>
<td></td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>92.02</td>
<td>93.72</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>790.2</td>
<td>812.56</td>
<td>22.36</td>
</tr>
<tr>
<td><strong>Account #2 (Commercial)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>21.8</td>
<td>22.19</td>
<td></td>
</tr>
<tr>
<td>Sewer</td>
<td>23.15</td>
<td>26.6</td>
<td></td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>14.69</td>
<td>14.96</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>59.64</td>
<td>63.75</td>
<td>4.11</td>
</tr>
<tr>
<td><strong>Account #3 (School)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>175.23</td>
<td>178.8</td>
<td></td>
</tr>
<tr>
<td>Sewer</td>
<td>322.51</td>
<td>335.12</td>
<td></td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>78.19</td>
<td>79.64</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>575.93</td>
<td>593.56</td>
<td>17.63</td>
</tr>
<tr>
<td><strong>Account #4 (Residential)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>27.97</td>
<td>28.49</td>
<td></td>
</tr>
<tr>
<td>Sewer</td>
<td>19.23</td>
<td>22.56</td>
<td></td>
</tr>
<tr>
<td>Sanitation</td>
<td>18.95</td>
<td>19.17</td>
<td></td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>1.08</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>67.23</td>
<td>71.32</td>
<td>4.09</td>
</tr>
<tr>
<td><strong>Account #5 (Residential)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>75.06</td>
<td>76.56</td>
<td></td>
</tr>
<tr>
<td>Sewer</td>
<td>16.35</td>
<td>19.6</td>
<td></td>
</tr>
<tr>
<td>Sanitation</td>
<td>18.95</td>
<td>19.17</td>
<td></td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>1.08</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>111.44</td>
<td>116.43</td>
<td>4.99</td>
</tr>
<tr>
<td><strong>Account #6 (Residential)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>12.92</td>
<td>13.12</td>
<td></td>
</tr>
<tr>
<td>Sewer</td>
<td>13.35</td>
<td>16.5</td>
<td></td>
</tr>
<tr>
<td>Sanitation</td>
<td>18.95</td>
<td>19.17</td>
<td></td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>1.08</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>46.3</td>
<td>49.89</td>
<td>3.59</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 2011-09

A RESOLUTION ESTABLISHING FEES AND RATES FOR WATER UTILITY SERVICE FOR THE CITY OF DODGE CITY.

WHEREAS, for the peace, health, safety, and welfare of the citizens of Dodge City, it is deemed necessary for the City to provide water utility service to its citizens; and

WHEREAS, it is necessary for each and every resident using the water utility of Dodge City to pay a fair and equitable share of the cost of operation for said utility; and

WHEREAS, Chapter 15, Article 1, Section 123 requires the rates for water usage by all residents of the City to be set annually by Commission Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas, that the following shall be the fee schedule for Water Utility Service in Dodge City.

Section 1: REPEAL: Resolution 2009-04; adopted on the 6th day of April, 2009, is hereby repealed.

Section 3: RATES ESTABLISHED:

A. Fees for residents within the corporate limits of the City of Dodge City:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Service Connection Fee</td>
<td>$25.00</td>
</tr>
<tr>
<td>New service connection fee after normal business hours, Saturdays, Sundays and Holidays</td>
<td>$50.00</td>
</tr>
<tr>
<td>Monthly Administration Fee</td>
<td>$7.41</td>
</tr>
<tr>
<td>Cost per thousand Gallons water</td>
<td>$1.97</td>
</tr>
<tr>
<td>Kansas Water Protection fee per thousand gallons water</td>
<td>$.032</td>
</tr>
<tr>
<td>Commercial Tax</td>
<td>8.95%</td>
</tr>
</tbody>
</table>

B. Fees for the residents within the service area of the City of Wright shall be the same as those listed above, plus any additional fees that were established when the City of Wright was originally provided with water service through the City of Dodge City’s Water Utility.
C. Fees will be one and one half times outside the corporate limits of Dodge City or the area serviced by the Wright Improvement District.

Section 4: LATE FEE: All bills for utility services furnished by the City are payable as specified under Chapter 15, Article I, Section 124. Failure to pay the total utility bill on the required date will result in a charge equal to 10% of the bill.

Section 5: DELINQUENCY FEE: a delinquency fee of $35.00 will be charged to the past due account if not paid by the reminder due date

Section 6: RESTORATION OF SERVICE AFTER DISCONTINUANCE: Should the utility services be discontinued for being delinquent as outlined in Chapter 15, Article 1, Section 127, service shall be restored upon the payment of all rates, charges, penalties, and delinquency fees due. An additional charge for restoring service on Saturdays, Sundays and holidays is $15.00.

Section 7. New utility service applications will be required to provide a current signed and dated lease agreement prior to utility service being granted. The lease agreement will have the current leasee’s name that is applying for utility service plus the landlord’s name, address and phone number. The lease agreement shall be signed by both parties with current dates. Copies of the lease agreement will be required. If the applicant is delinquent for prior utility services, all delinquent accounts shall be paid and current before utility services is granted.

Section 8. EFFECTIVE DATE: The rates specified hereinabove shall be come effective during the month of April, 2011 as appropriate and upon its adoption by the City Commission and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS this the 4th day of April, 2011.

E KENT SMOLL, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK
RESOLUTION NO. 2011-10

A RESOLUTION ESTABLISHING FEES AND RATES FOR SANITARY SEWER SERVICE FOR THE CITY OF DODGE CITY.

WHEREAS, for the peace, health, safety, and welfare of the citizens of Dodge City, it is deemed necessary for the City to provide wastewater collection and treatment service to its citizens; and

WHEREAS, such wastewater collection and treatment services includes residential, commercial, and industrial users; and

WHEREAS, Federal Regulations require that all users pay a fair and equitable share of the collection of wastewater and for the costs of treatment plant construction, operation and maintenance, and replacement costs.,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas, that the following shall be the fee schedule for Sewer Service in Dodge City.

Section 1: REPEAL: Resolution 2010-18; adopted on the 17th day of May, 2010, is hereby repealed.

Section 2: SEWER USE FEES:

Sewer use fees to pay for the cost of collection and treatment of wastewater, for operation and maintenance of the wastewater collection and treatment system and for the cost of replacement of components of the system shall be established, as set forth herein below:

2.1 Residential Customers

   Monthly Service charge $11.45
   Monthly volume charge per 1,000 gallons $2.02

2.2 Mobile Home Parks served by master meter(s)

   Monthly service charge $11.45

   Master meter monthly accumulative reading, Q, multiplied by $2.02 per 1,000 gallons A= (Q) (2.02) / (1000)

   Total Bill = T= $11.45 + A
2.3 Commercial Customers with wastewater having strengths not exceeding 300 mg/l of five day biological oxygen demand (BOD) or 700 mg/l of total dissolved solids (TDS) per day:

- Monthly service charge: $11.45
- Monthly volume charge per 1,000 gallons: $2.02

2.4 Industrial Customers and Commercial Customers exceeding the BOD and TDS limits set forth in 2.3 hereinabove but not using the City sewer system:

- Monthly service charge: $11.45
- Monthly volume charge per 1,000 gallons: $2.02
- Monthly 5 day BOD charge per lb.: $0.1053
- Monthly TDS charge, per lb.: $0.0647

2.5 Industrial Customers and Commercial customers exceeding the BOD and TDS limits set forth in 2.3 hereinabove and who use the City sewer system shall pay both a monthly service charge, and a monthly volume and strength charge as specified:

- Monthly service charge: $11.45
- Monthly volume charge: $2.02
- Monthly 5 day BOD charge per lb.: $0.1053
- Monthly TDS charge, per lb.: $0.0647

The calculation of the strength charges for BOD and TDS shall be made as follows:

\[ SBOD = V_s \times 8.34 \times CBOD \times BOD \]

\[ STDS = V_s \times 8.34 \times CTDS \times TDS \]

\[ ST = SBOD + STDS \]

Where:
- SBOD shall be the strength charge attributable to 5 day biochemical demand
- STDS shall be the strength charge attributable to the Total Dissolved Solids
- \( V_s \) shall be the wastewater volume in million gallons
- 8.34 shall be the weight of water, pounds per gallon
Resolution 2011- ; page 3

CBOD shall be the unit charge for 5 day Biochemical Oxygen Demand in dollars per pound
CTDS shall be the unit charge for Total Dissolved Solids in dollars per pound
BOD shall mean five day BOD in mg/l
TDS shall mean Total Dissolved Solids in mg/l

2.6 Dodge City Cheese, which is an industrial customer, has negotiated the following rate to discharge a high volume of wastewater that may exceed the limits allowed for industrial customers. The rate structure is based on a daily discharge of 450,000 gallons of wastewater.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume charge if flow &lt; 15 million gallons</td>
<td>$1,935 per million gallons</td>
</tr>
<tr>
<td>Volume charge if flow &gt; 15 million gallons</td>
<td>$3,870 per million gallons &gt; 15 MGAL</td>
</tr>
<tr>
<td>BOD &gt; 50,666 lbs per month</td>
<td>$0.04 per pound above parameter</td>
</tr>
<tr>
<td>TSS &gt; 39,407 lbs per month</td>
<td>$0.04 per pound above parameter</td>
</tr>
<tr>
<td>TDS &gt; 78,813 lbs per month</td>
<td>$0.04 per pound above parameter</td>
</tr>
<tr>
<td>O&amp;G &gt; 112,590 lbs per month</td>
<td>$0.04 per pound above parameter</td>
</tr>
<tr>
<td>Sodium &gt; 22,518 lbs per month</td>
<td>$0.04 per pound above parameter</td>
</tr>
<tr>
<td>Chlorides &gt; 22,518 lbs per month</td>
<td>$0.04 per pound above parameter</td>
</tr>
</tbody>
</table>

3.0 OTHER TYPES OF CONTRIBUTORS

Any person desiring to use the wastewater treatment system by transporting liquid matter to said system by a means other than through the sewer system may do so if the quantity, quality, type, and character of the liquid waste to be deposited in the system is of a type permitted under the laws of the City, and consists solely of organic or biodegradable waste from septic tanks and cesspools.

Such fees shall be based on two factors, a flat fee designed to pay for testing and the cost of administration and billing and a volume charge.

To simplify the administration and accounting for the material dumped, the volume charge will be based on the total volume of the tank used, rather than a measurement of the actual volume of material in the tank. The OMI staff has the right to measure any tank to determine the volume if there is any question about the reported volume.

The septage disposal fee shall be as follows:

<table>
<thead>
<tr>
<th>Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat fee for administration and testing</td>
<td>$33.25</td>
</tr>
<tr>
<td>Volume charge</td>
<td>$0.1425 per gallon</td>
</tr>
</tbody>
</table>

4.0 EXTRA MONITORING FOR HIGH STRENGTH WASTES

When regulations require monitoring of wastewater from any user, whether for extra strength or for high discharges, that user shall pay a monitoring charge consisting of all costs for personnel,
materials and equipment necessary to collect and analyze samples of the wastewater and shall also pay an additional administrative charge of 10% of the cost of collection and analysis.

5.0 PERMIT APPLICATION FEES

All applicants required to obtain a Wastewater Contribution Permit shall pay permit fee, at the time their application is filed with the City, of $100.00 to cover the costs of checking and processing said Application. No application shall be accepted by the City unless the fee is paid at the time of filing.

6.0 EFFECTIVE DATE: The rates specified hereinabove shall be come effective during the month of April, 2011 as appropriate and upon its adoption by the City Commission and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS this the 4th day of April, 2011.

E. KENT SMOLL, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK
RESOLUTION NO. 2011-11

A RESOLUTION ESTABLISHING FEES AND RATES FOR SOLID WASTE COLLECTION SERVICE IN THE CITY OF DODGE CITY

WHEREAS, for the peace, health, safety, and welfare of the citizens of Dodge City, it is deemed necessary for the City to provide Solid Waste Collection service to its citizens; and

WHEREAS, such Solid Waste Collection services includes both scheduled and non-scheduled garbage, refuse and trash pickup and disposal, and;

WHEREAS, because of current Ford County Landfill regulations, yard waste must be separated from municipal solid waste, now requiring the City to make separate collections, and;

WHEREAS, it is necessary for each and every citizen of the City of Dodge City to pay a fair and equitable share of the cost of this Solid Waste Collection Service.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas:

Section 1: REPEAL: Resolution 2009-06; adopted on the 6th day of April, 2009, and Resolution 2009-10 adopted on the 4th day of May, 2009, is hereby repealed.

Section 2: SERVICE TO DWELLINGS:

2.1 Dwellings shall include all single family residences, duplexes, or two family dwellings. Fees for dwellings shall be $15.50 per month per dwelling plus an additional fee of $1.20 per month per dwelling for recycling and the handling of disposal of household hazardous wastes.

2.2 Multiple family dwellings shall be all residential buildings, except hotels or motels, having three (3) or more separate living units. Fees for multiple family dwellings shall be $15.50 for the first dwelling unit and $10.45 for each additional dwelling unit plus an additional fee per month per unit of $1.20 for recycling and the handling of disposal of household hazardous wastes.

2.3 Special fees. In addition to the base rates provided herein above, special fees shall be charged in those cases where the Sanitation Department personnel shall be required to collect such items as refrigerators, stoves, furniture, etc., and large accumulations of trash or metal. In addition, trash placed by either the poly-kart or dumpster will also be subject to an additional charge.

2.4 Commercial rate. The commercial rate will apply to landlords, contractors, or any other type of business that would require pick up of large accumulations of trash.
Special fees for some items are as follows:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refrigerators</td>
<td>$5.00 plus any fee for disposal of compressor or refrigerant</td>
</tr>
<tr>
<td>Freezers</td>
<td>$5.00 plus any fee for disposal of compressor or refrigerant</td>
</tr>
<tr>
<td>Air Conditioners</td>
<td>$5.00 plus any fee for disposal of compressor or refrigerant</td>
</tr>
<tr>
<td>Stoves, dishwashers or other white goods</td>
<td>$5.00 per item</td>
</tr>
<tr>
<td>Metal goods</td>
<td>$5.00 per item</td>
</tr>
<tr>
<td>Furniture, Mattresses, Carpet, or other large household items</td>
<td>$5.00 per item</td>
</tr>
<tr>
<td>Bagged or loose trash not in poly-kart or dumpster</td>
<td>$1.00 per 40 lb. Bag</td>
</tr>
</tbody>
</table>

Should there be more than three (3) items placed at curb for special pickup, these items will be considered as a bulky accumulation and subject to that charge.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees and other large brush accumulations and other bulky large accumulations</td>
<td>Minimum of $25.00 per load plus $12.50 per hour plus landfill charges</td>
</tr>
<tr>
<td>Alley Cleanup</td>
<td>Minimum of $25.00 per load plus $12.50 per hour plus landfill charges</td>
</tr>
<tr>
<td>Late Pickup</td>
<td>A $2.00 charge for pickup of items and karts not placed at the curb by 7:00 a.m. on the scheduled day for pickup</td>
</tr>
</tbody>
</table>

Commercial Rates as follows:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large accumulations of brush, loose or bagged household trash, and other bulky large accumulations</td>
<td>$40.00 per load plus $25.00 per hour plus landfill fees</td>
</tr>
<tr>
<td>Special Cleanup Fee</td>
<td>$100 per hour equipment fee plus $25 per hour staff fee plus landfill charges and any other costs associated to the cleanup</td>
</tr>
</tbody>
</table>

Section 3. SERVICE TO HOME OCCUPATIONS

Home occupations and similar activities, but not including child care facilities shall pay a $15.50 per month fee for the residence and shall also pay an additional $15.50 per month fee for service to the home occupation. Such home occupations shall also pay an additional $1.20 each for the residence and for the home occupation for recycling and the handling and disposal of household hazardous wastes.

Section 4. SPECIAL CONDITIONS

Any special conditions not included in the above rate schedule shall be determined by the Superintendent of Public Works, subject to the approval of the Governing Body.
Section 5. YARD WASTE

As the Ford County Landfill requires that all yard wastes be separated from solid waste and that all yard wastes cannot be bagged, the City of Dodge City requires all residents desiring to have their yard waste disposed of by the City shall rent a container, provided by the City, for a cost of $2.47 per month. Residents may dispose of yard waste by bagging the waste. Bags may not weigh more than 40 lbs. when full. Crews will pick up the bags for $1.00 per bag.

Section 6. EFFECTIVE DATE: The rates specified hereinabove shall be come effective during the month of April, 2011 as appropriate and upon its adoption by the City Commission and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS this the 4th day of April, 2011.

E. KENT SMOLL, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK
RESOLUTION NO. 2011-12

A RESOLUTION ESTABLISHING FEES AND RATES FOR STORM WATER
UTILITY SERVICE FOR THE CITY OF DODGE CITY.

WHEREAS, for the peace, health, safety, and welfare of the citizens of Dodge City, it is deemed
necessary for the City to provide Storm Water Utility Service to its citizens; and

WHEREAS, it is necessary for each and every resident of the City of Dodge City to pay a fair
and equitable share of the cost of operation for said utility; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City,
Kansas, that the following shall be the fee schedule for Storm Water Utility Service in Dodge
City.

Section 1: REPEAL: Resolution 2009-07; adopted on the 6th day of April, 2009, is hereby
repealed.

Section 2: RATES ESTABLISHED:

All properties are assessed $1.10 per Drainage Unit per month. A Drainage Unit
Has been established by Charter Ordinance No. 33.

Section 3. EFFECTIVE DATE: The rates specified hereinabove shall be come effective during
the month of April, 2011 as appropriate and upon its adoption by the City Commission and
publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS this the
4th day of April, 2011.

E. KENT SMOLL, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK
Memorandum

To: Ken Strobel
City Manager
From: Raymond A. Slattery, P.E.
City Engineer
Date: March 29, 2011
Subject: Agreement for the Installation of Railroad Crossing Signals on Park St.

Agenda Item: Ordinances and Resolutions

**Recommendation:** Approve Resolution to authorize the Mayor to sign the agreements between the City, BNSF Railway, and the Secretary of Transportation of the State for Kansas.

**Background:** Last year City Staff was contacted by KDOT stating that the at grade crossing of the BNSF Railway and Park St. qualified for a Crossing Signal due to vehicle and train traffic counts. City Staff meet with representatives from KDOT and BNSF at the site last summer.

**Justification:** This Resolution is needed so that the Mayor can sign the agreements and the Crossing be installed.

**Financial Considerations:** The Federal Government and BNSF Railway are paying for the entire installation and ongoing maintenance.

**Purpose/Mission:** The installation of this signal will provide safer travel for our citizens.

**Legal Considerations:** Authorization of signatures for the KDHE Loan Agreement.

**Attachments:** Resolution #2011-13 & Agreement # 006113025.
RESOLUTION 2011-13

A RESOLUTION RELATING TO THE AGREEMENT FOR THE CONSTRUCTION OF RAILROAD CROSSING SIGNALS ON PARK STREET

WHEREAS, The City of Dodge City, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

NOW, THEREFORE be it resolved by the Governing Body of the City of Dodge City, Kansas; that the Mayor be authorized to execute for and behalf of the City of Dodge City, Kansas, Agreement No. 006113025 between, BNSF Railway Company, the City of Dodge City, Kansas and the Secretary of Transportation of the State of Kansas, relative to the construction and maintenance of a Highway Crossing Signal.

The Secretary proposes to submit to the Federal Highway Administration a project providing for the installation of a railway-highway crossing signals at a grade crossing on Park St., said Project to be know and designated as Project No. 29 X-0065-01; RRP-X006(501).

APPROVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS, this 4th day of April, 2011.

ATTEST:

E. Kent Smoll, Mayor

Nannette Pogue, City Clerk
AGREEMENT

BNSF Railway Company
Crossing Signals and Gates

Project No. 29 X-0065-01
RRP-X006(501)
Ford County, Kansas

Agreement between the BNSF Railway Company, the City of Dodge City, Ford County, Kansas and the Secretary of Transportation of the State of Kansas, relative to the construction and maintenance of Highway Crossing Signals under Section 130, United States Code 23.

* * * * * * * * * * *

This agreement, made and entered into this ___ day of __________, 2020, by and between the BNSF Railway Company, a corporation, hereinafter referred to as the "Company", the City of Dodge City, Ford County, Kansas hereinafter referred to as the "City", and the Secretary of Transportation of the State of Kansas, hereinafter referred to as the "Secretary".

WITNESSETH:

WHEREAS, the Secretary proposes to submit to the Federal Highway Administration of the United States Department of Transportation a project providing for the installation of railroad-highway crossing signals, flashing light straight post type and gates at a grade crossing (DOT #605450V) on Park Street in the City of Dodge City, Ford County, Kansas, said project to be known and designated as Project No. 29 X-0065-01; RRP-X006(501) and more particularly described as follows:

at the intersection of Park Street and the Company's tracks approximately 1900 feet east of the Southwest Corner of Section 26, Township 26 South, Range 25 West, in the City of Dodge City, Ford County, Kansas,

and will recommend its approval for construction under Section 130, United States Code 23 and amendments thereto, and

WHEREAS, the locations for the warning devices were determined by a diagnostic team consisting of representatives of the Company, the City, and the Secretary, and

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, and subject to the approval of the Federal Highway Administration, it is hereby agreed by the parties hereto:

1. The total cost of the project will be funded one-hundred percent (100%) using Federal Section 130 Funds, including preliminary engineering, construction, sales tax, users tax and such other items as are properly chargeable to the project under Section 130, United States Code 23 and amendments thereto.
2. The City will install and maintain the advance warning signs.

3. The Company will provide the Secretary with a copy of the bill of materials and the detailed estimate of the cost of the project. The estimate to be attached to and become a part of this agreement.

4. After being notified by the Secretary that the project has been approved and that work may begin, the Company will notify the Secretary's Area Engineer at Dodge City, Kansas, at least one week in advance of the date that work on the project is to be started, and should withdrawal from the project become necessary for any reason, the Company will each time notify the Secretary's Area Engineer of the date that work on the project is to be resumed.

5. The Company will remove the existing crossbucks and will install the new straight post signals and gates and make all connections necessary for their successful operation, and do all incidental and appurtenant work in accordance with the project and the "Manual on Uniform Traffic Control Devices". The Company will furnish all of the material and do all of the work with its own forces, or the work may be done by a contractor paid under a contract let by the Company in compliance with the provisions of 23 C. F. R., Chapter I, Subchapter B, Part 140, Subpart I. Said Title 23 Code of Federal Regulations (23 C. F. R.) is by reference made a part of this agreement. If this work is to be done by a contractor paid under a contract let by the Company, prior written approval shall be obtained from the Secretary. The estimated schedule by the Company for the completion of the work for this project is one year from the date of this agreement.

6. The Company will keep detailed and accurate records of all labor, materials, supplies, incidentals and all other necessary costs involved in carrying out the work performed by the Company under the terms of this agreement, and will give access to such records at any time during regular office hours to any authorized representative of the Secretary or of the Federal Highway Administration, for a period of three years from the date final payment has been received by the Company.

7. Preparation of preliminary estimates, procurements, performance of work, expenditures, billing and reimbursement shall all be done in accordance with 23 C. F. R., Chapter I, Subchapter B, Part 140, Subpart I.

8. To reimburse the Company within thirty (30) calendar days after receipt of the undisputed portion of any invoice for cost incurred for work done by the Company in accordance with the provisions of this Agreement except amounts retained from each billing and payment of the final billing pursuant to paragraph 9.

9. The Company will submit to the Secretary's Area Engineer a final and complete billing of the incurred costs within one year after the completion of the work, and the Secretary will pay an amount equal to ninety-five percent (95%) of the total amount of each billing for this project pending final audit. Upon
completion of final audit, the Secretary will reimburse the
Company for the total amount of the final billing found eligible
for payment under federal auditing standards, cost principles and
regulations. The Company will reimburse the Secretary for one
hundred percent (100%) of the amount of all items in the Company's
bill which are found to be ineligible for payment under federal
auditing standards, cost principles and regulations.

10. The Company shall have title to the signals and gates
and at its own cost and expense will maintain the signals and
gates and will make ample provision each year for such
maintenance, provided, however, the Company shall be entitled to
receive any contribution toward the cost of such maintenance as
may be now, or hereafter made available by reason of any law,
ordinance, regulation, order, grant or by other means or sources.

11. The parties hereto do hereby agree that the "Special
Attachment No. 1" herewith, pertaining to the implementation of
Title VI of the Civil Rights Act of 1964, is hereby made a part of
this agreement.

12. The Company does agree that the "Special Attachment No.
2" herewith, pertaining to lobbying, is hereby made a part of this
agreement.

13. It is further understood that this agreement and all
contracts entered into under the provisions of this agreement
shall be binding upon the City, Company and the Secretary and
their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this
agreement to be executed in triplicate by their proper offices on
the day and year first herein written.

DEBRA L. MILLER
SECRETARY OF TRANSPORTATION

BY:
DANIEL L. SCHERSCHLIGT, P.E.
DIRECTOR OF ENGINEERING
AND DESIGN

BNSF RAILWAY COMPANY

BY:  Kanulah Minz
TITLE: Manager of Public Projects

ATTEST:

THE CITY OF DODGE CITY

CITY CLERK

PRESIDENT OF GOVERNING BODY
KANSAS DEPARTMENT OF TRANSPORTATION

Special Attachment
To Contracts or Agreements Entered Into
By the Secretary of Transportation of the State of Kansas

NOTE: Whenever this Special Attachment conflicts with provisions of the Document to which it is attached, this Special Attachment shall govern.

THE CIVIL RIGHTS ACT OF 1964, and any amendments thereto,
REHABILITATION ACT OF 1973, and any amendments thereto,
AMERICANS WITH DISABILITIES ACT OF 1990, and any amendments thereto,
AGE DISCRIMINATION ACT OF 1975, and any amendments thereto,
EXECUTIVE ORDER 12898, FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW INCOME POPULATIONS (1994), and any amendments thereto,
49 C.F.R. Part 26.1 (DBE Program), and any amendments thereto

NOTIFICATION

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (78 Stat. 252), §504 of the Rehabilitation Act of 1973 (87 Stat. 3555) and the Americans with Disabilities Act of 1990 (42 USC 12101), the Age Discrimination Act of 1975 (42 USC 6101), the Regulations of the U.S. Department of Transportation (49 C.F.R., Part 21, 23, and 27), issued pursuant to such ACT, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (1994), and the DBE Program (49 C.F.R., Part 26.1), hereby notifies all contracting parties that, the contracting parties will affirmatively insure that this contract will be implemented without discrimination on the grounds of race, religion, color, gender, age, disability, national origin, or minority populations and low income populations as more specifically set out in the following seven “Nondiscrimination Clauses”.

CLARIFICATION

Where the term “consultant” appears in the following seven “Nondiscrimination Clauses”, the term “consultant” is understood to include all parties to contracts or agreements with the Secretary of Transportation of the State of Kansas.

Nondiscrimination Clauses

During the performance of this contract, the consultant, or the consultant’s assignees and successors in interest (hereinafter referred to as the “Consultant”), agrees as follows:

1. Compliance with Regulations: The consultant will comply with the Regulations of the U.S. Department of Transportation relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation (Title 49, Code of Federal Regulations, Parts 21, 23 and 27,

(Revised 07-29-1999)
hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The consultant, with regard to the work performed by the consultant after award and prior to the completion of the contract work, will not discriminate on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The consultant will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitations for Subcontractors, Including Procurements of Material and Equipment: In all solicitations, either competitive bidding or negotiation made by the consultant for work to be performed under a subcontract including procurements of materials and equipment, each potential subcontractor or supplier shall be notified by the consultant of the consultant’s obligation under this contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations.

(4) Information and Reports: The consultant will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and the Secretary of the Transportation of the State of Kansas will be permitted access to the consultant’s books, records, accounts, other sources of information, and facilities as may be determined by the Secretary of Transportation of the State of Kansas to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a consultant is in the exclusive possession of another who fails or refuses to furnish this information, the consultant shall so certify to the Secretary of Transportation of the State of Kansas and shall set forth what efforts it has made to obtain the information.

(5) Employment: The consultant will not discriminate against any employee or applicant for employment because of race, religion, color, gender, age, disability, or national origin.

(6) Sanctions for Noncompliance: In the event of the consultant’s noncompliance with the nondiscrimination provisions of this contract, the Secretary of Transportation of the State of Kansas shall impose such contract sanctions as the Secretary of Transportation of the State of Kansas may determine to be appropriate, including, but not limited to,

(a) withholding of payments to the consultant under the contract until the contractor complies, and/or

(b) cancellation, termination or suspension of the contract, in whole or in part.

(7) Disadvantaged Business Obligation

(Revised 07-29-1999)
Disadvantaged Businesses as defined in the Regulations, shall have a level playing field
to compete fairly for contracts financed in whole or in part with Federal funds under this
contract.

All necessary and reasonable steps shall be taken in accordance with the Regulations to
ensure that Disadvantaged Businesses have equal opportunity to compete for and perform
contracts. No person(s) shall be discriminated against on the basis of race, color, gender,
or national origin in the award and performance of federally-assisted contracts.

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race,
color, national origin, or sex in the performance of this contract. The contractor shall
carry out applicable requirements of 49 CFR Part 26 in the award and administration of
Federally-assisted contracts. Failure by the contractor to carry out these requirements is a
material breach of this contract, which may result in the termination of this contract or
such other remedy, as the recipient deems appropriate.

Executive Order 12898

To the extent permitted by existing law, and whenever practical and appropriate, all
necessary and reasonable steps shall be taken in accordance with Executive Order 12898
to collect, maintain, and analyze information on the race, color, national origin and
income level of persons affected by programs, policies and activities of the Secretary of
Transportation of the state of Kansas and use such information in complying with this
Order.

Incorporation of Provisions: The consultant will include the provisions of paragraphs (1) through
(8) in every subcontract, including procurements of materials and equipment, unless exempt by
the Regulations, order, or instructions issued pursuant thereto. The consultant will take such
action with respect to any subcontract or procurement as the Secretary of Transportation of the
State of Kansas may direct as a means of enforcing such provisions including sanctions for
noncompliance: PROVIDED, however, that, in the event a consultant becomes involved in, or is
threatened with, litigation with a subcontractor or supplier as a result of such direction, the
consultant may request the State to enter into such litigation to protect the interests of the State.

(Revised 07-29-1999)
CERTIFICATION FOR FEDERAL-AID CONTRACTS

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed $100,000 and that all such subrecipients shall certify and disclose accordingly.
**PURPOSE, JUSTIFICATION AND DESCRIPTION**

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT PARK STREET IN DODGE CITY, KS. KANSAS DIV., DODGE CITY YARD SURDIV., LS 7552, M.P. 0.28, DOT # 09120W
SEQ. #4639
MONTHLY POWER UTILITY COST CENTER : 61839

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.
THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

**MAINTAIN PROPRIETARY CONFIDENTIALITY.**

REVISED TO NEW PRICING LIST 9/9/03

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSES ONLY.
THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

****************** SIGNAL WORK ONLY ******************

THE STATE OF KANSAS IS FUNDING THIS PROJECT 100%

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>U/M</th>
<th>COST</th>
<th>TOTAL $</th>
</tr>
</thead>
<tbody>
<tr>
<td>**************************</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LABOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>**************************</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
| ELECTRICAL LABOR F/POWER TRANS SYS | 54.0 MH | 1,421
| SIGNAL FIELD LABOR - CAP    | 840.0 MH  | 21,891
| SIGNAL SHOP LABOR - CAP     | 64.0 MH   | 1,684
| PAYROLL ASSOCIATED COSTS    |           |     |        |         |
| EQUIPMENT EXPENSES          |           |     |        |         |
| DA LABOR OVERHEADS          |           |     |        |         |
| INSURANCE EXPENSES          |           |     |        |         |
| TOTAL LABOR COST            |           |     | 76,398 | 76,398  |

**************************   |           |     |        |         |
| MATERIAL                   |           |     |        |         |
| **************************   |           |     |        |         |
| BATTERY                    | 1.0 LS N  | 6,197
| BUNGALOW 6X6               | 1.0 EA N  | 8,612
| BUNGALOW MATERIAL          | 1.0 LS N  | 7,546
| CABLE                      | 1.0 LS N  | 6,202
| CHARGERS                   | 1.0 LS N  | 1,020
| CONDUIT, PVC 4", SCH 80    | 150.0 FT N| 525
| CONSTANT WARNING           | 1.0 EA N  | 24,725
| FIELD MATERIAL             | 1.0 LS N  | 6,134
| FOUNDATION, STEEL          | 3.0 EA N  | 1,418
| GATE KEEPER                | 2.0 EA N  | 3,692
| GATE MECHANISM             | 2.0 EA N  | 14,030
| GUARDRAIL, ONE-HALF        | 2.0 EA N  | 916
| LED LIGHT ADJUSTMENT       | 8.0 EA N  | 1,928
| LED LIGHT GATE KIT         | 2.0 EA N  | 794
| LIGHT OUT DETECTOR         | 1.0 EA N  | 946
| MATERIAL FOR ELECTRICAL    | 1.0 EA N  | 1,500
| RECORDER                   | 1.0 EA N  | 3,748
| SHUNT, NBS                 | 2.0 EA N  | 1,800
| TELLULAR DEVICE            | 1.0 EA N  | 2,600
| MATERIAL HANDLING          |           |     | 75     |
| USE TAX                    |           |     | 6,930  |
| OFFLINE TRANSPORTATION     |           |     | 1,180  |
| TOTAL MATERIAL COST        |           |     | 102,608| 102,608 |
** OTHER **

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC POWER SERVICE</td>
<td>1.0 EA</td>
<td>5,000</td>
</tr>
<tr>
<td>CONTRACT ENGR.</td>
<td>1.0 LS N</td>
<td>6,000</td>
</tr>
<tr>
<td>DIRECTIONAL BORE</td>
<td>1.0 LS N</td>
<td>7,500</td>
</tr>
<tr>
<td>FILL DIRT</td>
<td>10.0 CV N</td>
<td>250</td>
</tr>
<tr>
<td>SURFACE ROCK</td>
<td>20.0 CV N</td>
<td>500</td>
</tr>
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** TOTAL OTHER ITEMS COST **

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT SUBTOTAL</td>
<td>19,250</td>
</tr>
<tr>
<td>CONTOURS</td>
<td>198,256</td>
</tr>
<tr>
<td>BILL PREPARATION FEE</td>
<td>19,625</td>
</tr>
<tr>
<td>GROSS PROJECT COST</td>
<td>220,262</td>
</tr>
<tr>
<td>LESS COST PAID BY SNSF</td>
<td>-473</td>
</tr>
<tr>
<td>TOTAL BILLABLE COST</td>
<td>220,262</td>
</tr>
</tbody>
</table>

Page 6 of 5
The Burlington Northern & Santa Fe Railway Company

PARK STREET
DOT # 009 120 W

INSTALL: GATES & FLASHERS
CONTROL DEVICES: CONSTANT WARNING

BOLD - IN
/// - OUT
SALVAGE: NONE

Warning device placement:
Clearance to C.L. Track = Min. 12'
Edge of Road to C.L. Foundation:
Min. 4'3" with curb,
Min. 8'3" without curb,
Max. 12'

House Clearance:
25' Min. to Near Rail
30' Min. to Edge of Road
ALL LIGHTS TO BE LED

BNSF RAILWAY CO.
LOCATION: DODGE CITY, KS
STREET: PARK STREET
LS: 7352
M.P. 0.28
DOT #: 009 120 W
DIVISION: KANSAS
SUBDIVISION: DODGE CITY YARD
KANSAS CITY
NO SCALE
DATE: 03/14/11
FILE: 73520_28.dgn
CRO
Memorandum

To: Ken Strobel
   City Manager
From: Raymond A. Slattery, P.E.
   City Engineer
Date: March 30, 2011
Subject: Easement acquisition for pipeline for Wastewater Reclamation Facility
Agenda Item: New Business

Recommendation: Approve payment to acquire easements

Background: The City has been working for several months to acquire the necessary permanent and temporary easements for the new transmission and force main lines for the new reclamation plant. The Commission previously set just compensation amounts for the all of the necessary parcels. We have negotiated with the various property owners and are now bringing to the commission several of the final offers.

Justification: The Commission needs to approve the final offers so that the easements can be purchased.

Financial Considerations: The appraisals have recommended the following offers:

<table>
<thead>
<tr>
<th>Party</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Zimmer Group, LLC</td>
<td>$15,139</td>
</tr>
<tr>
<td>Closing Costs</td>
<td>$300</td>
</tr>
<tr>
<td>Title Insurance</td>
<td>$256</td>
</tr>
<tr>
<td>Filing Costs</td>
<td>$48</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,743</strong></td>
</tr>
<tr>
<td>Abundant Life Family Church, Inc.</td>
<td>$1,818</td>
</tr>
<tr>
<td>Closing Costs</td>
<td>$300</td>
</tr>
<tr>
<td>Filing Costs</td>
<td>$32</td>
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<td><strong>Total</strong></td>
<td><strong>$2,150</strong></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$17,893</strong></td>
</tr>
</tbody>
</table>

Purpose/Mission: The purchase of these easements will insure the completion of the project, which is necessary for the continued growth of Dodge City.

Legal Considerations: None

Attachments: Agreement for sale and buyer’s closing statement that will need to be signed by the City Clerk. A map showing the acquired easement (green hatch) and those still needed (red hatch).

C:\Documents and Settings\marylyn\Local Settings\Temporary Internet Files\OLK7A\final offer 5.doc
BUYER'S CLOSING STATEMENT

GF#: 11-9439

Prepared for:
CITY OF DODGE CITY, KANSAS
806 N. 2ND AVENUE
DODGE CITY, KS 67801

Prepared by:
High Plains Land & Title
P.O. Box 878
107 Gunsmoke
Dodge City, Ks. 67801

Property:
N/75' OF LOT 1, BLOCK 1,
CANDLETREE ADDITION

Seller: ABUNDANT LIFE FAMILY CHURCH,
INC., A KANSAS CORPORATION
Closing date (MO/DY/YR): 04/01/11

Closer: BRENDA K. LEE

<table>
<thead>
<tr>
<th>DEBITS</th>
<th>CREDITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,818.00</td>
<td>2,150.00</td>
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<tr>
<td>300.00</td>
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<td>16.00</td>
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<td>16.00</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,150.00</strong></td>
</tr>
</tbody>
</table>

Funds payable at closing

Approved:

CITY OF DODGE CITY, KANSAS

Closing officer or Broker
# SELLER'S CLOSING STATEMENT

**GF#: 11-9438**

<table>
<thead>
<tr>
<th>Prepared for:</th>
<th>Prepared by:</th>
<th>Property:</th>
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<tbody>
<tr>
<td>thezimmergroup, LLC</td>
<td>High Plains Land &amp; Title</td>
<td>TRACTS IN 14-26S-25W,</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 878</td>
<td>FORD COUNTY, KANSAS</td>
</tr>
<tr>
<td></td>
<td>107 Gunsmoke</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dodge City, Ks. 67801</td>
<td></td>
</tr>
</tbody>
</table>

**Buyer:** THE CITY OF DODGE CITY, KANSAS

**Closing date (MO/DY/YR):** 04/01/11

**Closer:** BRENDA K. LEE

<table>
<thead>
<tr>
<th>DEBITS</th>
<th>CREDITS</th>
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<tbody>
<tr>
<td>Contract Sales Price</td>
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</tr>
<tr>
<td>2nd Half 2010 RE Taxes</td>
<td>103.77</td>
</tr>
<tr>
<td><strong>Funds to seller</strong></td>
<td><strong>15,035.23</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,139.00</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,139.00</strong></td>
</tr>
</tbody>
</table>

**Approved:**

thezimmergroup, LLC

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Closing officer or Broker:
BUYER'S CLOSING STATEMENT

Prepared for: THE CITY OF DODGE CITY, KANSAS
806 N. 2ND AVENUE
DODGE CITY, KS 67801

Prepared by: High Plains Land & Title
P.O. Box 878
107 Gunsmoke
Dodge City, Ks. 67801

Property: TRACTS IN 14-26S-25W,
FORD COUNTY, KANSAS

Seller: thezimmergroup, LLC

Closing date (MO/DY/YR): 04/01/11

Closer: BRENDA K. LEE

<table>
<thead>
<tr>
<th>DEBITS</th>
<th>CREDITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>15,139.00</td>
<td>15,743.00</td>
</tr>
<tr>
<td>300.00</td>
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</tr>
<tr>
<td>256.00</td>
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<tr>
<td>16.00</td>
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<td>16.00</td>
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<tr>
<td>16.00</td>
<td></td>
</tr>
<tr>
<td><strong>Funds payable at closing</strong></td>
<td></td>
</tr>
</tbody>
</table>

$15,743.00 $15,743.00

Approved:

THE CITY OF DODGE CITY, KANSAS

Closing officer or Broker
SELLER'S CLOSING STATEMENT

GF#: 11-9439

Prepared for:
ABUNDANT LIFE FAMILY CHURCH, INC., A KANSAS CORPORATION
3301 AVENUE A
DODGE CITY, KS 67801

Prepared by:
High Plains Land & Title
P.O. Box 878
107 Gunsmoke
Dodge City, Ks. 67801

Property:
N/75' OF LOT 1, BLOCK 1, CANDLETREE ADDITION

Buyer: CITY OF DODGE CITY, KANSAS

Closing date (MO/DY/YR) : 04/01/11

Closer: BRENDA K. LEE

<table>
<thead>
<tr>
<th>DEBITS</th>
<th>CREDITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Sales Price</td>
<td>1,818.00</td>
</tr>
<tr>
<td>Funds to seller</td>
<td></td>
</tr>
<tr>
<td>1,818.00</td>
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<tr>
<td>$1,818.00</td>
<td>$1,818.00</td>
</tr>
</tbody>
</table>

Approved:

ABUNDANT LIFE FAMILY CHURCH, INC., A KANSAS CORPORATION

Closing officer or Broker