

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

September 24, 2013

The regular meeting of the Liberal City Commission was held at 6:30 p.m. in the Commission Chambers located at 325 North Washington on Tuesday, September 24, 2013.

Commissioners Present: Mayor Dave Harrison, Vice Mayor Janet Willimon, Dean Aragon, Joe Denoyer and Ron Warren.

City Staff Present: City Manager Mark Hall, Public Works Director Joe Sealey, Finance Director Chris Ford, City Clerk/Airport Manager Debbie Giskie, Human Resources Director Sheena Schmutz, Building Inspector/Zoning Administrator Kory Krause, Economic Development Director Jeff Parsons, Housing & Community Development Director Karen LaFreniere, Fire Chief Kelly Kirk, Information Technology Supervisor Tim Lunceford, LPD Captain Dave Odle and City Attorney Shirla McQueen.

Mayor Harrison declared the meeting called to order and City Clerk Giskie read the roll call declaring all members present. The Pledge of Allegiance was recited and the invocation was given by Ann Holman of the Risen Glory Church.

1. Awards/Proclamations/Presentations. *Mayor Harrison presented a proclamation to the Liberal Fire Department designating the week of October 6-12, 2013 as Fire Prevention Week. This year's theme is Prevent Kitchen Fires.*

- Fire Chief Kirk noted the firefighters would be seeing and talking with every second and third grade student in Liberal during Fire Prevention Week.

2. Approval of Agenda. Mayor Harrison requested approval of the agenda. *Commissioner Denoyer moved to approve the agenda, as presented, with Vice Mayor Willimon seconding the motion. The motion carried unanimously.*

3. Approval of Minutes. *Commissioner Denoyer moved to approve the minutes of the September 10, 2013 regular meeting, as presented. The motion was seconded by Vice Mayor Willimon and carried unanimously.*

4. Items from Citizens. Mayor Harrison read the rules of the Commission and requested members of the audience approach the podium to address the Commission. Cecil Milhon, Kismet, appeared before the Commission with concerns about weed control. He noted he owns a lot at Washington and Spruce, and tried to keep the weeds under control, but the City recently had it mowed. He asked that the \$150 charge be waived since he didn't receive prior notice and voiced concern that ordinance states if the weeds are over 1 foot tall, the City isn't required to notify him because the annual notice was published in the newspaper. He explained notification in the newspaper isn't sufficient because he doesn't read the newspaper nor surf the Internet.

- He asked that the ordinance be changed to provide notice in writing or by telephone instead of the newspaper.

5. Items from Groups. Mayor Harrison read the rules of the Commission and requested members of the audience approach the podium to address the *Commission*. *No items were presented.*

6. Consent Agenda:

a. Acknowledge Receipt of Minutes:

1. Liberal Housing Authority, August 14, 2013.
2. Parks & Recreation Advisory Board, August 22, 2013.

Mayor Harrison inquired if the Commission wished to remove any items for further discussion. *Commissioner Denoyer moved to approve the Consent Agenda, as presented, with Vice Mayor Willimon seconding the motion. The motion carried unanimously.*

7. Hay Rice & Associates, Chtd.

a. 2012 Audit. Dustin Ormiston, representing Hay Rice & Associates, appeared before the Commission and expressed appreciation to City administration and staff for their cooperation and diligence. Mr. Ormiston highlighted various financial statements in the audit report and explained they have issued an unqualified opinion that they believe the financial statements, as presented, were materially correct and that the City, as a whole, is in good condition.

- Commissioner Denoyer questioned if there were any significant findings from the audit. Mr. Ormiston stated they have advised City staff of any areas of improvement and those recommendations have been implemented.

Commissioner Denoyer moved to accept the 2012 Audit Report, as presented. Vice Mayor Willimon seconded the motion, which carried unanimously.

b. 2013 Audit Contract. *Commissioner Denoyer moved to approve the 2013 Audit Contract with Hay Rice & Associates, as presented. Vice Mayor Willimon seconded the motion, which carried unanimously.*

- The Commission thanked Mr. Ormiston and City staff for their diligence.

8. First Reading of Ordinance No. 4414 – Adoption of the 2013 Standard Traffic

Ordinance. Mayor Harrison requested Commission consideration of the first reading of Ordinance No. 4414, entitled, “AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES”, 41st EDITION OF 2013 AND REPEALING AND REPLACING SECTION 14-101, AND REPEALING SECTION 20-204 OF THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES” AND REPLACING THE SAME WITH SECTIONS 14-108 AND 14-109 OF THE CODE OF THE CITY OF LIBERAL, KANSAS.”.

City Clerk Giskie reported this is the first reading of an ordinance that will adopt the 2013 Standard Traffic Ordinance. She explained the League of Kansas Municipalities condenses all the traffic ordinances into the booklet they received in the packet. The police department enforces those laws and they are prosecuted in municipal court. She recommended advancing the ordinance to a second reading.

- Commissioner Denoyer questioned if there were any major changes in the laws.
 - City Attorney McQueen noted the changes are listed in the back of the booklet.
- Vice Mayor Willimon moved to advance Ordinance No. 4414 to a second reading, as presented, with Commissioner Denoyer seconding the motion. The motion carried unanimously.*

8. First Reading of Ordinance No. 4415 – Adoption of the 2013 Uniform Public Offense Code. Mayor Harrison requested Commission consideration of the first reading of Ordinance No. 4415, entitled, “AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES”, 29th EDITION OF 2013, AND REPEALING AND REPLACING EXISTING SECTION 11-101 OF THE CODE OF THE CITY OF LIBERAL, KANSAS”.

City Clerk Giskie reported this is the first reading of an ordinance that will adopt the 2013 Uniform Public Offense Code. She explained the League of Kansas Municipalities condenses all the state laws into the booklet they received in the packet. The police department enforces those laws and they are prosecuted in municipal court. She recommended advancing the ordinance to a second reading.

Commissioner Denoyer moved to advance Ordinance No. 4415 to a second reading, as presented, with Vice Mayor Willimon seconding the motion. The motion carried unanimously.

10. Rural Housing Incentive District.

Mayor Harrison requested Commission consideration of the Resolution No. 2178, entitled, “A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LIBERAL, KANSAS, DETERMINING ESTABLISHING AN ADDITIONAL RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY”.

Housing & Community Development Director LaFreniere reported a developer has asked for an additional property to be added to what we already have as Rural Housing Incentive Districts, bring it to a total of eight properties in the RHID. She noted the property is in Village Plaza in northeast Liberal and the property will also be subject to rezoning.

- Ms. LaFreniere explained the process is to first pass the resolution, publish it in the newspaper and then submit it to the Kansas Department of Commerce for approval.

Commissioner Denoyer moved to adopt Resolution No. 2178, as presented, with Commissioner Aragon seconding the motion. The motion carried unanimously.

b. Rural Housing Incentive District Policy.

Housing & Community Development Director LaFreniere reported this is a policy put in place to provide more information about the application process to make it easier on the applicant. She reported this would simplify the process and City staff would be available to explain the detailed application procedure.

- City Manager Hall advised each application would come before the Commission for their decision.

Commissioner Denoyer moved to approve the Rural Housing Incentive District policy as presented, with Vice Mayor Willimon seconding the motion. The motion carried unanimously.

11. Solid Waste Refuse Containers:

a. Poly Carts. Public Works Director Sealey advised Mr. Holman wasn't able to attend the meeting tonight and referred to the memo outlining the request for trash containers due to growth and normal wear.

- He noted Mr. Holman is requesting the purchase of seventy-five (75) poly-carts from Downing Sales in the amount of \$33,116.

- b. 3-Yard Containers. Public Works Director Sealey noted Mr. Holman is also requesting seventy-two (72) 3-Yard containers from Ameri-Kart for \$5,487.50.
- Mr. Sealey explained Mr. Holman is very conservative and wouldn't ask for more than was absolutely necessary. He noted there are approximately 1,800 3-Yard containers in the residential area, not counting those in the commercial district.

Commissioner Denoyer moved to approve the purchase of 75 poly-carts from Downing Sales in the amount of \$33,116 and also 72 3-Yard containers from Ameri-Kart for \$5,487.50, as presented, with Vice Mayor Willimon seconding the motion. The motion carried unanimously.

12. IBM Server Operating System Upgrade.

Information Technology Supervisor Lunceford reported we are at the end of life for the current operating system on the IBM mainframe. He explained we were given two options; modify our current service agreement for the aging system at a cost of \$1,100 per year, or to upgrade the version at a cost of \$4,375, which would be funded from the equipment reserve fund. He recommended the upgrade, which would be done remotely and noted the upgrade will be compatible with all existing software.

Vice Mayor Willimon moved to approve the purchase of the SPSVAR contract to install version 7 upgrade to the City's IBM Server Operating system at a cost of \$4,375, which would be funded from the equipment reserve fund. Commissioner Aragon seconded the motion, which carried unanimously.

13. Board Appointment – Housing Authority.

City Clerk Giskie noted the Liberal Housing Authority has a vacancy created by the resignation of Marybettie Tabor and the Housing Authority recommends Pat Allsbury be appointed to fill the unexpired term.

- Mayor Harrison questioned the requirements for serving on this board and noted Ms. Allsbury lives in Oklahoma. City Clerk Giskie advised that had been overlooked and she would check to see what the qualifications were to serve on this board. Mayor Harrison asked that the residency requirements be checked on all City boards and commissions.

Commissioner Denoyer moved to table the board appointment to the Liberal Housing Authority until further review. The motion was seconded by Commissioner Aragon and carried unanimously.

14. CITY MANAGER'S REPORT.

City Manager Hall reminded the Commission of the Council of Governments meeting on Thursday morning at 7:00 a.m. at SCCC.

- He also reminded the Commission of the October 4, 2013 southwest Kansas Coalition meeting at 10:00 a.m. at the Garden City administrative center. He noted the meeting should be done by 1:00 p.m. and will include a presentation by Pinegar & Smith, the lobbyist for the Coalition. He suggested those wishing to attend should contact his office regarding transportation arrangements.
- He reminded the Commission of the special commission meeting scheduled for tomorrow, Wednesday, September 25 at 4:30 p.m. in the commission chambers to discuss the U.S.D. 480 financing issue.
- City Manager Hall referenced the memorandum from Chief Sill on the complaint process and also the referenced two thank you notes received from the public.

- He commended City staff for doing a great job and noted we are near the end of the growing season. Discussion was held on the weed control procedures.

15. ITEMS FROM COMMISSIONERS.

Commissioner Denoyer thanked City staff for a very good audit report. He also noted Blue Bonnet Park looked good for the Duck Festival and thank all the employees for their efforts. He commended Captain Odle for graduating from the FBI Academy.

- Commissioner Denoyer advised he has received more phone calls regarding the trucking company doing business in a residential zone on West Pine and waking residents up during the middle of the night when the trucks are started up for mail delivery. City staff advised they had talked with the owner and would look into the situation again.

Vice Mayor Willimon expressed appreciation to City staff and indicated she was not tolerant of the weeds and in fact her mission when she ran for City Commission, was to make Liberal a cleaner, neater and tidier place to live. She asked that the City address the weeds on South Western.

- Vice Mayor Willimon questioned the status of the Fifteenth Street project. Mr. Hall advised City staff was notified yesterday that road construction would begin tomorrow, as the drainage portion is now completed and they are watching it closely to get it completed as soon as possible.
- She asked City staff to address a citizen concern on Tamarack Street where there is a lot of traffic and children playing in the neighborhood, such as putting up a “Children at Play” sign. City Manager Hall indicated this would be brought up at the Traffic Safety Committee meeting.
- Vice Mayor Willimon encouraged citizens to register to vote and get out to vote. She noted there are many issues coming up and noted if you don’t vote, you don’t have a voice.

Commissioner Aragon expressed appreciation to City staff for their efforts. He agreed that Blue Bonnet Park this past weekend for the Duck Festival activities. He also commended the emergency responders for their prompt and professional manner earlier today as a result of an accident on the bypass and noted they did a great job directing traffic on the bypass.

Commissioner Warren advised he understands City staff has a very tough job on the weeds and he also noticed the weeds along South Western Avenue.

Mayor Harrison advised he had visited with Mr. Sealey about some weeds that are highly visible and saw the crews out working on those areas.

16. VOUCHERS.

\$632,008.07, dated September 24, 2013. *Commissioner Denoyer moved to approve the vouchers, as presented, with Vice Mayor Willimon seconding the motion. The motion passed unanimously.*

17. EXECUTIVE SESSION.

Commissioner Denoyer moved to adjourn into a twenty (20) minute Executive Session per K.S.A. 75-4319(b)(4) – for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships. The motion was seconded by Commissioner Warren and carried unanimously.

The Commission invited the city manager, legal counsel, finance director, city clerk and the economic development director to the session.

- Mayor Harrison inquired if the Commission wished to take any action as a result of the Executive Session. *No action was taken.*

The meeting was adjourned by motion of Commissioner Denoyer.

Dave Harrison, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk