

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

February 11, 2014

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, February 11, 2014.

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 Debbie Giskie, Human Resources Director Sheena Schmutz, Zoning Administrator Kory Krause, Housing & Community Development Director Karen LaFreniere, Liberal Police Captain Pat McClurg, and City Attorney Shirla McQueen.

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

1. Awards/Proclamations/Presentations. *No items were presented.*

2. Approval of Agenda.

Mayor Harrison noted Item 8 had been amended to include a public hearing and Item 9 has been reworded. He requested approval of the amended agenda.

Vice Mayor Willimon moved to approve the agenda, as amended, with Commissioner Denoyer seconding the motion. The motion carried unanimously.

3. Approval of Minutes.

Commissioner Denoyer moved to approve the minutes of the January 28, 2014 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. *No items were presented.*

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 Memorial Library, January 21, 2014.

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. Final Reading of Ordinance No. 4420 – Rezoning 15.9 Acres in McCray Second Addition, Tract “D”, from “C2” General Commercial District to “R2” Two-Family Dwelling District.

Mayor Harrison requested Commission consideration of the final reading of Ordinance No. 4420, entitled, AN ORDINANCE AMENDING THE ‘OFFICIAL ZONING DISTRICT MAP OF THE CITY OF LIBERAL, KANSAS BY REZONING 15.9 ACRES ALL IN MCCRAY SECOND ADDITION , TRACT “D”, TO THE CITY OF LIBERAL, SEWARD COUNTY, KANSAS, FROM ‘C2’ GENERAL COMMERCIAL DISTRICT, TO ‘R2’ TWO FAMILY DWELLING DISTRICT”.

- Zoning Administrator Krause noted this is the second reading single family or duplexes – not received any calls for or against the rezoning.

Vice Mayor Willimon moved to adopt Ordinance No. 4420, as presented, with Commissioner Denoyer seconding the motion. The motion carried unanimously.

8. Neighborhood Revitalization:

a. Public Hearing

Mayor Harrison declared the public hearing open and City Clerk Giskie reported the proper legal notice had been given.

- Housing & Community Development LaFreniere noted the Plan was presented at the previous meeting with a resolution setting a public hearing for tonight’s meeting. She noted this is the first reading of the ordinance.
- John T. Smith, spoke in favor of the issue and suggested amending the map area to include property located behind Parklane Towers between Eleventh and Fifteenth Street, as well as increasing the time period and dollar limits.
- Mayor Harrison questioned if the Commission was able to make amendments to the program in the future. Ms. LaFreniere advised the map and guidelines could be amended with Commission approval.

There being no further questions or comments, Mayor Harrison declared the public hearing closed.

b. First Reading of Ordinance No. 4421 - Approving and Adopting a Neighborhood Revitalization Plan for the City of Liberal, Kansas.

Mayor Harrison requested Commission consideration of the first reading of Ordinance No. 4421, entitled, “AN ORDINANCE APPROVING AND ADOPTING A NEIGHBORHOOD REVITALIZATION PLAN FOR THE CITY OF LIBERAL, KANSAS AND ALL PROVISION, TERMS AND CONDITIONS THEREOF, AND AUTHORIZING THE EXECUTION OF A CERTAIN AGREEMENT FOR INTERLOCAL COOPERATION WITH SEWARD COUNTY, KANSAS AND ALL PARTICIPATING PUBLIC AGENCIES FOR THE PURPOSE OF PROVIDING A PROGRAM FOR NEIGHBORHOOD REVITALIZATION”.

- Commissioner Denoyer expressed appreciation to City staff for clarifying how the program can be expanded.
- Vice Mayor Willimon thanked Mr. Smith for coming forward and expressing his comments.

Commissioner Denoyer moved to advance Ordinance No. 4421 to a second reading, as presented, with Vice Mayor Willimon seconding the motion. The motion carried unanimously.

9. Resolution No. 2189 - Condemnation of 1100 N. Purdue.

Mayor Harrison requested Commission consideration of Resolution No. 2189, entitled, “A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION OF SAID LAND

SOUGHT TO BE CONDEMNED TO BE MADE BY A LICENSED LAND SURVEYOR OR PROFESSIONAL ENGINEER”.

Housing & Community Development Director LaFreniere referred to the Krause Addition map in the packet and advised the property in question is labeled “Park”. She advised after the title search was completed, it was found that the company doesn’t exist anymore.

- Commissioner Warren questioned if this issue had been researched to see if we can legally get clear title to the property.
- Legal Counsel McQueen advised she had submitted a memorandum to City administration about what steps need to be taken and advised the condemnation would go through the court system.

Commissioner Denoyer moved to adopt Resolution No. 2189, as presented, with Vice Mayor Willimon seconding the motion. The motion carried unanimously.

10. First Reading of Ordinance No. 4422 - Establishing a Code of Ethics.

Mayor Harrison requested Commission consideration of the first reading of Ordinance No. 4422, entitled, “AN ORDINANCE ESTABLISHING A CODE OF ETHICS FOR ALL CITY OFFICIALS AND EMPLOYEES, THE PURPOSE OF WHICH IS TO ESTABLISH GUIDELINES FOR ETHICAL STANDARDS OF CONDUCT FOR ALL SUCH OFFICIALS AND EMPLOYEES BY SETTING FORTH THOSE ACTS OR ACTIONS THAT ARE INCOMPATIBLE WITH THE BEST INTERESTS OF THE CITY.

City Manager Hall reported this model is consistent with what other cities use and noted legal counsel prepared the ordinance. He advised at each election, commissioners will sign it and it would also include city employees and appointed board members as standard procedure that we expect ethical behavior.

- Commissioner Denoyer thanked City staff for bringing this forward.
- Commissioner Warren questioned the language in the Article 9-103 regarding the procedure during issues involving a conflict of interest.

Commissioner Denoyer moved to advance Ordinance No. 4422 to a second reading, as presented, with Commissioner Aragon seconding the motion. The motion carried unanimously.

11. First Reading of Ordinance No. 4423 - Establishing a Building Safety Board of Appeals.

Mayor Harrison requested Commission consideration of the first reading of Ordinance No. 4423, entitled, “AN ORDINANCE ESTABLISHING A BUILDING SAFETY BOARD OF APPEALS FOR THE CITY OF LIBERAL, KANSAS; PRESCRIBING STANDARDS AND POLICY PERTAINING TO THE APPOINTMENT, TERM, GOVERNANCE AND ATTENDANCE OF MEMBERSHIP OF SAID BOARD”.

- Zoning Administrator Krause referred to the ordinance establishing a Building Safety Board of Appeals. He noted the Board would be made up of one licensed master plumber, one licensed master electrician, one licensed master mechanical contractor, one licensed residential contractor, one licensed commercial contractor, one architect licensed in the State of Kansas and an at-large citizen, as appointed by the City Commission. He advised the Board would meet to discuss and provide input on new technologies and new codes, and hear appeals regarding the interpretation of codes.
- City Manager Hall advised this process would provide another alternative for the contractor and would be consistent with two other communities in the region.

Commissioner Warren moved to advance Ordinance No. 4423 to a second reading, as presented, with Commissioner Aragon seconding the motion. The motion carried unanimously.

12. First Reading of Ordinance No. 4424 - Establishing a New Set of Codes for Building, Building Regulations and Code Enforcement.

“AN ORDINANCE ESTABLISHING A COMPREHENSIVE SET OF CODES AND STANDARDS TO THE CODE OF ORDINANCES FOR THE CITY OF LIBERAL, KANSAS, FOR BUILDING AND BUILDING REGULATIONS, CODE ENFORCEMENT REGULATIONS; BY INCORPORATING BY REFERENCE TO THE LIBERAL MUNICIPAL CITY CODE; THE INTERNATIONAL BUILDING CODE 2009 EDITION, INCLUDING THE GENERIC FIRE-RESISTIVE ASSEMBLIES LISTED IN THE FIRE RESISTANCE DESIGN MANUAL, 20TH EDITION DATED JUNE 2012, PUBLISHED BY THE GYPSUM ASSOCIATION; THE INTERNATIONAL RESIDENTIAL CODE 2009 EDITION; THE INTERNATIONAL EXISTING BUILDING CODE 2009 EDITION; THE INTERNATIONAL PLUMBING CODE 2009 EDITION, INCLUDING APPENDIX CHAPTERS, B,C,D,E,F & G, AND REPEALING ORDINANCE NO. 4382; THE INTERNATIONAL MECHANICAL CODE 2009 EDITION, INCLUDING CHAPTERS A & B, AND REPEALING ORDINANCE 4383; THE INTERNATIONAL FUEL GAS CODE 2009 EDITION, INCLUDING CHAPTERS, A,B,C & D, AND REPEALING ORDINANCE NO. 4384; THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2009 EDITION; THE INTERNATIONAL SWIMMING POOL AND SPA CODE 2012 EDITION; THE ICC PERFORMANCE CODE FOR BUILDINGS AND FACILITIES 2009 EDITION; THE NFPA NATIONAL ELECTRICAL CODE 2008 EDITION WITH THE ICC ELECTRICAL CODE-ADMINISTRATIVE PROVISIONS, 2009 EDITION, WITH CERTAIN OMISSIONS, ADDITIONS OR CHANGES WITHIN THESE CODES AND STANDARDS SET”

Zoning Administrator Krause noted the City usually adopts codes separately about every three years, but this ordinance will adopt the 2009 editions as a set since they all reference each other, with the exception of the 2008 electrical code and the 2012 pool and spa code.

- Mayor Harrison questioned if this was consistent with Garden City and Dodge City. Mr. Krause advised it would be consistent with both regional communities.
 - Vice Mayor Willimon questioned how difficult it would be for all the contractors to be in compliance with the new codes. Mr. Krause advised all the contractors are already up to these codes.
 - Mr. Krause noted the resolution attached to the ordinance would be presented at the next meeting for consideration and contains the fees for the new valuation schedule to be used by contractors. He noted this is the perfect time for the fee changes since the new software is being implemented.
 - Commissioner Warren commended Mr. Krause for time spent completing this large project.
- Vice Mayor Willimon moved to advance Ordinance No. 4424 to a second reading, as presented, with Commissioner Warren seconding the motion. The motion carried unanimously.*

13. CITY MANAGER’S REPORT.

City Manager Hall expressed appreciation to the City departments and crew for their diligent efforts with snow removal.

14. ITEMS FROM COMMISSIONERS.

Commissioner Denoyer reiterated Mr. Hall’s comments on how well the departments handled the snow. He reported there are a couple of things being considered by the legislature that affect cities; the broadband issue which would prohibit the collection of revenue from antennas on water towers and the gun control home rule issue. He encouraged everyone to get registered to vote as there is an important election coming up soon.

Commissioner Aragon advised city crews did a great job removing snow. He encouraged the public to get registered to vote and become educated on the issues. He wished Mayor Harrison a belated happy birthday.

Commissioner Warren also thanked the City departments for a good job on snow removal.

Mayor Harrison expressed appreciation for the wonderful job done by City staff handling the snow removal and noted the Commission appreciates what they do every day.

- Mayor Harrison pointed out \$370,222.39 was collected in sales tax for January 2014, making it the largest amount collected in the 19 year sales tax history.

Vice Mayor Willimon had no items to present.

15. VOUCHERS.

\$732,556.78, dated February 11, 2014. *Commissioner Denoyer* moved to approve the vouchers, as presented, with *Vice Mayor Willimon* seconding the motion.

16. EXECUTIVE SESSION.

Commissioner Denoyer moved to adjourn into a fifteen (15) minute Executive Session per K.S.A. 75-4319(b)(2) – for the purpose of consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship; to include commissioners and legal staff. The motion was seconded by *Vice Mayor Willimon* and carried unanimously.

- 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 upon motion by Commissioner Denoyer.

Dave Harrison, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk