THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION
March 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, March 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/Airport Manager Debbie Giskie, Human Resources Director Sheena Schmutz, Building Services Director Kory Krause, Code Enforcement Officer Albert Gallegos, Economic Development Director Jeff Parsons, Recreation Director William Weber, IT Director Tim Lunceford, Transit Supervisor Melanie Lunceford, Chief of Police Al Sill and legal counsel Kerry 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 Commissioner Joe Denoyer.

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

2. Approval of Agenda.
Mayor Harrison advised the agenda was amended to add Item Number 17; a 15-minute executive session to discuss non-elected personnel and requested approval of the amended agenda. *Commissioner Denoyer moved to approve the agenda, as amended, with Vice Mayor Willimon seconding the motion. The motion carried unanimously.*

3. Approval of Minutes.
Commissioner Denoyer moved to approve the minutes of the February 25, 2014 regular meeting, as presented. The motion was seconded by Vice Mayor Willimon, which carried unanimously.

Vice Mayor Willimon moved to approve the March 5, 2014 special meeting, as presented. Commissioner Denoyer seconded the motion. Commissioner Warren advised he would abstain from voting since wasn't present. The motion carried by a vote of 4 to 0, with Commissioner Warren abstaining.

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.

- Ivanhoe Love, Jr., Chairman of the Focus on the Future Committee introduced the members of the Committee present in the audience; Rozelle Webb, Carl Dean Holmes, Jack Taylor, Connie Seigrist and Richard Mason. He noted Tina Call and Earl Watt weren't able to attend the meeting.

- Mr. Love noted they would like to have a work session with the Commission in the near future to continue a dialogue on the sales tax program in order to protect the use of the tax, keep the public updated and develop strategies for moving forward.
- City Manager Hall noted the City Commission would be working on the CIP program for the use of the sales tax and would contact the Committee in order to set up a meeting with the Commission.

The Commission thanked the Committee for coming to the meeting tonight and looked forward to continuing the working relationship.

6. Consent Agenda.

a. Acknowledge Receipt of Minutes:
1. Mid America Air Museum Advisory Board, November 11, 2013.
2. Parks & Recreation Advisory Board, January 16, 2014.
3. Liberal Memorial Library, February 18, 2014.
4. Liberal Convention & Tourism Board, February 20, 2013.

a. Approve Airport Lease Renewals:

1.	# 14.01	Ranita Johnson	$880.00	1 year
2.	#102.00	SIMCO	$785.08	1 year

- 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. Resolution No. 2191, environmental violation abatements.

Mayor Harrison requested Commission consideration of Resolution No. 2191, entitled, "A RESOLUTION AUTHORIZING THE ABATEMENT OF CONDITIONS WHICH ARE INJURIOUS TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENT OF THE CITY OF LIBERAL, KANSAS, PURSUANT TO SECTION 8-210, CODE OF THE CITY OF LIBERAL, KANSAS".

- Code Enforcement Officer Gallegos requested Commission consideration of a resolution that would authorize the abatement of conditions at the four locations and referred to the photographs in the packet.
- Building Services Director Krause reported Mr. Gallegos has been working with Cliff Abbott about several of the locations and noted Mr. Abbott is in the audience tonight. Mr. Krause advised the location on South Webster is in a light industrial zone which allow a six foot (6') fence to be placed around his property, which is what Mr. Abbott is considering.
- Mr. Krause requested the Commission to consider giving Mr. Abbott a time extension if work continues to progress on the properties, especially since we are approaching the busy time of the year for contractors. It was noted this would include all the properties listed on the resolution, with the exception of address on Seward Avenue.
- Commissioner Denoyer advised he wouldn't be opposed to granting an extension, but would be more in favor of a 60-day period with an extension after considerable progress is completed.

- Vice Mayor Willimon reported she had viewed the properties and that they were very unsightly. She noted one of her commitments has been to clean up Liberal.
- Cliff Abbott, owner of Abbott Construction, advised the business has been in operation at the Webster location since 1978 and he wasn't aware they were in violation. He noted a construction company has many things move in and out. He questioned if consideration could be given to opening up the façade program to other areas, other than Kansas Avenue and Pancake Boulevard.
- City Manager Hall advised the façade program is limited to the front of buildings for retail and not-for-profit businesses on Kansas Avenue from 11th to Pine Street and one block east and west of Kansas Avenue, as well as Pancake Boulevard.
- Mayor Harrison noted this property has been a sore spot since he has been on the Commission and he had no problem working with Mr. Abbott as long as work progresses.
- City Manager Hall suggested adopting the resolution as presented and allow 30-day period extensions to Mr. Abbott as long as he works with Mr. Krause and there is a good faith effort made to progress with the clean up. He also noted Mr. Abbott has a neat idea for the fence, which includes some art work to be presented at a later time.

Commissioner Denoyer moved to adopt Resolution No. 2191, as presented, with the understanding that 30-day extensions will be granted to Mr. Abbott if work is coordinated with City staff and it continues to progress for his three (3) properties listed on the resolution. Vice Mayor Willimon seconded the motion, which carried unanimously.

8. Resolution No. 2192, vehicle abatements.

Mayor Harrison requested Commission consideration of Resolution No. 2192, entitled, "A RESOLUTION AUTHORIZING THE REMOVAL OF MOTOR VEHICLE NUISANCES FROM CERTAIN PROPERTIES IN THE CITY OF LIBERAL, KANSAS, PURSUANT TO SECTION 8-510 OF THE CODE OF ORDINANCES OF THE CITY OF LIBERAL, KANSAS".

- Code Enforcement Officer Gallegos requested Commission consideration of the resolution for abatement of the vehicle and referred to the photographs in the packet.

Commissioner Denoyer moved to adopt Resolution No. 2192, as presented, with Vice Mayor Willimon seconding the motion. The motion carried unanimously.

9. Resolution No. 2193 - 2014 Fee Structure.

Mayor Harrison requested Commission consideration of Resolution No. 2193, entitled, "A RESOLUTION ADOPTING THE CITY OF LI BERAL 2014 FEE STRUCTURE CHANGES, AS AUTHORIZED BY EXHIBIT "C" OF THE CODE OF THE CITY OF LIBERAL, KANSAS".

- City Clerk Giskie referred to the proposed fee changes to Cemetery, Municipal Court and the Recreation Departments and advised the resolution would adopt the new fees.

Following discussion of the fee changes, Vice Mayor Willimon moved to adopt Resolution No. 2193, as presented, with Commissioner Aragon seconding the motion. The motion carried unanimously.

10. Recreation Department Computer Server.

Recreation Director Weber requested authorization to purchase a server computer system for the Recreation Center. He noted the current system is seven years old and an update to the sports program software is needed.

- I.T. Director Lunceford reported the existing server would need to be upgraded before a new version of the software could be installed.
- Commissioner Warren asked if this was a budgeted item. Mr. Weber advised it wasn't budgeted.
- Finance Director Ford reported the purchase could be funded from the equipment reserve fund.

Commissioner Denoyer moved to approve the purchase of a computer server system for the Recreation Department, in the amount of $4,067.91 from CDWG, to be funded from the equipment reserve fund, as presented. Commissioner Warren seconded the motion, which carried unanimously.

11. 2014 – 2015 KDOT Transit Grant.

Economic Development Director Parsons reported the City bus program operates on a one-year cycle and in November the City applied for KDOT grant for the third year of the program. He noted the City has been notified that our application has been awarded a grant for the year beginning July 2014 through June 2015. He introduced Melanie Lunceford, City Bus Transit supervisor to review the grant award.

- City Bus Transit supervisor Lunceford advised the combined grant of $431,365 is broken down into $252,500 operating costs and four (4) vehicles amounting to $169,135 for the purchase of three additional 20-passenger busses and an additional ramp mini-van. She noted the grant match of $112,284 will be funded from the one-cent sales tax program.
- Ms. Lunceford also noted grant application included an additional third route that is being designed in the next few months. She noted the new route would be in the center part of town in the east to west corridor.
- City Manager Hall reported the matching funds come from the economic development portion of the one-cent sales tax program. He noted this is a great economic stimulus with 26,000 passengers riding the bus in the first full year of the program and to date the program has transported over 34,000 riders.
- Commissioner Denoyer advised he has been asked about a weekend route. Economic Development Director Parsons advised they have heard the same question and right now there aren't enough operating funds for another route. He indicated they would talk to KDOT about this in the future.

Vice Mayor Willimon moved to accept the 2014-2015 KDOT Transit Grant in the amount of $431,365, as presented, with Commissioner Denoyer seconding the motion. The motion carried unanimously.

12. Aircraft ADA Passenger Ramp.

Airport Manager Giskie requested Commission authorization to purchase a used ADA Aircraft Passenger Ramp from Republic Airways in the amount $25,000 plus transportation costs utilizing Airport land sale funds, as approved by the FAA and recommended by the Airport Advisory Board and Airport consultant. She explained the ramp would be used during special charter flights and emergency situations when stairs are not available or not functioning for a variety of aircraft.

Commissioner Denoyer moved to approve the purchase of the used ADA Aircraft Passenger Ramp from Republic Airways for $25,000 plus transportation costs to be funded from the Airport *land sale fund, as presented. Commissioner Aragon seconded the motion, which carried unanimously.*

13. Transient Merchants & Temporary Food Establishments Discussion.
City Manager Hall referred to the information gathered by City Clerk Giskie of fees and regulations in our sister cities. He pointed out calls are being received from local establishments that have brick and mortar buildings that are paying property taxes through ownership and rentals that are competing with the transient businesses.

- Mayor Harrison questioned if mobile food establishments are required to have their vehicle tagged in Seward County. City Clerk Giskie advised that isn't currently required and that she would make a note of it.

It was the consensus of the Commission to discuss this at a later date after further research has been conducted.

14. CITY MANAGER'S REPORT.
City Manager Hall reported the regular meeting scheduled for Tuesday, March 25 needs to be rescheduled due to a conflict with the annual trip to Washington, DC to speak with legislators about local issues. Following discussion, it was determined to meet on Wednesday, March 26, 2014 at 6:30 p.m. instead of the regular meeting on Tuesday.

- City Manager Hall expressed appreciation to City staff for all they did to prepare for Pancake Day. He reported dirt work began today at the shooting range.
- He reported construction is in progress at Leete Park as weather allows. He also reported the Water Park is undergoing some cosmetic repairs and at this point there are no problems known that would prevent opening on Memorial Day.
- Mr. Hall reported he understands the interlocal agreement is being worked on and will forward a copy once it is received.

15. ITEMS FROM COMMISSIONERS.
Commissioner Denoyer echoed the City Manager's comments regarding the preparation for Pancake Day. He noted everyone did a great job making Liberal shine for the 4-day event even with inclement weather. He also commended the Pancake Day Board for putting together a great event for the 65th time.
Commissioner Warren also thanked everyone for getting the community prepared the Pancake Day festivities. He also made the following statement:

"I guess since I've been making the newspaper here regularly lately, I'd like to address some issues that have showed up in the paper, just so I've said something in response. I've had some financial difficulties now for about three years. I tried to create housing in a non-favorable economy, and it didn't work. Construction has been a hard thing to do in the last several years and I've been.... some of you that haven't read–and most of it's been in the paper, so... I've been behind to J-A-G Construction for about three years now and because of this I've been dragging some debt forward until this year. I did pay J-A-G for money that I drew for the Self-Help houses that are involved. That money did get applied to some of my older debts, which left the houses that were involved at risk. I have had contact with J-A-G several times, and my intent is to pay my debt and they also are working with me to take care of this, and I believe their intent, from talking to them and letters I've seen that they've wrote, their intent is to allow me to pay my debt and not cause any harm to these families."

"I believe the liens were made to motivate me to work a little harder in paying them back. There has been no loss by the homeowners at this time, and it is my job, personally, to make sure that there never is. I have made payment to them as early as yesterday (Monday, March 11) to take care of almost 25 percent of the lien. I realize that this isn't anyone's fault but my own."

"Through this, I do need to thank my family and my friends for their support. I need to thank the material suppliers and subcontractors who are still continuing to work with me to get through this. I have not personally contacted all five of the homeowners affected, but they have been made aware of my intentions. I do believe this is not a City matter and this has been a personal business matter, and I hope that we treat it that way from here on."

"Also to address another issue that was brought up in the newspaper, that there was talk of an illegal executive session. I would like to address my opinion, it's only my opinion. "I have talked with the Kansas League of Municipalities' legal counsel this morning and I believe last week's executive session.... when we started to get off task, I believe the city attorney got us back on task and it is not my opinion that, even though at some points it seemed pointed, that we violated any attorney-client privilege and again, that is only my opinion, but I felt like I needed to say something about that since it was addressed in the paper."

"As far as other issues, I know that everyone up here, my fellow commissioners, have the right to their own opinions. I believe also I have the right to my opinion. I was elected by the citizens of this community. I represent the citizens of this community, not the staff. I do appreciate what staff does, but I don't feel like, when I guess when I make decisions, I base most of my decisions off of common sense, and maybe I can be wrong sometimes. I don't know, but I believe if I feel like the city is moving in a direction or if an employee of the city is not doing something that I believe in, that it is okay for me to say something to my fellow commissioners and to City management about that. I know for a fact I have never approached a city staff member with criticism and have always treated them with respect, and I just thought it was important for everyone to know where I stand on this since I'm getting a little media attention, and that's all I have to say."

Mayor Harrison thanked City staff for their efforts to make Pancake Day a success. He also expressed appreciation for their hard work in snow removal in preparation of the Pancake Day events. Mayor Harrison noted the Commission had asked City Attorney McQueen to explore ouster proceedings against Commissioner Warren at the last meeting. He noted since she is absent this evening, she will be asked to present something at the next meeting.

Vice Mayor Willimon and Commissioner Aragon had no items to present.

16. VOUCHERS.

$556,088.77, dated March 11, 2014. *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 fifteen (15) minute Executive Session per K.S.A.

75-4319(b)(1) – for the purpose of discussing personnel matters of non-elected personnel. The motion was seconded by Vice Mayor Willimon and carried unanimously. The Commission invited the City Manager Hall, Legal Counsel McQueen, Human Resources Director Schmutz, Building Services Director Krause, John Arellano, Larry Mastellar, Albert Gallegos, Kevin Kirk and Maria Vaca to the session.

- Mayor Harrison inquired if the Commission wished to take any action as a result of the Executive Session.

Commissioner Denoyer moved to adjourn into a fifteen (15) minute Executive Session per K.S.A. 75-4319(b)(1) for the purpose of discussing personnel matters of non-elected personnel. The motion was seconded by Commissioner Aragon and carried unanimously.

- Mayor Harrison inquired if the Commission wished to take any action as a result of the Executive Session.

Commissioner Denoyer moved to adjourn into a ten (10) minute Executive Session per K.S.A. 75-4319(b)(1) for the purpose of discussing personnel matters of non-elected personnel. The motion was seconded by Commissioner Warren 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 by motion of Commissioner Denoyer.

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Dave Harrison, Mayor

ATTEST:

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Debra S. Giskie, CMC, City Clerk