

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

March 26, 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 Wednesday, March 26, 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, Cemetery Director Brad Beer, Building Services Director Kory Krause, Economic Development Director Jeff Parsons, Fire Chief Kelly Kirk, Chief of Police Al Sill 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. *No items were presented.*

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.

Vice Mayor Willimon moved to approve the minutes of the March 11, 2014 regular meeting, as presented. The motion was seconded by Commissioner Denoyer 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 Housing Authority, February 12, 2014 and February 17, 2014 Special Meeting.

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. City Insurance Program Renewal.

Finance Director Ford reported it is time for the renewal of the City's Insurance Program, which covers everything except medical insurance. He referred to the Insurance Review included in the packet, as prepared by Al Shank of Al Shank Insurance.

- Al Shank with Al Shank Insurance representing EMC, briefly reviewed the information in the packet and referred to the premium summary, which shows an increase of \$67,067. He noted this is a result of the experience modification factor of the worker's compensation category and advised City staff has been proactive in addressing the situation.

Vice Mayor Willimon moved to approve the renewal of the City's Insurance Program with Al Shank Insurance, for the period of April 1, 2014 through April 1, 2015, as presented, with Commissioner Warren seconding the motion. The motion carried unanimously.

8. 6 Points Project.

Public Works Director Sealey referred to the memo in the packet and explained KDOT has estimated the City's share of the project to be \$975,000, with an engineer's estimate of about \$1.9 million. Mr. Sealey advised the State will only be paying \$800,000 as part of the geometric improvement program.

- Mr. Sealey advised if the Commission wishes to approve the project, that City staff recommends it be in an amount not to exceed \$975,000. He further noted the City would attempt to re-bid the project later this year to coincide with the Airport project, in an attempt order to get more interest and obtain a better price on concrete.

Commissioner Denoyer moved that City staff proceed with the 6 Points Project with a local match share amount not to exceed \$975,000, as presented, with Commissioner Aragon seconding the motion. The motion carried unanimously.

9. Acquisition of Sprayer/Spreader for Cemetery.

- Cemetery Director Beer requested authorization to purchase a stand-alone sprayer/spreader for chemical and fertilizer applications at the Cemetery. He referred to the photograph and noted he couldn't obtain any local quotes for this equipment and was referred to Professional Turf in Wichita.

Commissioner Denoyer moved to approve the acquisition of the Cemetery spreader/sprayer from Professional Turf Products, Wichita in the amount of \$7,995 from the Cemetery Perpetual fund. Vice Mayor Willimon seconded the motion, which carried unanimously.

10. Fire Dept. Riding Mower Replacement.

- Fire Chief Kirk requested authorization to purchase a Hustler Raptor SC riding mower to replace a ten-year old residential mower that is out of service. He referred to the price quotes received and recommended purchasing the riding mower from Keating Tractor in the amount of \$3,749. He explained the unbudgeted expenditure would be funded from the capital equipment line item.

Vice Mayor Willimon moved to approve the purchase of the Hustler Raptor SC 48" riding mower form Keating Tractor at a cost of \$3,749, as presented. Commissioner Denoyer seconded the motion, which carried unanimously.

11. Immediate Removal of Hazardous Residence.

- Building Services Director Krause requested approval to consider deeming the residential structure at 310 South Washington as an immediate hazard and have the residence demolished as a public safety hazard. He reviewed the deficiencies found and advised the structure is beyond repair. He noted they have been unsuccessful locating the property owners of the property.
- Mr. Krause reported no permits have been pulled for the work done to the structure, which has been vandalized and City staff posted a notice on the door about 3 or 4 weeks ago. He noted the estimated cost to remove the structure is \$5,500.

Commissioner Denoyer moved to approve the immediate hazard and demolition as soon as possible of the structure at 310 South Washington, as presented. Commissioner Aragon seconded the motion, which carried unanimously.

12. Sale of Lots in Liberal Industrial Park.

Economic Development Director Parsons requested approval of the sale of 12.9 acres in the Liberal Industrial Park to Wilson Trailer Company of Sioux City, Iowa. He noted the company approached the City months ago about building and operating a sales and service location in Liberal.

- Mr. Parsons reported Wilson Trailer recently submitted an offer to purchase the 12.9 acres for \$100,000 and asked the City to fund the permit and utility hookup fees at an estimated cost of \$10,000 or a net of \$90,000. He noted the City, as the developer is responsible for extending the City street and utilities, as included in the economic development portion of the One Cent Sales Tax CIP. He explained this will open up 7 additional acres that will be immediately available for sale with no other utility work necessary as the utilities are adjacent to the site.
- Commissioner Aragon questioned how many jobs would be created by this business. Mr. Parsons advised they would immediately have 8 to 10 new jobs.
- Commissioner Denoyer questioned how soon they would be operational and has there been a tax abatement requested. Mr. Parsons advised they plan on operating in early 2015 and no tax abatement will be requested.

Commissioner Denoyer moved to approve the sale of lots in the Liberal Industrial Park to Wilson Trailer Company for the amount of \$100,000 and to fund the permit and utility hookup fees at an estimated cost of \$10,000 from the Economic Development portion of the One Cent Sales Tax, as presented. Commissioner Aragon seconded the motion, which carried unanimously.

13. Liberal Housing Authority Board Appointment.

- City Clerk Giskie noted the Liberal Housing Authority has a vacancy that was created when Steve Sitz' final term expired. She explained the Liberal Housing Authority has recommended that Verna VanDonge be appointed to a four-year term ending March 31, 2018.

Commissioner Denoyer moved to appoint Verna VanDonge to a 4-year term on the Liberal Housing Authority, as recommended. The motion was seconded by Vice Mayor Willimon motion and carried unanimously.

14. CITY MANAGER'S REPORT.

City Manager Hall reminded the Commission of the Council of Government's meeting on Thursday at 7:00 a.m. at SCCC. He reported city crews are preparing for the growing season and other upcoming events. He noted work continues on the pool with the opening on Memorial Day being anticipated. He expressed appreciation to City staff for their efforts.

- Public Works Director Sealey advised work continues at the shooting range with the hope that it will be completed by the end of April.
- City Manager Hall reported discussions continue on the interlocal agreement.

15. ITEMS FROM COMMISSIONERS.

Commissioner Aragon congratulated Mr. Parsons on his successful efforts and noted it takes a lot of time to see something positive happen and was looking forward to see the construction begin.

Commissioner Denoyer encouraged the public to get registered to vote, become educated on the facts of the upcoming school bond issue and then vote on the future of our community.

Vice Mayor Willimon expressed appreciation to City staff for their efforts and encouraged everyone to vote on the bond election on April 8.

Commissioner Warren congratulated Mr. Parsons for his hard work and noted it was nice to see something materialize and encouraged him to keep moving forward. He thanked the building department for their diligence in keeping our neighborhoods safe. He also encouraged everyone to get out and vote on the important school bond issue.

Mayor Harrison extended his appreciation to City staff for all they do.

16. VOUCHERS.

\$660,535.37, dated March 25, 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 twenty (20) 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, City Manager Hall, Human Resources Director Schmutz and City Attorney McQueen. 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 that the City Attorney file a complaint with and request that either the Attorney General or County Attorney investigate and determine whether reasonable cause exists to initiate ouster proceedings against Commissioner Ron Warren. The motion was seconded by Commissioner Aragon and carried by a vote of 4 to 1, with Commissioner Warren against.

Mayor Harrison requested City Attorney McQueen give a brief overview of the process to be followed. She explained that Kansas law K.S.A. 60-1206, provides for a complaint to be filed with either the County Attorney or the Attorney General. Once they receive the complaint, they will conduct an investigation of the allegations and determine if any violations under K.S.A. 60-1205 have occurred. If they find any violations, they will commence ouster proceedings in district court.

- She noted the Commission is referring the matter for an investigation and then the matter will be out of our hands.

The meeting was adjourned by motion of Commissioner Denoyer.

Dave Harrison, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk