THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION
January 27, 2015

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, January 27, 2015.

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

City Staff Present: City Manager Mark Hall, Finance Director Chris Ford, City Clerk Debbie Giskie, Human Resources Director Sheena Schmutz, Zoning Administrator Kory Krause, Economic Development Director Jeff Parsons, Water Services Director Cal Burke and Legal Counsel James Dodge.

Mayor Denoyer 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. Mayor Denoyer recognized Cai Zhang and his family from the Grand Buffet who funded the bus stop at Wal-Mart. The Commission expressed their appreciation.

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

3. Approval of Minutes.
Commissioner Willimon moved to approve the minutes of the January 13, 2015 regular meeting, as presented. The motion was seconded by Commissioner Warren and carried unanimously.

4. Items from Citizens.
Mayor Denoyer 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 Denoyer 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, November 18 & 21 and December 16, 2014 meetings.
b. Approval of Airport Lease Renewals:

1.	# 50.00	JETT Aero, LLC	$1,229.90	1 year
2.	# 92.03	Papa's Properties, LLC	$2,156.22	1 year
3.	#143.00	W H Rentals	$ 443.52	1 year

c. Approval of Cereal Malt Beverage License:

1. Grand Buffet 539 East Pancake Boulevard
2. Vallarta Family Mexican Restaurant 300 East Pancake Boulevard

- Mayor Denoyer inquired if the Commission wished to remove any items for further discussion.

Commissioner Harrison moved to approve the Consent Agenda, as presented, with Commissioner Willimon seconding the motion. The motion carried unanimously.

7. Acceptance of Final Plat for the Seymour Rogers Middle School Addition.

- Zoning Administrator Krause advised this is the final plat for the Seymour Rogers Middle School Addition, which is the site for the new middle school and elementary school. He noted the Planning Commission and City staff recommends approval of the Plat.

Commissioner Harrison moved to approve the Final Plat for the Seymour Rogers Middle School Addition, as recommended. Vice Mayor Aragon seconded the motion, which carried.

8. Conference Center Project:

a) Public Hearing. *Mayor Denoyer declared the public hearing open and City Clerk Giskie advised the proper legal notice had been given.*

- Economic Development Director Parsons advised the City was approached by VAS Hotels, LLC for this issue and he introduced several family members who were in the audience. He asked the City's financial advisor, John Haas, to come forward to explain the details of the project.
- John Haas, Ranson Financial, explained after the public hearing, two resolutions will be presented for the Commission's consideration. He advised the first resolution will be regarding the issuance of taxable Industrial Revenue Bonds in an amount not to exceed $9.5 million with property tax abatement at a maximum of 10 years at 100% and sales tax exemption on the material used to build the project. He referred to the cost benefit analysis distributed earlier.
- Mr. Haas advised the second resolution was regarding the creation of a community improvement district (CID) and noted the properties involved are owned or co-owned by the developers, not anyone else and they will collect sales tax and send it to the State and then the State will distribute sales tax back to the City and the additional sales tax goes back to the owners of the property. He advised this will be pay as you go CID with no public dollars associated with the project.
- Commissioner Willimon questioned if this would be the first CID project for Liberal. Mr. Haas advised if approved, it would the City’s first CID project.

Mayor Denoyer invited those in the audience in support of the issue. None were presented. Mayor Denoyer invited those in the audience that are against the issue to come forward.

- Steve Rogacki, Liberal, advised he saw the public hearing notice in the newspaper and was surprised it had only one appearance. He stated that he felt this was illegal and underhanded, particularly since we had a school bond issue where everyone was educated and this issue went before the voters. He stated that he felt this issue should be voted on and that we have sold the taxpayer short on this. He then left the meeting.
- Mr. Haas explained that a person will pay the additional sales tax only if they rent a room there and there is no additional sales tax in the community-at-large.

- Mayor Denoyer thanked the property owners for their commitment to the community and noted this is something we have needed for several years.
- Ada Linenbroker, Liberal, noted she is also a Seward County Commissioner, and that we need a conference center because the County's conference center is always booked. She noted she was in favor of having access to a hotel and conference center for smaller meetings.
- Economic Development Director Parsons noted that the change to the resolution in section 8 is in reference to the time limit that this will remain in effect and noted the parties have agreed to one year and City staff will continue to work with the owners. He advised it has been a pleasure working with them as the details are worked out.

There being no further comments or questions from the City Commission, City staff or audience, Mayor Denoyer declared the public hearing closed.

b) Resolution No. 2204 - Determining the Advisability of Issuing Taxable Industrial Revenue Bonds.

Mayor Denoyer requested Commission consideration of Resolution No. 2204, entitled, "A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LIBERAL, KANSAS DETERMINING THE ADVISABILITY OF ISSUING TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF A HOTEL AND CONFERENCE CENTER FACILITY TO BE LOCATED IN SAID CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS".

Commissioner Harrison moved to adopt Resolution No. 2204, with the condition of 12 months, as amended. Vice Mayor Aragon seconded the motion, which carried unanimously.

9. Conference Center Project:

Resolution No. 2205 - Calling a Public Hearing on the Advisability of Creating a Community Improvement District.

Mayor Denoyer requested Commission consideration of Resolution No. 2205, entitled, "A RESOLUTION CALLING A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY OF LIBERAL, KANSAS; ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO FINANCE IMPROVEMENTS WITHIN SUCH DISTRICT; AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (HOTEL/CONFERENCE CENTER)".

Economic Development Director Parsons reported all the property owners have signed the petition and everyone is aware of this. He explained the City's CID policy was approved in late 2011 and we haven't had the opportunity to develop one of them and hoped this is the first of many to come.

- Commissioner Harrison asked if this is something new in the State. Mr. Haas advised it has been in effect for at least five years and it being used by countless cities across the State, with large to small communities taking advantage of a CID.
- City Manager Hall advised the sales tax collected in the community improvement district of 2% is in addition to the current 8.9% sales tax. He noted with the CID, we aren't giving up anything, but allowing them to collect an additional 2% sales tax.

Commissioner Harrison moved to adopt Resolution No. 2205 setting a public hearing date of February 25, 2015, as presented, with Commissioner Willimon seconding the motion. The motion carried unanimously.

10. First Reading of Ordinance No. 4449 - Amending Chapter 15, Article 1, Sections 15-126 and 15-128 and adding Exhibit C-1520 pertaining to Declaration of Water Watch/Warning, Penalties and Fees.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4449, entitled, "AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 1, SECTIONS 15-126 AND 15-128 AND ADDING EXHIBIT C-1520 OF THE CODE OF THE CITY OF LIBERAL, KANSAS PERTAINING TO DECLARATION OF WATER WATCH, DECLARATION OF WATER WARNING, RATES, REGULATIONS AND VIOLATIONS".

Water Services Director Burke advised this issue goes back to the conservation plan that was adopted last month. He noted the ordinance needs to be revised as recommended by the Kansas Water Office and will include penalties and fees.

Commissioner Willimon moved to advance Ordinance No. 4449 to a second reading, as presented, with Commissioner Warren seconding the motion. The motion carried unanimously.

11. Resolution No. 2206 - Assignment of Franchise from Wildflower Telecommunications, LLC d/b/a IdeaTek to Zayo Group, LLC.

Mayor Denoyer requested Commission consideration of Resolution No. 2206, entitled, "A RESOLUTION APPROVING THE ASSIGNMENT OF THE WILDFLOWER TELECOMMUNICATIONS, LLC D/B/A IDEATEK FRANCHISE TO ZAYO GROUP, LLC.".

City Manager Hall advised this will assign the franchise agreement from IdeaTek to Zayo Group, LLC and he noted the assignment was reviewed by legal counsel.

Commissioner Harrison moved to adopt Resolution No. 2206, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

12. Water Department SCADA System Upgrades.

Water Services Director Burke advised this the SCADA (supervisory control and data acquisition) system has become outdated as a result of running out of funds on the meter project. He noted the SCADA system allows them to run their system 24/7 without being manned and we are beginning to experience failures.

- Mr. Burke referred to the quotes in the packet and advised they could start working on the project in March.

Commissioner Harrison moved to approve the MicroComm quote amount of $139,874 for SCADA upgrades to pumping stations #2, #3 and #4, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.

13. Water Department InfraMAP GIS Software.

Water Services Director Burke advised it has been the City’s desire to implement a GIS system. He referred to the information contained in the packet and noted with the purchase of the InfraMAP software from HD Supply Waterworks it would provide the water department with an opportunity to implement GIS and upgrade and keep their maps current as we continue to expand the community’s infrastructure.

- Mr. Burke explained with Wally Limon’s 35 years of experience they can do everything in-house to locate valves and water lines. He advised there would be an additional annual maintenance cost of $1,000.
- Commissioner Warren questioned if this was a budgeted item.
- City Manager Hall advised it was built into other components that were planned, such as outsourcing the updating of the maps.

- Finance Director Ford reported a typographical error on the memo for the quotes received for the software, specifically number 4-HD Supply Waterworks which should read: $25,000 (Plus $25,000 for 3 laptops and server work), instead of $5,000 for 3 laptop and server work.

Commissioner Harrison moved to expend not more than $50,000 for InfraMAP GIS software and necessary in-house computer needs, comprised of: $25,000 for 3 software programs installed, server and map configuration using the ESRI template, and on-site training from HD Supply WaterWorks; and $25,000 for the in-house purchase of 3 mobile laptops and server hardware modifications, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.

14. CITY MANAGER'S REPORT.

City Manager Hall referred to the financial reports and noted the end of the year report doesn't reflect the 13th month of expenditures. He updated the Commission on the construction of the new ball fields.

- City Manager Hall advised there are a lot of projects going on in the community, with the upcoming reconfiguration of the 6-Points intersection into 4-Points, housing projects and other new developments, as discussed this evening. He thanked Mr. Parsons for making things happen and for more progress to come.
- He advised City staff is preparing for the spring season and noted there is a lot to accomplish.
- Mr. Hall expressed appreciation to the departments for working hard and moving us forward.

15. ITEMS FROM COMMISSIONERS.

Vice Mayor Aragon advised it is exciting to see the work going on in the community. He thanked Mr. Parsons for his efforts. He advised that there are 12 candidates running for City Commission and noted it great to have that many people interested. He wished everyone good luck.

Commissioner Harrison advised it is a great day to be in Liberal and he hoped that City staff knows how much they are appreciated.

Commissioner Warren thanked the departments and noted the ball fields are looking good. He commended them for their efforts by doing this work on top of their regular duties. Commissioner Warren noted he was excited to see ball players out there.

Commissioner Willimon thanked Mr. Parsons for his efforts and advised it was exciting to see this new development.

Mayor Denoyer thanked City staff as they go on and beyond their normal duties to make the ball fields happen. He expressed appreciation to the Bhakta family for their faith in the community and also thanked the Hill family for purchasing something old and making it new again. He thanked those who believe in Liberal and those who want to see it grow.

- Mayor Denoyer reminded the community of the Megalodon that will be open to the public on Saturday at the Air Museum. He noted over 20,000 people saw the Shark exhibit. He thanked the Air Museum Foundation and all the boards for their service and noted it is great to sit in on a board meeting and thank those who volunteer their time.
- He thanked the candidates who made the difficult decision to put their name on the ballot and wished them good luck.

16. VOUCHERS.
$1,383,939.51, dated January 27, 2015. *Commissioner Warren moved to approve the vouchers, as presented, with Commissioner Willimon seconding the motion. The motion passed unanimously.*

The meeting was adjourned by motion of Commissioner Harrison.

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Joe Denoyer, Mayor

ATTEST:

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Debra S. Giskie, CMC, City Clerk