

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

February 24, 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, February 24, 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, Economic Development Director Jeff Parsons, Zoning Administrator Kory Krause, Building Inspector Kevin Kirk, Recreation Director William Weber, Convention & Tourism Director Sally Fuller, Housing & Community Development Director Karen LaFreniere and City Attorney Shirla McQueen.

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 presented a proclamation to representatives of the Liberal Memorial Library, designating the month of March 2015 as National Nutrition Month. The Children's Healthy Fun Fair will be held on March 7 at the Ag Building.

2. Approval of Agenda.

Mayor Denoyer requested approval of the agenda, which has been amended to correct Item No. 10 to read condemnation of 1014 North Pennsylvania and adding Item No. 18.

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

3. Approval of Minutes.

Commissioner Willimon moved to approve the minutes of the February 10, 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, January 13, 2015.

a. Approval of Airport Lease Renewals:

1. # 14.01	Ranita Johnson	\$800.00	1 year
2. #102.00	SIMCO	\$748.08	1 year

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

7. First and Final Reading of Ordinance No. 4450 - Vacating of Street and Repealing Ordinance No. 4433.

Mayor Denoyer requested Commission consideration of the first and final reading of Ordinance No. 4433, entitled, "AN ORDINANCE VACATING A SIXTY FOOT (60') WIDE PLATTED STREET LOCATED BETWEEN LOT 1, BLOCK 20 AND LOT 1, BLOCK 21 OF THE AIRPORT INDUSTRIAL PARK TO THE CITY OF LIBERAL, SEWARD COUNTY, KANSAS AND REPEALING ORDINANCE NO. 4433".

- Zoning Administrator Krause explained this issue was previously done through a petition; however, the new owners wanted it to be done through a subdivision plat. He reported both the Planning Commission and City staff are in favor of adopting the ordinance.
- City Clerk Giskie reported the Mayor had signed a letter waiving the first reading. *Commissioner Harrison moved to adopt Ordinance No. 4450 and repealing Ordinance No. 4433, as presented, with Commissioner Vice Mayor Aragon seconding the motion. The motion carried unanimously.*

8. Conference Center/CID:

a. Public Hearing. *Mayor Denoyer called the Public Hearing open and City Clerk Giskie reported the proper legal notice had been given.*

Economic Development Director Parsons requested Commission consideration to approve Ordinance No. 4451 creating a Community Improvement District (CID) and noted the City was approached by the VAS group for this project. He explained the CID is a well-defined district within the property boundaries that allows the owners to charge up to an additional 2% sales tax for a maximum of 22 years or until the specified improvements have been paid for, whichever comes first. Mr. Parson advised the district will encompass the Hampton Inn and the Conference Center and the tax will be paid only by their customers.

- Mr. Parsons gave a brief explanation of how the program works. He advised the CID program was approved by the State in 2002 as a tool to help small communities establish new retail in their communities by allowing certain improvements eligible for the CID financing. Mr. Parsons stressed there is no public funds involved in this program and is not the City 1% sales tax, but is over and above that as an additional tax. He explained this program is available to anyone as long as the improvements will be at least \$200,000.

There being no further comments or questions from the Commission, audience or City staff, the Mayor declared the Public Hearing closed.

b. First and Final Reading of Ordinance No. 4451 - Creation of CID.

Mayor Denoyer requested Commission consideration of the first and final reading of Ordinance No. 4451, entitled, "AN ORDINANCE AUTHORIZING THE CREATION OF THE HOTEL/CONFERENCE CENTER COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF LIBERAL, KANSAS; AUTHORIZING THE REIMBURSEMENT OF CERTAIN ECONOMIC DEVELOPMENT PROJECT COSTS INCURRED WITHIN SAID DISTRICT; AUTHORIZING THE IMPOSITION OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO BE COLLECTED

WITHIN SAID DISTRICT; AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT RELATING TO SAID DISTRICT".

- City Clerk Giskie reported the Mayor had signed a letter waiving the first reading of the Ordinance.

Commissioner Harrison moved to adopt Ordinance No. 4451, as presented, with Commissioner Warren seconding the motion. The motion carried unanimously.

9. First and Final Reading Ordinance No. 4452 - Interlocal Agreement with U.S.D. 480 for Inspection Services.

Mayor Denoyer requested Commission consideration of the first and final reading of Ordinance No. 4452, entitled, "AN ORDINANCE APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LIBERAL, KANSAS, AND UNIFIED SCHOOL DISTRICT NO. 480, SEWARD COUNTY, KANSAS (LIBERAL) REGARDING THE DELEGATION OF THE DUTIES OF THE CITY BUILDING INSPECTOR TO AN ENTITY HIRED BY UNIFIED SCHOOL DISTRICT NO. 480 AND WAIVING CERTAIN PERMITTING FEES, ALL SUBJECT TO THE APPROVAL OF THE KANSAS ATTORNEY GENERAL".

City Manager Hall noted an Interlocal Agreement is necessary any time two public agencies work together. He explained there would be an immense amount of inspections necessary during the construction of the new schools and this would allow the school district to do their own inspections. He noted the school district can pay for a person who is authorized and certified to make the inspections and will be there solely to inspect the projects.

- City Clerk Giskie reported the Mayor had signed a letter waiving the first reading, *Commissioner Harrison moved to adopt Ordinance No. 4452, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.*

10. Resolution No. 2207 - Fixing Hearing for Condemnation of 1014 North Pennsylvania.

Mayor Denoyer requested Commission consideration of Resolution No. 2207, entitled, " A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF LIBERAL, KANSAS, AT WHICH TIME OWNERS, THEIR AGENTS, ANY LIENHOLDERS OF RECORD AND ANY OCCUPANTS OF 1014 NORTH PENNSYLVANIA LOCATED ON THE LOTS THIRTEEN (13) AND FOURTEEN (14), BLOCK SIX (6), FARMER-TERWILLIGER ADDITION TO THE CITY OF LIBERAL, KANSAS, ALSO KNOWN AS 1014 NORTH PENNSYLVANIA MAY APPEAR AND SHOW CAUSE WHY SUCH DETACHED GARAGE STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS DANGEROUS OR UNSAFE STRUCTURE"

- Building Inspector Kirk referred to the resolution and photographs regarding the one-car detached garage at 1014 North Pennsylvania. He explained the inspections showed it is collapsing and City staff recommends condemnation as it is not repairable.
- Discussion was held on the fact that no contact has been made with the owner after attempts were made by through the mail.

Commissioner Harrison moved to adopt Resolution No. 2207, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

11. Resolution No. 2208 - Fixing Hearing for Condemnation of 118 South Kansas.

Mayor Denoyer requested Commission consideration of Resolution No. 2208, entitled, " A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF LIBERAL, KANSAS, AT WHICH TIME

OWNERS, THEIR AGENTS, ANY LIENHOLDERS OF RECORD AND ANY OCCUPANTS OF 118 SOUTH KANSAS AVENUE LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 35 SOUTH, RANGE 33 WEST, 6TH PM, LIBERAL, SEWARD COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" (ATTACHED), ALSO KNOWN AS 118 SOUTH KANSAS AVENUE MAY APPEAR AND SHOW CAUSE WHY SUCH AWNING, STORAGE SHEDS AND FENCE STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS DANGEROUS OR UNSAFE STRUCTURE".

- Building Inspector Kirk reported this was received as a complaint and during the inspection, hazards as listed on the complaint were found to the awning, storage sheds and fence. He advised this is the tire shop across from the railroad. It was noted the owners has been contacted and is working with a contractor on the repairs.

Commissioner Willimon moved to adopt Resolution No. 2208, as presented, with Commissioner Warren seconding the motion. The motion carried unanimously.

12. Resolution No. 2209 - Fixing Hearing for Condemnation of 619 North Missouri.

Mayor Denoyer requested Commission consideration of Resolution No. 2209, entitled, "A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF LIBERAL, KANSAS, AT WHICH TIME OWNERS, THEIR AGENTS, ANY LIENHOLDERS OF RECORD AND ANY OCCUPANTS OF 619 NORTH MISSOURI LOCATED ON THE LOTS TWENTY-FIVE (25) AND TWENTY-SIX (26), BLOCK EIGHT (8), BAUGHMAN ADDITION TO THE CITY OF LIBERAL, KANSAS, ALSO KNOWN AS 619 NORTH MISSOURI MAY APPEAR AND SHOW CAUSE WHY SUCH 1987 12 FOOT X 65 FOOT MOBILE HOME SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS DANGEROUS OR UNSAFE STRUCTURE".

- Building Inspector Kirk noted the trailer has been abandoned for some time and is falling off the foundation. He noted no contact has been made with the owners after attempts have been made by regular and certified mail.

Commissioner Harrison moved to adopt Resolution No. 2209, as presented, with Vice Mayor Aragon seconding. The motion carried unanimously.

13. Resolution No. 2210 - Vehicle Abatement.

Mayor Denoyer requested Commission consideration of Resolution No. 2210, 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".

- Building Inspector Kirk reported this is for two vehicles located at 1014 North Pennsylvania where the detached garage is located, as discussed earlier as a condemnation this evening. He noted no contact has been made with the owner.
- Commissioner Warren suggested waiting to remove the vehicles until the building is removed to prevent unwanted access into the dilapidated structure.

Commissioner Harrison moved to adopt Resolution No. 2210, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

14. Pool Repaint.

Recreation Director Weber requested Commission consideration of the proposal to repaint three of the smaller pool areas known as the Jolly Rogers Ship Pool, the Children's (Kiddie) Pool and the Family Pool for the 2015 season in the amount of \$26,651. He discussed the request is for the materials and the labor would be done in-house, with possibly some minimal costs for crack

repairs from wear and tear. Mr. Weber explained the process would involve applying a primer paint to bond the rubber paint and then it would be painted with epoxy, as used in the lap pool and it is expected to last six to eight years. Mr. Weber advised they would do one pool at a time and hope to be done by opening day scheduled for Memorial Day, subject to weather.

- City Manager Hall reported the improvements would be funded from the streets, drainage and capital improvements portion of the sales tax program.

Commissioner Willimon moved to approve the Pool Repaint Project in the amount of \$26,561, to be funded from the streets, drainage and capital improvement portion of the one-cent sales tax program, as presented, with Commissioner Warren seconding the motion. The motion carried unanimously.

15. Repair and Refinish Pool Features.

Recreation Director Weber advised that it is necessary to refurbish some of the pool features such as the ship that have endured some wear and tear from weather and chemicals, including a calcium deposit and noted it is wise to make these improvements every five years. Mr. Weber advised he acquired quotes to make the improvements and the quote of \$83,808 from Bomar Soft Playground, Inc., is being recommended. He noted Bomar has been in business for 28 years, they provide a two-year guarantee and their clients speak highly of the quality of their work.

- Commissioner Willimon questioned if research had been done about soft water treatment in the pool to reduce the hard water damage. Mr. Weber advised he is aware of several options, but that may require some mechanical updates or retrofit some of the fixtures. The Commission requested Mr. Weber check on some options and report back to them.
- City Manager Hall reported in the five year history of the water park, we have exceeded 287,000 visitors to the attraction. Commissioner Harrison advised we need to continue upkeep on the water park to continue to be competitive and perform to its full potential.
- Mayor Denoyer suggested looking at the possibility of having more water come out of the water cannons. Mr. Weber indicated this had been looked at by the water department and it was a water pressure issue, but he would have Bomar look into this while they are here.

Commissioner Harrison moved to approve the bid of Bomar Soft Playgrounds, Inc., in an amount not to exceed \$83,808 for the repair and refinishing of the pool features, to be funded from the streets, drainage and capital improvements portion of the one cent sales tax program, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.

16. LED Monument Sign.

Convention & Visitors Bureau Director requested final approval to construct an LED sign on the side of their building so that it is operational before the 2015 travel season. She noted it will be a two-sided sign that can be seen regardless of what direction is being travelled on Highway 54. Ms. Fuller reported this was a budgeted item and noted the total cost would be \$54,687.89 for the sign, installation, electrical, software and training. She also advised the sign will be far enough from the Highway 54 right-of-way, so KDOT approval won't be necessary.

Commissioner Harrison moved to approve the installation of the LED Monument Sign Project at the Convention & Visitor's Center, in the amount of \$54,687.89, as presented. Commissioner Willimon seconded the motion, which carried unanimously.

17. Self Help Housing Lot Purchase.

Housing & Community Development Director LaFreniere reported the USDA Self-Help Housing Program is in need of lots to continue the program. She explained there isn't any specific property to report, but research is underway. Ms. LaFreniere advised USDA has approved five more homes and would like to see that happen in October. She requested permission, with the assistance of legal counsel, to purchase lots in an amount up to \$160,000 for 18 lots, for the Self-Help Housing Program with funds from the Housing Department Budget.

- Commissioner Willimon questioned if she had applicants for the program and how many homes had been built in the program. Ms. LaFreniere advised they have applicants in the pipeline and reported they have completed 47 homes so far, with 8 currently under construction with the hope of up to 18 more homes.

Commissioner Harrison moved to approve up the \$160,000 for the purchase of Self-Help Housing Program lots and to authorize the Finance Department to be directed to execute any necessary closing documents associated with the purchase of the lots. The motion was seconded by Commissioner Willimon and carried unanimously.

18. Mayor Authorization to Execute Closing Documents.

City Manager Hall reported there will be a closing on the sale of the 7th Street and Western Avenue property later this week. He requested the governing body authorize the Mayor to execute the necessary closing documents on this purchase transaction.

Commissioner Harrison moved to authorize the Mayor to execute the necessary closing documents on the sale of the property at 7th Street and Western Avenue, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.

19. CITY MANAGER'S REPORT.

City Manager Hall expressed appreciation to City staff for their hard work at the ball fields and thanked the Commission for their approval to make a top class project. He noted City staff had dealt with the recent snow in an efficient manner.

- Mr. Hall reminded the Commission of the Council of Governments meeting this Thursday at 7:00 a.m. at SCCC and noted the program would be given by Mike O'Kane of the Small Business Development Program.

20. ITEMS FROM COMMISSIONERS.

Commissioner Willimon advised we had a fabulous Pancake Day celebration and thanked the City staff for cleaning the streets ahead of time. She noted there were over 61 entries for the parade and thanked everyone involved for their participation. Commissioner Willimon also thanked City staff for the State of the City Address which contained a lot of interest facts and hoped that it would be re-broadcasted in the future for those who were unable to attend.

Commissioner Harrison thanked everyone for making Liberal a shining spot every year during the Pancake Day activities. He expressed appreciation to Mr. Weber and Ms. Fuller for presenting their improvement projects and thanked members of the CVB for their efforts in making the LED sign possible. He thanked his fellow commissioners for their support and all members of City staff for all they do.

- Commissioner Harrison reported he has received calls from citizens asking why their residential street hasn't been cleared of snow. He explained the City only cleans the major streets in town and do not clean the residential streets.

Vice Mayor Aragon echoed everything said about the Pancake Day events and thanked City staff for their presentations this evening. He thanked City staff for their hard work in putting together a positive State of the City Address that was very informative. He also thanked City crews for their hard work in clearing the snow this week and noted advanced voting is underway and reminded everyone to get out and vote for the upcoming election.

Mayor Denoyer agreed with the comments made by fellow Commissioners. He thanked the Pancake Day Committee for an excellent job and felt the changes made to the itinerary was a success. He thanked everyone for their participation, including civic clubs and associations that gave Liberal a brief nationwide shining moment. He commended City staff for being recognized by the Pancake Day Board for their efforts in preparing the City for the Pancake Day events.

- Mayor Denoyer expressed appreciation to Mr. Parsons for his diligence in getting things done behind the scenes, noting projects such as the conference center, Love's Travel Stop and Taco John's, don't happen overnight. He thanked existing businesses that continue to grow and invest in the community. He noted it takes all of us to make things happen and the work we do today and tomorrow, we will see the fruits of the labor in years to come.

Commissioner Warren had no items to present.

21. VOUCHERS.

\$1,911,744.36, dated February 24, 2015. City Manager Hall referred to a change on page 13 in the amount of \$897,000 which should be made payable to KDOT instead of JAG Construction.

Commissioner Warren moved to approve the vouchers, as corrected, with Commissioner Willimon seconding the motion. The motion passed unanimously.

The meeting was adjourned by motion of Commissioner Harrison.

Joe Denoyer, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk