

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

April 14, 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, March 14, 2015.

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

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, Economic Development Director Jeff Parsons, Zoning Administrator Kory Krause, Building Inspector Kevin Kirk, Fire Chief Kelly Kirk, Chief of Police Al Sill 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 Rev. Jack Jacobs.

1. Awards/Proclamations/Presentations.

Chief of Police Sill introduced Captain Pat McClurg and his wife and explained Captain McClurg has served as a police officer for the past seventeen years. He reported Captain McClurg was recently given the distinction of Local, District and National Officer of the year and read the national award that indicated this reflected his dedication and selfless professionalism. Chief Sill was proud to present this to the Commission.

- Local VFW 3166 Post representative Richard Stoops, presented Captain McClurg an award from the local VFW Post.

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 Harrison moved to approve the minutes of the March 24, 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.

Mayor Denoyer recognized numerous second-grade students from Ms. Rios' class at McKinley School in the audience with their teacher and family. He advised he had received a letter from Isayanna Mejia and Commissioner Harrison advised he had received a letter from Skyler Hubbard. Both students were asked to approach the podium and read their letters, which brought up repairing the potholes at Southgate Mall and other areas and were concerned about cars getting stuck and damaged and people getting hurt.

- Commissioner Harrison advised the City can't fix the potholes at Southgate Mall because it is private property but he assured them the other potholes would be fixed.
- Ozzie Ridings, Liberal, invited the Commission and public to attend the National Day of Prayer on May 7 at 5:30 p.m. at the Ag Building at the Seward County Fairgrounds.

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 Memorial Library, February 24, 2015.
 2. Liberal Convention and Tourism Board, March 19, 2015.
 - b. Approval of Lease Renewals:
 1. Water Tower Lease Renewal - Southwest Kansas Online, Inc.
- 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 Vice Mayor Aragon seconding the motion. The motion carried unanimously.

7. Condemnation of 118 South Kansas Avenue:

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

Building Inspector Kirk referred to the deficiencies to the awning, storage sheds and fence structure at 118 South Kansas as listed on the resolution and advised City staff is recommending giving the property owner a 30 day period to repair, remove and make the premises safe.

- Mayor Denoyer advised if contact had been made with the owner. Mr. Kirk advised there is a business operating at this location and the owner is working with City staff. He explained the owner is in the process of making the improvements.

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

- b. Resolution No. 2213 - Findings for Condemnation Unsafe and Dangerous Structure.

Mayor Denoyer requested Commission consideration of Resolution No. 2213, entitled, "A RESOLUTION MAKING CERTAIN FINDINGS AND DECLARATIONS THAT THERE EXIST IN AND ON CERTAIN PROPERTY CONDITIONS WHICH ARE UNFIT FOR HUMAN USE OR HABITATION: THAT ELEMENTS EXIST WHICH ARE DANGEROUS AND INJURIOUS TO THE HEALTH, SAFETY, MORALS OF THE RESIDENTS OF THE COMMUNITY, AND CREATE A BLIGHT CONDITION WITHIN THE CITY OF LIBERAL, KANSAS".

Commissioner Harrison moved to adopt Resolution No. 2213, as presented, with Commissioner Warren seconding the motion. The motion carried unanimously.

8. Condemnation of 619 North Missouri:

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

Building Inspector Kirk referred to the deficiencies listed on the resolution for the mobile home structure located at 619 North Missouri. He recommended a 30 day period for the property owner to repair, remove or make the premises safe.

- Vice Mayor Aragon questioned if the owner was working with City staff. Mr. Kirk advised there had been no contact made with the owner.

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

b. Resolution No. 2214 - Findings for Condemnation Unsafe and Dangerous Structure.

Mayor Denoyer requested Commission consideration of Resolution No. 2214, entitled, "A RESOLUTION MAKING CERTAIN FINDINGS AND DECLARATIONS THAT THERE EXIST IN AND ON CERTAIN PROPERTY CONDITIONS WHICH ARE UNFIT FOR HUMAN USE OR HABITATION: THAT ELEMENTS EXIST WHICH ARE DANGEROUS AND INJURIOUS TO THE HEALTH, SAFETY, MORALS OF THE RESIDENTS OF THE COMMUNITY, AND CREATE A BLIGHT CONDITION WITHIN THE CITY OF LIBERAL, KANSAS".

Vice Mayor Aragon moved to adopt Resolution No. 2214, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

9. Condemnation of 1014 North Pennsylvania:

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

- Building Inspector Kirk referred to the discrepancies listed in the resolution regarding the detached garage located at 1014 North Pennsylvania. He explained the garage is beyond repair and City staff is recommending a 30 day period to repair or remove the structure. He noted it is felt that the garage is beyond repairs and the vehicles would need to be abated first.

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

b. Resolution No. 2215 - Findings for Condemnation Unsafe and Dangerous Structure.

Mayor Denoyer requested Commission consideration of Resolution No. 2215, entitled, "A RESOLUTION MAKING CERTAIN FINDINGS AND DECLARATIONS THAT THERE EXIST IN AND ON CERTAIN PROPERTY CONDITIONS WHICH ARE UNFIT FOR HUMAN USE OR HABITATION: THAT ELEMENTS EXIST WHICH ARE DANGEROUS AND INJURIOUS TO THE HEALTH, SAFETY, MORALS OF THE RESIDENTS OF THE COMMUNITY, AND CREATE A BLIGHT CONDITION WITHIN THE CITY OF LIBERAL, KANSAS".

Commissioner Harrison moved to adopt Resolution No. 2215, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

10. Naming of Sports Complex.

City Manager Hall advised he has been in contact with Brian Webb, Liberal National Beef plant manager, who wishes to partner with the City and has committed to a generous donation to the City. Mr. Hall reported in the near future a press release would be issued and a donation would be made and he feels it would be appropriate to officially name the East Eighth Street ball complex to the National Beef Family Sports Complex.

- Mr. Webb advised this is an honor and he is proud to be a transplant into Liberal, Kansas. He noted after being a part of several meetings and seeing a lot of exciting things, he is proud

to be part of Liberal, Kansas. He watched the construction of the ball complex every day noted it will be an honor to the 3,200 plus employees of National Beef to see that sign.

- Mayor Denoyer expressed appreciation to National Beef's commitment to the community since the early 1970's and felt with the addition of 'family' to the name it is an honor to the family that John Jacobson built the plant on.
- The Commission thanked Mr. Webb for the very generous donation.

Vice Mayor Aragon moved to officially name the East 8th Street ball complex as the National Beef Family Sports Complex, as presented. Commissioner Harrison seconded the motion, which carried unanimously.

11. Perryton Iron & Metal, LLC Lease.

Economic Development Director Parsons advised Perryton Iron & Metal has approached the City about the possibility of leasing a portion of the former Liberal Iron and Metal property on George Street. He reported the owner, Pete Langer, is in the audience to answer any questions.

- Mr. Parsons explained the lease is for five years with three (3) automatic renewals of five years each and the monthly lease amount will be \$1,250 which will increase by 10% at each renewal. He noted the City proposes to waive the first twelve months rent if Lessee completed the fence surrounding the property and repair or demolish the existing building.
- Mayor Denoyer questioned the cleanup and KDHE involvement. Mr. Parsons advised the lease did not include the property excluded by KDHE and that the fence would be contiguous around the property.
- Commissioner Harrison questioned if the company had been sufficiently checked out. Mr. Parsons advised he checked with Perryton and Colby where they do business and they had positive comments and indicated they have completed everything they promised. He also noted the company has worked out a usage agreement with the elevator regarding the usage of the rail.
- Mr. Langer explained initially contact was made with Mr. Parsons about the rail spur and it developed further. He noted they work primarily as a recycler and have a great working relationship with the City of Colby. He noted they are committed to the long-term success of this venture.

Vice Mayor Aragon moved to approve the Lease with Perryton Iron & Metal, LLC, of Gibbon, Nebraska, for the former Liberal Iron & Metal property, as presented. Commissioner Harrison seconded the motion, which carried unanimously.

Presentation of Awards.

a. Mayor Denoyer presented a plaque to outgoing Commissioner Janet Willimon for her service as City Commissioner and Vice Mayor over the last four years. Ms. Willimon expressed appreciation to City Manager Hall and her fellow commissioners for a good four years.

b. Mayor Denoyer presented a plaque to outgoing Commissioner Ron Warren for his service as City Commissioner over the last two years. Mr. Warren thanked the citizens for giving him a couple more years and he appreciated the opportunity.

- Chief Sill presented a token of appreciation to the outgoing commissioners for their dedicated service to the community and police department.

12. REORGANIZATION

- a. Swearing in of New Commissioners. City Clerk Giskie swore in Dean Aragon, Jack Carlile and Tony Martinez as City Commissioners.
- b. Election of Mayor. *Commissioner Carlile nominated Joe Denoyer as Mayor. Commissioner Harrison moved that nominations cease. Commissioner Denoyer was elected as Mayor by a vote of 4 to 0, with Mayor Denoyer abstaining.*
- c. Election of Vice Mayor. *Commissioner Harrison nominated Dean Aragon. Commissioner Carlile moved that nominations cease. Commissioner Aragon was elected as Vice Mayor by a vote of 4 to 0, with Vice Mayor Aragon abstaining.*

The Commission reconvened following a ten (10) minute recess.

13. First Reading of Ordinance 4453 - Lease Purchase Agreement for Fire Pumper Truck and Tandem-Axle Dump Truck for the Street Department.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4453, entitled, " AN ORDINANCE AUTHORIZING THE CITY OF LIBERAL, KANSAS, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF ACQUIRING CERTAIN EQUIPMENT FOR USE IN THE CITY; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH".

Finance Director Ford advised this is for the lease purchase agreement for fire pumper truck and street department tandem-axle dump truck. He noted we are required by State statutes to pass an ordinance in order to enter into a lease purchase agreement and we have worked with our financial consultant, Ranson Financial Consultants and the City's bond counsel Gilmore & Bell, of Wichita.

- City Manager Hall advised the City is being financially responsible and noted this was proposed to the Commission during the budget session to keep costs down and spread them over ten years instead of causing a spike when considering the mill levy.
- Commissioner Carlile question what will happen if the piece of equipment is no longer any good after five year and we still have a five financial obligation to make.
- Fire Chief Kirk noted fire personnel have been working on the specifications for the apparatus since last September. He reported the life expectancy is about 20 years and felt it could be extended to 25 years if necessary. Chief Kirk noted the last apparatus was purchased five years ago and we haven't had any problems. Discussion was held on the fact that the most wear came from idling the equipment while putting 1,250 pounds of pressure for an extended period during a fire incident.

Commissioner Harrison moved to advance Ordinance No. 4453 to a second reading, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

14. Bike Safety Program.

Chief of Police Sill and John T. Smith of the High Plains Heritage Foundation appeared before the Commission. Chief Sill advised the Foundation had raised some funds after the tragic bicycle accident of 9 year-old Caleb Garcia in 2012. He noted the Foundation proposes to use this fund to promote and teach bike safety to kids and to offer bikes to the underprivileged youth.

- Mr. Smith noted the fund proceeds amount to a little over \$800 and it is hoped that this will provide funding to establish a bicycle safety program on a continuing basis and serve as a catalyst for continuing funds.
- Chief Sill noted the police and recreation department would join together to teach bike safety during the summer.

Commissioner Harrison moved to accept the donation from the High Plains Heritage Foundation for the Bike Safety Program, as presented. Commissioner Martinez seconded the motion, which carried unanimously.

15. CITY MANAGER'S REPORT.

City Manager Hall reported on the progress made at the sports complex and thanked the departments for their efforts. He advised the departments are getting ready for summer and will continue to work on the fields as time permits. Mr. Hall reported the painting will be done and all the features will have a brand new look in time for the water park to be open on Memorial Day.

- Commissioner Carlile questioned the estimated date for play to begin at the sports complex. Mr. Hall advised he couldn't guarantee a date because it depends on the weather, but noted it is typically the end of May and right now what is inside the fence is the priority.
- Mayor Denoyer questioned the status of the playground equipment at Harrison Circle Park. Mr. Hall advised the repair equipment is on order from the original supplier.

17. ITEMS FROM COMMISSIONERS.

Vice Mayor Aragon extended congratulations to Captain McClurg and the two second grade students from McKinley School. He noted the most important part of the National Beef Family Sport Complex is "family" and he looked forward to seeing it full of cars.

- Vice Mayor Aragon also welcomed Commissioners Carlile and Martinez and thanked former Commissioners Warren and Willimon for their dedicated service.

Commissioner Carlile expressed appreciation to everyone and thanked Chief Sill and Mr. Smith for their presentation.

Commissioner Harrison congratulated Commissioners Martinez and Carlile to the Commission bench. He also noted that there was no doubt of the compassion, love and dedication that former Commissioner Willimon had for the community and she will be missed. He noted it was time to move on and thanked City staff for all they do in the community.

Commissioner Martinez thanked all the departments for their work on the ball fields, which will be a great facility and thanked National Beef for their donation. He indicated he is looking forward to working with the city commissioners and making Liberal a great place to live and raise our families.

Mayor Denoyer thanked National Beef for their donation and noted John Jacobson will turn 100 years old this year. He thanked the 2nd grade students for coming to the meeting tonight and voicing their concerns.

- Mayor Denoyer commended the Captain McClurg for his accomplishments and the tremendous accomplishment. Mayor Denoyer thanked former Commissioners Warren and Willimon for their commitment and welcomed new Commissioners Carlile and Martinez.

18. VOUCHERS.

\$1,073,259.16, dated April 24, 2015. *Commissioner Harrison moved to approve the vouchers, as presented, with Vice Mayor Aragon 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