

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

April 28, 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, April 28, 2015.

Commissioners Present: Mayor Joe Denoyer, Vice Mayor Dean Aragon, Jack Carlile, Dave Harrison and present via conference phone was Tony Martinez.

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, Director of Streets Daniel Zuniga, Fire Chief Kelly Kirk, Housing & Community Development Director Karen LaFreniere, Chief of Police Al Sill, Transit Supervisor Melanie Lunceford 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 Human Resources Director Schmutz with a proclamation designing the week of May 3 to 9, 2015 as Public Service Recognition Week. Ms. Schmutz referred to the schedule of events being held during the week to thank the hardest working people she knows. She invited the Commission to attend any of the events.

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 April 14, 2015 regular meeting, as presented. The motion was seconded by Vice Mayor Aragon 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, March 10, 2015.
 2. Liberal Memorial Library, March 24, 2015.
 3. Liberal Convention and Tourism Board, April 16 2015.

4. Traffic Safety, April 16, 2015.

- 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 Carlile seconding the motion. The motion carried unanimously.

7. Final Reading of Ordinance 4453 - Lease Purchase Agreement for Fire Pumper Truck and Tandem-Axel Dump Truck.

Mayor Denoyer requested Commission consideration of the final 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 EQUIPMENT FOR USE IN THE CITY; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH".

- Finance Director Ford advised this is the final reading of Ordinance No. 4453 which authorizes a lease purchase agreement for a fire truck and tandem axle dump truck, as advanced from the last meeting. He noted the 10 year lease-purchase agreement with Commerce Bank is for a total of \$279,271 with a 2.29% fixed interest rate. He noted the funds for the equipment will be held in an escrow account until the equipment is built.

Commissioner Carlile moved to adopt Ordinance No. 4453, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

8. Lease Purchase Equipment:

a. Tandem-Axel Dump Trucks Purchase & Lease Purchase - Special Highway Fund.

- Street Director Zuniga requested approval to purchase two (2) Tandem-Axle Dump Trucks as outlined in the packet.

Commissioner Harrison moved to approve the purchase of the two (2) Tandem-Axle Dump Trucks from Freightliner Liberal at a cost of \$113,111 each, with one to be purchased outright out of the Special Highway Fund and the remaining balance will be funded through a 10-year lease purchase. The motion was seconded by Vice Mayor Aragon and carried unanimously.

- Mayor Denoyer expressed appreciation for the Street Department's efforts.

b. Apparatus Lease Purchase - Structural Pumper.

- Fire Chief Kirk referred to the self-explanatory memo regarding the lease purchase of a structural pumper for the Fire Department. He noted departmental personnel started putting the specifications together last September, which resulted in four (4) bids received, as included in the packet. Chief Kirk reported the low bid meeting the specifications was Max Fire/Rosenbauer in the amount of \$319,497 that was reduced to \$311,410 due to refining the specifications and the chassis pre-pay discount, with an expected build time of 325 days.
- Chief Kirk advised they would put \$145,682 as a down payment from the Special Fire Equipment Fund and the remainder would be funded through a 10-year lease purchase basis.

Vice Mayor Aragon moved to enter into a contract with the Rosenbauer dealer, Max Fire Apparatus for the purchase of a Rosenbauer SD FX Pumper Apparatus at a cost of \$311,410 to be paid \$145,682 down from Special Fire Equipment and lease-purchase financing for the remaining \$165,728. Commissioner Harrison seconded the motion, which carried unanimously.

9. First Reading of Ordinance No. 4454 - Loan Agreement with the State of Kansas Department of Health and Environment Water Pollution Control Revolving Loan Fund for the Engineering and Administration Costs Associated with the City's Wastewater Treatment Construction Project.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4454, entitled, "AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN LIBERAL, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT".

Finance Director Ford reported this ordinance deals with a loan agreement and would establish a line of credit for the wastewater treatment plant project, specifically with engineering and administrative costs would not exceed \$2,985,000, at a 2.20% interest rate per annum for the duration of the loan period. He noted we are under no loan obligation if we don't borrow any funds.

- Commissioner Harrison questioned if we are going to pay back the engineering we have done thus far. Public Works Sealey advised it would depend if the City chose to do that.

Commissioner Harrison moved to advance Ordinance No. 4454 to a second reading, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

10. First Reading of Ordinance No. 4455 - Loan Agreement with the State of Kansas Department of Health and Environment Water Pollution Control Revolving Loan Fund for the Construction Costs Associated with the City's Wastewater Treatment Construction Project.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4455, entitled, "AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN LIBERAL, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT".

Finance Director Ford explained this ordinance deals specifically with construction costs and would not exceed \$26,643,080, at a 2.11% interest rate per annum for the duration of the loan. He noted we would be under no loan obligation if we don't borrow any funds.

- Mayor Denoyer questioned the time frame for the loan. Mr. Ford advised it is 25-30 years but only as much as the total amount and it can't exceed the life of the plant facility.
- Vice Mayor Aragon questioned how the project would be funded. Mr. Ford advised it would be funded from wastewater user fees.

Commissioner Harrison moved to advance Ordinance No. 4455 to a second reading, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

11. Resolution No. 2216 - Renaming of National Drive to John Jacobson Drive.
Mayor Denoyer requested Commission consideration of Resolution No. 2216, entitled, "A RESOLUTION RENAMING OF NATIONAL DRIVE TO JOHN JACOBSON DRIVE WITHIN THE CITY OF LIBERAL, KANSAS".

City Manager Hall stated in honor of John Jacobson who started National Beef Packing Company in Liberal, Kansas, it has been suggested that we rename National Drive to John Jacobson Drive, which will work well with the ball complex.

- Vice Mayor Aragon advised Mr. Jacobson's efforts many years ago were truly economic development at its best and he was glad that he chose Liberal to build the plant.

Vice Mayor Aragon moved to adopt Resolution No. 2216, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

12. Self Help Housing Lawn Care Program.

Housing & Community Development Director LaFreniere noted many of the individuals with the Self-Help Housing Program would like to put in lawns while they are constructing their homes. She advised the proposal includes two kits that will assist with putting in yards and noted presently there are 23 houses that need to do this and explained they may or may not take advantage, but it would be available to them if they want it.

- City Manager Hall advised USDA and Little Dixie, who fund and administer the program, are appreciative of this idea as it isn't included in their program. He noted bids were received from local vendors and the equipment would be checked out and overseen by City staff. He felt this would be a win/win situation that would beautify their homes.
- Mayor Denoyer questioned how the equipment would be funded. Ms. LaFreniere advised the program would be funded by the Housing Department. Mayor Denoyer questioned why this isn't included for everyone to use in the community as a part of the housing department and noted what about the concerns for maintaining the lawns, including water and fertilizer.
- Ms. LaFreniere explained this idea could morph into a program that others would benefit from. She noted there are a limited number of self-help people and once they aren't using the equipment, we would have to establish a policy with requirements.
- Discussion made on substituting other grasses because fescue takes a lot of water to maintain it.
- City Manager Hall estimated the funding received for the 51 self-help houses has been well over a million dollars. He explained 47 of the homes are completed and 4 more are currently under construction all funded from the federal government and they pay property taxes like everyone else.
- Commissioner Carlile questioned what will happen if they tear up the equipment. Mr. Hall indicated Mead Lumber can maintain the equipment. Commissioner Carlile advised he was not in favor of funding this out of tax payers money for loaning the equipment out.
- Mayor Denoyer advised he was not in favor of the program unless it is a City-wide program where all citizens can utilize it.

Commissioner Harrison moved to approve the Self Help Housing Lawn Care Program, as presented, with Vice Mayor Aragon seconding the motion. The motion failed by a vote of 2 to 3, with Commissioners Carlile, Denoyer and Martinez against.

13. Police Department:

- a. Concealable Body Armor.

Chief Sill requested approval to purchase twelve (12) concealable bullet resistant vests. He explained the vests come with a 5-year manufacturer warranty/expiration date. Chief Sill referred to the quotes received and recommended the Armor Express Seraph Level III vest in the amount of \$725 each. Chief Sill also noted once the vests are receipted, the department will turn in the purchase into the Department of Justice Bulletproof Vest Partnership Grant who refund half of the purchase price.

- Commissioner Carlile questioned what is done with the vests that are being replaced. Chief Sill advised they donate them to Armor for God, who in turn donates the vests to less than fortunate police departments.

Commissioner Carlile moved to approve the purchase of twelve (12) concealable body armor vests from Alamar Uniform in the amount of \$8,740, including shipping, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

b. Ammunition Purchase.

- Chief Sill requested approval to purchase duty and practice ammunition through a State contract vendor for a price of \$8,340. He noted practice ammunition is used for annual qualifications and practice while duty ammunition is carried for duty use and every two years we replace the duty rounds into practice rounds.

Commissioner Carlile moved to approve the purchase of duty and practice ammunition from Simmons Guns, of Spring Hill, Kansas for \$8,340, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.

c. Duty Handgun Purchase.

Chief Sill requested approval to purchase 50 duty handguns to replace the duty guns assigned to the officers with Glock model 17, .9mm caliber handguns instead of the current generation 3 Glock model 22, .40 caliber duty guns. Chief Sill advised the supplier, GT Distributors, has offered a trade in value for the 49 Glock 22 model handguns and 6 Glock 27 models for a total trade value of \$14,240.

- Commissioner Carlile asked what the difference was between the .40 caliber and .9mm guns. Chief Sill advised the difference was negligible, with less kick and less gun recoil to improve accuracy.

Commissioner Harrison moved to approve the purchase of 50 Glock model 17, .9mm caliber handguns to be used for duty officers, less the trade in value of the existing handguns, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.

14. Multi-Family Housing Program Request.

City Manager Hall advised the City has received a request from Marvin Chance regarding the multi-family housing program and noted Mr. Chance is in the audience to address the Commission.

- Marvin Chance Jr., appeared before the Commission to request an increase in the present multi-family housing program incentive of \$3,000 per unit to \$5,000 per unit. He noted that the cost of housing is prohibitive and they had originally talked about constructing 64 units and then settled on 48 units at the \$3,000 per unit subsidy and everything is on schedule at this time.

- Mr. Chance advised during conversations with the builder, it was determined that if the fourth building was going to be constructed, it would be smart to do it now as costs are increasing.
- Commissioner Harrison questioned if Mr. Chance had originally planned on constructing 64 units. Mr. Chance stated that was correct. Commissioner Harrison questioned if the State grant was for 64 units and Mr. Chance had originally agreed to the \$3,000 per unit subsidy. Mr. Chance advised these were true statements.

Commissioner Carlile moved to increase the multi-family housing program incentive to \$5,000 instead of \$3,000. The motion died for lack of a second.

15. Approval of Additional Funding for Wildcat Court.

Economic Development Director Parsons advised last year the Commission approved funding for the extension of Tucker Road and the construction of Reefer Road (now Wildcat Court). He noted the construction costs of Wildcat Court came in considerable higher than the engineering estimate we received. He reported the final costs of the project have been received and he requested an additional \$110,000 to close out the project.

- Commissioner Harrison advised City staff notified the Commission of this shortage and at that time, the Commission gave their blessing to proceed with the project.

Vice Mayor Aragon moved to approve the additional funding of \$110,000 to close out the Wildcat Court Project, as presented. Commissioner Harrison seconded the motion, which carried unanimously.

16. 2015-2015 KDOT Transit Grant.

Transit Supervisor Lunceford announced the City has been notified by KDOT that our application has been accepted and we have been awarded a grant in the amount of \$291,523 for the continued operation of the CityBus system. She noted we will operate as we currently do and will add one more route in June, known as the orange route.

- Ms. Lunceford advised the City's grant match of \$124,938 will come from the one-cent sales tax program and is renewable each year with the Federal and State funding up to 70% of operating expenses and 80% of capital expenditures. She requested acceptance of the grant to operate and expand the CityBus system.
- Vice Mayor Aragon questioned if the activity on the bus system is still good. Ms. Lunceford noted the ridership increased from 2013 to 2014 and advised the City has a great crew of drivers and we couldn't do this program without them.
- City Manager Hall advised the City has learned over the years how many people don't have reliable transportation and that KDOT is pushing us to grow faster and faster. He noted with Jeff and Melanie's leadership the program has been consistent and continues to grow in the community.
- Mayor Denoyer questioned with the addition of the orange route, how are we doing on drivers. Ms. Lunceford advised she is accepting applications. He also questioned the possibility of a weekend route. Ms. Lunceford advised that isn't available at the present time and noted KDOT is pushing for consolidation among Liberal, Garden City and Dodge City to get a route established for those needing to visit medical clinics and attend to other needs in the three regional communities.

Vice Mayor Aragon moved to accept the KDOT grant for the operation and expansion of the CityBus system, as presented. Commissioner Carlile seconded the motion, which carried unanimously.

17. Sale of Property in North Liberal.

Economic Development Director Parsons advised the City has been approached by a land holding company known as H & O, LLC of Liberal, regarding the purchase of approximately 0.92 acres of property owned by the City at North Kansas Avenue and Highway 83 Bypass, as shown on a map in the packet. He reported the group plans to develop a small retail project with more information to be provided at a later date. Mr. Parsons recommended approval and execution of the proposed Real Estate Purchase Contract, as included in the packet.

- Mr. Parsons advised the sale price of the property just shy of one acre is \$20,000, and the Real Estate Purchase Contract includes a two-year "Claw back" provision that specifies that construction must begin on the subject property within two years or the City has the right to purchase the property back for the original sales price. He indicated this will ensure the property is developed and not held for speculation.

Commissioner Harrison moved to approve and authorize the execution of the Real Estate Purchase Contract with H & O, LLC of Liberal, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

18. CITY MANAGER'S REPORT.

City Manager Hall reminded the Commission of the Council of Governments meeting to be held this Thursday at 7:00 a.m. at SCCC. He noted the rain has delayed progress at the ball fields somewhat and they will proceed as weather permits. He thanked the departments for all they do and noted the City couldn't run without each department.

- Mayor Denoyer questioned the status of the park equipment. Mr. Hall advised the equipment is on order but he wasn't sure how soon to expect deliver. Mayor Denoyer noted the equipment is in bad shape in some of the parks.
- Commissioner Harrison believes the upgrade of the Mary Frame Park equipment is being planned and funds have been set aside for those improvements.

19. ITEMS FROM COMMISSIONERS.

Commissioner Martinez thanked his fellow Commissioners for bearing with him while he is out-of-town on grandbaby watch.

Commissioner Carlile expressed appreciation to the City employees for their hard work, especially the Street Department.

Commissioner Harrison expressed appreciate to the patience of the citizens in the repairs to the potholes around town and noted J & R Sand will have their asphalt plant operating in about 30 days. He thanked City staff for all their hard work and thanked them for responding to his concerns in a timely manner.

Vice Mayor Aragon thanked City staff for their efforts and especially expressed appreciation to Street Director Zuniga and his crew. He added that he can't wait to see the fields completed and lit up and getting the water park operational.

Mayor Denoyer thanked his fellow commissioners for their hard work and asking questions. He noted this is an exciting time in the community with many things moving forward. He thanked the street department under the leadership of Daniel Zuniga for their outstanding job in making

this city a great place to live. He also thanked the parks department, the police department and fire department for their exemplary performance.

- Mayor Denoyer advised it was great to honor John Jacobson this evening for being a man that treated everyone like family and he congratulated the Jacobson family.
- He noted the community will have many activities going on with Cinco de Mayo this weekend, as well as the Children's Service League Head Start Program promotion as well as the VFW benefit for the Foreman family. He also noted the annual Car Show is next weekend and he encouraged everyone to get out as there is a lot to do and see.

20. VOUCHERS.

\$1,432,092.62, dated April 28, 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