

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

June 23, 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, June 23, 2015.

Commissioners Present: Mayor Joe Denoyer, Vice Mayor Dean Aragon, Dave Harrison, Jack Carlile and Tony Martinez.

City Staff Present: City Manager Mark Hall, Public Works Director Joe Sealey, Finance Director Chris Ford, City Clerk Debbie Giskie, Solid Waste Director Frank Holman, Parks Director Bill Houk, 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 Ann Holman of the Risen Glory Church.

1. Awards/Proclamations/Presentations. *No items were presented.*

2. Approval of Agenda.

Mayor Denoyer requested approval of the agenda.

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

3. Approval of Minutes.

Mayor Denoyer requested approval of the minutes of the June 9, 2015 and asked for any revisions to the minutes.

- Commissioner Harrison noted a correction under the City Manager's Report; where a statement was made about a conversation with public works director Sealey about a source of asphalt and he advised that he had made the statement instead of Commissioner Carlile.

Commissioner Harrison moved to approve the minutes of the June 9, 2015 regular meeting, as amended. The motion was seconded by Commissioner Carlile 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, May 12, 2015 and May 20, 2015.
2. Liberal Convention & Tourism Board, June 18, 2015.

a. Approval of Cereal Malt Beverage License:

1. Walmart #4628, 712 North Western Avenue.

- Mayor Denoyer inquired if the Commission wished to remove any items for further discussion.
- City Clerk Giskie reported the cereal malt beverage license is for the new Walmart store on Western Avenue and it will not be issued until the premises have been inspected by the building and fire departments later this year. It was noted this will be for the sale of beer in original packages.

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

7. Airport Land Sale Transfer.

City Manager Hall advised the request is for the transfer of funds into the Airport land sale fund which has a balance of \$184,000 after expending \$240,000 on emergency runway repairs in recent years. He advised contact was made with FAA directly and verified this would be in compliance with their regulations regarding Airport land sale revenue with regard to the Neighborhood Market project.

- Mr. Hall advised the land sale funds can be used for airport equipment, airport runway improvements, airport facility improvements, airport emergency repairs and air service marketing, as listed in the agenda packet.
- He noted this fund did not have enough funding to cover the local grant match for last two runway projects and explained \$582,000 from the economic development portion of the sales tax fund was transferred to cover those grant match costs. He noted in the FAA CIP there are \$178,000 listed in projects over the next few years, including a perimeter fence and we will be in the midst of air service marketing.
- *Commissioner Harrison moved to transfer \$397,000 from the Economic Development portion of the One-Cent Sales Tax to the Airport Land Sale Fund, as presented, with Vice Mayor Aragon seconding the motion.*
- Commissioner Carlile advised he was new on the Commission and questioned why this hadn't been done before when the land sale took place.
- Mr. Hall advised it wasn't a requirement at that time. Commissioner Carlile questioned if was a requirement now.
- Mr. Hall advised he had informed the Commission of this and noted during discussion with FAA, and at that time, it wasn't felt to be necessary after a review by three legal firms that it was part of the land sale. He noted he had approached the FAA in Kansas City in March and during that discussion it was felt by FAA there was an outstanding agreement and we are still in question of that agreement.
- Commissioner Carlile questioned why we aren't moving the \$397,000 into the new the ball field project. Mr. Hall advised the proceeds from the sale go to that project.
- Mayor Denoyer questioned legal counsel McQueen if he was correct that we had clear title to sell the land at that time.
- Legal counsel McQueen advised that was correct. She noted the title company determined that the City could sell this land, not subject to any lien or requirement from the FAA.
- Commissioner Harrison advised he understood that the land belongs to the City. Legal counsel McQueen advised that was correct.
- Commissioner Harrison advised there appears to be some confusion and noted the Airport proper belongs to the City and the rest of the industrial park belongs to the City of Liberal.

- Legal counsel McQueen noted that was correct and in fact that is the way her firm read the deed transfer as well as Walmart's legal team and the title company.
- Commissioner Harrison reported the FAA deeded that land to the city in a quit claim deed in 1984.
- Mayor Denoyer questioned what happens if it turns out we didn't have clear title.
- Legal counsel McQueen indicated if it appears we didn't have good title and that Walmart couldn't buy the property then that is what title insurance is for. She noted generally in her opinion, the title companies are very conservative in making their determination.
- Commissioner Harrison noted in the past, transfers were made from the streets and drainage portion of one-cent sales tax and he questioned if there was some excess would it be possible to transfer some funds back.
- City Manager Hall advised once the funds are in the airport land sale fund they need to stay there and noted the City is not losing any money. He explained there are other improvements on the Airport CIP for future grant consideration. He noted this was discussed with the FAA where it was noted in order have a viable community it is important to have an airport, therefore, we would do whatever is necessary to make sure the airport is funded.

The motion carried unanimously.

8. CITY MANAGER'S REPORT.

- Solid Waste Director Holman appeared before the Commission to provide an update on recycling. He distributed a handout with pictures at every angle of the new Recycle Center located adjacent to the Solid Waste Department at 118 East Fourth. He announced it will be open beginning July 6, 2015 during the hours of 7:00 a.m. and 7:00 p.m.
- Mr. Holman described the building and noted they will be able to monitor the area better at this location. He explained all types of recyclable materials will be accepted and commercial businesses can bring cardboard to the center on Wednesdays when he has more staff available to assist. Discussion was held on shipping out the recycled materials once they are bailed, crushed, etc.
- Mr. Holman thanked the Commission and public for being patient during this process. The Commission thanked Mr. Holman for seeing the project through.
- Parks Director Houk appeared before the Commission to answer questions the Commission might have on the progress of the Ball Field Complex project.
- Mayor Denoyer questioned what the timeline is at this point. Mr. Houk advised the five fields are pretty well ready and noted they are putting the plates and bases down and the netting is upon the two women's fields, but it is too muddy to put netting up on the two men's fields. He noted the scoreboards should be put up this week. Mr. Houk noted the Cal Ripken fields will need to be re-trenched due to the large amount of rain received.
- It was noted we need to have Southern Pioneer present when the light switch is flipped for warranty purposes.
- City Manager Hall discussed the need for the third field to be vacant until the grass is completely rooted. In the meantime, they will get the four fields ready for baseball. Mr. Hall noted the 120' x 520' parking lot will hold approximately 225 cars and is being leveled and rocked in and bathrooms will be available. He gave an estimated timeline of the second week in July when everything should be ready for season play and explained it would will be open on the Monday after work is completed the previous week.

- It was noted that work on the concession stand is progressing well.
- Commissioner Martinez advised a citizen voiced concern about having a sidewalk built between some fields. It was noted there will be a bridge constructed over the little creek and sidewalks in various areas, in addition to a 8' natural walking path to keep with the southwest theme.
- Mayor Denoyer advised he couldn't say enough about how City staff has worked on weekends ball fields and there was no way we could have predicted 13" of rain in May.
- City Manager expressed appreciation to City staff and noted we finally got summer and advised we need to watch each other for signs of heat exhaustion. He advised the rain caused the grass and weeds to grow to the point where the City is contracting out the mowing property that hasn't been mowed for a charge that will be billed to the property owner.
- He thanked the Commission and all the departments for their efforts.

9. ITEMS FROM COMMISSIONERS.

Commissioner Carlile thanked City staff especially Bill Houk for the ball complex project and Frank Holman for the recycling project.

Vice Mayor Aragon expressed appreciation to City staff members for their efforts and noted it was great to drive around time and see all the things happening.

Mayor Denoyer thanked City staff for working on their budgets and making the most out of every penny and for their tremendous efforts. He thanked Bill Houk for the progress report on the ball complex.

- Mayor Denoyer thanked the water park staff for professionally handling three incidents over the weekend. Mr. Hall advised the group that was inconvenienced for a birthday event will be refunded to promote good will.
- Mayor Denoyer wished everyone a happy 4th of July and noted the Bee Jays will be at home.

Commissioners Harrison and Martinez had no items to present.

10. VOUCHERS.

\$905,262.79, dated June 23, 2015. *Vice Mayor Aragon moved to approve the vouchers, as presented, with Commissioner Martinez 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