

## THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

October 14, 2014

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, October 14, 2014.

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

**City Staff Present:** City Manager Mark Hall, Finance Director Chris Ford, City Clerk Debbie Giskie, Information Technology Supervisor Tim Lunceford, Building Inspector/Zoning Administrator Kory Krause, Fire Chief Kelly Kirk, Mid-America Air Museum Director Jim Bert, 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 all members present. The Pledge of Allegiance was recited and the invocation was given by Ann Holman of the Risen Glory Church.

### 1. Awards/Proclamations/Presentations.

#### a) Retirement Award.

Fire Chief Kirk presented Terry Tanking with a retirement plaque and his fire helmet after providing thirteen years of service as a full-time and volunteer firefighter.

#### b) Proclamation. *Mayor Denoyer presented members of the Liberal Fire Department with a proclamation designating the month of October 2014 as Fire Prevention Month.*

Fire Chief Kirk advised fire personnel will talk to every second grade student in the school system during October to emphasize that early detection is the key to saving lives. He expressed appreciation to the City Commission for their support.

### 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 September 23, 2014 regular meeting and the October 2, 2014 special 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. Southwest Kansas Coalition, October 1, 2014.

### b. Approve Airport Lease Renewals:

- |    |         |                        |            |        |
|----|---------|------------------------|------------|--------|
| 1. | # 6.00  | Anadarko Production    | \$6,501.00 | 1 year |
| 2. | #112.01 | Bill Campbell          | \$1,009.80 | 1 year |
| 3. | # 34.02 | Gary Classen           | \$ 633.60  | 1 year |
| 4. | #122.02 | L & D Oilfield Service | \$1,220.08 | 1 year |
| 5. | #183.01 | Merit Energy Company   | \$3,277.97 | 1 year |

### c. Approve Cereal Malt Beverage License:

1. The Country House Buffet 1010 South Kansas, Suite B9 New

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. City Website Services.

Finance Director Ford advised the City has found it necessary to move forward with a reliable and robust website that will focus on several aspects to better serve our citizens. He introduced Robert Discberger, regional sales manager of Civic Plus.

- Mr. Discberger advised Civic Plus is a homegrown Kansas company out of Manhattan, Kansas and they will focus on highlighting our community's story and will create a 24/7 virtual city hall that is easily functional. He provided a Power Point presentation which demonstrated some of their websites, such as Hot Springs, Arkansas and Manhattan, Kansas
- Discussion was held on the 4 ½ month process to get the new website up and running, as well as website features such as an internal search engine, obtaining permits and paying bills online.
- IT Supervisor Lunceford reported City staff has looked at a lot of website companies and the demonstration with Civic Plus provided some interest high tech ideas, great site design practices and ways to highlight the whole community as well as the city organization.
- City Manager Hall advised funding for this project was discussed during the budget session and a contingency was included in the budget. The Commission stressed the need to keep the website current.

*Commissioner Willimon moved to enter into an agreement with Civic Plus, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.*

## 8. Adolescent Support Services - Teen Court.

Ivanhoe Love, Jr., appeared before the Commission since this item was tabled at the last meeting. He reported he had met with the new County attorney who is supportive of the proposed program; however, he believes the estimated case load is too conservative based on the traffic.

- Commissioner Harrison questioned if the other entities have approved funding of the program. Mr. Love advised the Seward County Commission had and he is still working with U.S.D. 480.
- Commissioner Willimon questioned if he had pursued any grant opportunities. Mr. Love advised he hasn't pursued any grants.
- Mayor Denoyer advised he talked to other communities that have the teen court program, Olathe, which is Johnson County where some of the programs overlap. He found their

program is funded through grants from Youth Corps and SKIP, with some funding from Johnson County and the remainder is user fees, but no City funding. He advised he didn't have time to call Topeka. Mayor Denoyer questioned if this was a duplication of services since we already offer this through diversion court.

- Mr. Love indicated this is different because teen court won't offer diversion, which is a County run operation and it will stay in place. He noted teen court is for very minor offenses. As far as funding mechanisms, he felt we had a unique situation with three entities that are coming together to tackle juvenile issues. He also felt this would be a learning and educational process by allowing young people to be involved in the judiciary process and possibly interest some in pursuing a law career. Mr. Love asked that the program be given a year to operate and if there are problems, they wouldn't come back for additional funding.
- Mayor Denoyer advised he didn't want to rush the program and questioned if they have adequate time to get the students and program in place by January 15. Mr. Love indicated he thought so as they have been working on this since late August. He also noted this program had been research years ago by the County Attorney's office, but the issue was how to get it funded and it wasn't considered further.

*Commissioner Harrison moved to approve the amount to teen court, subject to acceptance of USD 480 and Seward County, as presented. Commissioner Warren seconded the motion.*

- Commissioner Willimon questioned if this was legal; are we in direct competition with our local attorneys. Mr. Love indicated there is no interference with the normal process given to a person who commits a crime. Commissioner Willimon asked if there was any way it could be funded through user fees. Mr. Love advised he couldn't tell what the fee structure will look like, but once it is established, the court system will receive the fees.
- Police Chief Sill noted from a law enforcement perspective, there are people they encounter they feel need to go through the court system and there should be some consideration given to the types of crime, not just the severity; society versus victims and property. Mr. Love indicated the county attorney would recommend the crime to teen court and could order restitution.
- Mayor Denoyer inquired if this will solve truancy. Mr. Love noted this program will have nothing to do with truancy which will function by itself. He noted unlike Johnson County, where they combine the programs and have limited personnel to oversee the cases, we will have the personnel to follow up on each case to make sure it is being completed.
- Commissioner Warren questioned if here are funds in the crime prevention portion of the one-cent sales tax program to fund this. City Manager Hall indicated there were adequate funds. Commissioner Warren also noted he understood this is the first year and the program won't start until all the funding is in place.

*The motion carried by a vote of 4 to 1, with Mayor Denoyer against.*

## **9. Final Reading of Ordinance No. 4434 - Rezone from "R1" to "R2"**

Mayor Denoyer requested Commission consideration of the final reading of Ordinance No. 4432, entitled, "AN ORDINANCE AMENDING THE 'OFFICIAL ZONING DISTRICT MAP' OF THE CITY OF LIBERAL, KANSAS BY REZONING A PORTION OF BLOCK 26, SUNNY SIDE FARM TRACTS ADDITION TO THE CITY OF LIBERAL, KANSAS, FROM 'R1' SINGLE FAMILY DWELLING DISTRICT TO A 'R2' TWO FAMILY DWELLING DISTRICT".

Zoning Administrator Krause advised this is the final reading of Ordinance No. 4434 which rezones south of Locke Street from 'R1' to 'R2'. He advised no objections have been received and also noted the developer will present a replat the property.

*Commissioner Harrison moved to adopt Ordinance No. 4434, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.*

**10. Final Reading of Ordinance No. 4435 - Amend City Code Section 9-302.**

Mayor Denoyer requested Commission consideration of the final reading of Ordinance No. 4435, entitled, "AN ORDINANCE REPEALING EXISTING SECTION 9-302 AND REPLACING IT WITH A NEW SECTION 9-302 OF THE CODE OF THE CITY OF LIBERAL, KANSAS".

Police Chief Sill advised the proposed ordinance will allow the municipal judge to issue arrest warrants instead of sending them to a pro-tem judge to issue.

- City Manager Hall reported this change is the same as State law and indicated the former judge had interpreted this section differently.

*Commissioner Harrison moved to adopt Ordinance No. 4435, as presented, with Commissioner Warren seconding the motion. The motion carried unanimously.*

**11. First and Final Reading of Ordinance No. 4438 - Amending City Code 5-101 and C-510 pertaining to Solicitors and Peddlers.**

Mayor Denoyer requested Commission consideration of the first and final reading of Ordinance No. 4438, entitled, "AN ORDINANCE AMENDING CHAPTER V, ARTICLE VI, SECTION 5-101 AND AMENDING EXHIBIT C, SECTION C-510 OF THE CODE OF THE CITY OF LIBERAL, KANSAS, PERTAINING TO SOLICITORS AND PEDDLERS".

City Clerk Giskie advised this ordinance is a result of work sessions held earlier this year and will allow an annual local solicitor license. She noted the ordinance adds three definitions and sets the fee schedule for an annual solicitor license.

- City Clerk Giskie reported Mayor Denoyer had signed the letter waiving the first reading.

*Commissioner Harrison moved to adopt Ordinance No. 4438, as presented, with Commissioner Warren seconding the motion. The motion carried unanimously.*

**12. First Reading of Ordinance No. 4436 - Amend City Code 3-113 pertaining to Liquor Store Hours.**

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4436, entitled, "AN ORDINANCE AMENDING CHAPTER III, ARTICLE I, SECTION 3-113 OF THE CODE OF THE CITY OF LIBERAL, KANSAS, PERTAINING TO ALCOHOLIC BEVERAGES".

City Clerk Giskie advised a liquor store owner had inquired as to the possibility of changing the hours that liquor stores are open to be the same as the State allows; 11 p.m. instead of 9 p.m. on Monday through Friday and 10 p.m. on Saturday.

- Gordon Applebee, owner of Rafter J Liquor Store, advised he personally was happy with the State law and the City law the way it is.
- Mayor Denoyer advised he contacted the liquor store owners and found only one owner that wanted the change in operating hours or allow Sunday sales for the next agenda item.

*There being no motion to advance the ordinance to a second reading, the ordinance died.*

**13. First Reading of Ordinance No. 4437 - Authorizing Sunday Sales of Alcoholic Liquor and Cereal Malt Beverages in Original Container.**

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4437, entitled, "AN ORDINANCE AUTHORIZING SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES IN THE ORIGINAL PACKAGE WITHIN THE CITY OF LIBERAL, KANSAS".

City Clerk Giskie advised a local liquor store owner had inquired as to the possibility of addressing Sunday sales of alcoholic liquor and cereal malt beverages in original container. She explained if the ordinance passes, it would become effective after a 60 day protest period after the final publication. She reported the protest would require submittal of a valid petition containing signatures of 5% of the number of votes received from registered voters in the city limits during the last presidential election.

- Mayor Denoyer advised again noted only one liquor store owner has expressed interest in making this change and the other owners are not in favor of the change.

*Commissioner Willimon moved to advance Ordinance 4437, to a second reading, as presented. The motion died for lack of a second.*

#### **14. Mid-America Air Museum (MAAM) Theater Project.**

Air Museum Director Bert reviewed the completion of phase one of the air museum theater project and requested permission to expend the remaining approximately \$29,000 received from the MAAM Foundation and City budgeted funds to complete the theatre project.

- Commissioner Willimon questioned when the project is expected to be complete. Mr. Bert advised by the time the shark exhibit arrives right after the first of the year.
- Mayor Denoyer advised last year the robotics competition was held at the Museum and this year it will be held at the Activity Center. Mr. Bert advised the robotics competition will be held on March 28 and they anticipate 1,000 to 1,500 people will attend the event.

*Commissioner Willimon moved to authorize the expenditure of remaining project funds for the renovation of the Mid-America Air Museum, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.*

#### **15. Solid Waste Department.**

##### **a. Yard Clean Up.**

Solid Waste Director Holman advised they are in the process of cleaning up the bull pen east of their shop. He noted there are five (5) trash trucks that have been salvaged of all useful parts and they need to be disposed of. He reported contacted three salvage yards for quotes for disposal and Maupins of Dodge City had the highest quote of \$8,500 to haul them off.

- Mr. Holman recommended accepting Maupins offer with the proceeds to be applied to the solid waste equipment reserve fund.

*Commissioner Harrison moved to authorize the sale, removal and disposal of five (5) scrapped trash trucks to Maupin's of Dodge City for \$8,500, with the proceeds to be applied to the Solid Waste Equipment Reserve Fund, as presented. Commissioner Warren seconded the motion, which carried unanimously.*

##### **b. Recycle Center Update.**

Solid Waste Director Holman reported City staff is working to revitalize the solid waste recycling at an alternate location. He explained they are focusing on one central location by the police department and the solid waste department to create a more efficient operation where they can monitor it so it doesn't become a salvage yard like it was at the Airport.

- Mr. Holman advised they are gathering costs and will bring a plan to the Commission for their approval. He expressed appreciation for everyone's patience during this time.

## **16. CITY MANAGER'S REPORT.**

City Manager Hall thanked the Commission for all their hard work. He also thanked Debbie for bringing the concerns to the Commission's attention and noted a lot goes into the thought process not just for one but for the many in the community.

- City Manager Hall updated the progress on the ball field construction noting the work continues as planned. Discussion was held on the backstops, fencing, netting and installation of sod.
- Mr. Hall expressed appreciation to all the departments and noted they will be diversifying and doing other projects as we go into the winter season.

## **17. ITEMS FROM COMMISSIONERS.**

*Commissioner Harrison* congratulated City Manager Hall on his recent marriage. He also thanked City staff for their work on the website and felt we are heading in the right direction. He also expressed appreciation to all the departments for their efforts and was thankful for rain.

*Vice Mayor Aragon* advised he was excited about the website renovation and was pleased to see the dirt work in progress at the ball fields and the new apartments. He expressed appreciation to all the departments for their hard work.

- Finance Director Ford noted it could take as long as 4 1/2 months for the new website to go live and he recognized Tim Lunceford for his hard work and noted he has spent his own time working on the website. The Commission commended Tim for his efforts.

*Mayor Denoyer* advised it was good to see dirt work in progress on the apartments on 11th Street. He also congratulated Terry Tanking for retiring after 13 years of service and realized it was hard for him to step down. He also noted the fire department would be busy this month during fire prevention month. Mayor Denoyer thanked those who came to speak tonight.

- Mayor Denoyer congratulated Stephanie and Mark on their recent marriage and wished them a long and happy life together.

*Commissioners Warren and Willimon had no items to present.*

## **18. VOUCHERS.**

\$1,021,579.69, dated October 14, 2014. *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 Warren.*

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Joe Denoyer, Mayor

ATTEST:

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Debra S. Giskie, CMC, City Clerk