THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION
December 9, 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, December 9, 2014.

Commissioners Present: Mayor Joe Denoyer, Vice Mayor Dean Aragon, Dave Harrison and Ron Warren. Absent was 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, Building Inspector/Zoning Administrator Kory Krause, Economic Development Director Jeff Parsons, Housing & Community Development Director Karen LaFreniere, Water Services Director Cal Burke, 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. Mayor Denoyer presented Employee Service Awards, as follows: 10-Year Awards: Alicia Hidalgo, Administration; Steven Condren, Animal Control; Christopher Head, Police Department; Jared Ratzlaff, Police Department; and Raymond McVey, Street Department. 25- Year Award: Jose Del Real, Street Department. Not present for the award service were Christopher Head, Jared Ratzlaff and Jose Del Real.

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 by a vote of 4 to 0, with Commissioner Willimon absent.

3. Approval of Minutes.
Commissioner Harrison moved to approve the minutes of the November 25, 2014 regular meeting, as presented. The motion was seconded by Commissioner Warren and carried by a vote of 4 to 0, with Commissioner Willimon absent.

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, October 14, 2014.
2. Liberal Convention & Tourism, November 20, 2014.

b. Approve Cereal Malt Beverage Licenses:

1.	Billy's at Ayr Lanes	2050 North Kansas Avenue
2.	Carniceria Moreno	610 North Kansas Avenue
3.	Dao's Convenience Market	208 East Eighth Street
4.	Express Lane #20	Highway 54 & Western Avenue
5.	Express Lane #21	343 East Pancake Boulevard
6.	Express Lane #22	1421 North Western Avenue
7.	Hutch's #111	1580 North Kansas Avenue
8.	Hutch's #117	850 South Kansas Avenue
9.	Rash's Sinclair	563 East Pancake Boulevard
10.	The Best Market	910 South Kansas Avenue
11.	Walmart #799	250 East Tucker Road

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 by a vote of 4 to 0, with Commissioner Willimon absent.*

7. Municipal Advisor Rule.

Finance Director Ford noted this was a housekeeping item related to the City's relationship with John Hass of Ranson Financial Consultants. He explained this comes about as a result of the "Municipal Advisor Rule" of the Securities Exchange Commission, which states when dealing with an independent advisor there needs to be an exemption of the term advice as stated in the letter. He noted that Mr. Haas and Ranson Financial Consultants have been utilized by the City for years and we have relied on his advice from time to time.

- Mr. Ford advised the underwriter (Stifel, Nicolaus & Co., Inc.) is asking that we recognize Mr. Haas and Ranson Financial Consultants as providing advice and recommendations and they are representing that they have not been associated with Stifel, Nicolaus & Co., Inc. within two years of the date of this certificate. He noted City staff recommends that the Commission acknowledge and accept the certificate and authorize the Mayor to sign the document. Mr. Ford advised this certificate would last twelve months and then would need to be approved again.

Commissioner Harrison moved to acknowledge and acceptance of the certificate and authorize the Mayor to sign the document, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

8. Final Reading of Ordinance No. 4441 - Adopting the 2014 Standard Traffic Ordinance.

Mayor Denoyer requested Commission consideration of the final reading of Ordinance No. 4441, entitled, "AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; INCORPORATING BY REFERENCE THE 'STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES', 42ND EDITION OF 2014 AND REPEALING AND REPLACING SECTION 14-101, AND REPEALING SECTONS 14-108, 14-109 AND 14-110 OF THE CODE OF THE CITY OF LIBERAL, KANSAS".

- City Clerk Giskie reported this is the final reading of Ordinance No. 4441 which will adopt the 2014 edition of the Standard Traffic Ordinance, as prepared by the League of Kansas

Municipalities. She noted the ordinance would be enforced by law enforcement and prosecuted in municipal court.

Commissioner Harrison moved to adopt Ordinance No. 4441, as presented, with Commissioner Warren seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

9. Final Reading of Ordinance No. 4442 - Adopting the 2014 Uniform Public Offense Code. Mayor Denoyer requested Commission consideration of the final reading of Ordinance No. 4442, entitled, "AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; INCORPORATING BY REFERENCE THE 'UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES', 30TH EDITION OF 2014 AND REPEALING AND REPLACING SECTION 11-101 OF THE CODE OF THE CITY OF LIBERAL, KANSAS".

- City Clerk Giskie reported this is the final reading of Ordinance No. 4442 which will adopt the 2014 edition of the Uniform Public Offense Code, as prepared by the League of Kansas Municipalities. She noted the ordinance would be enforced by law enforcement and prosecuted in municipal court.

Commissioner Warren moved to adopt Ordinance No. 4442, as presented, with Commissioner Harrison seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

10. First Reading of Ordinance No. 4443 - Amending Section 15-120 of City Code Pertaining to Cross Connections.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4443, entitled, "AN ORDINANCE PREVENTING THE POLLUTION OR CONTAMINATION OF THE PUBLIC POTABLE WATER SUPPLY, TO PROHIBIT AND ELIMINATE ALL CROSS CONNECTIONS WITHIN THE PUBLIC POTABLE WATER SUPPLY SYSTEM, PROVIDING FOR THE MAINTENANCE OF A CONTINUING EFFECTIVE CROSS CONNECTION CONTROL PROGRAM, BY REPEALING ORDINANCE NO. 4038 AND REPEALING AND REPLACING EXISTING SECTION 15-120 OF THE CODE OF THE CITY OF LIBERAL, KANSAS."

- Water Services Director Burke reported this is a housekeeping item to bring the City into compliance with State requirements. He noted the ordinance was last adopted in 1992 the changes have been reviewed by the Kansas Water Office. Mr. Burke explained the ordinance contains a $225 fee for City personnel to do the test and this amount has been inflated so we aren't competitive with plumbers.

Commissioner Harrison moved to advance Ordinance No. 4443 to a second reading, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

11. First Reading of Ordinance No. 4444 - Amending Section 15-120 of City Code Pertaining to the Municipal Water Conservation Plan for the City of Liberal.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4444, entitled, "AN ORDINANCE REGULATING MUNICIPAL WATER CONSERVATION WITHIN THE CITY OF LIBERAL, KANSAS; INCORPORATING BY REFERENCE THE "MUNICIPAL WATER CONSERVATION PLAN FOR THE CITY OF LIBERAL, KANSAS" 2014 EDITION; REPEALING ORDINANCE NO. 4203, REPEALING AND REPLACING SECTION 15-401; AND REPEALING AND REPLACING EXHIBIT D OF THE LIBERAL MUNICIPAL CODE OF THE CITY OF LIBERAL, KANSAS".

- Water Services Director Burke reported this is also a housekeeping item to update the City ordinance, which was last adopted in 1998, to meet State requirements. He noted the plan has been reviewed by the Kansas Water Office and has received tentative approval pending City adoption.

Commissioner Warren moved to advance Ordinance No. 4444 to a second reading, as presented, with Commissioner Harrison seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

12. Doll Addition Special Assessment Financing:

a. Initiation of Public Improvements Developers Financial Security Adjustment.

Economic Development Director Parsons noted City staff had previously spoken to the Commission about the project to develop multi-family dwelling units in the Doll Addition, specifically on Hickory Street and Larry Street and tonight we are bringing the first steps to finance in the infrastructure improvements through special assessment financing. He noted the developers of the project, Garett Wright and Roger Crossman are in the audience to answer any questions.

- Mr. Parsons advised regarding the special assessment policy, the current policy requires that the developer make a down payment of 25% of the development funds and present the City with a letter of credit equal to 50%, with the City's exposure in the project at 25%. He indicated the policy is a guideline that can be varied with Commission approval.
- Mr. Parsons requested Commission consideration of Southwest Housing, LLC request to vary from the guidelines set by making a down payment of 10% and they will present the City with a letter of credit equal to 65% and the City's exposure will remain at 25%.

Commissioner Harrison moved to allow City staff to enter into an agreement and to accept the change in the special assessment percentages, as presented. The motion was seconded by Vice Mayor Aragon, which carried by a vote of 4 to 0, with Commissioner Willimon absent.

- Mayor Denoyer expressed appreciation for City staff bringing this proposal to the Commission for their consideration and noted this is a policy to be followed.

Commissioner Harrison moved to accept the Petition for Street, Drainage, and Water Improvements - Doll Addition. Commissioner Warren seconded the motion, which carried by a vote of 4 to 0, with Commissioner Willimon absent.

b. Resolution No. 2202 - Determining the Advisability of the Making of Certain Internal Improvements (Street, Drainage and Water Improvements).

Economic Development Director Parsons turned over the discussion to John Haas.

- John Haas, representing Ranson Financial Consultants, reviewed the process for the project and noted the first step was to agree to the security against the special assessment, accept delivery of the petition, adopt a resolution authorizing the project and pass a resolution calling for the offering of general obligation bonds.
- Mr. Haas estimated the bond issue at $840,000 and noted he believed the cost will be lower. He reviewed the note calendar and advised the developer can start spending funds after tonight's action. He indicated delivery of the letter of credit is expected prior to the January 20, 2015 sale.

Commissioner Harrison moved to approve Resolution No. 2202, as presented, with Vice Mayor Aragon seconding the motion.

- City Clerk Giskie read the roll call and recorded the votes, as follows:

Vice Mayor Aragon – Aye
Mayor Denoyer – Aye
Commissioner Harrison – Aye
Commissioner Warren – Aye
Commissioner Willimon – Absent
Mayor Denoyer declared Resolution No. 2202 adopted.

c. Resolution No. 2203 - Authorizing the Offering for Sale of General Obligation Temporary Notes, Series 2015.
Commissioner Harrison moved to adopt Resolution No. 2203, as presented, with Vice Mayor Aragon seconding the motion.
- City Clerk Giskie read the roll call and recorded the votes, as follows:

Vice Mayor Aragon - Aye
Mayor Denoyer - Aye
Commissioner Harrison – Aye
Commissioner Warren – Aye
Commissioner Willimon - Absent
Mayor Denoyer declared Resolution No. 2203 adopted.

13. Edwards Street Rural Housing Incentive District Assignment Agreement.
Commissioner Warren advised he would abstain from voting on this issue.
- Housing and Community Development Director LaFreniere advised the Commission approved the Edwards Street Rural Housing Insensitive District (RHID) and LBD, Inc. was named as the developer in the developer in the Development Plan adopted. She further explained that Russ Vogel, LGD, Inc. member has requested the assignment of the RHID agreement to Plaza Group Investments, Inc. She referred to the Assignment Agreement contained in the packet and noted the parties agree that the project is substantially completed, the agreement may be assigned with written approval of the City, remaining work will be completed according to the original approved Development Plan and Plaza Group Investments, LLC will be liable for the project as of the date of the execution of the Assignment Agreement.

Commissioner Harrison moved to approve the Edwards Street RHID Assignment Agreement to Plaza Group Investments, LLC, as presented. Vice Mayor Aragon seconded the motion, which carried by a vote of 3 to 0, with Commissioner Willimon absent and Commissioner Warren abstaining.

14. 2015 Housing Programs.
Commissioner Warren advised he would abstain from voting on this issue.
- Housing and Community Development Director LaFreniere outlined the 2015 Housing Programs and reviewed the 2014 housing accomplishments.
- Ms. LaFreniere advised she would like to work on some changes to the Paint the Town program with regard to the median income. She was asked to bring back the recommended changes for Commission consideration.
- Ms. LaFreniere advised some changes were made to the to the first-time homebuyer application process, which will be reviewed with the realtors.

Commissioner Harrison moved to approve the 2015 Housing Programs, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 3 to 0, Commissioner Warren abstaining and Commissioner Willimon absent.

15. Pine Street School Site.

Public Works Director Sealey advised City staff opened bids on November 20 with four bids received for the sewer lines and lift station for the new Pine Street school site for the area east and southeast of the old drive-in theater location and includes the relocation of existing City sewer utilities to facilitate the school construction.

- Mr. Sealey referred to the bid tabulation and reported the apparent low bidder is King Enterprises of Liberal for $554,980.87. He reminded the Commission the project would be funded by USD 480 school project fund and recommended approval of the bid.

Commissioner Harrison moved to approve the bid of King Enterprises for the Pine Street School site sewer lines and lift station in the amount of $554,980.87, as presented. Commissioner Warren seconded the motion, which carried by a vote of 4 to 0, with Commissioner Willimon absent.

16. Annual Crack Seal Bid Award.

- Public Works Director Sealey referred to the bid tabulation for the 2015 crack seal project and noted notice was sent to eight vendors, two requested the bid packet but only one bid was received. He noted the program area would consist of Second Street north to Eleventh Street and Western Avenue east to Kansas Avenue.
- Mr. Sealey recommended approval of the bid from B & H Paving, Scott City, Kansas for $0.974 per pound compared to $0.94 in 2014 in an amount not to exceed $100,000.

Commissioner Harrison moved to accept the B & H Paving in an amount not to exceed $100,000 for the 2015 Crack Seal Project, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

- Mr. Sealey reported that Warren Construction had loaned forms for the stem wall and it provided extreme help and expedited the work tremendously for the construction of the ball fields. He passed on appreciation from City staff for this generosity.

17. HD Supply WaterWorks Baseball Field Donation Award.

- Water Services Director Burke advised while obtaining pricing for ball field water lines, he had a conversation with HD Supply WaterWorks in order to receive the lowest price possible. He was offered a $500 cash donation to be used toward the relocation of the baseball fields.

Commissioner Warren moved to accept the donation from HD Supply WaterWorks, as presented. Vice Mayor Aragon seconded the motion, which carried by a vote of 4 to 0, with Commissioner Willimon absent.

18. Interview Recording Room Equipment.

- Police Chief Sill reported the police department has five dedicated interview rooms and much of the equipment is in excess of six years old and currently there is only one room that has adequate recording equipment. He explained the equipment was budgeted for 2015, but it is vital that new equipment be purchased now in order to provide recorded evidence for prosecution.

- Mayor Denoyer questioned how this equipment would be funded. Finance Director Ford advised it would be funded out this current budget.

Commissioner Warren moved to authorize the purchase of the interview recording room equipment in the amount of $3,663, as presented. Vice Mayor Aragon seconded the motion, which carried by a vote of 4 to 0, with Commissioner Willimon absent.

19. Board Appointments:

a. Airport Advisory Board.

- City Clerk Giskie advised the current terms of the Airport Advisory Board members have expired and there is one vacancy on the Board. She advised Tracy King, Chad Mease, Charles Posl and Ron Prentice have consented to be reappointed.

Commissioner Warren moved to reappoint Tracy King, Chad Mease, Charles Posl and Ron Prentice to the Airport Advisory Board to three year terms, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

b. Arkalon Council.

- City Clerk Giskie advised Bill Harrison recently resigned from the Arkalon Council and a resume was received from John Garinger to fill the unexpired term. The Board is recommending Mr. Garinger be appointed.

Commissioner Harrison moved to appoint John Garinger to the Arkalon Council filling the unexpired term of Bill Harrison expiring December 31, 2016, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

c. Parks & Recreation Advisory Board

- City Clerk Giskie advised Gary Classen and Debbie King's terms on the Parks & Recreation Advisory Board will expire on December 31 and both have consented to be reappointed to a four-year term.

Commissioner Warren moved to reappoint Gary Classen and Debbie King to the Parks and Recreation Advisory Board for four year terms expiring December 31, 2018, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

20. CITY MANAGER'S REPORT.

City Manager Hall reported on the progress made on the ball field project and commended the departments for their efforts. He expressed appreciation of the support of the Commission and noted it has been a rewarding year with quite a lot of activity being performed by the departments.

21. ITEMS FROM COMMISSIONERS.

Commissioner Warren advised it is good to see everything going on and he thanked City staff for their efforts.

Commissioner Harrison expressed appreciation to City staff and the employees for all they do. He thanked the developers who came before us and showed their belief in the community and he welcomed others as we are open for business.

Vice Mayor Aragon thanked City staff and departments for their hard work on the ball fields and was amazed at the progress. He also thanked the departments for their efforts as well as commended the employees who received service awards this evening.
Mayor Denoyer congratulated the men and women of distinction that were honored this evening by the Chamber of Commerce 2015 calendar and noted Vice Mayor Aragon is among those.

- Mayor Denoyer thanked City staff for their efforts and for the tremendous job they are doing in the community. He commended the dedicated employees that lead the City in a positive direction, including those who were recognized this evening. He was excited to see the many good things that are going to happen in the near future.
- Mayor Denoyer congratulated the school system for breaking ground on two new schools and thanked the voters for their faith in the community.

Commissioner Willimon was absent.

22. VOUCHERS.
$624,833.09, dated December 9, 2014. *Commissioner Warren moved to approve the vouchers, as presented, with Vice Mayor Aragon seconding the motion. The motion passed by a vote of 4 to 0, with Commissioner Willimon absent.*

The meeting was adjourned by motion of Commissioner Harrison.

Joe Denoyer, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk