

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

December 23, 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 23, 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, Finance Director Chris Ford, City Clerk/Airport Manager Debbie Giskie, Human Resources Director Sheena Schmutz, Building Inspector/Zoning Administrator Kory Krause, Economic Development Director Jeff Parsons, 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 Rev. Jack Jacobs of the First Southern Baptist Church.

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

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 Warren moved to approve the minutes of the December 9, 2014 regular meeting, as presented. The motion was seconded by Vice Mayor Aragon. The motion 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 Convention & Tourism, December 11, 2014.

b. Approval of Airport Lease Renewals:

1.	# 29.04	M & J Sales & Equipment	\$1,603.80	1 year
2.	# 36.00	First National Oil	\$1,542.42	1 year
3.	# 43.01	FedEx Freight East, Inc.	\$2,779.92	1 year
4.	# 46.00	Guy's Food Warehouse	\$ 693.00	1 year

5.	# 52.01	Hertz Rental Car	\$3,100.00	1 year
6.	# 55.04	Jayhawk Southwest	\$ 828.63	1 year
7.	# 87.04	M & J Sales & Equipment	\$1,574.70	1 year
8.	# 88.02	Heritage Real Estate	\$1,964.16	1 year
9.	# 89.01	El Marro Welding Service	\$3,991.68	1 year
10.	# 91.03	HECS, LLC (Harris Engine)	\$3,423.25	1 year
11.	# 98.00	Roy's Electric Service	\$1,344.00	1 year
12.	#107.04	Jayhawk Southwest	\$1,841.40	1 year
13.	#130.01	Petroleum Management	\$ 928.62	1 year
14.	#134.04	Mobile Storage	\$1,319.67	1 year
15.	#147.00	E.A. Sween Company	\$ 553.01	1 year
16.	#172.04	Jayhawk Southwest	\$ 551.76	1 year
17.	#180.01	El Marro Welding Service	\$1,425.60	1 year
18.	#184.00	Jayhawk Southwest	\$ 551.76	1 year
19.	#186.01	Cox Construction	\$ 580.00	1 year

c. Approve Cereal Malt Beverage Licenses:

1. Dillon #73	1417 North Kansas Avenue
2. Fruteria Ojinaga	621 South Kansas Avenue
3. Midway Café II	225 West Pancake Boulevard
4. Mi Tierra	601 South Kansas Avenue
5. Pizza Hut #101	160 East Pancake Boulevard
6. Pizza Hut #108	4 Village Plaza
7. Tacos & Beer	260 West Pancake Boulevard
8. Taqueria el Gallo de Jalisco	719 South Kansas Avenue
9. The Country House Buffet	1010 South Kansas Avenue, Suite B9

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

Mayor Denoyer requested Commission consideration of the final 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."

- City Clerk Giskie reported this is the final reading of an ordinance presented at the last meeting by Water Services Director Burke. She noted this ordinance will update the City's ordinance by bringing it into compliance with State regulations.

Commissioner Harrison moved to adopt Ordinance No. 4443, as presented, with Commissioner Warren seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

8. Final 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 final 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".

- City Clerk Giskie reported this is the final reading of an ordinance as presented by Water Services Director Burke at the last meeting. She noted this would update the City's ordinance and replace Exhibit D with the amended Municipal Water Conservation Plan as reviewed by the Kansas Water Office.

Commissioner Harrison moved to adopt Ordinance No. 4444, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

9. 2014 Budget Amendments:

a. Public Hearing.

Mayor Denoyer declared the Public Hearing open and City Clerk Giskie advised the proper legal notice had been published.

- Finance Director Ford advised since this is the final meeting of the year, it is necessary to amend the 2014 budget as adopted on August 13, 2013. He reviewed the amendments consisting of increases to the Special Parks & Recreation Fund, 1/2% Education Sales Tax, the 1% City Sales Tax and Wastewater Utility Fund, as outlined in the packet.

There being no further questions or comments from the audience, City staff and Commission, Mayor Denoyer declared the Public Hearing closed.

b. First and Final Reading of Ordinance No. 4445 - Amending the 2014 Fiscal Year Budget.

Mayor Denoyer requested Commission consideration of the first and final reading of Ordinance No. 4445, entitled, "AN ORDINANCE AMENDING THE 2014 FISCAL YEAR BUDGET APPROPRIATIONS FOR THE SPECIAL PARKS AND RECREATION FUND, THE 1/2% EDUCATION SALES TAX FUND, THE 1% CITY SALES TAX FUND, AND THE WASTEWATER UTILITY FUND".

- City Clerk Giskie reported Mayor Denoyer has executed the letter deeming this Ordinance an emergency and waiving the first reading.

Commissioner Harrison moved to adopt Ordinance No. 4445, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.

10. Reclassification of Delinquent Accounts Receivable and Utility Accounts.

- Finance Director Ford reported this is an annual housekeeping item to reclassify accounts receivable for mowing charges and utility accounts. He explained the accounts receivable amount of \$5,826.18, consisting of mowing charges, can't be assessed because the property has changed ownership. The utility accounts are sent to the Kansas State Setoff Program after they become 120 days delinquent.

- Mr. Ford reported the total sales utility reclassification percentage amount computes to 0.502% of total utility sales for the year. He requested approval for reclassifying delinquent accounts receivable and utility accounts over 120 days past due in the amount of \$38,427.95. *Commissioner Harrison moved to approve the reclassification of delinquent accounts receivable and utility accounts that are over 120 past due in the amount of \$38,427.95, as presented, with Commissioner Warren seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.*

11. Fiscal Year 2014 Transfers.

- Finance Director Ford requested approval of the 2014 fiscal year transfers as outlined in the memorandum. *Commissioner Harrison moved to approve the Fiscal Year 2014 Transfers, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Willimon absent.*

12. First Reading of Ordinance No. 4446 - Prohibiting the Drilling for Oil and Gas within the City Limits.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4446, entitled, "AN ORDINANCE PROHIBITING THE DRILLING FOR OIL AND GAS WITHIN THE CITY LIMITS, AND REPEALING AND REPLACING EXISTING CHAPTER 5, ARTICLE 3 OF THE CODE OF THE CITY OF LIBERAL, KANSAS".

- City Manager Hall noted this issued is being addressed by many communities across the nation and we recognize that the oil and gas industry is important to our City and our region. He also advised we recognize that oil and gas drilling within the City limits presents real safety, health and welfare issues that should be addressed as they present very real risks to our citizens.
- Mr. Hall noted the City Commission does have the authority to not allow drilling. He advised this ordinance would ban the drilling operations within the City limits and would grandfather all existing wells in the City. He noted the ordinance would allow companies, if there were reserves lying under the City, to reach them through the use of drilling that is horizontal or directional in nature from outside the City limits.

Commissioner Warren moved to advance Ordinance No. 4446 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.

13. First Reading of Ordinance No. 4447 - Amending Chapter 3, Article 1 of the Code of the City of Liberal, Kansas.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4447, entitled, "AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 1 OF THE CODE OF THE CITY OF LIBERAL, KANSAS".

- City Manager Hall noted during research, it was found that the City ordinance pertaining to consumption of cereal malt beverages and alcohol was restricted 200' feet of property line of a church, hospital, school or library, however, State law states that this restriction is 200' from building to building of a church, hospital, school or library.
- Mayor Denoyer advised that essentially our ordinance is more restrictive than State law and this would bring us in line with State laws.

Commissioner Harrison moved to advance Ordinance No. 4447 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.

Commissioner Warren advised he would abstain from Item #14.

14. 2015 Economic Development Programs.

- Economic Development Director Parsons reviewed the proposed Economic Development programs for 2015 and advised there were no additional programs. He advised the mixed retail program has been eliminated due to lack of interest, but it can be brought back for consideration if there is interest shown.
- Vice Mayor Aragon questioned if we are done with the previous marketing contract. Mr. Parsons advised that contract is no longer active.

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

15. Convention & Tourism Bureau Board Appointment.

- City Manager Hall reported Tyler Payne's term as a lodging representative on the Liberal Convention & Tourism Bureau Advisory Board expired in November and he will not reapply. He also advised that Jack Carlile's term as a restaurant representative on the Board expired in November and he has applied for a second term.
- Mr. Hall advised the Convention & Tourism Bureau Advisory Board is recommending Mike Brack, manager of the Days Inn, to be appointed for the vacant lodging term and Jack Carlile to be re-appointed for a second term as a restaurant representative.

Commissioner Harrison moved to appoint Mike Brack as a hotel representative and to reappoint Jack Carlile to a second term as a restaurant representative on the Convention & Tourism Board, for four-year terms ending November 2018, as recommended. Vice Mayor Aragon seconded the motion, which carried by a vote of 4 to 0, with Commissioner Willimon absent.

16. Ratify Approval of Usage of Airport Land Sale Funds - Electrical Update

- Airport Manager Giskie requested Commission consideration to ratify the verbal approval received for the usage of Airport Land Sale funds in an amount not to exceed \$20,000 for the upgrade of the electrical panel in the Airport Terminal building.
- She advised TSA is installing a new x-ray machine and it was found that our electrical system is inadequate and out-of-date, as confirmed by Building Inspector Krause. Ms. Giskie reported quotes had been received from local licensed electricians and the FAA gave permission to use Airport Land Sale funds for this emergency situation.

Commissioner Warren moved to ratify the approval of the usage of Airport Land Sale funds for the electrical upgrade at the Airport Terminal Building, in an amount not to exceed \$20,000, as presented. Commissioner Harrison seconded the motion, which carried by a vote of 4 to 0, with Commissioner Willimon absent.

17. CITY MANAGER'S REPORT.

- City Manager Hall reported City staff and departments have expressed appreciation to the City Commission for the support given this year. Mr. Hall thanked the Commission for their

dedication and hard work. He also expressed his amazement as the accomplishments of the departments this year and thanked them for their hard work.

18. ITEMS FROM COMMISSIONERS.

Commissioner Harrison wished everyone a Merry Christmas and a Happy New Year and safe travels if they are traveling over the holidays.

Commissioner Warren wished everyone a safe holiday. He thanked City staff for all their hard work this year and he looked forward to another successful year in 2015. Commissioner Warren thanked his fellow commissioners for their time and wished everyone a Happy New Year.

Vice Mayor Aragon thanked City staff and wished them a Merry Christmas and a Happy New Year. He noted it was good to see the parking lots full with holiday shoppers and voiced excitement to what will happen in 2015.

Mayor Denoyer expressed support to the Liberal Police Department and thanked Officer Chris Head for his efforts to fly to Denver to make a little boy's Christmas special. He also thanked Chief Sill and the department for their outstanding service to the community.

- Mayor Denoyer congratulated Vice Mayor Aragon for being honored in the 2015 Chamber of Commerce distinction calendar. He also indicated he looked forward to what would happen in 2015 and thanked each employee for their efforts.

Commissioner Willimon was absent.

19. VOUCHERS.

\$735,887.13, dated December 23, 2014. *Commissioner Warren moved to approve the vouchers, as presented, with Vice Mayor Aragon seconding the motion. The motion carried 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