

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

August 11, 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, August 11, 2015.

Commissioners Present: Mayor Joe Denoyer, Vice Mayor Dean Aragon, Jack Carlile, Dave Harrison and 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, Building Services and Code Enforcement Director Kory Krause, Housing & Community Development Director Karen LaFreniere, 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 Dr. 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 (amended), with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

3. Approval of Minutes.

Vice Mayor Aragon moved to approve the minutes of the July 28, 2015 regular meeting, as presented. 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.

- Leasa Anderson, Liberal, appeared before the Commission with concerns about the problem of dogs running loose in their neighborhood and noted she has exhausted every avenue to solve the problem. She described the repeated incidents where a half boxer/half pit dog comes into her fenced yard and attacks her 112 pound boxer. She advised she has photographs and veterinarian bills of the December 2, 2014 attack.
- Commissioner Harrison asked if it was the same dog that attacked her boxer every time. Mrs. Anderson advised it was. Commissioner Harrison questioned if she knew where the dog belonged. She advised she knew it was on Calhoun, but wasn't sure of the exact address.
- She asked what she should do about this problem, noting she loves her dog but is more afraid for the safety of her grandchildren.
- It was noted that it is against city ordinance to have a vicious dog in the city limits.
- Legal counsel McQueen and Mrs. Anderson exchanged contact information so they could resolve this issue.

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. *No items were presented.*

7. 2016 Budget:

a. Public Hearing. *Mayor Denoyer called the public hearing open and City Clerk Giskie reported the proper legal notice had been given.*

- Finance Director Ford presented the proposed 2016 Budget, as discussed recently during a lengthy work session with the Commission. He reported this is a conservative and fiscally responsible budget to handle the needs of the public and noted he was pleased to announce that it doesn't include a mill levy increase. He noted the proposed 2016 Budget amounts to \$37,596,000, a mill levy dollar amount of \$5,989,354 and a mill levy of 51.611 mills based upon the July 1 estimated valuation received from the County Clerk. He advised on November 1, 2015, the final assessed valuation will be determined for which our number of mills necessary to fund our dollar request is subject to change; however, the levied dollars will not change. He also noted that due to the increase in estimated valuation, an additional \$66,328 will be generated for the same number of mills received in 2015.
- Mr. Ford expressed appreciation to the City Commission and all City staff, from department heads to employees who are to be commended for their commitment to efforts to maintain the quality and level of services that they provide to our citizens at as low of cost as possible.
- Doug LaFreniere, Liberal, appeared to express his appreciation for the Commission and city staff doing a great job on this budget. He noted the other taxing entities aren't managing their costs; their costs are managing them, while the City understands the big picture.

There being no further questions from the Commission, City staff or audience, Mayor Denoyer declared the public hearing closed.

b. Resolution No. 2218 - Adoption of 2016 Fiscal Year Budget.

Mayor Denoyer requested Commission consideration of Resolution No. 2218, entitled, "A RESOLUTION ADOPTING THE 2016 FISCAL YEAR BUDGET, APPROVING THE 2016 PAY PLAN, AND ADPPROPRIATING BY FUND THE MAXIMUM AMOUNTS TO BE EXPENDED FOR THE BUDGET YEAR 2016".

Commissioner Harrison moved to adopt Resolution No. 2218, as presented, with Commissioner Martinez seconding the motion. The motion carried unanimously.

8. First Reading of Ordinance No. 4457 - Revision of Parking Ordinance.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4457, entitled, "AN ORDINANCE AN ORDINANCE REGULATING PARKING IN FRONT YARDS, SIDE YARDS, REAR YARDS AND COMMERCIAL, INDUSTRIAL ZONED DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; REPEALING AND REPLACING THE EXISTING SECTION 14-307 TO THE CODE OF THE CITY OF LIBERAL, KANSAS".

- Building Services and Code Enforcement Director Krause noted at the time the ordinance was adopted it met the needs in 1997. He explained lately people are using their entire front, side and back yards as parking areas and the ordinance has been revised to be a more specific code. He explained the proposed ordinance allows only 40% of the front yard to be used as a

parking area and if gravel is used, it must be a dust free material and landscaping must clearly define where the parking area is compared to the front yard.

- Mr. Krause reported if there is a privacy fence in the backyard, so you can't see over the fence; however, if there is no privacy fence, it is required to have dust free parking surface.
- Mr. Krause noted the current ordinance states gravel and the proposed ordinance will require 4" of gravel and will need to be maintained to prevent mud pits and weeds.
- Chief Sill noted some people have put down pea gravel as the parking surface material and it really doesn't serve that purpose, just causes more of a problem for enforcement. He noted the ordinance needs to be more specific.
- Commissioner Carlile noted the proposed ordinance states that only 40% of the front yard can be in for parking and he advises there are many yards in the north part of town that have their front yard is completely in concrete.
- Mr. Hall noted this means it will be a minimum of 40% can be used as parking in front yards.
- Commissioner Harrison stated that just because you have the front yard in all concrete doesn't mean you park on it all.
- Commissioner Carlile questioned if the ordinance addresses heavy haul commercial trucks.
- Mr. Krause advised heavy haul equipment is parked throughout the community in empty lots and parking lots both on private and commercial property. The trucks are allowed in the zoning ordinance and the trailers are allowed not. He noted if the property is commercial they can't use gravel, they must have permission from the land owner and an engineered surface to it can bear the weight. He also noted if the land is industrial private property, they can use gravel, obtain permission from the property owner and have the surface engineered.
- Commissioner Martinez questioned if there is an ordinance regarding the amount of time allowed for starting up a semi and how long they can idle. He noted he had received a call from a citizen who stated a neighbor starts up their truck at 4:00 a.m.
- City Manager Hall explained that would be the noise ordinance it is a violation of our ordinance if you can hear the noise within 50'. He noted people have the right to their peace and quiet and can call the police with the noise complaint and have them come out and first talk to the owner.

Commissioner Harrison moved to advance Ordinance No. 4457 to a second reading, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

9. Rural Housing Incentive District:

- a. Substitute Resolution No. 2170 - Resolution to strike Original Resolution and Substitute this Resolution.

Mayor Denoyer requested Commission consideration of Substitute Resolution No. 2170, entitled, "A RESOLUTION TO STRIKE ORIGINAL RESOLUTION NO. 2170 AND SUBSTITUTE THIS RESOLUTION NO. 2170".

- Housing & Community Development Director LaFreniere explained this would amend the original RHID resolution by making some changes to the legal description in Exhibit A.

Vice Mayor Aragon moved to strike the original Resolution No. 2170 and adopt the Substitute Resolution No. 2170, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

- b. Substitute Resolution No. 2171 - Resolution to Strike Original Resolution and Substitute this Resolution.

Mayor Denoyer requested Commission consideration of Substitute Resolution No. 2171, entitled, "A RESOLUTION TO STRIKE ORIGINAL RESOLUTION NO. 2171 AND SUBSTITUTE THIS RESOLUTION NO. 2171".

- Housing & Community Development Director LaFreniere noted this resolution will correct a few minor errors on the legal description.

Commissioner Harrison moved to strike the original Resolution No. 2171 and adopt the Substitute Resolution No. 2171, as presented, with Commissioner Martinez seconding the motion. The motion carried unanimously.

10. First-Time Homebuyer Program and HOME Program.

Housing & Community Development Director LaFreniere advised this is a request by the title company to correct a compliance issue dealing with who has the authority to sign all the documents for these programs.

- City Manager Hall advised this will give housing staff the official authority to execute documents on these programs.

Commissioner Harrison moved to give approval for housing staff to continue to sign all First-Time Homebuyer Program and HOME Program documents, including grant agreements and lien releases and approval for documents signed prior to this request. Vice Mayor Aragon seconded the motion, which carried unanimously.

11. Air Conditioner Replacement - Police Department (Animal Shelter). Chief of Police Sill referred the three bids received for the to the 3 bids and recommended going with the bid that was high because it included a 10 year warranty, as well as a new thermostat and a new electrical disconnect outside the building. He noted the other bids included a 5 year warranty.

- Discussion was held on the improvements being planned for the animal shelter. Chief Sill indicated the improvements will be presented to the Commission in the near future and would include an addition to the current facility, so the proposed air conditioning unit will still be required.

Commissioner Harrison moved to approve the purchase of the air conditioner from HECO in the amount of \$3,658.00, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

13. Airport Third Street Gate Improvements.

- Airport Manager Giskie reported the ramp gate at the Third Street entrance to the Airport is worn out after 40+ years of usage. She explained FAA has approved the usage of land sale monies for the replacement in the amount of \$14,493.75 as quoted by Superior Fence.

Commissioner Carlile moved to approve the Third Street Airport Gate improvement project from Superior Fence in the amount of \$14,493.75, utilizing Airport land sale funds, as presented. Commissioner Harrison seconded the motion, which carried unanimously.

13. 2016 Air Fair.

- Airport Manager Giskie reminded the Commission that Ronda Maxwell, Executive Director of the Liberal Air Fair Committee appeared at the June 9, 2015 Commission meeting requesting the Commission's blessing and cooperation for allowing them to have another one-day air show, including usage of the Airport and Mid-America Air Museum, fire, police, street, refuse and airport personnel that participate in the event.

- Commissioner Harrison suggested all arrangements should be subject to the city manager's approval.

Commissioner Harrison moved to allow the use of the Airport and Air Museum for the 2016 air show, including usage of City personnel, subject to City Manager approval, as presented. Commissioner Aragon seconded the motion, which carried unanimously.

14. CITY MANAGER'S REPORT.

- City Manager Hall commended City staff for their hard work for their efforts over the last couple of weeks and thanked each department for making something truly special to happen.

15. ITEMS FROM COMMISSIONERS.

Commissioner Martinez advised the best thing we can say is that we can hold our head up and show that we do care by not raising the mill levy. He expressed thanks to City staff for doing that.

Commissioner Harrison agreed with Commissioner Martinez and stated that City staff works hard putting together the budget and it doesn't go unnoticed. He expressed appreciation for everything City staff does and noted just because something is budgeted, doesn't mean it will be purchased.

- Commissioner Harrison expressed appreciation for the support given to the Carlile family during the tragedy that fell on our community and also thanked City staff for what they did.

Vice Mayor Aragon agreed with the statements made by Commissioners Martinez and Harrison. He thanked Mrs. Anderson for coming forward tonight, noting we are all dog lovers and he hoped this issue can be resolved.

- Vice Mayor Aragon expressed gratitude to Pastor Jacobs for his kind words this evening and at the Kaiser Carlile service this morning. He thanked the community for their support of the Carlile family and for the efforts made by City staff to make the City shine.

Commissioner Carlile advised words cannot thank the citizens for the kindness shown to his extended family this past week and for the support shown across the country through their generous donations and words.

- Commissioner Carlile also thanked everyone who came out for the first "Chat with Jack" session and thanked Mr. Hall for giving up part of his Saturday to help answer questions. He noted that he planned on having more sessions later in the year.

Mayor Denoyer advised he echoed what had been said about the budget and noted in the last 10 years the mill levy has only been increased twice. He advised with everyone working together, we were able to keep the mills on a flat line for 2016.

- Mayor Denoyer read a letter from Wichita Mayor Jeff Longwell extending their sympathy on the unfortunate death of 9 year-old Kaiser Carlile while at the National Baseball Congress World Series.
- Mayor Denoyer noted the Commission and the community has been working to come to grips with the tragic situation, City crews were busy cleaning up the community and the pool was opened up for a special girl's birthday. He advised this situation has affected people from across the State, United States and across the globe. He felt we need to continue to work together to make us the best community we can, putting aside differences and take the spark that Kaiser had and put it to work in our community. Finally, Mayor Denoyer stated, God bless the family of Kaiser, the City of liberal and like Kaiser would say "Have Fun".

16. VOUCHERS.

\$820,997.35, dated August 11, 2015. *Vice Mayor Aragon) moved to approve the vouchers, as presented, with Commissioner Martinez seconding the motion.*

- Commissioner Martinez questioned an expenditure on page 24 of the vouchers regarding oil purchased from Foley Tractor. He noted the oil was a different price, purchased by both the sewer and water departments, and questioned if it was the same kind of oil purchased on the July 28 vouchers.

The motion passed unanimously.

The meeting was adjourned by motion of Commissioner Harrison.

Joe Denoyer, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk