

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

August 25, 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 25, 2015.

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

City Staff Present: City Manager Mark Hall, Finance Director Chris Ford, Deputy City Clerk Alicia Hidalgo, Human Resources Director Sheena Schmutz, Zoning Administrator Kory Krause, Fire Chief Kelly Kirk, Police Chief Al Sill, Captain Jon Antrim and City Attorney Shirla McQueen.

Mayor Denoyer declared the meeting called to order, and Deputy City Clerk Hidalgo read the roll call declaring a quorum present. The Pledge of Allegiance was recited, and Mayor Denoyer gave the invocation.

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

2. Approval of Agenda.

Mayor Denoyer requested approval of the agenda, which was amended to change Item No. 11 from "Replacement of Truck - Water Department" to "Sewer Line Interceptor."

Commissioner Harrison moved to approve the agenda, as amended, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Martinez absent.

3. Approval of Minutes.

Vice Mayor Aragon moved to approve the minutes of the August 11, 2015 regular meeting, as presented. The motion was seconded by Commissioner Harrison and carried by a vote of 4 to 0, with Commissioner Martinez 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. *No items were presented.*

7. Final Reading of Ordinance No. 4457 - Revision of Parking Ordinance.

Mayor Denoyer requested Commission consideration of the final reading of Ordinance No. 4457, entitled, "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 explained the ordinance is not a traffic ordinance and does not deal with any vehicles parking on the streets. The ordinance deals with the parking surface in which all vehicles park on properties in the city, no additional restrictions were added to this ordinance. This ordinance only deals with the parking surface - concrete, asphalt or dustless gravel. It does not force any vehicle to park outside the city limits. The Building Department and Code Enforcement Officers deal with the safety, health and welfare of the citizens of Liberal and make a point to help make Liberal cleaner, a better place to live, and to help maintain property values within the city.
- Director Krause stated this is just a revision of an ordinance that was adopted and is in the books since 2007. The revision pertains to basically four items for the safety and the appearance of a cleaner city. The ordinance gives one (1) year to be compliant before enforcement is acted upon.
- Director Krause listed the four items addressed in the revision:
 1. It now includes side yards and back yards of residences.
 2. Vehicles cannot be parked on property that is not owned by the vehicles owner; basically, you can't park on somebody else's property without permission and the proper surface conditions.
 3. The ordinance now specifies the depth of dustless gravel, instead of stating just gravel; and the current Property Maintenance Code will ensure that the parking stays in a maintained condition.
 4. The ordinance now specifies the percentage of what can be used as parking in the front yard of residences within the City of Liberal which is 35% of the front yard.
- Mayor Denoyer asked for clarification as to if someone is renting the property.
- Director Krause said it is up to the owner of the property to make sure rules are followed and it also depends on what is on the contract.
- City Manager Hall stated this also applies to undeveloped lots.
- Commissioner Harrison stated that the landowner should feel responsible for this.
- City Manager Hall stated if you park across the street in an open field you are in violation.
- Director Krause explained they would have to have permission from the land owner and the land owner would have to make sure it was surfaced correctly.
- Commissioner Carlile received some phone calls on this asking why are we the HOA?
- Director Krause explains we are not. It is just their job is to help beautify the City of Liberal.
- Commissioner Carlile also received calls from the elderly and they questioned how they can afford to pave their driveway.
- Discussion was held on the current code and how people are going around the ordinance.
- Commissioner Carlile referred to a message he received from Christie Lumblade:

"As a citizen of Liberal Kansas and a truck driver: This new ordinance is not right. there are a lot of drivers who don't own property in Liberal. Not only that the biggest employer is National Beef and of course attached them is the second biggest employer National Carriers. Now if you make the ordinance into law then we will not want to live in liberal and what will happen then?"
- Commissioner Harrison asked what that meant as the ordinance does not prevent her from parking her truck.

- Discussion was held about the ordinance: it is a residential ordinance and explaining trucks are allowed to park in Liberal on the street or on an approved surface, and the need to have the owner's approval if it's not on their property and enforcement of the ordinance.
- Commission Harrison stated this is a good thing and the City will notify people and give them a year to make the changes. This was started in 2007 and we are still working on this. It isn't in place to hurt anyone but it is to help to clean up the city and make it look nicer.

Commissioner Harrison moved to adopt Ordinance No. 4457, as presented, with Commissioner Carlile seconding the motion. The motion carried by a vote of 3 to 1, with Commissioner Carlile opposing and with Commissioner Martinez absent.

8. Ice Machines - Fire Department.

- Fire Chief Kirk referred to his memo explaining that ice machines are kept at the north station and one at the south station for water jugs for the firefighters. They supply ice for all City departments. Both ice machines began to have issues and now both machines quit working and are out of service. Staff received two quotes and the funding will be from the Capital Equipment budget.

Vice Mayor Aragon moved to purchase two Manitowoc Ice Machines with Storage Bins from Central Restaurant Products at a quoted cost of \$5,750.00, as presented, with Commissioner Carlile seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Martinez absent.

9. Animal Shelter.

- Captain Antrim explained the Police Department inherited the Animal Shelter and Animal Control in 2002-2003. Due to the inadequacies of limiting the spread of disease, climate control and limited holding capacities of the current animal shelter, a new 50'x100' addition will be added to the shelter.
- Captain Antrim stated the new shelter will have much needed space, an isolation area for the animals to spend 3 days in before they go into general population, and an adoption room.
- The total amount for the project is \$441,125.00. Funding will be as follows: \$400,000 from the 1Cent Sales Tax - Crime Prevention; \$30,498.00 from Gifts and Donations and \$10,627 from the Police Department Equipment Reserves.
- Discussion was held regarding stray animals.
- *Steve Leete – Liberal* – we do have a problem in this town with dogs and cats and there is a lot that can be done about it. What we can do, as far as the shelter is concerned, is spay and neuter. He is a member of Angels For Animals. They transported about 500 dogs last year out of our shelters to give to them good homes and they are really just skimming the surface. The spay and neuter is a very important job for them to do. We cannot control the population unless we spay and neuter. The cost of spay/neutering, yes some people may say no to the cost of it but it will save money down the road. If they can't afford to spay or neuter the dog or cat then they really can't afford to have the pet. Pets are not cheap and they come with an expense to them. We want to set up a an educational program for the kids in the grade schools and we've talked to KState about giving a class or program to let kids know that pets are not something you pick up and discard; they are something you care for. Spay and neuter is high on my list but finding money to take care of it is down the road. This shelter is a huge improvement and I am looking forward to breaking ground on this so we can get a handle on the diseases that are being spread from kennel to kennel in the shelter we have now. This will

greatly improve the dogs availability to be shipped out of here. When we ship a dog out, they start asking questions like how is the dog with people; how is the dog other animals; and are they safe. When you ship a dog out to Denver where they have very stringent spay/neuter laws, or the dog has disease, they can't just go out and euthanize it. They have to take care of it and it is a big cost. So we need to do what we can here in Liberal to make sure these dogs and animals of all kinds are taken care of and so that other places will continue to want more animals from Liberal.

- Mr. Leete thanked the Commission for their ears and says this will be a great asset.
- The Commision thanked Mr. Leete and Angels for Animals.

Commissioner Harrison moved to approve the Animal Shelter expansion, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Martinez absent.

10. Convey North Kansas Ave. Right-of-Way back to KDOT.

- Economic Development Director Parson stated that back in May KDOT gave the right-of-way that used to be north Kansas Ave. to the City. A development group would like the right-of-way The City needs to deed the property back to KDOT and KDOT will convey it to the development group. The City Attorney prepared the deed.

Commissioner Harrison moved to approve the transfer the property back to KDOT and execution of the deed Legal Counsel prepared, with Commissioner Carlile seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Martinez absent.

11. Sewer Line Interceptor.

- Finance Director Ford stated this project deals with installing a new sewer interceptor line across north Liberal, from Western Avenue to the Wastewater Treatment Plant. This project has been in the works for several years and we are finally at a point where we are ready to start on it.
- Mr. Ford referred to the bid summary tab sheet which Earles Engineering prepared and coordinated the bid process. Three bids were received and two bids do compare favorably to the engineer's estimate. Staff proposes the bid from Nowak Construction Co, Inc., in the amount of \$2,561,429.00 to be funded from proceeds from the Wastewater Revolving Loan Fund. Back when we accepted the Wastewater Revolving Loan, the first part was acceptance of the loan and the second part would be to establish a sufficient revenue structure to support repayment of the revolving loan. The current status on that we do hope to prepare something in the future regarding the revenue structure. Staff requests approval of the bid from Nowak in the amount stated from the KDHE Revolving Loan Fund with work to commence after the final loan arrangements have been completed. This would allow us to get on the contractor's schedule and start that process.
- *Commissioner Harrison moved to approve the bid in the amount of \$2,561,429.00 from Nowak Construction Co., Inc. to install a new sewer interceptor line across north Liberal, from Western Avenue to the Wastewater Treatment Plant with funding from the KDHE Revolving Loan Fund proceeds with work to commence after the final loan arrangements have been completed, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Martinez absent.*
- Commissioner Carlile questioned what was wrong with the current line.

- Finance Director Ford said the current line runs in the vicinity of 15th street and with the growth and expansion it is getting close to 70-75% capacity.
- City Manager Hall explained this will service future expansion and will service the new middle school. It is for future growth of the City.
- Commissioner Harrison stated this has been in the works for some time.
- Mr. Hall stated this was to be part of the new plant project, however, it was moved up because of the new schools being built.

12. CITY MANAGER'S REPORT.

- City Manager Hall thanked all departments. It's still that time of year where things are growing especially with the record rain and Staff is doing their best at trying to get everything done.

13. ITEMS FROM COMMISSIONERS.

Vice Mayor Aragon thanked staff for all the hard work and keeping the city looking good.

Commissioner Harrison agrees with Vice Mayor Aragon. City staff is working as hard as they can and they go about it every day get it done. It involves all departments to get work done. He also wants to remind everyone that Thursday is Vice Mayor Aragon's birthday and wants to wish him a happy birthday. Commissioner Harrison appreciates working with Commissioners even though they don't always agree. Parking is controversial but to we want to keep the city looking clean for all citizens.

Commissioner Carlile wishes Vice Mayor Aragon a happy birthday. He appreciates everyone and stated we have to move forward at this time

Mayor Denoyer thanked city staff as they have worked a long time on the animal shelter and done a tremendous job. He stated the Street Department went above and beyond on cleanup from last storm. He thanked the Commissioners for their time at making this place better for everyone and thanked Administration for keeping things moving in the right direction.

Commissioner Harrison read a statement he received from Christie Lundblade:

"As a citizen of Liberal, KS and a truck driver this new ordinance if not right for there are a lot of drivers who don't own property in Liberal. Not only that but the biggest employer in Liberal is National beef and of course attached to them is the 2nd biggest employer that would be National Carriers. Now if you make that ordinance into a law then we will not want to live in Liberal and what will happen then? Oh that's right the surrounding towns will get all the business. Lime Garden City or Dodge City or even increase business in Guymon and Meade. So how is this gonna benefit our town? Just like the new ordinance that unless you have a double wide you can't move a mobile home into Liberal or rebuild a home that was burned to the ground. This town is becoming greedy. I am ashamed to say I have lived here since I went to school at the new high school when it first opened. This town had gone downhill the last several years."

14. VOUCHERS.

\$1,070,249.70, dated August 25, 2015. *Vice Mayor Aragon moved to approve the vouchers, as presented, with Commissioner Carlile seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Martinez absent.*

The meeting was adjourned by motion of Commissioner Harrison.

Joe Denoyer, Mayor

ATTEST:

Alicia Hidalgo, Deputy City Clerk