

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

October 13, 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, October 13, 2015.

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

City Staff Present: City Manager Mark Hall, Finance Director Chris Ford, City Clerk Debbie Giskie, Human Resources Director Sheena Schmutz, Building Services and Code Enforcement Director Kory Krause, Building Inspector Kevin Kirk, Economic Development Director Jeff Parsons, Fire Chief Kelly Kirk, Housing & Community Development Director Karen LaFreniere, Sanitation Director Frank Holman, LPD Lieutenant Jared Ratzlaff, 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 Ann Holman of the Risen Glory Church.

1. Awards, Proclamations and Presentations: *No items were presented.*

2. Approval of Agenda.

Mayor Denoyer reported the agenda has been amended to include #7, first reading of Ordinance No. 4458 and requested approval of the amended agenda.

Commissioner Harrison moved to approve the agenda, as amended, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

3. Approval of Minutes.

Commissioner Carlile moved to approve the minutes of the September 22, 2015, regular meeting, as presented. The motion was seconded by Vice Mayor Aragon 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.

Elyse Molstad, Energy Services Coordinator for Southern Pioneer Electric, appeared before the Commission to announce they are launching a new program for paperless billing and auto payments. She explained the programs and noted customers are urged to sign up for these program until December 11, 2015.

6. Consent Agenda:

- a. Acknowledge Receipt of Board Minutes:
 1. Liberal Housing Authority, August 19, 2015.
 2. Liberal Convention & Tourism Board, August 20, 2015.
- b. Approve Airport Lease Renewals:
 1. # 6.00 Anadarko Production Co. \$6,501.00 1 year
 2. # 34.02 Gary Classen \$ 633.60 1 year
 3. #112.00 Bill Campbell \$1,009.80 1 year
 4. #122.02 L & D Oilfield Services \$1,220.08 1 year
 5. #183.01 Merit Energy Company \$3,277.98 1 year
- c. Ratify Approval Cereal Malt Beverage License:
 1. Walmart #4628 Fuel Center 714 North Western Avenue

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. First Reading of Ordinance No. 4458 - General Obligation Refunding Bonds, Series 2015.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4458, entitled, "AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015, OF THE CITY OF LIBERAL, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO."

- Director of Finance Ford apologized for the lateness in getting this agenda item to the Commission and noted it was a simple oversight. He explained at a previous meeting, Ranson Financial was here to discuss this issue. He noted this is for refinancing the General Obligation Bonds, Series 2006, with a principal amount of \$1,745,000. He explained the bids will be accepted later this month and should the bid results not be favorable, we are under no obligation to pursue this further.
- Commissioner Carlile questioned when the bids are due. Mr. Ford advised they are due at 11:00 a.m. on October 27, 2016, the same day as the next Commission meeting. *Commissioner Harrison moved to advance Ordinance No. 4458 to a second reading, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.*

8. Resolution No. 2221 - Establishing an Additional Rural Housing Incentive District Within the City (Country Club Acres Subdivision Plat No. 3).

Mayor Denoyer requested Commission consideration of Resolution No. 2221, entitled, "A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LIBERAL, KANSAS DETERMINING ESTABLISHING AN ADDITIONAL RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY (COUNTRY CLUB ACRES SUBDIVISION PLAT NO. 3) . "

- Housing & Community Development Director LaFreniere noted she received a request to add some property in Country Club Acres Subdivision Plat No. 3 to the RHID. She explained once the resolution is adopted and published, it will need to go to the Kansas Department of Commerce and then the developer can make application and pursue the development.

Commissioner Harrison moved to adopt Resolution No. 2221, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

9. Resolution No. 2222 - Environmental Abatements.

Mayor Denoyer requested Commission consideration of Resolution No. 2222, entitled, "A RESOLUTION AUTHORIZING THE ABATEMENT OF CONDITIONS WHICH ARE INJURIOUS TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENT OF THE CITY OF LIBERAL, KANSAS, PURSUANT TO SECTION 8-210, CODE OF THE CITY OF LIBERAL, KANSAS".

- Building Inspector Kirk noted this is the environmental abatement of 217 East Ninth Street and he referred to the violations and photographs in the packet. He explained the owner has been sent certified letter and received numerous free landfill coupons, but they continue to accumulate more junk. He noted another letter was sent to the owner in June.
- Commissioner Carlile questioned if they were aware that the owner is a 90-year old woman. Mr. Kirk advised they are aware of it and she has a son living there who is part of the problem.
- Mayor Denoyer advised the cleanup needs to be completed within the allotted time.
- City Manager Hall advised if needed, the City will clean up the property, present the owner with a bill and if it isn't paid, it will become a lien on the property.

Commissioner Carlile moved to adopt Resolution No. 2222, as presented, with Commissioner Martinez seconding the motion. The motion carried unanimously.

10. Resolution No. 2223 - Amending Section C-1509 of Exhibit C - Fee Structure, of the Code of the City of Liberal, Kansas, Dealing with Sewer Rates.

Mayor Denoyer requested Commission consideration of Resolution No. 2223, entitled, "A RESOLUTION AMENDING SECTION C-1509 OF EXHIBIT C - FEE STRUCTURE, OF THE CODE OF THE CITY OF LIBERAL, KANSAS, DEALING WITH SEWER RATES.."

- Director of Finance Ford advised at the September 29, 2015 special meeting, this issue was discussed. He noted the sewer rates have maintained at its present level since January 1, 1999. He advised in conjunction with our wastewater treatment plant project, it has been determined by our financial advisor, Ransom Financial, that determining a sewer rate structure would not only support the operation and maintenance of the City sewer system, but would also fund the 20-year repayment of the KDHE Revolving Loan, in the maximum amount of \$29,628,080.
- Mr. Ford read the proposed rates beginning January 1, 2016 through January 1, 2020 as contained in the resolution. He noted our wastewater treatment plant was constructed in 1980.
- Commissioner Carlile noted that after the rate increase in 2020, Liberal will be lower than the communities of Dodge City, Emporia, Garden City, Hays, Leavenworth and Pittsburg charge at the present time, as listed in the packet. City Manager Hall advised Garden City is in the process of changing their fees.

Commissioner Carlile moved to adopt Resolution No. 2223, as a presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

11. Rubbish 3 Yard Dumpsters.

- Sanitation Director Holman noted they have been cleaning their yard and trying to get rid of some of the old 3-yard dumpsters. He explained he did some research on recycling the dumpster and found the best price is Wynn Metals of Liberal offering \$60 per ton. He noted is approved, the proceeds will be placed in Refuse Container Account

Commissioner Harrison moved to approve the recycling of the old 3-yard containers to Wynn Metals, Liberal in the amount of \$60 per ton, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

12. My Police Department Application for iPhone and Android.

- LPD Lieutenant Ratzlaff advised he had research what other departments are doing to have a better relationship with their citizens and found there is a smart phone app that is very popular. As a result, contact was made with Wired Blue in reference to the MyPD App, that would allow the department to interact with the public and put out important information to keep them safe and out of harm's way.
- Lieutenant Ratzlaff advised there is no upkeep on their part and the cost of the smart phone app is \$800 annually with a one-time \$165 set-up fee. He advised the Liberal Police Department was granted a \$1,000 grant from Walmart to fund the first year's annual cost and setup fee. He requested acceptance of the grant and permission to proceed with setting up the application.

Commissioner Carlile moved to accept the grant from Walmart and to proceed with setting up the MyPD application for iPhone and Android smart phones, as presented. Commissioner Harrison seconded the motion, which carried unanimously.

13. Sale of Property in North Liberal.

- Economic Development Director Parsons noted Pinnacle Developments, LLC of Liberal has approached the City regarding the purchase of 3.7 acres of property the City owns on North Kansas Avenue known as the "old" Highway 83 right-of-way that KDOT deeded back to the City of Liberal. He noted the purchase price of \$40,000 was negotiated.
- Mr. Parsons requested approval of the property sale and to execute the proposed Real Estate Purchase Contract, subject to receiving clear title.

Commissioner Harrison moved to approve the sale of the 3.7 acres of property and to execute the Real Estate Purchase Contract, subject to receiving clear title, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.

14. Agreement with Love's.

- Economic Development Director Parsons noted Love's Travel Stops and Country Stores, Inc. will soon be starting on their construction project near the Highways 54 and 83 junction. He noted part of the project will include access on both highways and KDOT is requiring deceleration and acceleration lanes, both of which fall in the KDOT right-of-way.
- Mr. Parsons explained we are talking about an agreement with Love's. He noted in talking with KDOT, why not include the deceleration and acceleration lanes into the 6-Points project. This would allow Love's to not re-do something that is being done as part of the 6-Points Project. He noted we were able to finally get the actual agreement and a change order will be issued for this issue.
- City Manager Hall noted KDOT is urging that this be done so the access will be done in one pour during the project
- Commissioner Carlile questioned the cost. It was noted this will be done at no cost to the taxpayers.

- Mayor Denoyer inquired about the integrity of the concrete pour. Mr. Parsons advised he was not sure. City Manager Hall advised we can have our engineer get in touch with KDOT to obtain this information.

Commissioner Harrison moved to approve the Change Order to the 6-Points project and Agreement with Love's Travel Stops & Country Stores for payment of all additional costs, subject to approval of the City Attorney. The motion was seconded by Commissioner Martinez and carried unanimously.

15. SWK Coalition - Pinegar & Smith Contract.

- City Manager Hall advised this is a renewal contract for lobbyist work concerning governmental affairs and other activities for the Southwest Kansas Coalition (SKC) whereby the cities of Dodge City, Garden City, Liberal and Hays each pay a proportionate share for the services offered by Pinegar & Smith. He noted a meeting of the Southwest Kansas Coalition will be held this Thursday.
- Mr. Hall noted Dodge City, Garden City and Liberal share the cost of the services in the amount of \$14,000 each and the City of Hays, who is not a voting member, pays roughly half of the amount paid by the three original members. He reported Liberal's share will be funded from the economic development portion of the one-cent sales tax program.
- Commissioner Carlile questioned what Pinegar & Smith does for Liberal. City Manager Hall advised they hold a weekly telephone conference on Friday's at 10:00 a.m. to give updates on legislative and other issues and commissioners are welcome to be involved. He noted they also send us information about who to contact on an issue that needs our attention. In addition, they provide a recap of legislative issues and provide warnings about what will be coming in the next year. Mr. Hall advised there are many times that we have contacted Representative Francis throughout the legislative session and vice versa.
- Mayor Denoyer noted that Pinegar & Smith lay out the information about a particular bill and give knowledge of what it will mean if the action is taken one way or the other and they also keep our legislators updated on this issues.
- Commissioner Harrison noted we have utilized the services of a lobbyist for about six years and have used the services of Pinegar & Smith since 2012 and had another lobbyist prior to that. *Commissioner Harrison moved to approve the contract with Pinegar, Smith & Associates in the amount of \$14,000 to be funded out the Economic Development portion of the One Cent Sales Tax program, as presented. Commissioner Carlile seconded the motion. which carried unanimously.*

16. CITY MANAGER'S REPORT.

- City Manager Hall expressed appreciation for what all the departments are doing. He explained there are some things we will address now that the mowing season has slowed down, including streets, sidewalks and crosswalks. He advised there will be some street striping done next week and crosswalks will be done later.
- Mr. Hall announced that Mayor Denoyer has been honored with a prestigious award at the League of Kansas Municipalities annual conference this past weekend.

17. ITEMS FROM COMMISSIONERS.

Commissioner Martinez advised he attended the League annual meeting in Topeka over the weekend and received a lot of good information. He was pleased to hear that street striping would begin. He thanked all the staff for what they are doing and commended Mayor Denoyer on the award he received at the League conference.

Commissioner Carlile expressed appreciation for the opportunity to attend the League conference and congratulated Mayor Denoyer on his award.

Commissioner Carlile made a motion to move our City Commission meetings to 5:30 p.m. instead of 6:30 p.m., effective at the next meeting on October 27, 2015. The motion was seconded by Vice Mayor Aragon and carried unanimously.

Commissioner Harrison extended congratulations to Mayor Denoyer. He asked Mayor Denoyer to explain the award he received. Mayor Denoyer advised he was awarded the E.A. Mosher Excellence in Government Award at the League of Kansas Municipalities annual conference in Topeka this past weekend and noted he has two witnesses to prove that he was tongue tied at receiving this honor. He noted Ernie Mosher was the LKM executive director for 30 years and fought for Home Rule in the legislature and the award was presented by Ernie's wife who is in her 90's. Mayor Denoyer advised it takes a team as a commission and city for over 11 years he has served with great staff and commissioners and he gets to serve a community that we have going in the right direction!

- Commissioner Harrison advised we abated some property tonight and he was still concerned about the progress on Locke Street. Building Services Director Krause noted Mr. Abbott has drilled some holes with posts for the fence and they will work on the neighborhood. He also advised he should have more details at the next Commission meeting on this property and the other sites.

Vice Mayor Aragon thanked City staff for doing a wonder job. He noted it was good to see the results of Jeff's hard work. He also congratulated Mayor Denoyer for the prestigious award. Vice Mayor Aragon sent out condolences to Jacobsen family on the passing of Georgia Jacobsen who did a lot for the community and organization while she was in Liberal.

Mayor Denoyer thanked City staff for their efforts and he looked forward to seeing some changes in the community. He noted we have a tremendous staff and knows the code enforcement personnel have a thankless job and he would like to see continued efforts on the agenda.

18. VOUCHERS.

\$1,064,246.88, dated October 13, 2015. *Vice Mayor Aragon moved to approve the vouchers, as presented, with Commissioner Carlile seconding the motion. The motion passed unanimously.*

19. EXECUTIVE SESSION.

Commissioner Harrison moved to adjourn into a fifteen (15) minute Executive Session per K.S.A. 75-4319(b)(1) – for the purpose of discussing personnel matters of non-elected personnel. The motion was seconded by Vice Mayor Aragon and carried unanimously.

The Commission requested Legal Counsel, City Manager, Finance Director and HR Director to join them.

- Mayor Denoyer inquired if the Commission wished to take any action as a result of the Executive Session.

Commissioner Harrison moved to adjourn into a five (5) minute Executive Session per K.S.A. 75-4319(b)(1) for the purpose of discussing personnel matters of non-elected personnel. The motion was seconded by Vice Mayor Aragon and carried unanimously. The same parties attended the session.

- Mayor Denoyer inquired if the Commission wished to take any action as a result of the Executive Session.

Commissioner Harrison moved to approve an increase of the city manager's salary by the same percentage as the rest of the other city employees. Vice Mayor Aragon seconded the motion, which carried unanimously.

The meeting was adjourned by motion of Commissioner Harrison.

Joe Denoyer, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk