

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

October 27, 2015

The regular meeting of the Liberal City Commission was held at 5:30 p.m. in the Commission Chambers located at 325 North Washington on Tuesday, October 27, 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, 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 Jacob of the First Southern Baptist Church.

1. Awards/Proclamations/Presentations. *Mayor Denoyer presented Bonnie Raff with proclamations designating November 1, 2015 as National Family Literacy Day and November 2015 as National American Indian Heritage Month.*

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 unanimously.

3. Approval of Minutes.

Vice Mayor Aragon moved to approve the minutes of the October 13, 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. (No items were presented)

Noe Tolento, Jr., Liberal, voiced concern about the condition of a road between Brown's Furniture that leads to one of his accounting clients. He indicated the city and county can't agree on who is responsible for maintaining the road that has numerous potholes. He stated what will happen is that it will break his car and he will have to sue the City.

- Commissioner Carlile questioned if was the road by the sale barn. Mr. Tolento said it was.

Mr. Tolento also stated he has applied for a job with the City numerous times and indicated it would be helpful if there was a job description for the open positions to determine if he was interested. He noted he had been trying to talk to someone.

- City Manager Hall questioned if he had talked to the human resources director. Mr. Tolento stated she has been there five different times in the last six months. He also noted he had been accepted for a city bus driver, but declined the position after finding out his ex brother-in-law was working in the same capacity.

The Commission thanked him for attending.

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, September 15, 2015.
2. Liberal Convention & Tourism Board, October 15, 2015.

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. General Obligation Refunding Bonds, Series 2015:

Larry Kleeman, financial advisor with Ranson Financial, advised about a month ago the Commission authorized bids be taken for the project. He noted they accepted bids at 11:00 a.m. today from Central States Capital Markets of Wichita, UMB Bank and Commerce Bank of Kansas City. He reported the best bid was from Central States Capital Markets and referred to the Summary of Bids Received, the Official Bid from Central States, and other comparison tables distributed prior to the meeting. He advised the savings of \$122,193.33 exceeded the original estimate of \$91,000.

- Commissioner Carlile questioned the cost of issuance on Table 4 in the amount of \$41,922.50. Mr. Kleeman advised that item is included in the cost of the issue.

Mr. Kleeman advised the Commission is being asked to accept the bid from Central States Capital Markets, adopt the final reading of Ordinance No. 4458, providing for the issuance of the G.O. Bonds and finally to adopt Resolution No. 2224, authorizing the General Obligation Refunding Bonds.

Commissioner Harrison moved to accept the bid of Central States Capital Markets and that the Mayor and Clerk be authorized and directed to execute the bid form selling the Bonds to the best bidder on the basis of said bid and the terms specified in the Notice of Bond Sale. The motion was seconded by Vice Mayor Aragon. Said motion was carried unanimously.

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

Mayor Denoyer requested Commission consideration of the final 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."

Commissioner Harrison moved to adopt Ordinance No. 4458, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

c. Resolution No. 2224 - Sale of General Obligation Refunding Bonds, Series 2015.

Mayor Denoyer requested Commission consideration of Resolution No. 2224, entitled, "A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS,

SERIES 2015, OF THE CITY OF LIBERAL, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 4458 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH".

Commissioner Carlile to adopt Resolution No. 2224, as presented, with Commissioner Martinez seconding the motion. The motion carried unanimously.

8. Resolution No. 2225 - Authorizing a Dedicated Source of Revenue for the Repayment of Loans, as evidenced by the Loan Agreements between KDHE and the City of Liberal.

Mayor Denoyer requested Commission consideration of Resolution No. 2225, entitled, "A RESOLUTION AUTHORIZING A DEDICATED SOURCE OF REVENUE FOR THE REPAYMENT OF LOANS, AS EVIDENCED BY THE LOAN AGREEMENTS BETWEEN KDHE AND THE CITY OF LIBERAL".

Finance Director Ford advised this is the final step of the loan agreement with the KDHE for the \$29,600,000 loan for the wastewater treatment plant and the sewer interceptor line.

- Commissioner Carlile questioned if the sewer rates we proposed were accepted. Mr. Ford advised KDHE had been included in the rate structure.

Commissioner Carlile moved to approve Resolution No. 2225, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

9. Kansas Avenue Phase I and Phase 2 Project:

a. Approval for Phase I and Phase 2 of the Kansas Avenue Reconstruction Project and to Authorize the Transfer of Such Funds.

- City Manager Hall advised this project is long overdue. He explained they have combined the phase one and phase two of the Kansas Avenue resurfacing and improvements project and have combined with the school district on bidding our project with their project in the hopes of attracting bidders. He noted the project would begin at the intersection of Pine Street and continue north along Kansas Avenue. He noted roughly 200 street lights will be installed or replaced from Pine Street to Eleventh Street and fixtures will be reused in parking areas throughout the City and future projects.

- Mr. Hall advised the majority of the street resurfacing from Pine Street to Fifteenth Street will be a mill and overlay of asphalt as concrete could not be used in some areas due to stability of base.

- Commissioner Carlile questioned the amounts in the memorandum. Mr. Hall advised the remaining funds after the street improvements will go for lighting.

- Mr. Hall advised the project will start in March. He also advised concern has been raised about the humps at the intersections where they are about a foot too long, but noted the State would like to see the intersections stay the same and we will try to soften them up.

Commissioner Harrison moved to approve \$1,624,000 from the Street, Drainage and Capital Improvement portion of the One-Cent Sales Tax for phase one and phase two of the Kansas Avenue Reconstruction Project, and to authorize the transfer of such funds, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.

b. Acceptance of the Bid for the Reconstruction of Kansas Avenue from Pine Street to 15th Street.

Commissioner Carlile moved to accept the J & R Sand Co. bid in the amount of \$1,364,257.23 for the reconstruction of Kansas Avenue from Pine Street to 15th Street, as presented. Commissioner Martinez seconded the motion, which carried unanimously.

10. Sewer Interceptor Line - Wastewater Department.

Finance Director Ford reported at the August 25, 2015 meeting, the Commission approved the bid of Nowak Construction Co., Inc. to install the new sewer interceptor line in the amount of \$2,561,429 to be funded from the KDHE Revolving Loan proceeds. He advised since that time, Nowak Construction has withdrawn their bid due to nothing on our part. He noted Smoky Hill, LLC, Salina, will honor their bid of \$2,881,368.71, which is the next lowest bid.

- Commissioner Harrison voiced concern that this company might back out also. Mr. Ford advised conversations have been held with KDHE on this issue.

Vice Mayor Aragon moved to approve the sewer interceptor line bid from Smoky Hill, LLC, in the amount of \$2,881,368.71, to be funded from the KDHE Waste Water Revolving Loan Fund proceeds, as presented, Commissioner Carlile seconded the motion, which carried unanimously.

11. Board Appointment - Convention & Visitors Bureau.

City Manager Hall advised the CVB Advisory Board has two openings; one for the restaurant representative and one for the lodging representative. He explained Jack Carlile, a restaurant representative, resigned upon being elected to the Commission and to-date no application have been received for the restaurant category.

- Mr. Hall also reported Vivek Bhakta, lodging representative resigned his position in September when he moved away from the community. He referred to the applications received from Rosa Castaneda (Super 8) and Claudia Garcia (Hampton Inn), included in the packet.
- Mr. Hall reported the CVB Advisory Board recommends moving Pam McElvain from a lodging representative to a restaurant position representing the Branding Iron to fulfill Carlile's position ending November 2018. They also recommend that Rosa Castaneda be appointed to fulfill Ms. McElvain's lodging term ending in June, 2016 and Claudia Garcia be appointed to fulfill Vivek Bhakta's term ending in September 2017.

Commissioner Harrison moved to move Pam McElvain from a lodging representative to a restaurant representative to full fulfill Jack Carlile's term ending November 2018, and appoint Claudia Castaneda to fill McElvain's lodging term expiring June 2016 and to appoint Claudia Garcia to fulfill Vivek Bhakta's term ending September 2017, as recommended. Vice Mayor Aragon seconded the motion, which carried unanimously.

12. CITY MANAGER'S REPORT.

City Manager Hall reported the season is changing and there are a number of projects to do, and he hoped the weather didn't change too suddenly. He advised the ground is saturated with the 40 or so inches of rain this year. He expressed appreciation to the departments for what they are doing.

- Mr. Hall advised tonight is an early trick or treat event at the ball complex with the main activity starting at 7:00 p.m.

- City Manager Hall reported City staff will be making a big push between Veteran's Day and Thanksgiving to trim and edge the community so it looks good during the winter months. He noted this was recommended by City staff and all departments will be involved.
- Mr. Hall expressed appreciation to Commissioner Carlile for going with Mr. Sealey to view the area behind Liberal Inn that floods with a 1" rain. Commissioner Carlile thanked City staff for the opportunity to show and discuss options to alleviate this issue.

13. ITEMS FROM COMMISSIONERS.

Commissioner Martinez advised he has seen the snow fence being put up and suggested installing some on South Street between Larrabee Road to Mission Street to help with traffic flow and parking issues during the winter. He also thanked City staff for doing a good job.

Commissioner Carlile hoped that during the Halloween activities, the kids would be cautious and drivers would be careful.

Vice Mayor Aragon advised thank City staff for everything they do.

Mayor Denoyer thanked City staff for keeping up with the mowing and hoped they are ready for an abnormally wet winter. He invited everyone to the Liberal Memorial Library to meet former Liberal Bee Jay player Ken Berry who has written some children's book and he will read to come elementary schools while in Liberal.

- Mayor Denoyer reminded the Commission of the last Council of Governments meeting for the year to be held on Thursday at 7:00 a.m. at SCCC.

Commissioner Harrison had no items to present.

14. VOUCHERS.

\$2,370,005.70, dated October 27, 2015. *Vice Mayor Aragon* moved to approve the vouchers, as presented, with *Commissioner Carlile* seconding the motion. The motion passed unanimously.

The meeting was adjourned by motion of Commissioner Harrison.

Joe Denoyer, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk