THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION
November 24, 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, November 24, 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 Inspector/Zoning Administrator Kevin Kirk, City Engineer Pete Earles, Housing & Community Development Director Karen LaFreniere 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, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

3. Approval of Minutes.
Commissioner Carlile moved to approve the minutes of the November 10, 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. *No items were presented.*

6. Consent Agenda:

a. Acknowledge Receipt of Minutes:
   1. Liberal Convention & Tourism Board, November 12, 2015.

b. Approval of Cereal Malt Beverage Licenses:

1.	Circle K #2721621	440 South Kansas Avenue
2.	Dillons #73	1417 North Kansas Avenue
3.	Grand Buffet	539 East Pancake Boulevard
4.	Hutch's #111	1580 North Kansas Avenue

5.	Hutch's #117	850 South Kansas Avenue
6.	Love's Country Store #24	208 West Pancake Boulevard
7.	Mid-America Air Museum	2000 West Second Street
8.	Toot'n Totum #120	Highway 54 & Western Avenue
9.	Toot'n Totum #122	1421 North Western Avenue
10.	Walmart #799	250 East Tucker Road
11.	Willow Tree Golf Course	1800 West Fifteenth Street

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 Commissioner Carlile seconding the motion. The motion carried unanimously.*

7. Proposal for Risk Management Services.

- Finance Director Ford referred to the proposal from Charlesworth & Associates, Overland Park and noted traditionally we re-evaluate our insurance program risks and exposures every three (3) years, which has been performed by Charlesworth & Associates. Mr. Ford explained the program also includes a competitive quote process to obtain bids for the City's property and liability insurance coverage which will expire on April 1, 2016. It was noted the City's insurance policy renews annually and runs from April 1 to April 1.
- Commissioner Carlile advised he had talked to three insurance agents and they are concerned about the damage we have incurred and think we should wait another year.
- Mr. Ford advised there were some losses and we are having some repairs made in the City. He noted there are some agencies interested in bidding on our program, but there is no way to know for certain that they will supply a quote.
- Commissioner Harrison advised we have engaged Charlesworth & Associates to look at our insurance to make sure we are insured to the best of their knowledge.
- City Manager Hall advised some feel we need to be consistent.
- Finance Director Ford noted this does not reflect in any way against our current insurance agency.
- Commissioner Carlile questioned what if all the quoted come back higher.
- Commissioner Harrison noted Mr. Charlesworth has no idea of what the quotes will be.

Commissioner Harrison moved to approve the risk management services proposal of Charlesworth and Associates, LC, in the amount of $6,250, as presented. Vice Mayor Aragon seconded the motion, which carried unanimously.

8. First Reading of Ordinance No. 4460 - Amending Zayo Group Franchise Agreement.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4460, entitled, "AN ORDINANCE AMENDING THE AUGUST 14, 2014 FRANCHISE AGREEMENT BETWEEN ZAYO GROUP, LLC AND THE CITY OF LIBERAL, KANSAS."

- City Manager Hall advised this ordinance will amend the current franchise agreement with the Zayo Group that was formerly Ideatek. He explained they would like to put some additional cellular towers to increase their communications.
- City Attorney McQueen advised when there is a change to a franchise it must be done by ordinance. She noted the changes include the definition of antenna facilities in Sections 1 and 2.

- Commissioner Harrison questioned what type of service they provide. City Manager Hall advised it was cellular towers. Commissioner Harrison noted he read or heard about a community; he thought it was close to Wichita; maybe Derby, Kansas, that during the negotiations of a franchise agreement they were able to get free WiFi.
- City Attorney McQueen advised she had no objection to reaching out to the company.

Commissioner Harrison moved to advance Ordinance No. 4460, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

9. First Reading of Ordinance No. 4461 – Declaring it Necessary to Appropriate Private Property for the Use of the City.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4461, entitled, "AN ORDINANCE DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY."

- City Manager Hall noted that on February 11, 2014 the City Commission passed Resolution No. 2189 authorizing a survey and description of the land sought to be condemned. He reminded the Commission that the City constructed half the street with this in mind for the self-help housing program.

Commissioner Harrison moved to advance Ordinance No. 4461, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

10. Bid Award - Crack Sealing Project.

- Public Works Director Sealey referred to the results of annual crack sealing bid for 2016. He advised nine advertisement for bid were sent out and two bidders requested a bid package. Mr. Sealey advised only one bid was received from B & H Paving in the amount of $0.959 per pound compared to $0.974 last year.
- Mr. Sealey noted the area to be covered is from 1th Street north and Kansas Avenue west and recommended approval of the bid from B & H Paving, Scott City, in an amount not to exceed $150,000.

Vice Mayor Aragon moved to accept the bid of B & H Paving for the 2016 crack sealing project in an amount not to exceed $150,000, as presented. Commissioner Martinez seconded the motion, which carried unanimously.

11. Board Appointment - Planning & Zoning.

- Building Inspector/Zoning Administrator Kirk advised City staff is requesting the approval to appoint William Hockett to serve on the Liberal Metropolitan Area Planning Commission & Board of Zoning Appeals. Mr. Kirk noted the Board has had the vacancy for two years and now they have a vacant County position open after the resignation of Leonard McDonald.
- Mr. Kirk advised the board resume was discussed by the Planning Commission last week and they unanimously recommend Mr. Hockett be appointed to a three-year term ending December 31, 2018.

Commissioner Harrison moved to appoint William Hockett to the Liberal Metropolitan Area Planning Commission/Board of Zoning Appeals for a three year term ending December 31, 2018, as recommended. Vice Mayor Aragon seconded the motion, which carried unanimously.

12. Temporary Food Establishment Discussion.

City Manager Hall this item was requested to be placed on the agenda for discussion purposes. He noted City Clerk Giskie has updated the information as included in the packed and pointed out there have been no changes in Dodge City or Garden City since last year.

- Mayor Denoyer questioned Commissioner Carlile if he would be participating in the discussion as a restaurant owner. Commissioner Carlile advised he would not be participating.
- Commissioner Martinez questioned if there was any regulation about where the food trailers can be located. Mr. Hall advised there were no regulations.
- Commissioner Harrison advised he felt we need to make some changes to our transient or permanent food establishments. He suggested holding a work session and give City staff a chance to make some recommendations.
- It was noted the concerns are driven by location and financial issues.
- Commissioner Harrison felt if there are suggestions or questions, discussion should be held with Mark or Debbie and legal concerns should be brought to legal counsel.
- Mayor Denoyer noted we need to justify why the fees are raised, such as inspections.

John Engel, Liberal, voiced concern about their property at 7th Street and Kansas Avenue, where Wendy's is located. He advised they (Wendy's) pay property taxes, employ 25 employees and provide restrooms and sewer. He didn't think it was fair for The Hamburger Place to utilize Wendy's restrooms. Mr. Engel noted has heard rumors that Wendy's is leaving and noted that will leave another empty building on Main Street. He questioned if that is what we want or do we want some of the restaurant Garden City has moving in here or not.

It was the consensus of the Commission to hold a work session on this issue after the first of the year and give public notice of the open meeting.

13. CITY MANAGER'S REPORT.

City Manager Hall thanked City staff for their hard work the past two days. He noted the departments have been rotating in and out and going around picking up trash and finishing up the edging before the winter season. He noted every department has been involved and we have received numerous calls about what a great thing we are doing. He advised – a fantastic show of pride – everybody – giving time we have been hauling tons and tons of trash – in the weeds and in the ditches to get the trash – thanks for the pride they are taking in the city – thank the commission – want liberal to be a great place to be

14. ITEMS FROM COMMISSIONERS.

Commissioner Harrison thanked City staff for their efforts to clean up the City and it was great to see them outside. He noted it took some effort to do it and they have set the bar for next year's program.

- Commissioner Harrison wished everyone a Happy Thanksgiving and if they are traveling to take care as there is some bad weather coming. He asked that we don't forget about the police and fire personnel that have to work during the inclement weather.

Commissioner Carlile congratulated Commissioner Martinez on his 32nd wedding anniversary. He thanked City staff and wished everyone a Happy Thanksgiving.

Commissioner Martinez thanked City staff for cleaning up the community. He also thanked the water department for their prompt respons e during a water shut down.

- Commissioner Martinez advised he enjoyed being an educator recently when he taught the fifth-graders at Cottonwood and he wished everyone a Happy Thanksgiving.

Vice Mayor Aragon thanked City staff for all they do and wished everyone a very Happy Thanksgiving and if they are traveling to be safe.

- Vice Mayor Aragon also wished Cyara Heredia good luck in the Miss Kansas Teen USA competition on Friday in Mulvane, Kansas.

Mayor Denoyer thanked City staff for doing the cleanup and noted it was good to see they are working for the betterment of the city. He noted we have a lot to be thankful for and wished everyone a Happy Thanksgiving.

15. VOUCHERS.

$1,474,570.33, dated November 24, 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.

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Joe Denoyer, Mayor

ATTEST:

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Debra S. Giskie, CMC, City Clerk