

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

December 8, 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, December 8, 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, Fire Chief Kelly Kirk, 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. Mayor Denoyer presented service awards to the following employees for ten (10) years of service:

Ragan Dreitz, Fire Department
Tara Johnson, Finance Department
John McCord, Police Department
Cody Regier, Fire Department
Shawwna Shuck, Municipal Court

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 24, 2015 regular meeting, as presented. The motion was seconded by Vice Mayor Aragon 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 Housing Authority, October 13, 2015.

b. Approval of Cereal Malt Beverage Licenses:

- | | |
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| 1. Dao's Convenience Market | 208 East 8th Street |
| 2. Hong One Stop | 800 North Kansas Avenue |
| 3. Pizza Hut #101 | 160 East Pancake Boulevard |
| 4. Pizza Hut #108 | 4 Village Plaza |
| 5. Rash's Sinclair | 563 East Pancake Boulevard |
| 6. Walgreen's #10722 | 10 West Fifteenth Street |
| 7. Walmart #4628 | 712 North Western Avenue |
| 8. Walmart #4628 Fuel Station | 714 North Western Avenue |

c. Approval of Airport Lease Renewal:

- | | | |
|---------------------------------|-------------|--------|
| 1. L & D Oilfield Service, Inc. | \$2, 317.39 | 1 Year |
|---------------------------------|-------------|--------|

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

Mayor Denoyer requested Commission consideration of the final 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 reported legal counsel has visited with Zayo about putting in the equipment to be able to provide WiFi, as suggested at the last meeting.
- City Attorney McQueen advised she talked with Alec Geist who indicated this would be more of what the construction contractors would provide and they can't provide WiFi; however, when request another construction permit and work with the City on laying more fiber or line infrastructure, this discussion can be held.
- Commissioner Harrison advised the City has no recourse with any of the franchise agreements, since the federal government has taken over the cable television franchise. He felt we have an opportunity to negotiate for these services during this franchise amendment.
- City Attorney McQueen noted the purpose of this franchise amendment is to make sure the antennas are defined, as they weren't included in the original franchise with Ideatek or Wildflower Communications.
- City Manager Hall advised there will be some regulation of who is going to gain access to their services through franchise fee paid to the City based on what is being paid to Zayo.

Commissioner Carlile moved to approve Ordinance No. 4460, as presented, with Commissioner Martinez seconding the motion. The motion carried by a vote of 4 to 1, with Commissioner Harrison against. Commissioner Harrison noted he was only voting against the ordinance so that negotiations would take place for these services during a future franchise agreement.

8. Final 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 final reading of Ordinance No. 4461, entitled, "AN ORDINANCE DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY."

- Housing & Community Development Director LaFreniere noted this is the final reading of the ordinance presented at the last meeting regarding Purdue Street.
- Mayor Denoyer questioned legal counsel, if, after looking at the deeds, legal documents and the citizen concern, we are in line with moving forward with deeding this for City use.

- City Attorney McQueen advised yes, and noted there is a provision in State law that does allow a municipality to pursue condemnation where there is a dispute as to ownership. She stated this is the basis why she has proposed that the City move forward and she understands there is some hesitation, and noted this will be resolved one way or another through the court system.
- Commissioner Carlile questioned if we are paying for this land.
- City Attorney McQueen advised if the court determines that someone else owns the property, the land will be appraised and the City will pay for it.
- Commissioner Carlile questioned if this property can go from a park to a housing project.
- Commissioner Harrison advised it was never accepted as a park.
- City Manager Hall advised that when the property was platted, the City's subdivision regulations at that time stated that if the City wanted the Park, they would have to step forward in six months and pay for it. He advised the City Commission minutes show that it was never accepted as a park and never paid for it. He further noted that over the years through several owners and bankruptcies, this property has become in limbo and there is no conveyance of ownership showing we own it. He noted this was a park for the children that live in the housing complex to play there.

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

9. First Reading of Ordinance No. 4462 - Adopting the 2015 Standard Traffic Ordinance.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4462, entitled, "AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 43RD EDITION OF 2015 AND REPEALING AND REPLACING SECTION 14-101, AND REPEALING Sections 14-108, 14-109, AND 14-110 OF THE CODE OF THE CITY OF LIBERAL, KANSAS.

Commissioner Carlile moved to advance Ordinance No. 4462 to a second reading, as presented, with Commissioner Martinez seconding the motion. The motion carried unanimously.

10. First Reading of Ordinance No. 4463 - Adopting the 2016 Uniform Public Offense Ordinance.

Mayor Denoyer requested Commission consideration of the first reading of Ordinance No. 4463, entitled, " AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", 31ST EDITION OF 2015, AND REPEALING AND REPLACING EXISTING SECTION 11-101 OF THE CODE OF THE CITY OF LIBERAL, KANSAS".

Commissioner Harrison moved to advance Ordinance No. 4463 to a second reading, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

11. CITY MANAGER'S REPORT.

- City Manager Hall advised since the last meeting, we had Cleanup Liberal and noted all the employees rotated so no department was left unattended. He further noted that since more employees got involved than originally planned, we were able to expand the scope, which was a fantastic thing. Mr. Hall advised the project was truly impressive and noted we have some other plans before the end of the year.

- Commissioner Martinez advised he noticed some activity by the old Liberal & Metal location where they are knocking some things down. Mr. Hall advised that in lieu of making lease payments for the first year, the tenant needed to complete some cleanup, which they are doing now. He noted if they stop progress we would need to revisit the lease.
- Commissioner Harrison thanked City staff for pushing this issue.

12. ITEMS FROM COMMISSIONERS.

Commissioner Martinez thanked City staff for their efforts.

Commissioner Carlile extended condolences to the families of former police officer and sanitation superintendent Overend "Cookie" Cook and also former police officer Thanh Dao, who passed away recently.

Commissioner Harrison thanked City staff for everything they do. He advised it was great to honor the employees this evening who have completed ten years of service.

- Commissioner Harrison reported the cleanup and extra work completed by City staff has been noticed and made a difference to the community. He advised everyone is very complimentary of the extra effort.

Vice Mayor Aragon congratulated everyone who received service awards this evening and thanked City staff for all they do.

Mayor Denoyer commended City staff for getting out and making our town look good. He also thanked the Street Department for sanding the icy intersections to make sure our citizens are safe.

- Mayor Denoyer thanked his fellow commissioners for their involvement.

13. VOUCHERS.

\$1,654,227.59, dated December 8, 2015. *Vice Mayor Aragon moved to approve the vouchers, as presented, with Commissioner Martinez seconding the motion. The motion carried unanimously.*

The meeting was adjourned by motion of Commissioner Harrison.

Joe Denoyer, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk