

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

February 9, 2016

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, February 9, 2016.

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

City Staff Present: City Manager Mark Hall, Transportation Operations Director Daniel Zuniga, Finance Director Chris Ford, City Clerk Debbie Giskie, Human Resources Director Sheena Schmutz, Zoning Administrator Kevin Kirk, Wastewater Services Director Kenneth Williams, 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.

- Dr. Jacob thanked the Commissioners for attending the Pancake Day activities.

1. Awards/Proclamations/Presentations. *Mayor Denoyer presented a proclamation designating the month of February as Girl Scout Cookie Month.*

- Lori Flohr accepted the proclamation and noted there are two troops here in Liberal and expressed appreciation to everyone that supports the Girl Scout cookie sales program.

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 January 26, 2016 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.

Scott Parnell, Liberal, referred to the information presented to the Commission by the group regarding the crematorium being proposed in their neighborhood next to Brenneman Funeral Home. He noted their main concern is that it is not a good place for the crematorium, as it is next to a Church, close to the high school and adjacent to a residential zone. He noted there is quite extensive research on the Internet which indicates there are numerous chemicals involved in the process and he felt more study is needed. He noted the crematorium will be more necessary as time goes on.

- Mr. Parnell noted he is a kidney transplant patient and he was concerned about the chemicals used in the cremation process for his health and others. He advised EPA has backed off on regulations for crematoriums. He noted many of the adjacent property owners were not

notified of the zoning meeting, where a group of five appointed individuals made a decision that directly affects his family and the adjacent Church. He questioned if the Commission if they had this decision to grant a special use permit, would they approve it if it was located next to their home.

- Commissioner Carlile questioned if they have gone to any community that has a crematorium.
- *Anita Rodenberg, Liberal*, referred to a video on KAKE.com from last year that shows black smoke coming from the Yoder Funeral Home, and emitted a horrible odor. She noted research shows that there shouldn't be any black smoke and felt the citizens should be safeguarded.
- Commissioner Carlile advised they received a packet today from the City which names numerous cities with crematoriums, including Hutchinson with a crematorium in the middle of a residential area, the same thing in Garden City, Fredonia and Dodge City.
- An audience member reported Burkhart Funeral Home's crematorium in Dodge City was closed down in 1995 and there is one just for animals in that community. The crematorium in Garden City is used solely for their customers.
- Mayor Denoyer noted, as stated at the last meeting, the property in question is zoned agriculture and the Board of Zoning Appeals granted a special use permit. He noted if someone is dissatisfied with the decision they should file an appeal in District Court.
- *An audience member* stated they thought the City Commission could override any Board decision.
- Mayor Denoyer noted this is a Board that the City Commission has no regulation over.
- Legal Counsel McQueen advised in District Court, they have 21 days to respond, then the Judge would have a case management conference to set discovery trial dates and issues of that nature.
- *An audience member* advised they are trying to find an attorney.
- Commissioner Harrison questioned if this requires that they hire an attorney.
- Legal Counsel McQueen noted it is not an easy process and pretty complicated for a lay person. She noted it might be worthwhile to talk to an attorney. She advised she had talked to Mark Wilson and told him the Court can't give them any special latitude because they don't have an attorney.
- Commissioner Harrison questioned if they, as a group, have talked to Mr. Brenneman. The group replied "not at this point".
- *Mark Wilson, Liberal*, advised he owns rental property in the area and noted Sublette's crematory is out-of-town. He felt we have some asinine regulations, this is not like the one that doesn't allow parking a camper on the sidewalk; we are talking about people's lives. He noted the smoke emission depends on whether the owner changes the filter or not and there are only two State inspectors covering the crematoriums. He was amazed that a person can get a use permit for a crematorium in our community.
- Mr. Wilson advised he hates regulations and you can't regulate a crematorium; the smoke can be up north in two minutes. He noted National Beef Packing Company is suppose to be a non-smelling facility.
- Commissioner Carlile noted that a lot of the regulations are controlled by the State.
- *Jacque Rice, Liberal*, advised she has a list of animals that she can't sell in her pet store which is regulated by the City. She voiced concern that some of the birds are very

susceptible to chemicals and felt what is good for one should be good for the other. She also noted we were told Conestoga wouldn't smell.

- Ms. Rice questioned why the City Commission couldn't override a Planning Commission/Zoning decision. She noted an attorney retainer fee is \$5,000 and questioned why the city attorney couldn't represent them.
- Legal Counsel McQueen noted the Board of Zoning Appeals members are appointed by the City and they are given certain authority by law. She noted the appeal doesn't go to the City and she can't represent them because they would be suing the City.
- *Robert Love, Jr., Liberal*, advised he was born and raised here and noted the Commission has heard their concerns, which aren't against Rick Brenneman, the crematorium, just the location. He noted they are concerned about property values as there are many rentals on Cain Street.
- Mr. Love advised he is the pastor of the Trinity Missionary Baptist Church and they have plans to build a parsonage and another land owner plans to build some rentals. He noted this has been a whirlwind experience for them by looking through all the laws to fight this. He also advised this has put a thorn in their side and questioned if you would put a crematorium in this location.
- Commissioner Carlile asked where do you want the crematorium to be - find a piece of land and swap. An audience member advised Mr. Brenneman wouldn't sell it.
- *Eddie Beavers, Liberal*, advised he has a lung condition and voiced concern that when the wind goes out of the southwest, fumes from the crematory will go over his house. He noted he doesn't want the chemicals which is giving him a death warning. He advised it is something to think about, especially with all the kids in the area.

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, December 15, 2015.
2. Liberal Convention & Tourism Board, January 21, 2016.

b. Approval of Airport Lease Renewals:

- | | | | |
|------------|------------------------|------------|--------|
| 1. # 50.00 | Jett Aero, LLC | \$1,229.90 | 1 year |
| 2. # 92.03 | Papa's Properties, LLC | \$2,156.22 | 1 year |
| 3. #143.00 | W.H. Rentals | \$ 443.52 | 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. Confined Space Lift System - WWTP.

Wastewater Services Director Williams referred to quotes received for a confined space lift entry system as budgeted in 2015, but not purchased. He explained the process they use to lower and lift personnel in and out of manholes and lift stations is not very safe and the fire department's unit is not accessible due to the need to have it available for emergency calls.

- Mr. Williams recommended the purchase of the lift system from Mid-Continent Safety for \$5,262.00.

Commissioner Harrison moved to approve the purchase of a confined space lift entry system from Mid-Continent Safety for \$5,262, to be funded from the wastewater equipment reserve fund, as presented, with Commissioner Carlile Vice Mayor Aragon seconding the motion. The motion carried unanimously.

8. Final Plat of Eisenhower Middle School Addition.

- Zoning Administrator Kirk stated this plat was brought this to you in November 25, 2014 and was accepted; however, the plat wasn't filed at the Register of Deeds office at the time. He advised the Liberal Metropolitan Area Planning Commission reviewed the Final Plat of the Eisenhower Middle School Addition on Western Avenue at their January 14, 2016 meeting. He noted after their review and discussion, they recommended the City Commission accept the Final Plat of the Eisenhower Middle School Addition, as presented.

Commissioner Carlile moved to accept the Final Plat of the Eisenhower Middle School Addition, on Western Avenue, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

9. Final Plat of Seymour Rogers Middle School Addition.

- Zoning Administrator Kirk advised at the January 14, 2016 Liberal Metropolitan Area Planning Commission meeting, the planners reviewed the Final Plat of the Seymour Rogers Middle School Addition. He noted after discussion and review, the Planners recommend the City Commission accept the Final Plat, as presented.

Commissioner Carlile moved to accept the Final Plat of the Seymour Rogers Middle School Addition, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

10. Board Appointments - Liberal Metropolitan Area Board of Zoning Appeals & Liberal Metropolitan Area Planning Commission.

- Zoning Administrator Kirk advised City staff is recommending approval of board appointments to the Liberal Metropolitan Area Board of Zoning Appeals and the Liberal Metropolitan Area Planning Commission, as follows:

Milt Seigrist for a one (1) year City term
Steve Merz for a two (2) year City term
Nick Schwindt for a three (3) year City term
Kevin Frauli for a one (1) year City term
Gary Berry for a three (3) year County term.

- Mr. Kirk explained once each member completes their initial term, their subsequent terms will be for three (3) years. He advised they have one vacant County position.
- Commissioner Carlile questioned if this was the Board that approved the special use permit. Mr. Kirk advised it was.
- Mr. Kirk advised this was supposed to happen last year in order to stagger the terms so there was continuity on the Board and the terms wouldn't expire at the same time. He noted the Board has agreed to this and at the present time they are short one County board member.

- Commissioner Harrison noted we have a hard time getting people to volunteer to serve and this is an important board and their experience is worth something, most of them have been involved for some time and he encouraged City staff to look for Board members.

Commissioner Harrison moved to appoint Milt Seigrist for a one-year term, Steve Merz for a two-year term, Nick Schwindt for a three-year term, Kevin Frauli for a one-year term, and Gary Berry for a three-year County term to the Metropolitan Area Board of Zoning Appeals and Planning Commission, as presented. Commissioner Carlile seconded the motion, which carried unanimously.

11. CITY MANAGER'S REPORT.

- City Manager Hall thanked all the departments involved in preparing for the Pancake Day activities. He noted it was a massive undertaking by City staff to get ready for the Saturday events, as well as Pancake Day and noted they were very accommodating.
- He also thanked the departments for what they do by working on projects, such as the ball fields which will be ready for the high school and Liberal baseball association events. He noted they are starting preventative maintenance to get through the weed system.
- Mr. Hall introduced Transportation Operations Director Daniel Zuniga who is present tonight who will be handling some of the duties performed by Joe Sealey. He noted he will do a great job and get many projects completed.
- Commissioner Martinez questioned the status of street projects. Mr. Hall advised work would begin again on March 1st on the 6-Points intersection, subject to weather, starting on the Highway 83 portion first, the Bluebell connection to Highway 54, then the Highway 54 portion and finally making it a 4-Points intersection.
- Commissioner Harrison questioned the status of the Clay & 54 intersection. Mr. Hall advised KDOT is going out to bid on this project.
- Transportation Operations Director Zuniga advised they are working on the Highway 54 portion. Commissioner Harrison noted that Daniel and his crew have done everything they can and KDOT has kept putting this project off for the past 8 years.
- City Manager Hall advised the highway continues to deteriorate.
- *Tony Whisenant, Liberal*, noted the Clay & Highway 54 intersection is a nightmare and he also noted there is no sidewalk for school kids.

12. ITEMS FROM COMMISSIONERS.

Commissioner Carlile advised he brought up the school zone lights on 15th Street about 6 months ago, he went to the traffic safety meeting and everyone agrees it doesn't need to be there, but it is still there. It was noted this is the school zone light by St. Anthony Church where they held school at one time.

- Commissioner Harrison advised it is up to the traffic safety committee to bring changes to the Commission.
- City Manager Hall advised the speed gained in three blocks if the speed limit was raised to 30- 35 mph would be 7 seconds. He noted at the time there was a request from Cottonwood and Lincoln Schools to keep the light there for those students who might need to cross 15th Street.
- Discussion was held on the fact that the school crossing light is programmed to work 5 days a week, that people will cross the street at other locations other than where there is a

crosswalk and that people that live by the school crossing never see anyone using the crosswalk.

- It was the consensus of the Commission to have Mr. Hall look into this further.
- Mayor Denoyer suggested that discussion be held with traffic safety committee about putting a timed traffic signal light at the Pershing & 15th Street intersection where the entrance to the hospital is. He advised he knew of several accidents that occurred at that location.

Commissioner Martinez thanked everyone for their efforts to get ready for the Pancake Day festivities. He noted we are here to listen to the public's concerns.

Commissioner Harrison thanked City staff for preparing for Pancake Day. He congratulated Daniel for his new duties. He also thanked those who attended tonight and noted he wasn't sure they can do anything to assist them and hopefully they will all get a chance to voice their opinion as they made some good points, but noted it is out of their hands.

Vice Mayor Aragon he appreciated the opportunity to hear the public's concerns and hoped they can come to a mutual decision. He advised that he honestly understood their concerns and noted there wasn't anything the Commission can do.

- Vice Mayor Aragon advised there was a good turnout this morning for Pancake Day and congratulated City staff for their efforts in preparing for Pancake Day. He congratulated Daniel for his new position.

Mayor Denoyer also thanked those who came to the meeting tonight and hoped they are able to complete more research, find an affordable attorney and express their concerns.

- Mayor Denoyer commended City staff for putting their best foot forward on Saturday and today for the Pancake Day activities. He thanked the Police Department for the color this morning. He also congratulated Daniel for doing a great job during the last 29 years and his new position is well deserved.

13. VOUCHERS.

\$1,025,681.06, dated February 9, 2016. *Vice Mayor Aragon moved to approve the vouchers, as presented, with Commissioner Martinez 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