

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

April 12, 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, April 12, 2016.

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, Economic Development Director Jeff Parsons, Fire Chief Kelly Kirk, Deputy Fire Chief Skeety Poulton, Public Grounds Services Director Brad Beer, Recreation Director William Weber, Convention & Tourism Bureau Director Sally Fuller, Mid-America Air Museum Director Jim Bert, 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 Joe Denoyer.

1. Awards/Proclamations/Presentations.

Mayor Denoyer presented Shirley Scott and Anna Wynn of the Kansas Children's Service League with a proclamation designating the month of April, 2016, as Child Abuse Prevention Month. Ms. Scott invited everyone to the 4th annual Kansas Children's Service League's "Chair"ish the Children Event on Saturday, April 23 at the Liberal Country Club for dinner and auction of locally painted chairs with the proceeds to benefit local and area youth.

Mayor Denoyer presented Liberal/Seward County Communications Director Pam Johnson and telecommunicators/dispatchers with a proclamation declaring the week of April 10 through April 16 as National Public Safety Telecommunicators Week. Ms. Johnson thanked the Commission for this proclamation and thanked her staff for the dedicated service they provide to the public.

The Commission and audience applauded efforts of the telecommunicators.

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 March 22, 2016 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.

Jack Taylor remind the City Commission of the ribbon cutting on the first phase of the 4-lane Highway 54 project to be held at the Mid-America Air Museum on April 19 at 1:30 p.m. He noted the first phase is the 4 mile stretch on either side of the ethanol plant, phase two will be down the hill to the original bridge and anew west lane bridge and phase three will be to Garrettsville.

- Mr. Taylor advised this project has been worked on for many years and noted KDOT Director King has assured him that they have set aside \$61,000,000 for this project.

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, February 15, 2016.
2. Liberal Convention and Tourism Board, March 17, 2016.

b. Approval of Airport Lease Renewals:

1. # 7.02	J & J Services	\$1,36 6.79	1 year
2. # 19.00	Oil Field Mall	\$1,867.14	1 year
3. # 56.01	J & N Restoration	\$ 320.76	1 year
4. # 56.03	J & N Restoration	\$ 322.43	1 year
5. #165.01	Gilmore Roustabout	\$ 779.33	1 year
6. #185.02	Seward County Sheriff	\$1,091.38	1 year
7. #191.00	Hi-Plains Pest Control	\$ 793.75	1 year

c. Approval of Cereal Malt Beverage Licenses:

1. Love's Travel Store #632, 1000 East Pancake Boulevard

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 Martinez seconding the motion. The motion carried unanimously.*

7. REORGANIZATION.

a. and b. Election of Mayor and Vice Mayor.

Dave – the state of Kansas changes and gives the current commissioners – his suggestion that we keep everybody in place until January 2017 at when time we can be on the same

Commissioner Harrison moved to move reorganization until January 2017 and leave the current Mayor and Vice Mayor in place until that time. Commissioner Martinez seconded the motion, which carried unanimously.

The 10-Minute Recess was deleted.

8. Resolution No. 2231 - Calling a Public Hearing on the Advisability of Creating a Community Improvement District.

Mayor Denoyer requested Commission consideration of Resolution No. 2231, entitled, "A RESOLUTION CALLING A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY OF LIBERAL, KANSAS; ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO FINANCE IMPROVEMENTS WITHIN SUCH DISTRICT; AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (IHOP RESTAURANT COMMUNITY IMPROVEMENT DISTRICT)".

Economic Development Director Parsons advised the City has been approached by Liberal Restaurant, LLC and requested we establish a community improvement district, which allows the development to set a boundary and all businesses in that boundary could collect up to 2% additional sales tax to pay for the improvement. He advised this resolution sets the public hearing for the first meeting in May.

- Mayor Denoyer asked if this incentive was just for new development. Mr. Parsons advised not necessarily as a business could remodel. He advised there is a minimum of \$200,000 per development.
- Mayor Denoyer questioned if Mr. Parsons was at liberty to divulge any details. Mr. Parsons announced the owner hopes to build an IHOP at this location on Centennial Boulevard which is a little north of Applebee's.
- Commissioner Carlile questioned what this will cost the taxpayers. Mr. Parsons advised there is no public money involved and noted the customers would pay the extra 2% sales tax.
- Commissioner Harrison advised the City isn't keeping IHOP out of Liberal. Mr. Parsons advised this is their sixth attempt.

Commissioner Carlile moved to approve Resolution No. 2231, setting a hearing date for May 10, 2016, as presented. Commissioner Martinez seconded the motion, which carried unanimously.

9. Transient Guest Tax Rebate Policy.

Economic Development Director Parsons advised that in order to promote a conference and meeting venues in the City of Liberal, City staff and Gilmore & Bell have prepared the Transient Guest Tax Rebate Policy included in the packet. The proposed policy will use the rebate of newly generated transient guest tax dollars to fund the construction of conference center facilities. He explained this incentive will be used only for the construction of conference centers to be built on separate property in conjunction with newly constructed hotel projects.

- Mr. Parsons noted since any transient guest tax dollars generated by a new hotel will be marginal, or new dollars, the use of them as an incentive will not take dollars away from the Convention and Visitors Bureau. He further noted these types of projects have long been sought after by the community as a way to draw additional convention and tourism dollars into Liberal.
- Mr. Parsons referred to the mechanics of the incentive as listed in the memorandum and explained the Developer will submit an application to the Economic Development office, which will then go to the Convention & Tourism Board for their recommendation to the City Commission. If approved by the Commission, the City and Developer will enter into a written agreement for the rebate with all the requirements of this policy and other terms and conditions deemed necessary. He advised a conference center cost figure will be established and the incentive will cease on the earlier of 15 years or when the aggregate amount of the rebate equals the conference center cost.
- Mr. Parsons noted this is only for the construction and equipment to build a conference center only, and will not include the inclusion of a pool and a weight room in. He advised the policy sets a minimum of a 150 seat conference center.
- Commissioner Carlile felt the number of seats should be 300 or 400 seats because we have facilities already that can handle a 150 seat conference. He also had issue with the fact that people like the Liberal Inn can't use this policy because they are already constructed.

- Mr. Parsons advised the incentive is for new construction only so as not to take dollars away from the current guest tax collections.
- Kenny McElvain, owner of the Liberal Inn, advised he feels this is an opportunity to keep any existing motels from doing any expansion and didn't think it should be subsidized by any tax dollars and should stand on its own.
- Mayor Denoyer advised as to improvements, existing businesses could benefit from the CID similar to what was approved this evening and be able to collect an additional 2% sales tax.
- Commissioner Harrison noted however, that a conference center can't collect that additional sales tax. He also advised, that while he is sympathetic, he noted that any existing hotel can build a new hotel. He noted that City staff and Gilmore & Bell have put something together this policy that is a positive step forward to assist businesses so it doesn't cost the taxpayers any money. It was noted that this policy is being used by other communities.
- Mayor Denoyer questioned if there are any other convention centers wanting to be built would they be afforded the same possibility?
- Mr. Parsons advised they would be given the same opportunity and noted no application has been received yet.

Commissioner Harrison moved to approve the Transient Guest Tax Rebate Policy, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 1, with Commissioner Carlile against.

- Commissioner Carlile advised he was against the motion because it doesn't apply to current businesses.

10. Handheld Radio Purchase - Fire Department.

Deputy Fire Chief Poulton advised the Department was successful in obtaining grant funds from a local charitable foundation to acquire 24-handheld radios with external microphones and two 6-unit chargers. He referred to the quotes in the packet and advised they recommend acceptance of the grant funding and authorize the purchase from TBS Electronics of Topeka for \$7,368.

Commissioner Carlile moved to accept to accept the donation from a local charitable foundation and approve the acquisition of the 24 Motorola CP185U Radios (with speaker microphones) and 2 Motorola 6-unit base chargers in the amount of \$7,368 from TBS Electronics, Inc., of Topeka, as presented. Commissioner Harrison seconded the motion, which carried unanimously.

11. Motorcycle Unit - Police Department.

Chief of Police Sill reported he has been planning the implementation of a motorcycle unit for the Department, but due to budget restraints the plan was never pursued. He advised he learned the Garden City Police Department is selling five used Kawasaki motorcycles and are purchasing new Victory motorcycles. He noted the five motorcycles are fully equipped and complete functional and in good working condition. He reported initially they wanted \$10,000 for the five motorcycles but he negotiated it down to \$8,500 or \$1,700 per motorcycle plus radio helmets.

- City Manager Hall advised this will be a pilot program.
- Chief Sill advised Garden City will provide free training (an 80 hour block) to our officers.

- Commissioner Carlile noted some of the motorcycles are old, in fact, one is 14 years old. Chief Sill explained not all of the motorcycles will be on the road at the same time and some will be used for parts.
- Commissioner Harrison questioned how many officers would be trained. Chief Sill advised probably 2 or 3 officers will be on the motorcycle beat, with perhaps one per watch. he noted there are functions that the motorcycle can't be used for and in some cases it would provide increased mobility than a line car.

Commissioner Harrison moved to approve the motorcycle purchase of \$8,500 for 5 motorcycles from the City of Garden City, as presented, with Vice Mayor Aragon seconding the motion. The motion carried by a vote of 4 to 1, with Commissioner Carlile against.

12. Mary Frame Park Update.

Public Grounds Services Director Beer distributed a color scheme for new playground equipment to be installed in Mary Frame Park.

- City Manager Hall noted the prior Commission approved this project and it is in the capital equipment funds with approximately \$150,000 set aside.
- Mr. Beer advised the company will send one person to assist in the installation and City staff will be probably put it up in one day. He also noted there will be some added features as they progress with the project.
- Mayor Denoyer questioned the timeline for delivery. Mr. Beer advised the equipment would arrive in 2 to 3 weeks after the order is placed and he hopes to order it tomorrow.
- The Commission thanked Mr. Beer for the update.

13. Batting Cage Machine, Elevator and Other Accessories - Recreation Department.

Recreation Director Weber reported the City received a donation from a local charitable foundation to replace the 5 machines, an elevator and components for the batting cages as well as a chain link fence. He requested acceptance of the \$31,132 grant funds and to authorize the expenditure of the replacement of all machine equipment and accessories, as described in the memorandum.

Commissioner Harrison moved to accept the grant funds and to authorize the expenditure of the \$31,132 for the replacement of all machine equipment and accessories for the batting cages at North Blue Bonnet Park, as presented. The motion was seconded by Commissioner Carlile and carried unanimously.

14. Tourism Grant Program - Playground for Munchkinland.

Convention and Tourism Bureau Director Fuller noted the request is to purchase Wizard of Oz themed playground equipment for Munchkinland. She referred to the drawing in the packet of the equipment from ATHCO, LLC and noted the CVB Board is very supportive of the purchase in an amount not to exceed \$55,000;.

- Ms. Fuller introduced Christian Ermann, a Life Scout from Boy Scout Troop 73, who plans to rehabilitate the playground as his community Eagle Scout project.
- Mr. Ermann advised he will take down the old equipment and put up the new equipment in phases and hopes to have it installed before next school year.
- Don Rash advised this is one the busiest parks for folks that are from out of State and noted Mr. Ermann has done an outstanding job in raising money for this project. He was pleased to see the equipment updated, because it is unsafe.

Commissioner Carlile moved to authorize the purchase of Oz Themed playground equipment from ATHCO, LLC in an amount not to exceed \$55,000, as presented. Commissioner Martinez seconded the motion, which carried unanimously.

15. Mid-America Air Museum - Authorization for Grant Funds expenditure.

Air Museum Director Bert requested authority to expend already secured grant funds in the amount of \$3,500 to sponsor the winning robotics team from the championship event to send them to the international competition on April 26. He noted the \$3,500 represents a match with the attending team that must agree to match and/or exceed that amount to cover all expenses incurred.

- Mr. Bert was proud to have teams from Colorado, Texas, Kansas and Oklahoma compete and that Perryton, Texas was the winning team in the First Lego League event.

Commissioner Harrison moved to accept the grant funds and to approve the expenditure of \$3,500 as matching funds for the Perryton, Texas robotics team participation in the USFIRST World Festival robotics competition held in St. Louis, as presented. Commissioner Carlile seconded the motion, which carried unanimously.

16. Arkalon Park Improvements.

City Clerk Giskie reported the City has received grant funds from a local charitable foundation for the purchase of picnic tables and construction of small picnic shelters for the Arkalon Park campground. She noted many of the picnic tables have been damaged due to falling trees and storms and are the original tables purchased with grant funds when the Park opened more than 25 years ago.

Commissioner Harrison moved to accept the grant funds and to authorize the expenditure of picnic tables and construction of small picnic shelters in the amount of \$10,300, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

17. CITY MANAGER'S REPORT.

City Manager Hall thanked City staff for their hard work in preparing for spring and he thanked all the department heads for their efforts.

18. ITEMS FROM COMMISSIONERS.

Commissioner Harrison advised he was glad everyone got back from Washington, DC and thanked those who went and represented our city.

Commissioner Martinez advised he attended the meeting with DOT regarding Essential Air Service and met with our senators. He thanked for what they do for us.

Mayor Denoyer advised while they were in Washington, DC he asked for support of Senators Moran and Roberts and Congressman Huelskamp in keeping the tax incentive on bonds and to strike language in the transportation bill that strips State and local governments from regulating drones. He also asked for their support in closing the loophole in collecting sales tax on Internet sales.

- Mayor Denoyer asked Airport Manager Giskie to update the Commission on the Airport issues. Ms. Giskie updated the Commission on the status of the air carrier selection process and also language in the transportation bill that addresses virtual primary airport status, which Liberal would benefit from if the Bill passes.

Commissioner Carlile and Vice Mayor Aragon had no items to present.

19. VOUCHERS.

\$933,672.28, dated April 12, 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