

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

May 10, 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, May 10, 2016.

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 Alicia Hidalgo, Human Resources Director Sheena Schmutz, Economic Development Director Jeff Parsons, Transportation Services Director Daniel Zuniga, Public Grounds Services Director Brad Beer, Building Inspection Services Director Kevin Kirk, Code Enforcement Officer Jeremy Dierking, Police Captain Dave Odle, and City Attorney Shirla McQueen.

Mayor Denoyer declared the meeting called to order, and City Clerk Hidalgo read the roll call declaring all members present. The Pledge of Allegiance was recited and Mayor Denoyer gave the invocation.

1. Awards/Proclamations/Presentations. Poppy Month. *American Legion Auxiliary No. 80 accepted the proclamation. They thanked the Commission and passed out poppies. On Friday, they will be at Dillons, the Post Office, and Walmart from 9-11 a.m. and on Saturday they will be at Westlake from 9-11a.m.*

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 April 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. *(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.

- Perryton Robotic Teams - Jim Bert, on behalf Nicole Huddleston from the Perryton Team, stated they will attend the World Festival.

Nicole Huddleston a coach from the Perryton Xforce team. She introduced the team members and discussed what they learned at competition and their project.

- Al Shank Insurance, Inc. Mr. Al Shank is representing Al Shank Insurance and Employers Mutual Casualty. The city is a member of the Kansas Municipalities Program which is put together by Employer's Mutual which represent over 450 or about 60% of incorporated cities

in the State of Kansas. If Employer's Mutual has a good year on their insurance program, they share back to cities by way of dividends. Dividends are not guaranteed but this is the 11th straight year in a row that City has received dividends. Mr. Shank is presenting a check in the amount of \$88,478.02 which is the City's share of \$3.1 million that Employer's is distributing back to the cities in Kansas this year. The 11 year total is a little over \$642,000 in total dividends and an average of \$58,000 total dividends.

- Commissioner Harrison asked if the amount was for 2015. Mr. Shank stated the amount was for 2015 and included the hail storm.
- Mr. Shank thanked the Commission.

6. Consent Agenda.

a. Acknowledge Receipt of Minutes:

1. Liberal Housing Authority, March 15, 2016.

b. Approval of Airport Leases:

1. # 32.04	USD 480	\$3,574.30	5 years
2. # 38.00	Floyd Aero	\$3,221.40	1 year
3. # 40.00	AirMD, LLC (LifeTeam)	\$2,979.87	1 year
4. # 59.01	Cimarron Investments	\$1,316.70	1 year
5. # 72.06	Cimarron Investments	\$ 844.80	1 year
6. # 73.04	Cimarron Investments	\$1,411.41	1 year
7. # 97.02	Sargent & Lillard Casing	\$1,124.96	1 year
8. #131.02	Larry Johnson	\$ 856.80	1 year
9. #146.00	YRC, Inc. (Yellow Freight)	\$7,580.52	1 year
10. #176.00	Cimarron Investments	\$1,051.38	1 year
11. #190.02	Larry Johnson	\$ 317.50	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. Community Improvement District:

a. Public Hearing

Mayor Denoyer declared the Public Hearing Open.

- Economic Development Director Jeff Parsons stated the Commission adopted a Resolution creating a Community Improvement District (CID) a couple meetings ago. Liberal Restaurant LLC requested a CID for a proposed IHOP restaurant. The CID would establish a 2% sales tax for a maximum term of 22 years. Liberal Restaurant has opted to go for the full 2%. The project is in north Liberal on Centennial Boulevard. Liberal Restaurant LLC would like to begin construction fairly soon.
- Mike Issa, managing partner, would have liked to be here tonight; however he will be here in a few weeks.

Mayor Denoyer asked if the audience had any questions.

- Elma Davis, Liberal, KS, questioned whether the company has to post anything about the additional 2% tax. Ms. Davis does hope the CID is approved but thinks it's only fair to inform the public of the additional 2% tax. She stated it's a good deal especially since it's a new business for Liberal.
- Mr. Parsons answered Ms. Davis's question stating the policy does not require a business to post anything.

- Commissioner Carlile stated he agreed with Ms. Davis. If people look at their receipts they may think our taxes are too high.
- Commissioner Harrison noted the tax is not any different from the additional Motel/Hotel tax and there is no signage for that additional tax. Mr. Harrison believes this is a good policy. He does understand what Ms. Davis is saying, but just like with any business, you have the choice to go there. This policy will make a positive impact in our City.

Mayor Denoyer closed the Public Hearing

b. First and Final Reading of Ordinance No. 4465 - Authorizing the Liberal Restaurant, LLC District in the City of Liberal, Kansas.

Mayor Denoyer requested Commission Consideration of Ordinance No. 4465, entitled, AN ORDINANCE AUTHORIZING THE CREATION OF THE IHOP RESTAURANT COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF LIBERAL, KANSAS; AUTHORIZING THE REIMBURSEMENT OF CERTAIN ECONOMIC DEVELOPMENT PROJECT COSTS INCURRED WITHIN SAID DISTRICT; AUTHORIZING THE IMPOSITION OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO BE COLLECTED WITHIN SAID DISTRICT; AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT RELATING TO SAID DISTRICT."

- City Clerk Hidalgo noted Mayor Denoyer executed a letter waiving the first reading of Ordinance No. 4465.

Commissioner Harrison moved to adopt Ordinance No. 4465, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

8. Industrial Revenue Bonds - Hotel and Conference Center:

a. Public Hearing.

Mayor Denoyer declared the Public Hearing Open.

- Economic Development Director Jeff Parsons explained VAS hotels LLC approached the City in January to use Industrial Revenue Bonds (IRB) to build a hotel and conference center. That project was approved; however, it has taken longer than a year for this project to begin. The authorization expired and this new Resolution will "determine the advisability of issuing taxable Industrial Revenue Bonds for the purpose of financing the acquisition, construction, furnishing and equipping of a hotel and conference center."
- Gilmore and Bell prepared the documents. The last Resolution had a not-to-exceed limit of \$9.5 million and the new Resolution is \$10.5 million. Also, the new Resolution changes VAS Hotels LLC state of residence from Kansas to Texas.
- IRBS are established by the City with proceeds to be used the private business. The business is responsible for bond repayment. The City holds the title for collateral until the bonds are paid in full. There is not financial risk to the City.

With no questions from the public, Mayor Denoyer closed the Public Hearing.

b. Resolution No. 2232 - Advisability of Issuing Taxable Industrial Revenue Bonds for the Purpose of Financing the Acquisition, Construction, Furnishing and Equipping of a Hotel and Conference Center.

Mayor Denoyer requested Commission Consideration of Resolution No. 2232, entitled, "A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LIBERAL, KANSAS DETERMINING THE ADVISABILITY OF ISSUING TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF A HOTEL AND CONFERENCE CENTER FACILITY TO BE LOCATED IN SAID CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS."

Commissioner Carlile moved to adopt Resolution No. 2232, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously

9. Condemnation of 616 West First Street:

a. Public Hearing.

Mayor Denoyer declared the Public Hearing Open.

- Code Enforcement Officer Jeremy Dierking stated the condemnation is for 616 West First Street. The property was mowed but nothing else has changed with the property. The tree is still on the garage.
- Commissioner Carlile questioned who tears it down.
- Finance Director Chris Ford explained the City tears is down and will file a lien upon creation of the invoice. The amount will go onto the tax roll if it's not paid.

With no other questions, Mayor Denoyer closed the Public Hearing.

b. Resolution No. 2233 - Findings for Condemnation Unsafe and Dangerous Structure.

Mayor Denoyer requested Commission Consideration of Resolution No. 2233, entitled " A RESOLUTION MAKING CERTAIN FINDINGS AND DECLARATIONS THAT THERE EXIST IN AND ON CERTAIN PROPERTY CONDITIONS WHICH ARE UNFIT FOR HUMAN USE OF HABITATION: THAT ELEMENTS EXIST WHICH ARE DANGEROUS AND INJURIOUS TO THE HEALTH, SAFETY, MORAL OF THE RESIDENTS OF THE COMMUNITY, AND CREATE A BLIGHT CONDITION WITHIN THE CITY OF LIBERAL, KANSAS."

Commissioner Carlile moved to adopt Resolution No. 2232, as presented, with Commissioner Martinez seconding the motion. The motion carried unanimously.

10. USFIRST Annual Robotics Partner Conference.

- Air Museum Director Jim Bert requested authority to use \$5,400 of existing grant funds to send two part time employees to attend the USFIRST Conference.
- Mr. Bert stated the City is partners with the FIRST LEGO League and Junior FIRST LEGO League and are required to attend the conference. The conference is a very demanding period of instruction and will assist in our Robotics program.
- This year's conference is June 10-16, 2016 in Manchester, NH.

Commissioner Harrison moved to expend up to \$5,400 of existing grant funds for two Mid-America Air Museum representative to attend the USFIRST Annual Robotics Partner Conference, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

11. Purchase of Rifle Optics - Police Department.

- Police Captain Dave Odle stated the Special Response Team is currently equipped with 10 Eco-Tech optics. There is a manufacturer flaw with those optics. The flaw will cause the optics to fail to maintain the correct sight adjustment. The manufacturer is unable to fix the flaw, but agreed to let the City return the sights with a refund of \$3,895. Captain Odle noted they requested quotes for new sights.
- GT Distributors can provide Aimpoint PRO sights for \$384.85 each with the total price of \$3,848.50. The total amount is \$46.50 less than the refunded amount.

Commissioner Harrison purchase 10 Aimpoint PRO sights from GT Distributors at a price of \$3,848.50, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

12. Crushed Concrete Policy.

- City Manager Hall noted in a previous meeting, the Commission asked if we could make crushed concrete available for the public to purchase. As the City has a fill dirt policy, this

policy is in a sense is the same. The policy establishes the fee and also includes a Release, and it makes the concrete available to the public for purchase. The money will go back to the One Cent Sales Tax fund.

- The crushed concrete pickup will be coordinated with City Hall, Transportation Services Director Daniel Zuniga, and Public Grounds Services Director Brad Beer.
- Mr. Zuniga stated a cubic feet is 124 pounds.
- Mr. Hall noted we will work with the public and senior citizens as they come in, however this policy is more for those wanting the crushed concrete in bulk.

Commissioner Harrison moved to approve the Crushed Concrete Policy, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

13. Competitive Soccer Complex.

- City Manager Hall explained the City was approached by a private donor that wishes to donate 8+ acres of land on east Tucker Road for recreational use. The donor wanted to do something as a way to thank the City and the people of Liberal.
- Mr. Hall noted the Recreation Master Plan includes the creation of a lighted competitive soccer complex and this donated land fits the plan.
- Mr. Hall explained this complex will have two fields with lights and the parking lot should hold about 320 cars. This complex will allow for a longer soccer season, could open the possibility for City Recreation Soccer, and will be open to League soccer.
- Transportation Services Director Daniel Zuniga stated this will also be a nice complex for middle school aged kids in the 12-14 year old League.
- City Staff will also seek donations from interested parties to lessen the costs.
- Mayor Denoyer thanked the donor for the donation of land.

Vice Mayor Aragon the moved to approve the Competitive Soccer Complex in the amount of \$635,550 from the Streets, Drainage and Other Capital Improvements portion of the One-Cent Sales Tax, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

16. CITY MANAGER'S REPORT.

- City Manager Hall reported Staff is trying to keep ahead of the weeds. He thanked Staff for their hard work and noted there are a lot of projects going on. Cal Ripken baseball season is ending in a couple of weeks and Staff learned and analyzed the process to make things better out there.
- Mr. Hall stated the pool should open on time. He appreciates staff for their hard work and focus on getting everything ready for the car show
- Mr. Hall stated Commissioner Martinez saw different sides of staff Friday at the Public Service Recognition Activities. Staff appreciates the Commission.
- Commissioner Harrison questioned where we were on the new ordinance with teeth for Code Enforcement to include Special Assessments. Mr. Hall stated it's coming along. City Attorney McQueen apologized as the City Manager gave it to her a while ago and she hopes to have it at the next commission meeting.

17. ITEMS FROM COMMISSIONERS.

Commissioner Martinez received a call from a lady thanking the Police and City Staff for helping her clean up tree branches. Mr. Martinez also attended the car show at Light Park and the park looked good.

Commissioner Carlile stated Staff did a good job getting ready for last weekend's car show.

Commissioner Harrison thanked Staff for all they did to get ready for car show and thanked the Hill family for bringing it to Liberal as it's a great event. Mr. Harrison also thanked Jeff for all his work on the CID and IRB as the process started way back when. Started talking about the convention center in 2008 and it's finally here. Had to cut a curb. Thanks for making that possible. Thanks to Daniel and Mark for working on the soccer field.

Vice Mayor Aragon thanked Staff for working hard and doing a good job. He also wanted to thank Bill Hill and family and noted they had over 400 entries in the car show.

Mayor Denoyer noted City staff has done a great job. The car show was tremendous and appreciated the safety factor with closing 21st Street. Graduates good luck in your future and hope they find their way back to Liberal. Dorothy says there's no place like home.

18. VOUCHERS.

\$809,699.16, dated May 10, 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:

Alicia Hidalgo, City Clerk