

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

February 14, 2017

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 14, 2017.

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

City Staff Present: Finance Director Chris Ford, City Clerk Alicia Hidalgo, Public Grounds Director Brad Beer, Transportation Services Director Daniel Zuniga, Human Resources Director Sheena Schmutz, Housing Director Karen LaFreniere, IT Director Tim Lunceford, Chief of Police Al Sill and City Attorney Shirla McQueen.

Mayor Denoyer called the meeting to order, and City Clerk Hidalgo read the roll call and declared a quorum present. The Pledge of Allegiance was recited, and the invocation was given by Michael Miller of Friends Church.

1. Awards/Proclamations/Presentations. Girl Scout Cookie Month. Mayor Denoyer presented the Girl Scouts with the proclamation for Girl Scout Cookie Month. The Commission thanked all the Girl Scouts for coming.

2. Approval of Agenda.

Mayor Denoyer requested approval of the agenda.

Commissioner Harrison moved to approve the agenda, as presented, with Commissioner Aragon seconding the motion. The motion carried unanimously.

3. Approval of Minutes.

Commissioner Carlile moved to approve the minutes of the January 28, 2017 regular meeting, as presented. The motion was seconded by Vice Mayor Martinez 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.

Rita Isaacs - Liberal, KS - Mrs. Isaacs stated the Parks Department has done a wonderful job picking up the trees, the parks look nice, and she appreciates all they have done. Kids are asking how to get more trees planted and questioned how can that be done.

Mayor Denoyer stated the City has a tree program.

Public Grounds Director Brad Beer stated the City is going to have the tree match program with 5-7 different types of trees in the Spring & Fall. There may be an option to purchase larger trees which are also more expensive.

Finance Director Ford noted there is a budget in place for the tree program and Staff is looking at making changes and also determining what is the best scenario - if funds need to be modified or reallocate funds.

If the public would like to set up a fund, it can be done through the Gifts and Donations and be earmarked for a specific park.

Ms. Isaacs also voiced her concern over cable issues with Zito Media.

Nancy Parsons - 15250 Road I, Liberal, KS. Mrs. Parsons is here as an interested citizen and tax payer in Seward County. She is looking at obtaining information pertaining to what comes before the City Commission. She was looking at the website and noticed that there are 13 meetings with no minutes

attached for last year and nine sets missing in 2015. She questioned if there was a time frame for minutes to be posted and had a concern on how to get that information.

IT Director Tim Lunceford noted there have previously been website issues; however, items are uploaded by whoever handles that particular documents, such as the City Clerk for minutes. He also noted that CivicPlus handles the City of Liberal website.

City Clerk Alicia Hidalgo apologized the minutes have not been uploaded for January 2017 and will work to get them uploaded to the web as soon as possible. City Clerk Hidalgo will also work with Debbie Giskie on getting the other missing minutes and get them uploaded. She explained if Mrs. Parsons would like copies of the minutes, she can stop by City Hall or call. An Open Records Request can be filled out to request any record.

Mayor Denoyer stated there has been a transition between City Clerks and upgrading the City's computer equipment.

Mrs. Parsons asked how she can get information about the agenda ahead of time.

It was noted the agenda is on the web, in the paper and on the radio.

Mrs. Parsons then asked if there was a way for citizens to know what the items are ahead of time.

City Attorney Shirla McQueen noted if someone makes an open request the items can be made available.

Don Rash, Liberal, KS - Mr. Rash stated there is no audio on Channel 15 and has not been any sound the last four or five meetings. He can get the County meetings. Is there a different system?

Commissioner Harrison noted it is the same system but the switch back here belongs to Zito.

Finance Director Chris Ford stated it is a maintenance issue. The meeting is on the web with sound. However, the sound is not making it on the tv. He called the corporate office today to share the concern.

It was noted there is a Franchise fee; however the City does not have a say. The equipment is owned by Zito Media, including the piece that transmits the audio. The meeting is on YouTube and the website.

Larry Koochel, Liberal, KS. Mr. Koochel stated part of his problem has been discussed. The cable in our area in town and probably all over is awful and you never know how long the program will stay on including the sound. He has been told they are working on the it and a person at the local office is the only one you have contact with in town. He caught a repair man and was told to call the main office. Monthly cable fees have been raised. It is frustrating when you pay so much and it does not work properly. This is his complaint.

All Franchise Agreement go through the State now.

The Commission agrees that something needs to be done about the cable service.

Garry Cherry, Liberal, KS. Mr. Cherry is back to address the issue of the vicious dog law. he spoke to Chief Sill but feels he doesn't believe it's a priority. He has been since coming to meetings since November and feels we need to move forward with looking at this. He has contacted Garden and Dodge and also gathered information.

Mayor Denoyer stated the City does have a vicious dog ordinance in the books.

Mr. Cherry believes it's conflicting that there is a vicious dog ordinance as an animal has to commit a vicious act before you can deem it vicious.

Commissioner Harrison questioned if it needs to bite someone first?

Mr. Cherry said yes and the laws are not ideal.

Commissioner Harrison agrees it's hard to understand. There are rules in place for a reason and there is a reason there is a ban on the dogs. He agrees that not all the dogs are vicious. It has evolved over time. The first dogs that were here were here to fight and a lot of the dogs left over are litter mates and may have some left over from then. He suggested speaking to the County as it's not a good deal as far as they are concerned and they'll tell you the dogs that are problems. There are officer safety issues. He is sorry it's that way.

Mr. Cherry stated pit bulls have always been here and there have been no cases that they have attacked anyone.

Commissioner Harrison stated there have been some of that going on Hickory. Animals were illegal in town and people had them and they were getting out and fighting them.

Mayor Denoyer suggested since Mr. Cherry has been here numerous times the item be put on an agenda. *Commissioner Harrison* agreed to put it on the agenda and bring everything to the table.

Police Chief Sill stated they are continuing to look into it. They are looking at ordinances all over the State. His interest is not lifting the ban to appease the public that is currently breaking the law. There are many in town that are breaking the law. In order to prosecute cases, the PD has to rely on the expertise of the vets, however, vets are not telling the court they are pit bulls and Courts are not getting the cooperation because the dogs are mixed breeds. Dogs are seized and held until the court makes a decision. The court is not finding cases guilty because they don't have the expertise. The ban is in place for the safety of the public. The ban was put in place for a particular reason and he believes that it is still a viable battle.

Commissioner Carlile questioned if a pit bull mix is illegal.

Chief Sill stated the ordinance states pit bull or pit bull mix. The American Bully looks similar to a pit bull but vets aren't recognizing it as a pit bull. There is no real backing from the vets.

City Attorney McQueen stated there has to be a significant characteristic for a dog to be considered a pit bull.

Chief Sill will bring this item before the Commission.

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 Metropolitan Area Planning Commission, January 12, 2017
2. Liberal Metropolitan Area Board of Zoning Appeals, January 12, 2017

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

7. Amended Ordinance No. 4478 - Establishing a RHID and Plan for A & V Duplexes Phase II.

Mayor Denoyer requested Commission consideration of Amended Ordinance No. 4478, entitled, "AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF LIBERAL, KANSAS ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (A & V DUPLEXES PHASE II)."

- Housing Director Karen LaFreniere stated this Ordinance was amended to include the legal description in the ordinance.

Commissioner Carlile moved to approve Amended Ordinance No. 4478, as presented, with *Commissioner Harrison* seconding the motion. The motion carried unanimously.

8. Public Water Supply Improvements:

- ### **a. Ordinance No. 4479 - Authorizing a Loan Agreement with the State of Kansas Department of Health and Environment Public Water Supply Loan Fund for the Costs Associated with the City's Public Water Supply Project.**

Mayor Denoyer requested Commission consideration of Ordinance No. 4479, entitled, "An Ordinance Authorizing a Loan Agreement with the State of Kansas Department of Health and Environment Public Water Supply Loan Fund for the Costs Associated with the City's Public Water Supply Project."

- Finance Director Chris Ford stated these four items deal the public water supply improvements. Rose Mary Saunders from Ranson Financial is here tonight.
- The loan rate is locked in for the life of the loan.

Commissioner Carlile moved to adopt Ordinance No. 4479, as presented, with Vice Mayor Martinez seconding the motion. Commissioner Carlile voted yes; Commissioner Aragon voted yes; Commissioner Harrison voted aye, Vice Mayor Martinez voted yes; and Mayor Denoyer voted yes.

b. Approval of Loan Agreement with the State of Kansas Department of Health and Environment Public Water Supply Loan Fund.

Commissioner Carlile moved to approve the Loan Agreement with the State of Kansas Department of Health and Environment Public Water Supply Loan Fund, as presented, with Commissioner Aragon seconding the motion. Commissioner Carlile voted yes; Commissioner Aragon voted yes; Commissioner Harrison voted aye, Vice Mayor Martinez voted yes; and Mayor Denoyer voted yes.

c. Resolution No. 2254 - Authorizing a Dedicated Source of Revenue for the Repayment of a Loan, as Evidenced by the Loan Agreement Between KDHE and the City of Liberal, Kansas.

Mayor Denoyer requested Commission consideration of Resolution No. 2254, entitled, "A Resolution Authorizing a Dedicated Source of Revenue for the Repayment of a Loan, as Evidenced by the Loan Agreement Between KDHE and the City of Liberal, Kansas."

Commissioner Carlile moved to adopt Resolution No. 2254, as presented, with Commissioner Harrison seconding the motion. Commissioner Carlile voted yes; Commissioner Aragon voted yes; Commissioner Harrison voted aye, Vice Mayor Martinez voted yes; and Mayor Denoyer voted yes.

d. Administrative Services Agreement - Ranson Financial Consultants, LLC.

- Finance Director Ford noted the agreement is for KDHE. The City would enter into the agreement with Ranson Financial for administrative service.

Commissioner Harrison moved to approve the Administrative Services Agreement with Ranson Financial Consultants, LLC, as presented, with Commissioner Carlile seconding the motion. Commissioner Carlile voted yes; Commissioner Aragon voted yes; Commissioner Harrison voted aye, Vice Mayor Martinez voted yes; and Mayor Denoyer voted yes.

9. Municipal Court - HVAC Unit Replacement.

- Municipal Court Director Kim Clinkingbeard stated the HVAC Unit located on south edge of the court department is over 30 years old and needs to be replaced. Staff recommends accepting the bid from Luck Refrigeration in the amount of \$10,986.00 as they offer a better warranty.
- *Commissioner Harrison moved to accept the bid from Luck Refrigeration in the amount of \$10,986.00, as presented, with Commissioner Aragon seconding the motion. The motion carried unanimously.*

10. Street Projects:

a. 15th Street Project:

- 15th Street Project will involve a mill and overlay from Kansas Avenue and 15th Street to east of the Western Avenue and 15th Street intersection. The estimated cost of 15th Street Project is \$950,000.00. The project should be completed in 2017.

Commissioner Harrison moved to approve the 15th Street Project in the amount of \$950,000.00, as presented, with Vice Mayor Martinez seconding the motion. The motion carried unanimously.

b. Six Points Reconfiguration Project Extension.

- This project will include improvements to Freeman Street, Cedar Street and curbing and beautification to the abandoned streets.

- Discussion was held about the project and it was noted that on March 2 there will be another Community Meeting at 5:30 p.m. regarding 6 Points.

Vice Mayor Martinez moved to approve \$100,000 and transfer it from the Streets, Drainage and Other Capital Improvements portion of the One-Cent Sales Tax for additional improvements to the Six Points Reconfiguration Project, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

c. Educational Sales Tax Infrastructure.

- This project involves the streets in conjunction with the new schools and the School Construction Project. Discussion was held and City Attorney McQueen noted USD 480 is aware they will not get funds from December and January.

Commissioner Harrison moved to approve the bid from J&R Sand in the amount of \$3,771,381.94 for the following streets: Hickory, Warren, Walnut, Seward, Griffith, Charles, Larry and Cain Court contingent upon the receipt of any necessary deficiency funds from USD 480 within 20 days of official written notification prior to the bid award, as presented, with Commissioner Aragon seconding the motion. The motion carried by a vote of 4-0, with Commissioner Carlile abstaining.

11. Reschedule April 25 Commission Meeting.

- Due to the Western Kansas Congressional Delegation trip on April 23-25, there will not be a quorum for the April 25 meeting. Staff recommends rescheduling the meeting to Wednesday, April 26 at 5:30 p.m.

Commissioner Harrison moved to reschedule the April 25 meeting to Wednesday, April 26 at 5:30 p.m., as presented, with Vice Mayor Martinez seconding the motion. The motion carried unanimously.

12. Liberal Memorial Library Board Appointment.

- The Liberal Memorial Library recommends Carol Dearing be appointed to fill the unexpired term of Stanley Lehnart.

Commissioner Carlile moved to appoint Carol Dearing to fill the unexpired term of Stanley Lehnart starting in February, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

13. CITY MANAGER'S REPORT.

- Finance Director Ford thanked the Commission for allowing him to serve while City Manager Hall is meeting with SWK Coalition.
- Transportation Services Director Daniel Zuniga gave an update on the ice storm cleanup and the City thanks everyone who helped and is continuing to help clean up.
- The Extension office is holding a tree pruning workshop on Feb. 28 at 5:30 p.m. and a meeting in March on tree and lawn care and how to care for newly planted trees.
- The State of the City is Tuesday, February 21 at 6 p.m. at SCCC room 229.
- Staff is working and getting ready for Pancake day.
- The second Community Meeting on 6 Points is March 2 at 5:30 at Mahuron Park Building.
- Thank you to the Union Pacific Foundation Board for the grant award.

14. ITEMS FROM COMMISSIONERS.

Commissioner Carlile thanked City Staff for getting the trees picked up. He knows Staff is working hard and they are doing a fantastic job.

Commissioner Harrison thanked City Staff for picking up the tree branches so quickly. Thanks to all those involved for working hard to clean up the storm damage.

Vice Mayor Martinez thanked the crews for all they've done to clean up. He was in Dodge and they still have a lot of damage. He thanked Staff for being positive and getting things done. He thanked Housing

Director LaFreniere in getting the grant from the Union Pacific Foundation Board for the Rock Island Road Beautification Project.

Commissioner Aragon stated citizens are very impressed with Staff's hard work with the storm cleanup. He also wanted give a special thanks to City Manager Hall as he has been out there working with the cleanup crews. It's great to have him out there helping especially when citizens see that. Thanks to everyone.

Mayor Denoyer thanked everyone who is out there picking up limbs as it's a coordinated effort with everyone involved. He also commended Daniel Zuniga and City Manager Hall on how the 6 Points community meeting was conducted and the City continues to work on suggestions and he appreciates Staff's effort to keep the area safe. He also encourages the public to come to the State of the City on Tuesday at 6:00 p.m. at SCCC. Mayor Denoyer thanked Staff and Administration for moving the City forward. He also thanked the public that came to the meeting and he hopes to get something done about the cable issues.

15. VOUCHERS.

\$1,205,611.10, dated February 6, 2017. *Commissioner Aragon moved to approve the vouchers, as presented, with Vice Mayor 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