

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

March 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, March 14, 2016.

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

City Staff Present: City Manager Mark Hall, Finance Director Chris Ford, Public Grounds Director Brad Beer, Human Resources Director Sheena Schmutz, Economic Development Director Jeff Parsons, Planning & Zoning Director, Kevin Kirk, Water Services Director Cal Burke, Chief of Police Al Sill and City Attorney Shirla McQueen.

Mayor Denoyer called the meeting to order, and Human Resources Director Sheena Schmutz read the roll call and declared a quorum present. The Pledge of Allegiance was recited, and the invocation was given by Kevin Alexander of New Beginning Church.

1. Awards/Proclamations/Presentations. *No items were presented.*

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.

Mayor Denoyer requested the approval of the Minutes as presented. Commissioner Harrison stated he was not present at the March 9, 2017 Special Meeting as asked for that to be amended. Commissioner Carlile moved to approve the February 2, 2017 regular meeting minutes as presented and the March 9, 2017 Special meeting as amended by Commissioner Harrison. Vice-Mayor Martinez seconded and the motion passed 5 to 0.

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.

Don Rash, 461 Harold, Liberal, KS, handed out information on the MAAM to the Commission. He was one of the original founders that helped build the museum 26 years ago. The MAAM Foundation wants the Commission to be aware that they are here to support (you) and bring in educational programs such as the Dinosaurs and Robotics. The Foundation supports the quality of life programs and the search for a new director. He is proud of being a part of the program. Reminder that Robotics competition is next Saturday March 25th at the Air Museum.

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. Approval of Cereal Malt Beverage Licenses:

1. TK's 141 1/2 W. Pancake Blvd.
2. U Pump It #219 343 E. Pancake Blvd. (formerly Express Stop #3)

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 Carlile seconding the motion. The motion carried unanimously.

7. Amended Ordinance No. 4472 - Annexation of 3 Tracts North of Tucker Ave.

Mayor Denoyer requested Commission consideration of Amended Ordinance No. 4472, entitled, "AN ORDINANCE ANNEXING LAND TO THE CITY OF LIBERAL, KANSAS."

- Staff Member Kirk stated original Ordinance dated 10-16-16 was found to have legal description errors; this is the requested amended version as described. Staff recommended approval.
- Mayor Denoyer requested that in the future staff is diligent in getting information correct. *Commissioner Carlile moved to approve the amended ordinance No. 4472 - Annexation of 3 Tracts North of Tucker Avenue as presented, with Commissioner Aragon seconding the motion. The motion carried unanimously.*

8. Resolution No. 2258 - Calling a Public Hearing on the Advisability of Creating the North Liberal Redevelopment District in the City of Liberal Kansas pursuant to K.S.A. 12-1770 et seq.

Mayor Denoyer requested Commission consideration of Resolution No. 2258, entitled, "A RESOLUTION CALLING AND PROVIDING FOR NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING THE NORTH LIBERAL REDEVELOPMENT DISTRICT IN THE CITY OF LIBERAL, KANSAS PURSUANT TO K.S.A. 12-1770 ET SEQ."

- Staff Member Parsons stated tonight starts the public portion of a project that has been underway for 1-2 years. Tonight's items are calling for a public hearing in the future for the creation of a redevelopment district. Representatives from Pinnacle are here. Attorney Evan Fitts is here to do a short presentation. He is the Attorney for Pinnacle.
- Attorney Fitts gave a presentation of background information on the "Triangle Parcel" and on the "Bartel Parcel." He stated they are asking the City to provide incentive support for new businesses; the goal is to increase commerce; attract new business, long term assets and spin off economic benefits. Proposing using TIF, CID, and rebate of transient guest tax and sales tax exemption on building materials.
- Mayor Denoyer stated the April 25th regular City Commission meeting has been moved to April 26th in regards to the public hearing. Resolutions have been changed to reflect the change in Commission Meeting dates. He thanked the investors for investing in our community.
- Commissioner Carlile clarified the approvals of the "Triangle" and "Bartel" parcels. Attorney Fitts stated the "Triangle" parcel is ready to go and the "Bartel" parcel will wait because we (Pinnacle) does not have businesses lined up just yet, but will be brought to the Commission once businesses are ready to go.

- Commissioner Harrison asked if there was an agreement with Gilmore and Bell. Attorney Fitz stated yes.

Commissioner Carlile moved to approve Resolution 2258 calling for a public hearing on April 26, 2017 regarding the advisability of creating a Redevelopment District as presented, with Vice-mayor Martinez seconding the motion. The motion carried unanimously.

9. Resolution No. 2259 - Calling a Public Hearing on the Advisability of Creating a Community Improvement District to be known as the North Liberal One Community Improvement District .

Mayor Denoyer requested Commission consideration of Resolution No. 2259, entitled, "A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF LIBERAL, KANSAS TO BE KNOWN AS THE NORTH LIBERAL ONE COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE CITY'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT."

- Staff Member Parsons stated that this is for the "Triangle" property and the "Bartel" property is separate.

Commissioner Carlile moved to approve Resolution 2259 calling for a public hearing to be held on April 26, 2017 regarding the advisability of creating a Community Investment District, as presented, with Commissioner Aragon seconding the motion. The motion carried unanimously.

10. Resolution No. 2260 - Calling a Public Hearing on the Advisability of Creating a Community Improvement District to be known as the North Liberal Two Community Improvement District.

Mayor Denoyer requested Commission consideration of Resolution No. 2260, entitled, "A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF LIBERAL, KANSAS TO BE KNOWN AS THE NORTH LIBERAL TWO COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE CITY'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT."

Commissioner Carlile moved to approve Resolution 2260 calling for a public hearing on April 26, 2017 regarding the advisability of creating a Community Investment District on the "Bartel" property, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

11. SCADA System Upgrades - Water Department.

Mayor Denoyer read the agenda item.

- Staff Member Burke stated there was a letter of intent with revolving loan and KDHE has approved the contract. Staff requests to accept the contract and use money from the revolving loan for upgrades.

Vice-Mayor Martinez moved to approve \$119,616 for the SCADA system upgrade from MicroComm, to be funded by the KDHE Water Revolving Loan, as presented, with Commissioner Harrison seconding the motion. The motion carried unanimously.

12. Pit Bull Ban.

- Staff Member Sill presented statistics and information on the Pit Bull breed dog. One item in particular, Sill stated the in-house and national statistic, dogbites.org over an 11 year period with the majority of them being pit bull bites.

- Members in the audience: Gary Cherry, 730 N. Washington, Liberal, KS. He stated dogs that have a certain look and have been discriminated against. Over 120 municipalities have receded their ban for a specific breed. He suggested that responsible owners should have restrictions (similar to the County); if one breaks the law then deal with them individually.
- Mayor Denoyer discussed both statistics of the issues. He stated that Seward County had loosened their ban, however the restriction are in place. Only one dog has been registered since 2011. He reminded everyone that a vicious ordinance is in place here in Liberal.
- Commissioner Carlile questioned Chief Sill about the information on the number of bites and deaths. He thinks it involves how they were raised. We have a vicious dog ordinance and he thinks they need to be registered. He thinks the ordinance is too vague
- Commissioner Aragon thanked Mr. Cherry for his passion. His decision is based on stories of families that have been affected.

Commissioner Harrison moved to upholding the ban we have in place with Vice-Mayor Martinez seconding the motion. The motion by a vote of 4 to 1 with Commissioner Carlile against.

13. Retirement of Police Service Dog Rex.

- Police Chief Sill stated that the Police Service Dog, Rex, is 8 years old and recommends retirement. Officer Juan Diaz has volunteered to adopt him. Staff recommends moving forward with the retirement and continue with the K9 program and look at available options to replace Rex

Commissioner Harrison moved to retire Police Service Dog Rex and continue with K9 program and replace Rex, with Commissioner Carlile seconding the motion. The motion carried unanimously.

14. CITY MANAGER'S REPORT.

- City Manager Hall reported that staff is near the end of the tree pick up. Thanks to the staff for helping. If anyone needs assistance in the community, please contact the City. Thanks to staff for helping with new sports season and activities.

15. ITEMS FROM COMMISSIONERS.

Commissioner Aragon thanked city staff and thanked the Pinnacle Group.

Commissioner Carlile agreed with Commissioner Aragon and thanked staff and Pinnacle Group.

Commissioner Harrison echoed the comments on the Pinnacle Group and thanked Jeff Parsons for his work on this project. He stated that there is good sharing of information with the investors and the City staff is good to work with. Thanks to the City staff for making it happen. He thanked Mr. Rash for coming and stated the MAAM is important and we support the Air Museum. The previous director made the choice to leave.

Vice Mayor Martinez thanked staff and gave compliments on Main Street and how clean things look here in town. He is excited about the Pinnacle Group and new businesses coming to town.

Mayor Denoyer advised Saturday March 25th is the Robotics Competition at MAAM. He thanked City Staff for all that they do and for using new tools for growth for our community. He encourages current businesses to seek programs to grow their business. He would like to see more growth.

16. VOUCHERS.

\$462,273.16, dated March 14, 2017. *Commissioner Aragon moved to approve the vouchers, as presented, with Commissioner Carlile seconding the motion.*

The motion passed unanimously or by a vote of 5 to 0.

The meeting was adjourned by motion of Commissioner Harrison.

Joe Denoyer, Mayor

ATTEST:

Sheena Schmutz, Director of Human Resources