

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

November 27, 2012

The regular meeting of the Liberal City Commission was held at 7:00 p.m. in the Commission Chambers located at 325 North Washington on Tuesday, November 27, 2012.

Commissioners Present: Vice Mayor Joe Denoyer, Dave Harrison Larry Koochel and Janet Willimon. Mayor Long arrived late.

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, Fire Chief Kelly Kirk, Building Inspector Kory Krause, Code Enforcement Officers Larry Mastellar and C.J. Torres, Chief of Police Al Sill and City Attorney Shirla McQueen.

Vice 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 Ann Holman of the Risen Glory Church.

1. Awards/Proclamations/Presentations. *None were presented.*

2. Approval of Agenda.

Vice Mayor Denoyer requested approval of the agenda.

Commissioner Koochel moved to approve the agenda, as presented, with Commissioner Harrison seconding the motion. The motion carried by a vote of 4 to 0, with Mayor Long absent.

3. Approval of Minutes.

Commissioner Harrison moved to approve the minutes of the November 13, 2012 regular meeting, as presented. The motion was seconded by Commissioner Willimon and carried by a vote of 4 to 0, with Mayor Long absent.

4. Items from Citizens.

Vice Mayor Denoyer read the rules of the Commission and requested members of the audience approach the podium to address the Commission.

- Fire Chief Kirk introduced Justin Kennel and Scott Helberg as the Fire Department's newest firefighters. The Commission welcomed them aboard.

5. Items from Groups.

Vice 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. Parks & Recreation Advisory Board, September 20 & October 25, 2012.
2. Liberal Convention & Tourism Board, November 15, 2012.

b. Cereal Malt Beverage License Renewals:

1. Carniceria Moreno 610 North Kansas

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|-----------------------------|---------------------|
| 2. Love's Country Store #24 | 208 West Pancake |
| 3. Mid-America Air Museum | 2000 West Second |
| 4. Presto #621 | 440 South Kansas |
| 5. Rash's Sinclair | 563 East Pancake |
| 6. Walgreens #10722 | 10 West Fifteenth |
| 7. Willow Tree Golf Course | 1800 West Fifteenth |

- Vice Mayor Denoyer inquired if the Commission wished to remove any items for further discussion.

Commissioner Koochel moved to approve the Consent Agenda, as presented, with Commissioner Harrison seconding the motion. The motion carried by a vote of 4 to 0, with Mayor Long absent.

7. Resolution No. 2162 – Setting Hearing for Condemnation of 11 South Pershing Avenue.

Vice Mayor Denoyer requested Commission consideration of Resolution No. 2162, entitled, "A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF LIBERAL, KANSAS, AT WHICH TIME OWNERS, THEIR AGENTS, ANY LIENHOLDERS OF RECORD AND ANY OCCUPANTS OF THE MAIN STRUCTURE AND THE TWO ACCESSORY STRUCTURES LOCATED ON LOTS FORTY AND FORTY-ONE (40 & 41), BLOCK ONE (1), CRAIG'S FIRST ADDITION TO THE CITY OF LIBERAL, KANSAS, ALSO KNOWN AS 11 SOUTH PERSHING AVENUE MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS DANGEROUS OR UNSAFE STRUCTURES."

- Code Enforcement Officer Mastellar advised this resolution is a result of a complaint where it was found that the structure was not secure. He referred to the deficiencies listed in the complaint and photographs in the packet. Mr. Mastellar reported the resolution would set January 22, 2013 as the public hearing date.

Commissioner Harrison moved to adopt Resolution No. 2162, as presented, with Commissioner Willimon seconding the motion. The motion carried by a vote of 4 to 0, with Mayor Long absent.

- Vice Mayor requested periodic updates be provided in the packet regarding the status of the condemnation proceedings.

8. Resolution No. 2163 - environmental violation abatements.

Vice Mayor Denoyer requested Commission consideration of Resolution No. 2163, entitled, "A RESOLUTION AUTHORIZING THE ABATEMENT OF CONDITIONS WHICH ARE INJURIOUS TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENT OF THE CITY OF LIBERAL, KANSAS, PURSUANT TO SECTION 8-210, CODE OF THE CITY OF LIBERAL, KANSAS".

- Code Enforcement Officer Torres noted this resolution is a result of the annual mobile home park inspections. He explained the owners have been notified and the 15-day period of abatement has elapsed.

Commissioner Koochel moved to adopt Resolution No. 2163, as presented, with Commissioner Harrison seconding the motion. The motion carried by a vote of 4 to 0, with Mayor Long absent.

9. Resolution No. 2164 - vehicle abatements.

Vice Mayor Denoyer requested Commission consideration of Resolution No. 2164, entitled, "A RESOLUTION AUTHORIZING THE REMOVAL OF MOTOR VEHICLE NUISANCES

FROM CERTAIN PROPERTIES IN THE CITY OF LIBERAL, KANSAS, PURSUANT TO SECTION 8-510 OF THE CODE OF ORDINANCES OF THE CITY OF LIBERAL, KANSAS".

- Code Enforcement Officer Mastellar or Torres noted this resolution is a result of the annual mobile home park inspections. He explained the owners have been notified and the 10-day period of abatement has elapsed.

Commissioner Harrison moved to adopt Resolution No. 2164, as presented, with Commissioner Willimon seconding the motion. The motion carried by a vote of 4 to 0, with Mayor Long absent.

9. Annual Crack Seal Bid Award.

- Public Works Director Sealey referred to the bid tabulation sheet and noted the bid was advertised in the newspaper and eight vendors were sent the bid package. He explained only one bid was received from B & H Paving, Scott City, for \$0.94 per pound. He compared the bid received with the last two years which were \$0.89/lb in 2011 and \$0.91/lb in 2012.

Commissioner Koochel moved to approve the bid of B & H Paving at \$0.94 per pound in an amount not to exceed \$150,000 for the 2013 crack seal project, as presented, with Commissioner Willimon seconding the motion. The motion carried by a vote of 4 to 0, with Mayor Long absent.

10. DCP Permanent Easement & Access Road Agreement – Arkalon Property.

- City Clerk Giskie referred to the agreements and compensation proposed by DCP Southern Hills Pipeline, LLC for a permanent easement across the northeast corner of the Arkalon campground for a 12" natural gas liquids pipeline. She noted City staff has negotiated with DCP personnel regarding the damages and language contained in the agreement, which is subject to legal counsel approval.
- Commissioner Harrison questioned how the amount per rod was determined. Ms. Giskie advised the City Engineer had negotiated with DCP representative and the amount of damages was increased as shown.

Commissioner Koochel moved to approve the Permanent Easement and Access Road Agreements with DCP Southern Hills Pipeline, LLC, subject to approval by City staff and legal counsel, as presented. Commissioner Willimon seconded the motion, which carried by a vote of 3 to 1, with Commissioner Harrison against and Mayor Long absent.

12. CITY MANAGER'S REPORT.

City Manager Hall reported City staff is busy preparing for the winter weather and holiday season.

- Commissioner Koochel voiced concern about the numerous complaints he has received regarding the service being provided by the new cable television company.
- Mr. Hall explained the State has taken over the telecommunications franchise system and reported the City had received notice of the ownership change. He advised the City only has control if they do not collect the franchise fee. He noted complaints can be issued with the KCC or FCC regarding any violations.
- Commissioner Harrison advised he is a subscriber and the service is pitiful.
- Vice Mayor Denoyer questioned if the City could write a formal complaint on behalf of the City Commission. It was the consensus to write a formal letter to the cable company.

City Manager Hall advised the hours of the City bus schedule will change Monday, December 3, 2012 beginning at 5:00 a.m. and the last run will start at 6:00 p.m. He reminded the public that they can have some packages but they must be able to carry and hold them while in the bus.

- Mr. Hall advised the final meeting of the year, normally scheduled for Christmas Day, will be moved to Wednesday, December 26 at 6:30 p.m.

Mayor Long arrived to the meeting and took his place on the bench.

13. ITEMS FROM COMMISSIONERS.

Commissioner Koochel encouraged the public to keep your tax dollars at home and shop locally for the holidays by helping our businesses grow. He reminded the citizens of the local Christmas parade on Saturday night.

Commissioner Willimon reported the truancy program is up and running and that Ivanhoe Love has truancy court scheduled for Wednesday at 4:00 p.m. for more than 20 official truants.

Vice Mayor Denoyer advised there are many events scheduled for this weekend, including the holiday parade and the folk art festival. He commended City staff for keeping the city clean and asked that the community continue to do what we do best -- be friendly.

Mayor Long advised he had just driven back from Hutchinson on Highway 54 and it really needs to get fixed. He noted the meeting lasted longer than anticipated and apologized for being late.

- Mayor Long advised he felt we have a good truancy program that is closely being watched by the State.
- Mayor Long thanked City staff for the hard work they do every day.

Commissioner Harrison had no items to present.

14. VOUCHERS.

\$1,440,064.05, dated November 27, 2012. *Commissioner Koochel* moved to approve the vouchers, as presented, with *Commissioner Willimon* seconding the motion. The motion passed unanimously.

The meeting was adjourned by motion of Mayor Long.

Tim Long, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk

