

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

August 22, 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, August 22, 2017.

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, City Clerk Alicia Hidalgo, Public Grounds Director Brad Beer, Transportation Services Director Daniel Zuniga, Human Resources Director Sheena Schmutz, Housing Director Karen LaFreniere, Zoning Administrator Kevin Kirk, Police Chief 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 Mayor Denoyer.

1. Awards/Proclamations/Presentations.

Dan Yorio Retirement Plaque Presentation. Mayor Denoyer presented Dan Yorio with a retirement plaque and announced a public reception will be held on August 24 from 2-4 p.m. at the Girl Scout Building.

Police Chief Sill presented Dan Yorio with a plaque from the Police Department.

2. Approval of Agenda.

Mayor Denoyer requested approval of the agenda.

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

3. Approval of Minutes.

Commissioner Carlile moved to approve the minutes of the August 7, 2017 special meeting, August 8, 2017 regular meeting and August 16 2017 special meeting, as presented. The motion was seconded by Commissioner Aragon. The motion 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.

Lila Hill 577 Crystal Drive, Cripple Creek, Colorado. She passed out pictures. She owns Hills Trucking along with her husband Dale and son Ryan. It is located on the east side of Liberal on Highway 54. Mrs. Hill gave background information about their place flooding in 1986. They were told plans were being discussed about a retention pond back then but nothing has been done in those 26 years. They believe growth is good but not at the expense of others. She discussed the pumps and noted something needs to be done. What is it going to take? She appreciates a written response from the Commission within two weeks.

It was noted Pete Earles, Earles Engineering and the City Engineer is here to answer questions.

Tony Whisenant, Liberal, KS. He is here to discuss the drainage along 2nd Street. He is also asking for an additional five minutes. He had damage now and also back in 1998. After the flood in 1998, he went and looked at the drainage, plotted maps, and presented the information to the commission in 1999. Almost 18 years later and no one did anything. The current plan is almost the same as last time. He noted this year, 2nd Street turned into a river and people had their basements flooded along there and Harrison Circle area. Yes, Liberal is in a bowl but he has a plan to direct water almost two miles out of town as Liberal cannot handle this much water. He referred to his map and discussed his plan. It included a deep retention pond south of the old Nash Finch building and between the New Liberal Iron & Metal. It is best to keep the water out of Liberal.

Mayor Denoyer announced five minutes is up and would the Commission allow more time.

Commissioner Harrison moved to extend Mr. Whisenant's time and Vice Mayor Martinez seconded the motion. The motion passed unanimously

Mr. Whisenant stated the important thing is to keep water out of town. The “we live in a bowl and can’t do anything about it” is not a good attitude. He is not an engineer but no one has ever proved that his plan won't work and it will certainly help. He discussed the flood in 1998 and noted insurance didn't cover the damage. He is not going to blame this Commission but the City is growing and something needs to be done.

Mayor Denoyer noted the Commission appreciates this information. No one was on the commission nor was any of the staff here back then. He thanked him for bringing the information. The City does have plans to do something.

Pete Earles, City Engineer. Mr. Earles noted the rain we had was unusual as it was 6 inch plus 1 inch prior to that and it's like a 100 year flood. Any major city has issues when something like this happens. The City built retention ponds at the edge of town. Liberal sits in a bowl and unfortunately have to get water out somehow. Some areas need to be looked at while some of the drainage channels need to be cleaned. Discussion was held on building deeper ponds on the north side of town, replacing pipes have been damaged, and possibly replacing new man hole covers with a watertight lid. The entire drainage system will be looked at.

Commissioner Carlile noted 42 years ago, he lived at 4U and it flooded every time. He stated Mr. Whisenant had a good idea.

It was noted everyone wants to find a solution and minimize any damage and the City is looking at all options.

Additional discussion was held with Mr. Hill, Mr. Friesen, Mr. Earles, and Daniel Zuniga regarding the flow of water, the retention ponds and pumps, and asking the public for their input and knowledge. The area at the old Liberal Iron & Metal cannot be made deeper as the EPA won't allow it. The area is contaminated and has batteries and different contaminants buried there. There are studies from back in the 80s that the then-Commission authorized and they should be at City Hall somewhere. An update will be given in two weeks.

The Commission thanked the Hills, the Friesens, Tony Whisenant and Pete Earles for presenting information.

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, July 24, 2017.

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. 4457 - Parking in Front Yards, Side Yards, Rear Yards and Commercial, Industrial Zoned Districts.

Mayor Denoyer requested Commission consideration of Amended Ordinance No. 4457, entitled, "AN ORDINANCE AMENDING THE ORDINANCE REGULATING PARKING IN FRONT YARDS, SIDE YARDS, REAR YARDS AND COMMERCIAL, INDUSTRIAL ZONED DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; THAT REPEALED AND REPLACED THE EXISTING SECTION 14-307 TO THE CODE OF THE CITY OF LIBERAL, KANSAS."

- Zoning Administrator Kevin Kirk stated Staff researched this item and made some changes to clear up some of the confusion with the ordinance. It was noted preexisting areas would be looked at including those with 100% yard coverage.

Commissioner Carlile moved to adopt Amended Ordinance No. 4457, as presented, with Vice Mayor Martinez seconding the motion. The motion carried unanimously.

8. 15th Street Mill and Overlay.

- City Manager Hall noted 15th Street Project is completed and was originally approved in the amount of \$950,000 for the project. There were some areas that had unknown water damage in the base and those areas had to be replaced. The cost is now \$980,108.35. Staff is requesting an additional \$30,108.35 in order to close the project.

- Vice Mayor Martinez questioned Commissioner Carlile on why he abstains when he has nothing to do with this business?

- Commissioner Carlile stated it was public perception.

Commissioner Harrison moved to an additional budgeted amount of \$30,108.35 be allocated to the 15th Street Mill and Overlay Project and transferred from the Streets, Drainage and Other Capital Improvements portion of the One Cent Sales Tax, as presented, with Commissioner Aragon seconding the motion. The motion carried by a vote of 4 to 0, with Commissioner Carlile abstaining.

9. Ordinance No. 4490 - 2017 STO.

Mayor Denoyer requested Commission consideration of Ordinance No. 4490, entitled, "AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 45th EDITION OF 2017 AND REPEALING AND REPLACING SECTION 14-101, AND REPEALING Sections 14-108, 109, 110 and 112(d) OF THE CODE OF THE CITY OF LIBERAL, KANSAS."

Commissioner Harrison moved to adopt Ordinance No. 4490, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

10. Ordinance No. 4491 - 2017 UPO.

Mayor Denoyer requested Commission consideration of the first/final reading of Ordinance No. 4491, entitled, "AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERAL, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", 33rd EDITION OF 2017, AND REPEALING AND REPLACING EXISTING SECTIONS 11-101 AND 11- OF THE CODE OF THE CITY OF LIBERAL, KANSAS AND REPEALING SECTION 11-114 ORDINANCE."

Commissioner Carlile moved to adopt Ordinance No. 4491, as presented, with Vice Mayor Martinez seconding the motion. The motion carried unanimously.

11. Community Development Block Grant Application for Housing Rehab.

- Housing Director Karen LaFreniere stated this Housing Inspection/Risk Assessment is another requirement from the Department of Commerce for the Housing Grant. It is contingent upon getting the grant. Staff is requesting approval for North Central Regional Planning Commission for housing inspections and risk assessment. The inspections are a requirement and they check for lead and give cost estimates for the risk assessment. The grant does not address or require a check for asbestos.

Commissioner Carlile moved to approve the contract with North Central Regional Planning for inspections, contingent on the grant award, with Vice Mayor Martinez seconding the motion. The motion carried unanimously.

12. LKM Voting Delegates.

- City Manager Hall noted the LKM Annual Conference is September 16-18. Staff is requesting approval to have Mayor Denoyer, Vice Mayor Martinez, Commissioner Aragon, Commissioner Carlile, and Commissioner Harrison as voting delegates.

Commissioner Harrison moved to approve the LKM voting delegates, as presented, with Commissioner Carlile seconding the motion. The motion carried unanimously.

16. CITY MANAGER'S REPORT.

- City Manager Hall thanked Daniel, Brad, and Staff for their work during the flood. The City does want to help people. City Staff and the Commission are committed.

- Transportation Services Director Daniel Zuniga gave an update on the school streets, Cedar Street, and noted they plan to do the parking lot at Leete Family Park.

- Mr. Hall noted the parks are looking great and things are going well. Soon, work will begin on Kansas Avenue from 15th Street all the way north.

- Staff is still talking to KDOT about the deceleration lane at four points.

- Commissioner Carlile asked about Wendy's.

- Mr. Hall gave a brief update on the situation with Wendy's and KDOT. The problem is between KDOT and Wendy's; the City is not involved at all. City Staff did go to Garden and talked to the KDOT District 6 Engineer to see if there is any way the City can help. The owners of Wendy's went to Garden so the situation is still ongoing. At one point, KDOT was going to close both entrances. Hopefully Wendy's and KDOT will come to a solution and that entrance will be opened one way or another.

- Mayor Denoyer noted it was a possibility that Meadowlark is draining on our ball fields.

- Commissioner Carlile noted that pond was dry.

- Discussion was held on possibly choking the pipe down and putting in a weir to detain the water, or a relief valve and it could be a simple solution.
- Mr. Hall thanked everyone for their input including Pete and the Commission, and noted Staff will have plenty of work this winter.

17. ITEMS FROM COMMISSIONERS.

Vice Mayor Martinez thanked Staff for their hard work. He received a call Thursday night about the water and noticed Friday morning, there was trouble. He didn't realize what happened overnight because he was sleeping but noted Staff was out there as soon as they were available. It goes back to Staff going above and beyond and noted when you have a good boss, you will do extra for them. If you have a bad boss you will only do what you have to. Staff must love their boss. He also stated no one should be criticized by the media especially when they are working extra. He stated he called City Manager Hall at 5:40 a.m. for a former mayor that needed help and Mark answered him. He didn't expect that and thanked City Manager Hall for his dedication. He stated he has another good thing to mention - back in 2015, they applied for a grant from Union Pacific for Depot Heritage Park. It was awarded in 2016 so you will see activity there. He also noted Housing Director LaFreniere applied and was awarded an additional \$8,000 for a grant to do something there that will give it the area a nice look to it. He also noted the railroad is trying to put in a new sidewalk with a pedestrian gate. Since the area is no longer controlled by KDOT, the railroad is going to see if they can get pedestrian gates on each side.

Commissioner Carlile stated he knows this isn't a Heritage Meeting but Marcellus said he would move that for nothing.

Vice Mayor Martinez thanked Commissioner Carlile. He also noted he is retired after 34 years so he is available to visit with the public as needed.

Commissioner Harrison thanked Staff for everything they do. It's a tough deal when you have a flood. Nobody wishes for that. It happens and we have to move forward. While a new plan may not get 100% of the problems, we are living in a city that has changed in 15 years. Staff learned a lot. He noted a lot will be based on the new people sitting here. Vice Mayor Martinez can help them along. Due to having an outstanding staff and leadership the City is moving in a good direction.

Commissioner Aragon thanked Staff for all they do and noted he appreciates their hard work. He stated it's nice to see walls at the new hotel, Freddy's will open soon and there is progress on the new convention center. There are a lot of good, positive things happening.

Commissioner Carlile thanked Staff and noted Daniel and Brad are doing a good job. He noted the people looked good in rowboat.

Public Grounds Director Brad Beer said he hopes it's the last flood and that the City did a good job on the flood.

Commissioner Carlile also thanked Dan Yorio for 26 years of service.

Mayor Denoyer reminded the public of Dan Yorio's retirement reception on Thursday from 2-4p.m. on Thursday. He thanked the City and the Commission for allowing him to serve on the LKM Governing Body. He will have a meeting this Thursday and Friday and will wrap up his term in September. He thanked the rodeo committee for putting on a good rodeo. Freddy's will open in mid-September and noted this is an exciting time for Liberal. He thanked everyone that came tonight. He noted that the Commission can potentially change every two years and the public can help keep ideas in front of the Commission. He spoke to Dr. Trzaska at SCCC, and they are looking forward to additional conversations about a combined rec center. There is

nothing in stone and it's just conversations, but we need to start somewhere whether it's at South Middle School or the College. If anyone wants to visit with him and ask questions, he is available at the office after 3p.m. He will not respond on social media but is willing to visit with anyone at the office.

18. VOUCHERS.

\$699,218.11, dated August 17, 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