

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

May 22, 2012

The regular meeting of the Liberal City Commission was held at 6:30 p.m. in the Commission Chambers located at 325 North Washington on Tuesday, May 22, 2012.

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

City Staff Present: City Manager Mark Hall, Finance Director Chris Ford, City Clerk Debbie Giskie, Human Resources Director Sheena Schmutz, Building Inspector/Zoning Administrator Kory Krause, Code Enforcement Officer Larry Mastellar, Industrial Park/Cemetery Director Brad Beer and City Attorney Shirla McQueen.

Mayor Long declared the meeting called to order, and City Clerk Giskie read the roll call declaring all members present. The Pledge of Allegiance was recited, and the invocation was given by Ann Holman of the Risen Glory Church.

1. Awards/Proclamations/Presentations. Finance Director Ford introduced Sally Yates who has been promoted in the finance department as a result of staffing changes. The Commission welcomed and congratulated Sally on her promotion.

2. Approval of Agenda.

Mayor Long requested approval of the agenda.

Commissioner Koochel moved to approve the agenda, as presented, with Vice Mayor Denoyer seconding the motion. The motion carried unanimously.

3. Approval of Minutes.

Vice Mayor Denoyer moved to approve the minutes of the May 8, 2012 regular meeting, as presented. The motion was seconded by Commissioner Willimon and carried unanimously.

4. Items from Citizens.

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

- Al Shank, Al Shank Insurance, presented the City with a dividend check in the amount of \$29,475 on behalf of EMC and Al Shank Insurance.

6. Consent Agenda.

a. Acknowledge Receipt of Minutes:

1. Liberal Housing Authority, April 18, 2012.

- Mayor Long inquired if the Commission wished to remove any items for further discussion. *Commissioner Harrison moved to approve the Consent Agenda, as presented, with Commissioner Koochel seconding the motion. The motion carried unanimously.*

7. Kansas Small Business Development Center (KSBDK).

- Dr. Duane Dunn, SCCC President, approached the podium with Mike O’Kane, local outreach director and Pat Veasart, KSBDK regional director from Garden City. He referred to correspondence in the packet outlining their request for funding for FY 2013.
- Commissioner Koochel questioned how large of an area is served by their office. Dr. Dunn explained seven counties are served. Commissioner Koochel then questioned how many of the entities in those communities participate in funding their program. Dr. Dunn noted no additional funding is received.
- Commissioner Harrison explained the City is in the beginning of the annual budget process and advised they would ask them to come back before the Commission later this summer.

The Commission thanked them for attending.

8. Condemnation of 1111 South Calhoun Avenue.

a. Public Hearing. *Mayor Long declared the public hearing open, and City Clerk Giskie reported the proper legal notice had been given.*

- Code Enforcement Officer Mastellar referred to the resolution and photographs of the structure. He noted the property owner is present in the audience and that they intend to repair the home and make it their residence. He explained this issue came to the City as a complaint from the neighborhood after the structure was vandalized repeatedly and wasn’t secured.
- Mr. Mastellar advised the owner has made numerous improvements to the structurally sound structure, including new siding, windows, doors, roof and a garage door and is working on the interior. He noted a licensed contractor would be required to make some repairs in order to get the utilities released.
- Felix and Eva Espinoza, homeowners, approached the podium and Mr. Espinoza advised he had done most of the work on the house.
- Mr. Mastellar advised the owners need to make an appointment with the building inspector to discuss the required work needed since it is a second mortgage and is treated as a rental requiring the use of licensed contractors.
- City Manager Hall advised there wouldn’t be any further action necessary on the resolution but explained the property owner needs to comply with building codes and should work with the building inspector.
- The Commission commended Mr. Espinoza on the progress shown on making the improvements.

There being no further comments or questions from the audience, City staff or City Commission, Mayor Long declared the public hearing closed.

b. Resolution No. 2153 – Findings for condemnation of 1111 South Calhoun Avenue.

Mayor Long requested Commission consideration of Resolution No. 2153, entitled, “A RESOLUTION MAKING CERTAIN FINDINGS AND DECLARATIONS THAT THERE EXIST IN AND ON CERTAIN PROPERTY CONDITIONS WHICH ARE UNFIT FOR HUMAN USE OR HABITATION: THAT ELEMENTS EXIST WHICH ARE DANGEROUS AND INJURIOUS TO THE HEALTH, SAFETY, MORALS OF THE RESIDENTS OF THE COMMUNITY, AND CREATE A BLIGHT CONDITION WITHIN THE CITY OF LIBERAL, KANSAS ”.

Commissioner Koochel moved to take no further action on Resolution No. 2153, with the homeowner to work with the building inspector to complete the work. Vice Mayor Denoyer seconded the motion, which carried unanimously.

9. Condemnation of 635 ½ South Pennsylvania.

a. Public Hearing. *Mayor Long declared the public hearing open, and City Clerk Giskie reported the proper legal notice had been given.*

- Code Enforcement Officer Mastellar referred to the resolution and photographs of the mobile home owned by Perry Heckle, who was present in the audience. Mr. Mastellar reported the utilities haven't been on since 1995 and this issue has come to the City for the third time as a complaint from the neighborhood. He explained the structure continues to be vandalized, is unsecure and causes an eyesore in the neighborhood.
- Mr. Mastellar reported the 1972 trailer is valued at \$3,000 by the County and is considered a rental, which requires a licensed contractor to do the work. He noted an inspection has not been done to the interior of the structure and voiced concern that electricity and possibly gas are connected to the structure.
- Mr. Perry Heckle advised he intends to fix up the structure for his grandson to live in and that he was only aware of one other condemnation proceeding. He distributed photographs of the interior and noted it has been painted in the last 24 hours. He advised it is valued at \$18,000 on the lot.
- The Commission encouraged Mr. Heckle to meet with Mr. Krause on the necessary improvements and asked Mr. Mastellar to keep them informed on the progress.

There being no further comments or questions from the audience, City staff or City Commission, Mayor Long declared the public hearing closed.

b. Resolution No. 2154 – Findings for condemnation of 635 ½ South Pennsylvania.

Mayor Long requested Commission consideration of Resolution No. 2154, entitled, "A RESOLUTION MAKING CERTAIN FINDINGS AND DECLARATIONS THAT THERE EXIST IN AND ON CERTAIN PROPERTY CONDITIONS WHICH ARE UNFIT FOR HUMAN USE OR HABITATION: THAT ELEMENTS EXIST WHICH ARE DANGEROUS AND INJURIOUS TO THE HEALTH, SAFETY, MORALS OF THE RESIDENTS OF THE COMMUNITY, AND CREATE A BLIGHT CONDITION WITHIN THE CITY OF LIBERAL, KANSAS".

Commissioner Harrison moved to adopt Resolution No. 2154, with the stipulation that the owner works with the building department to continue making improvements and show a good faith effort. Commissioner Koochel seconded the motion.

- Vice Mayor Denoyer encouraged the property owner to continue with the progress.
- The motion carried unanimously.*

10. Resolution No. 2155, vehicle abatements.

Mayor Long requested Commission consideration of Resolution No. 2155, 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 referred to resolution listing vehicles located at two (2) addresses. He explained one is a transmission repair shop. He noted if there are more than nine

(9) vehicles at a location, they need to apply for a salvage yard permit. He reported this location had about 30 vehicles with about half of them removed at this time.

Commissioner Harrison moved to adopt Resolution No. 2155, as presented, with Commissioner Willimon seconding the motion. The motion carried unanimously.

11. Liberal Country Club Easement.

Mayor Long and Commissioner Willimon advised they intended to abstain from voting on this item, as they are stockholders of the Liberal Country Club.

- City Manager Hall referred to the easement on the northern boundary of the Liberal Country Club to alleviate a situation with a current easement. He noted the current easement will still remain in place, but the City would like to relocate the sewer and water utilities to the south and put them 25' inside the Country Club's property. This would allow for the replacement of water and sewer lines at some point in the future instead of going in the yards where the existing easement is.
- Mr. Hall noted this is subject to the approval of the Liberal Country Club and legal counsel on both parts. He requested Commission approval to make the offer to the Liberal Country Club for the easement in exchange for \$39,000.

Commissioner Koochel moved to approve the Liberal Country Club Easement, as presented, with Commissioner Harrison seconding the motion. The motion carried by a vote of 3 to 0, with Mayor Long and Commissioner Willimon abstaining.

12. Cemetery Mower Replacement.

City Manager Hall referred to the quotes for a replacement mower for the Cemetery to be funded from the Cemetery Perpetual Fund. He explained both Toro and John Deere are reputable companies and provide good service. He reviewed the differences in the warranty offered by both companies.

Commissioner Harrison moved to approve the purchase of the 52" Turbo Force Deck from Professional Turf Products in the amount of \$7,061.68 with a 5-year/1200 hours warranty, to be funded from the Cemetery Perpetual Fund account. Commissioner Willimon seconded the motion, which carried by a vote of 4 to 1, with Commissioner Koochel against.

- Commissioner Koochel explained he voted against purchasing the Toro mower because of the calls and freight costs needed to get parts and the need to support the local dealers.

13. CITY MANAGER'S REPORT.

- City Manager Hall acknowledged the thank you notes received about the successful Kansas Sampler Festival and he noted that e-mails continue to be received about the event.
- Mr. Hall noted the pool will be open for Memorial Day and also reported work is continuing in Light Park. He advised City staff will begin work on the Leete Family Park very soon to include overhead lighting on the sidewalk and street similar to 15th Street.
- City Manager Hall reminded the Commission of the Council of Governments meeting next Thursday, May 31, 2012 at 7:00 a.m. at SCCC.

14. ITEMS FROM COMMISSIONERS.

Commissioner Koochel advised he continues to hear a lot of good things about the Sampler Festival and excitement is building to make next year's Sampler bigger and better.

Commissioner Willimon advised the community is looking good and the Cemetery and Golf

Course are looking great. She noted Liberal is a good place to live and encouraged everyone to have a positive attitude for continued progress.

Vice Mayor Denoyer asked Brad Beer to share some good news at the Cemetery. Mr. Beer reported the Cemetery directory will be installed in the next few days and noted this was something started by the American Legion Women's Auxiliary about 10 years ago. He noted the building is almost done and much of the work on the directory was done by the City's I.T. Director Tim Lunceford, who spent a lot of time inserting the GPS location of the grave spaces for the map portion of the directory. He also noted the annual placement of flags on all Veteran's graves will be done by City staff on Thursday at 8:30 a.m. this year because there are two funerals on Friday.

- Vice Mayor Denoyer reminded the public of the Memorial Day services to be held on Monday at the Liberal Cemetery and Restlawn Cemetery.

Mayor Long expressed appreciation to all those who were involved in the Kansas Sampler Festival. He commended Sally Fuller and her staff for a job well done. He noted he was excited to see more projects move forward.

Commissioner Harrison had no items to present.

15. VOUCHERS.

\$593,880.86, dated May 22, 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 Commissioner Vice Mayor Denoyer.

Tim Long, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk