

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

January 22, 2013

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, January 22, 2013.

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

City Staff Present: City Manager Mark Hall, City Clerk Debbie Giskie, Human Resources Director Sheena Schmutz, Building Inspector Kory Krause, Code Enforcement Officers Larry Mastellar and C.J. Torres, Economic Development Director Jeff Parsons, Mid-America Air Museum Director Jim Bert, Police Chief Al Sill 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. *No items were presented.*

2. Approval of Agenda.

- Mayor Long requested approval of the agenda, as presented.

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

3. Approval of Minutes.

Commissioner Koochel moved to approve the minutes of the January 8, 2013 regular meeting, as presented. The motion was seconded by Vice Mayor Denoyer 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.

- Jack Taylor, representing the S.P.I.R.I.T. organization distributed copies of an article that appeared in Monday's edition of *The Topeka Journal* regarding KDOT funding and possible transfers. Mr. Taylor urged the Commission to visit with legislators regarding our needs.

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. *No items were presented.*

6. Consent Agenda.

a. Acknowledge Receipt of Minutes:

1. Liberal Housing Authority, December 13, 2012.
2. Liberal Memorial Library, December 18, 2012.

Mayor Long inquired if the Commission wished to remove any items for further discussion.

Vice Mayor Denoyer moved to approve the Consent Agenda, as presented, with Commissioner Willimon seconding the motion. The motion carried unanimously.

7. Final Reading of Ordinance No. 4407 - United Wireless Communications, Inc. Franchise Agreement.

Mayor Long requested Commission consideration of the final reading of Ordinance No. 4407, entitled, "AN ORDINANCE GRANTING UNITED WIRELESS COMMUNICATIONS, INC., A CONTRACT FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE CITY OF LIBERAL, KANSAS AND PRESCRIBING THE TERMS OF SAID CONTRACT FRANCHISE".

- City Manager Hall noted this is the final reading of the franchise contract with United Wireless Communications.

Vice Mayor Denoyer moved to adopt Ordinance No. 4407, as presented, with Commissioner Koochel seconding the motion. The motion carried unanimously.

8. First Reading of Ordinance No. 4408 – Adoption of 2012 Standard Traffic Ordinance (STO).

Mayor Long requested Commission consideration of the first reading of Ordinance No. 4408, 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", 40th EDITION OF 2012 AND REPEALING AND REPLACING SECTION 14-101, AND REPEALING SECTION 20-204 OF THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES" AND REPLACING THE SAME WITH SECTIONS 14-108 AND 14-109 OF THE CODE OF THE CITY OF LIBERAL, KANSAS AND REPEALING 14-110."

- City Clerk Giskie reported the 2012 STO booklet was distributed in the packet. She noted legal counsel had drafted the ordinance and outlined the changes from 2011 in the memorandum. She recommended the ordinance be advanced to a second reading.

Commissioner Koochel moved to advance Ordinance No. 4408 to a second reading, as presented, with Vice Mayor Denoyer seconding the motion. The motion carried unanimously.

9. First Reading of Ordinance No. 4409 – Adoption of 2012 Uniform Public Offense Code (UPO).

Mayor Long requested Commission consideration of the first reading of Ordinance No. 4409, 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", 28th EDITION OF 2012, AND REPEALING AND REPLACING EXISTING SECTION 11-101 OF THE CODE OF THE CITY OF LIBERAL, KANSAS."

- City Clerk Giskie reported the 2012 UPO booklet was distributed in the packet. She noted legal counsel had drafted the ordinance and outlined the changes from 2011 in the memorandum. She recommended the ordinance be advanced to a second reading.

Vice Mayor Denoyer moved to advance Ordinance No. 4409 to a second reading, as presented, with Commissioner Willimon seconding the motion. The motion carried unanimously.

10. Resolution No. 2165 – Environmental Abatements.

Mayor Long requested Commission consideration of Resolution No. 2165, entitled, "A RESOLUTION AUTHORIZING THE ABATEMENT OF CONDITIONS WHICH ARE INJURIOUS TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS OF THE CITY OF LIBERAL, KANSAS, PURSUANT TO SECTION 8-201, CODE OF THE CITY OF LIBERAL, KANSAS."

- Code Enforcement Officer Torres referred to the deficiencies listed in the resolution and photographs of two locations. He noted the property owners have been notified and the 15-day abatement period has elapsed.

Vice Mayor Denoyer moved to adopt Resolution No. 2165, as presented, with Commissioner Willimon seconding the motion. The motion carried unanimously.

11. Resolution No. 2166 – Vehicle Abatements.

Mayor Long requested Commission consideration of Resolution No. 2165, 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 the deficiencies listed in the resolution and photographs of vehicles at three locations. He noted all the owners of property or vehicles have been notified and the 10-day period of abatement has elapsed.

Vice Mayor Denoyer moved to adopt Resolution No. 2166, as presented, with Commissioner Willimon seconding the motion. The motion carried unanimously.

12. Air Museum Gift Shop Upgrade.

Mid-America Air Museum Director Bert explained the need to update the Air Museum gift shop and automate the inventory as done at the tourist center and golf course. He requested permission to expend up to \$25,000 from the project funds to upgrade the gift shop, including wall construction, fixtures, point of sale system, carpet and stanchions.

Vice Mayor Denoyer moved to expend up to \$25,000 for Air Museum Gift Shop Upgrades, as presented. Commissioner Koochel seconded the motion, which carried unanimously.

13. Economic Development:

a. Acceptance of Donation.

Economic Development Director Parsons updated the Commission on the bus ridership and noted they are considering some changes to the bus route. He explained the renewal grant application for the program has been submitted with no changes to the program.

- Mr. Parsons advised the City has received a donation in the amount of \$4,679.84 from Benny Yeu, owner of Taste of China, for a bus shelter to be installed at Wal-Mart. He noted 6' x 10' clear plastic shelter will be installed by City staff at the current bus stop site. Mr. Parsons requested acceptance of this generous donation.

Vice Mayor Denoyer moved to accept the donation from Mr. Benny Yeu for a bus stop in the amount of \$4,679.894, as presented. Commissioner Willimon seconded the motion, which carried unanimously.

b. Board Appointment to JEDC.

Economic Director Parsons noted Ernie Schaffer's term on the JEDC has expired and he has declined to reapply. He explained the board vacancy was advertised and one application was received from Norma Jean Dodge, SCCC Business & Industry Director. He recommended the Commission consider appointing Ms. Dodge to a three-year term on the JEDC.

Commissioner Koochel moved to appoint Norma Jean Dodge to a three year term on the Joint Economic Development Council, as presented. Vice Mayor Denoyer seconded the motion, which carried unanimously.

14. CITY MANAGER'S REPORT.

- City Manager Hall reported the water project is progressing and the lighting project on South Pine should be completed in the next few days. He also reported new cameras have been ordered for the traffic signals at Kansas and Fifteenth, as well as Kansas and Pine.
- Mr. Hall advised a good turnout is expected at the 2013 Kansas Sampler with the vendor registration deadline approaching. Mr. Hall noted the departments are working hard on various projects throughout town.
- He referred to the letter to Zito Media to be sent requesting a meeting and a copy of the letter will be sent to the FCC. Discussion was held regarding customer complaints.

15. ITEMS FROM COMMISSIONERS.

Vice Mayor Denoyer thanked Mr. Yeu for his generous donation for the Wal-Mart bus enclosure. He expressed condolences to the Aaron Epp family on the death of Kay Epp.

Commissioner Willimon advised it was good to be home after being out-of-town for several weeks. She commented on noticing the cleanliness of the community when she drove into town. She noted she was looking forward to this year and reminded the public of the State of the City Address on February 7. She challenged everyone to concentrate on what is good in our city and to talk positively about the community.

Commissioner Harrison asked the city manager to aggressively see what can be done to address the complaints being received with regard to Zito Media. It was suggested that a drop off complaint box be made available for submission to the FCC to simplify the process.

Commissioner Koochel advised he was glad to see all the enthusiasm at the Air Museum with the upcoming Dinosaur Exhibit.

Mayor Long advised the lights look great on Pine Street and thanked City staff for doing a good job. He expressed appreciation to his fellow commissioners for what they do in the community.

16. VOUCHERS.

\$1,372,082.07, dated January 22, 2013. *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 Vice Mayor Denoyer.

Tim Long, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk