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By LARRY PHILLIPS

- Daily Leader

When the gavel opened the city commission's special meeting at 5:31 p.m. Monday, there were four commissioners in attendance. Seven minutes later, there were only three.



The reason for the hastily called special meeting was to reach an agreement on a contract with Southwest Kansas Online Inc., which had its antenna on top of the city's water tower turned off Thursday because SWKO executives had failed to respond to a registered letter detailing the legal requirement for a contract to maintain the antenna on city assets.

As Mayor Joe Denoyer explained in his opening remarks, the contract seemed to be a done deal.

"A situation occurred last Thursday that prompted this meeting, and we have been in contact

with Southwest Kansas Online staff, and we have reached an agreement," Denoyer said.

When Denoyer asked if there were any comments about the contract, commissioner Larry Koochel spoke up.

"Well, I would like to say Joe that this didn't start last Thursday," Koochel said. "It started about 2-and-half years ago when the city found the antenna up there, and it was illegally there and then with no agreement.

"Then a registered letter was sent out, and that was ignored, also," he continued. "Then on top of that, when their people – their customers – called in, instead of them taking the blame for it, they blamed either the city manger or the city of Liberal.

"I have a problem with that – that's from the people that called me," Koochel halted, staring at SWKO staff that was in the audience, seemingly waiting for a response.

"I don't know how this works," said general manager of SWKO Chris Jewel.

Denoyer advised Jewel to step forward to the citizens' podium and state his name and address for the record. Jewel obliged.

"I don't think that I ever told anybody that it was the city's fault over this last Thursday," Jewel said. "(City Manager) Mark (Hall) and I did talk at length on Thursday – a couple of times. And the people I talked to, I did not ever say that it was the city's fault."

Koochel interrupted, "Would you like some names?"

"I know a couple that Mark and I talked about," Jewel responded. "I never specifically told

anyone – in fact, I changed our answering machine (message) because we were getting flooded with calls that came to our office. It simply said, 'We were experiencing power outages and issues at the water tower, and we were working to remedy those as soon as possible. That's all that was ever said.

"I'm not here to point fingers," Jewel continued. "And yes, I did get a registered letter, and that is my fault – I oversaw that in 30 days it expired. All I really want to do is get our services restored to our customers."

"What about the 2-and-a-half years before that, that you knew it was up there illegally?" Koochel asked, referring to the antenna.

"We had been talking with Mark over that," Jewel said. "A long time ago, we had worked out a deal – we thought, and maybe this is me being naive, again – but I thought we had a gentleman's agreement with the city for providing Internet to certain entities of the city and providing Internet to the country club at that time.

"That's what we've been operating on for the last 2-and-a-half, 3 years," Jewel said.

"When this came up, we got some of the language changed in the lease agreement, and like I said, I'm sorry it got pushed up tight, and I forgot the 30 days – it's that simple," Jewel said.

He went on to claim there was no malice between SWKO and the city, and he was pleased the commission convened so quickly to help resolve the issue.

"I really appreciate you guys getting together and doing this tonight," Jewel said.

As Denoyer asked if there were any more questions, Koochel started gathering his papers and notebook. Denoyer asked for a motion, which was made by commissioner Dave Harrison, and then seconded by commissioner Tim Long (commissioner Bob Carlile was absent).

As Long seconded the motion, Koochel rose, tossed his jacket under his arm and started walking toward the front door. Denoyer asked for those who approved to raise their hand and the three sitting commissioners gave approval as Koochel approached the door. City Clerk Debbie Giske shouted out, "Larry, are you voting against it – there's not a quorum."

Koochel didn't look back as he exited the room without a word. Giske stood and left the room to see if she could talk to Koochel. She returned shortly and confirmed Koochel had left the building.

City counsel Kerry McQueen later ruled the vote was three for approval and one no vote, as Koochel was still in the room as the others raised their arms, thus a quorum of four commissioners was there, however briefly.

SWKO has agreed in the contract to pay \$14,400 a year to have its antenna atop the city's water tower, and it will be paid at \$1,200 per month. Liberal Country Club, which owns the property the tower sits on, will get one-third of that money from the city.

Without a quorum, Denoyer gaveled the meeting over 14 minutes after it had started.

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