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By EARL WATT

- Daily Leader

When the Liberal City Commission met Monday to discuss the contract between the City of Liberal and Southwest Kansas Online for use of the water tower to place antennas for Internet customers, Mayor Joe Denoyer made a statement that he believed has been taken out of context.



During the meeting, Denoyer said, “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’s statement was made before any action was taken, leading some to believe that the issue had been discussed prior to the meeting.

Denoyer said that was not the case.

“I hadn’t talked to anyone other than the city manager,” Denoyer said. “I was not aware at all how Larry (Koochel), Tim (Long) or Dave (Harrison) would vote,” Denoyer said. “I got to the

commission chambers at 5 p.m. to go over the contract. I was not aware of any issues. I had not talked to them other than we needed to set up a meeting.”

Denoyer said that he was aware that SWKO had reviewed the contract which was similar to a contract that was previously accepted by Stelera, an Internet provider that recently started offering service in Liberal.

“City staff and legal counsel put together a contract,” Denoyer said. “That night of the meeting, I asked SWKO if they had a chance to look at the contract, they said they had, and they were OK with it. That’s where the ‘done deal’ is being taken out of context.”

While both the city staff and SWKO had accepted the terms of the contract, the ultimate approval was the decision of the commission, Denoyer said. That would have been the time to offer any changes to the contract.

“Whether it was approved or not approved was up to the commission,” he said. “The commission can say, ‘We don’t like this’ if there was an issue with back payment. Or someone could say, ‘Well I don’t like this because there is nothing in here because of the money for back payment.’”

But no commissioner offered to amend the contract.

Commissioner Larry Koochel brought up that there was a two-and-a-half year period where SWKO had access to the water tower without a written agreement.

SWKO contends that the agreement was verbal and was a trade for certain Internet services provided to the city at no charge for the past six years.

The city and SWKO have a written agreement similar to the verbal agreement in question for the tower behind the police station. SWKO has antennas on that tower and provides services to

the city at no charge in exchange for use of that tower.

That's the same contention SWKO made about the water tower, but existing city staff could not find anyone familiar with the agreement that allowed SWKO access to the tower, which is in a fenced area where a trench was dug to extend fiber cables to the tower and connect to the antennas at the top to provide the high speed access to the customers in that area of Liberal. The work would have required specialized equipment and someone to open the facility.

Without any written agreement, and having Stelera paying a fee for a similar service on the water tower, the City sought to establish the same contract with SWKO which called for \$1,200 per month. A registered letter was sent to SWKO giving the Internet provider 30 days to negotiate a contract with the city.

When the 30 days expired and no contract had been reached, the City disconnected the power to the antennas which left about 200 Internet customers with no service.

City Manager Mark Hall informed SWKO general manager Chris Jewell at 10:30 a.m. March 12 that the tower would be disconnected at 1 p.m., and that the tower would remain disconnected until the commission voted on the issue. Jewell asked what he could do to prevent that from happening, but Hall stated that since no agreement was in place the antennas would be shut off until the next commission meeting or until a special meeting could be arranged.

Koochel voiced concerns about the two-year use with no fees when a special meeting took place Monday. After Koochel stated his concerns, Denoyer asked for a motion. Dave Harrison made a motion to accept the contract, and Tim Long seconded. Koochel gathered his items and left the meeting. The contract passed 3-0.

Denoyer said that the commission had to make a decision that affected customers and businesses that were out of service.

"It was important to move forward," he said. "It was important to do what was in the best interest of the customers who lost service and to move forward from there. I guess that is mainly it — do

what is in the best interest of the customers who lost service and viable businesses that are networked in the community and across other states as well. I think it was in the best interest to come together. It was best for the city, SWKO and customers who lost service.”

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