



*MINUTES  
CITY COUNCIL MEETING  
COUNCIL CHAMBERS – HUTCHINSON, KANSAS  
JANUARY 19, 2016  
9:00 A.M.*

---

1. The governing Body of the City of Hutchinson, Kansas met in regular session at 9:00 a.m. on Tuesday, January 19, 2016 in the City Council Chambers with Mayor Piros de Carvalho presiding. Councilmembers Dechant, Inskip, Daveline and Soldner were present.
2. The Pledge of Allegiance to the flag was recited.
3. The prayer was given by Pastor Gary Getting of Elliott Mortuary.
4. Petitions, Remonstrances, and Communications: None.
5. Consent Agenda
  - a. Approval of Minutes of January 5, 2016 City Council meeting.
  - b. Approval of City's Consent and Agreement to Assignment of Development Agreement by RockStep Hutchinson, LLC.
  - c. Approval of 2015 Planning & Development Annual Report.
  - d. Approval of Purchase Agreement for People Choice Sculpture – Precious Cargo.
  - e. Approval of Facility Lease Agreement with Advanced Health Insurance Solutions (formerly B&L Management).
  - f. Approval of Westar Easement Request.
  - g. Approval of Memorandum of Understanding between the City and Unified School District No. 308 for the School Resource Officer Program.
  - h. Approval of appropriation ordinance in the amount of \$1,516,043.95.

Councilmember Daveline asked Paul Brown, City Attorney, to explain Item 5b. Mr. Brown said there wasn't much insight he could give. Mr. Brown said Rockstep has assigned rights under the Development Agreement to secure indebtedness; and this is just security for a loan from First National Bank. Mr. Brown said we are not making or receiving payment on this loan.

Motion by Councilmember Dechant, second by Councilmember Soldner, to approve the Consent Agenda and authorize the Mayor to sign. The motion passed unanimously.

6. Ordinances and Resolutions

a. Consider Resolution conveying properties back to Goodwill Industries of Kansas, Inc. Frank Edwards, Finance Director, spoke. Discussion ensued.

Motion by Councilmember Inskeep, second by Councilmember Dechant, to approve Resolution 2016 R 4 to convey properties back to Goodwill Industries of Kansas, Inc.; and authorize the Mayor to sign the Resolution and other necessary documents. The motion passed unanimously.

7. New Business

a. Consider closure of City owned ATV access point in South Hutchinson. John Deardoff, City Manager, spoke. Mr. Deardoff said on December 8, 2015 a letter was received from South Hutchinson asking that the levee access point be closed. He said the City has looked at other options to keep the area open, but still address the concerns of South Hutchinson. After reviewing all options, Mr. Deardoff said it is staff's recommendation to close the access point; and honor South Hutchinson's request.

Mayor Piros de Carvalho said it is her understanding if Council votes not to close the access point then the City of South Hutchinson is prepared to put up a barrier. Mr. Deardoff said more than likely that would happen, but doesn't know how prepared they are to do so. Discussion ensued.

The Mayor said we have a perfect location that has been open for 40 years; and finds it hard to believe it's become such a nuisance. She said she was told by the South Hutchinson Police Chief that he couldn't list one ticket or case that has been made against anyone in the past 18 months regarding this issue. Mayor Piros de Carvalho said she is disappointed the City of South Hutchinson didn't make a good faith effort to work with a group of citizens that put together a well-rounded plan that was reasonable. Additional discussion ensued.

Ed Manche, owner of Silas Enterprises, the salvage yard that borders the access point, spoke. Mr. Manche said there have been a lot of complaints and problems with vandalism; and numerous calls have been made to the police. He said there are a lot of good people that ride there; and closing the access point will create a loss of family activities in that area. Mr. Manche said he would be willing to move his fence which borders the access point back to his building; and allow the property to be used as a parking area. He asked if the City would consider having the area open several days a week, and hiring two part time people to watch the area if he were to move his fence to allow for a parking area. Discussion ensued. The Mayor said she doesn't know that the City could commit to staffing positions not in the budget. She said she appreciates Mr. Manche's attempts to make a compromise. Additional discussion ensued.

Nathan Peters of 103 West Avenue D, South Hutchinson, spoke. Mr. Peters said he is 31 years old, he grew up one block away from the river; and now takes his children to the river. Mr. Peters said South Hutchinson allows residents to purchase stickers for their UTV's; and allows them on the roadways. Mr. Peters suggested having individuals pay for a parking pass; and this might keep some of the "riff raff" away. Discussion ensued. Mayor Piros de Carvalho said there are so many options that haven't been explored; and closing the access point is just the easy thing to do. Councilmember Daveline asked if we can go into a cooling off period to possibly look at other options.

Greg Roepke, a business owner in the area, also spoke. He said with regard to the stickers issued for ATV's, they have to be street legal with lights, blinkers, etc., they have to be insured; and the rider must have a legal driver's license, etc. He said 80% of the vehicles would not pass as they are dirt bikes not meant to be ridden on the streets. Mr. Roepke said there are no access points in Wichita or other locations because of all of these issues. Discussion ensued.

Silas Manche, 309 West 30<sup>th</sup>, who works at Silas Enterprises, also spoke. Mr. Manche said if they do make a parking area and charge a parking fee, it would be more than enough to pay someone to be there part time. Councilmember Dechant asked how many vehicles could be parked in the space they would make available. Mr. Manche said they have 60 to 70 cars there now, but to have them parked properly they could have 20 to 30 parking spaces. Discussion ensued.

Jason McDade, 629 East Avenue F, asked the Council to table the matter again so a proposal could be put together that addresses all of the points of concern of the City of South Hutchinson. Mr. McDade said he is the president of the River Rats rider group; and they have agreed to volunteer staffing the area during riding hours. He said they all have Go Pro video cameras so there would be video evidence of any infractions. Mr. McDade said people have had access to this area since the 1970's; and everyone should come together to alleviate these issues.

The Mayor said he brought up a lot of good points. She was surprised the conversation with South Hutchinson closed so quickly; and the suggestion to work with them is a good one and should be considered. Councilmember Soldner said she would like to see all of the proposed ideas put into a written plan which would be given to the City of Hutchinson and South Hutchinson City Councils. Mr. McDade said that is why he is asking for more time. Discussion ensued.

Councilmember Dechant said he will be interested in seeing what the groups put together, but those that need to be satisfied are the South Hutchinson council members. He said we have been talking about this issue for three months; and if we choose to set this matter aside again he would like to put a deadline on it as to the City's involvement. He said spring is not far away; and would like to bring this to a close. The Mayor said that was a great point; and conversation needs to take place with the City of South Hutchinson to see if they would be willing to entertain this type of compromise. The City

Manager suggested tabling the matter until he and the Mayor have had an opportunity to talk with South Hutchinson city officials; and then bring the matter back before council. Additional discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Inskeep, to table the matter until March 1, 2016. The motion passed unanimously.

b. Consider Request for Conditional Use Permit for Hutchinson Sports Arena. Jana McCarron, Director of Planning and Development, spoke. Councilmember Inskeep asked why a conditional use permit was required. Ms. McCarron said since the arena is expanding by more than 20%, the conditional use permit is needed. Discussion ensued regarding parking, landscaping, etc. Mr. Deardoff said this is the opportunity for council to decide if they want staff to prepare a variance. Mayor Piros de Carvalho said the City needs to abide by the rules that others are required to obey. She said we need to set the example; and not ask for exemptions. Discussion ensued.

Councilmember Daveline asked Gary Holler of Schaffer, Johnson, Cox, Frey to review the bid letting schedule. Mr. Holler said there are two bid packages. The first package includes precast concrete, mechanical, electrical, etc.; and went to J E Dunn on January 18. He said pre-bid is scheduled for January 20; and it will go to bid on February 4, 2016. The second bid package which includes roofing, painting, sheetrock, etc. will go to pre-bid on February 24, with bids being due around the first week of March. Discussion ensued.

Councilmember Dechant asked about the loss of approximately 40 parking spaces. Mr. Deardoff said aside from the north and south areas, the net loss would be around 40 spaces because of landscaping. Councilmember Daveline said one of the alternates in the project is to potentially add angle parking spaces along 13<sup>th</sup> in front and to the west of the YMCA. He said the committee has also approached Dr. File from Hutchinson Community College about the use of the Stringer Fine Arts parking lot during the tournament. Dr. File has indicated they would provide permit parking to American Legion volunteers on a first come, first serve basis. Additional discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Dechant, to accept and approve the recommendation of the Planning Commission to approve the conditional use permit for an expansion of the Hutchinson Sports Arena at 700 East 11<sup>th</sup> Avenue, pursuant to the facts and conditions as presented. The motion passed unanimously.

c. Consider Rental Registration and Inspection Program Amendments. Jana McCarron, Director of Planning and Development, spoke. She said this request would affect about 600 units for a total of \$15,000.00. Discussion ensued. Councilmember Daveline asked about breaking this into two parts; one for new construction and the second for federally inspected mortgages. Matt Catanese of Investment Resources Corporation, spoke. He said they own Prairie Village, North Park, Commerce Gardens and Washington Heights. Mr. Catanese said Commerce Gardens is federally insured;

and subject to HUD inspections. An overview of the inspection process was given by Mr. Catanese. Discussion ensued.

Mayor Piros de Carvalho said she has concerns about waiving the registration fee for a large developer as it presents the perception of unfairness. She asked Ms. McCarron if this affects the ability to carry out the program. Ms. McCarron said it won't kill the program, but the City won't have as much revenue; and it won't cover the cost of the program. Additional discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Inskeep, to direct staff to proceed with proposed amendments to Chapter 21-1103 of the City of Hutchinson Municipal Code pertaining to the Rental Registration and Inspection Program, as requested by Investment Resources Corporation. The motion passed unanimously.

d. Consider 2015 Annual Report for the Hutchinson Land Bank. Jana McCarron, Director of Planning and Development, spoke. Discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Soldner, to accept and approve the recommendation of the Land Bank Board of Trustees to accept the 2015 Annual Report of the Hutchinson Land Bank. The motion passed unanimously.

e. Consider Report of Bid Opening for Raw Waterline Extension. Jeff Peterson, Interim Director of Engineering, spoke. Discussion ensued.

Motion by Councilmember Inskeep, second by Councilmember Soldner, to approve awarding the project to Middlecreek Corporation in the amount of \$576,591.00, subject to compliance with all legal requirements; and authorize the Mayor to sign the contract. The motion passed unanimously.

f. Discussion of City Seal. Mayor Piros de Carvalho said she was pleased to get so many entries; and the public was clear in the design they chose. She said when she began conferring with vendors, she found a complex design does not work for an embossed seal. She said of the designs submitted, only one or two lend themselves to being embossed. The Mayor said she wants this to be a seal the residents feel represent them, but wants it be practical. Discussion ensued.

Councilmember Soldner said if you take the seal designed by Rebekah Keasling and simplify it, the design might work. Additional discussion ensued. The Mayor said she would go back to this artist to see if she could come up with a simpler version of the design.

8. Report of City Officials

a. Council

- Councilmember Soldner had no comments.
- Councilmember Dechant had no comments.
- Councilmember Inskip asked about branches remaining in people's yards from the ice storm; and when they will be required to have those removed. The City Manager said the City has been dealing with those that encroach on the sidewalk or the street, but the City will probably wait until springtime to deal with the others.
- Councilmember Daveline asked about the status of the next phase of the streetscape project. Jeff Peterson, Interim Director of Engineering, said the project is bid through KDOT. He said he believes it will be bid out this year. Councilmember Daveline also asked about the pocket park across the street from Westlake on South Main. Councilmember Dechant said it should be before council in February. Mr. Peterson said bids open on January 26, 2016.
- Mayor Piros de Carvalho commented on the chamber breakfast and the State of the City speech given by the City Manager.

b. City Manager

The City Manager said City Hall Day is January 27; and the Mayor and Councilmember Daveline will be going.

Mr. Deardoff also invited councilmembers to the employee recognition luncheon; and asked for their help serving beverages.

Mr. Deardoff also gave a brief report on traffic counts. He said the Sherman/Jackson study showed only one accident in 15 years; and does not warrant an additional stop sign. Councilmember Inskip asked how many accidents are required. Mr. Deardoff said it requires three or more accidents per year. Discussion ensued. The City Manager said counts had also been done on 1<sup>st</sup> Avenue from Ford to Severance, as well as in the Countryside area. He said there are issues there involving speed. Discussion ensued.

9. Adjournment

Motion by Councilmember Dechant, second by Councilmember Inskeep, to adjourn. The motion passed unanimously.