



*MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS – HUTCHINSON, KANSAS
MARCH 1, 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, March 1, 2016 in the City Council Chambers with Mayor Piros de Carvalho presiding. Councilmembers Dechant, Inskeep, Daveline and Soldner were present.

2. The Pledge of Allegiance to the flag was recited.

3. The prayer was given by Pastor John Carney of First Church of God.

4. Petitions, Remonstrances, and Communications

- a. Presentation by Civitans Club. Bill Moyer, representing the Civitans Club, said they are here to give the City something; and they are not asking for anything. He said as the retired park superintendent, this project has been in the making since 1990.

Hank Janzen, President of the Hutchinson Civitan Club, said they are involved in many civic projects that focus on needs of the physically and mentally disabled. Mr. Janzen said they have been involved in building several playgrounds; and said the Civitans want to contribute \$10,000.00 to the City to be used for the George Pyle Park playground. A check was presented to Justin Combs, Parks and Facilities Director.

Justin Combs accepted the check; and gave an overview of what is planned for the park. He said this is an exciting project; and has a long history. Mr. Combs said the City applied for a community foundation grant which was received; and added there is approximately \$13,000.00 left over from a previous phase of the project. He hopes to have the playground open by the end of the school year.

- b. Richard Greever, President of the Central Kansas Landlords Association, said the City is destroying real estate and rentals in town due to the rental registration program. He said landlords are putting properties up for sale, values will be driven down; and more people and businesses will leave. Mr. Greever said he is asking that the ordinance be repealed or they will be forced to file a legal action against the City. Mr. Greever said the ordinance is not popular; and doesn't accomplish the goal of providing homes that are

safe for tenants. Mayor Piros de Carvalho told Mr. Greever she had Jana McCarron, Director of Planning and Zoning, pull the Minutes from the Housing Commission meeting, and found that he voted in favor of the rental registration and inspection ordinance.

Jennifer Williams, Communications Coordinator for the Kansas Forestry Service, spoke about the mitigation project that will be conducted on March 20 – 26. Eric Ward, Incident Commander, also spoke. He said this started out as a small project over 12 years ago with Hutchinson Community College; and the project has grown each year. Last year they began working in the Hutchinson area; and partnered with the Hutchinson Fire Department. Mr. Ward said they will have three dozen HCC fire science students, along with 60 other individuals, some coming in from other states, working at Sandhills State Park and the Prairie Dunes Country Club. He said they will be doing brush removal, fire control lines, cutting hazardous trees, and prescribed burning if the weather allows. Mr. Ward said this is a great partnership; and the students are looking forward to this event.

Dan Power, 6903 N. Monroe, said he is here on behalf of the YMCA. He expressed concern about the parking area they will be losing; and wanted to bring this issue to the council's attention. The Mayor said they are mindful of this issue; and believes there is a compromise. She said council will be in touch with the YMCA as the Sports Arena project moves forward.

Jason McDade, 629 East Avenue F, spoke about the South Hutchinson ATV access. He said they have done everything that has been asked of them; and they are waiting to hear from South Hutchinson city officials. The Mayor said she appreciates all of the work they have done on this; and said they are still actively working on a compromise. City Manager, John Dearnoff, said staff is in the process of drafting a lease agreement that will be reviewed by all parties.

5. Consent Agenda

- a. Approval of Minutes of February 16, 2016 City Council meeting.
- b. Approval of January financial reports.
- c. Approval of appropriation ordinance in the amount of \$2,040,659.65.

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

6. Ordinances and Resolutions

- a. Consider Resolution permitting Fairfield Inn Consent to Mortgage. Frank Edwards, Director of Finance, spoke. Discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Soldner, to approve Resolution 2016 R 7 consenting to a leasehold mortgage in connection with a facility financed with Industrial Revenue Bonds (Fairfield Inn Project); and authorize the Mayor to sign. The motion passed unanimously.

b. Consider Ordinance amending Chapter 4 of the Hutchinson City Code regarding Historic Preservation. Casey Jones, Senior Planner, spoke. Mr. Jones said this process began in 2011; and the chapter was discussed section by section. He said it has taken this long due to the many staffing changes in the Planning Department. Mr. Jones said this has been reviewed twice by the Landmarks Commission; first in June of 2014 and again in April, 2015.

Discussion ensued regarding enforcement and violations, maintenance of landmarks and properties in the historic districts, etc. Staff indicated this ordinance actually simplifies everything; and the current code is difficult to interpret. Additional discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Inskeep, to approve Ordinance 2016 - 2 amending Chapter 4 – Historic Preservation, of the Code of the City of Hutchinson, Kansas; and repealing the existing Chapter 4 of the Code of the City of Hutchinson, Kansas as recommended by the Landmarks Commission; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider Resolution adopting a Master Fee Schedule. Jana McCarron, Director of Planning and Development, spoke. Ms. McCarron said there is currently no master fee schedule; and this action will allow fees to be changed by Resolution, rather than by Ordinance. Discussion ensued.

Motion by Councilmember Inskeep, second by Councilmember Soldner, to approve Resolution 2016 R 8 establishing and amending fees as authorized by Chapter 4, Chapter 9 and Chapter 27 of the Code of the City of Hutchinson relating to Historical Preservation, Subdivision Regulations and Zoning Regulations; and authorize the Mayor to sign. The motion passed unanimously.

d. Consider Ordinance amending Rental Registration and Inspection Program. Jana McCarron, Director of Planning and Development, spoke.

Motion by Councilmember Daveline, second by Councilmember Inskeep, to approve Ordinance 2016 - 3 amending Section 21-1105 of Article XI. Residential Rental Registration and Inspection of Chapter 21 of the Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

7. New Business

a. Consider 2016 Residential Rehabilitation Grant. Councilmember Dechant indicated he would abstain with regard to this item. Jana McCarron, Director of Planning and Development, spoke. An overview of the grant requirements was given; and Ms. McCarron said the target neighborhood is south of 11th Avenue.

Ron Fisher of Interfaith Housing, also spoke. Mr. Fisher said they are committed to this; and further stated it takes real dollars and investments to get homes done, but it is worth it. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Inskeep, to approve the recommendation of the Housing Commission to approve a 2016 Residential Rehabilitation Grant in the amount of \$50,000 to Interfaith Housing Services; and authorize the Mayor to sign the grant agreement. The motion passed unanimously.

b. Consider final plat for Sandy Lake Addition. Casey Jones, Senior Planner, spoke. Mr. Jones said the property is currently zoned industrial; and the owner plans to develop Lot 1 by building a home and expanding his business, Mid-Kansas Marine. He said a new office and showroom would be built, as well as a shop to repair boats. In addition, the lake would be used to take customers out for test drives of boats and watercraft. Discussion ensued.

Councilmember Daveline asked Mr. Nolte to give a history of the project. Clarence Nolte, owner of Mid-Kansas Marine, spoke. Mr. Nolte said they purchased the property in 1985, that it is an old sand pit; and is used now to test drive boats. He said they have outgrown their existing property on East 4th Avenue; and need to expand the business. Mr. Nolte talked about the proposed improvements to the property; and said he and his wife would probably live on the property. Councilmember Dechant asked if they would keep their current operation on East 4th Avenue. Mr. Nolte said they have no plans to discontinue that location; and this is just additional space they need. Additional discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Dechant, to approve the recommendation of the Planning Commission to approve the final plat of the Sandy Lake Addition with conditions as presented. The motion passed unanimously.

c. Consider rezoning request for tract on East 11th between Halstead Street and Alcoa Drive. Casey Jones, Senior Planner, spoke. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Dechant, to approve the recommendation of the Planning Commission to approve the request to rezone a 61.042-acre tract at 00000 East 11th Avenue (the proposed Sandy Lake Addition) from I-3 Heavy Industrial District to C-3 Outdoor Commercial District based on due consideration of the factors below,

adopt Ordinance 2016 – 4 for publication; and authorize the Mayor to sign. The motion passed unanimously.

d. Consider Conditional Use Permit to establish a single family dwelling. Casey Jones, Senior Planner, spoke.

Motion by Councilmember Inskip, second by Councilmember Soldner, to approve the recommendation of the Planning Commission to approve the conditional use permit for a single family dwelling at 00000 East 11th Avenue (Lot 1 of the proposed Sandy Lake Addition) pursuant to the factors and conditions listed. The motion passed unanimously.

The Mayor called for a break at 10:39 a.m. The meeting reconvened at 10:49 a.m.

e. Consider recommendation on Sports Arena Public Art. Justin Combs, Director of Parks and Facilities, spoke. Mr. Combs spoke about the selection process; and said three artists were selected from 168 entries. He said the artists proposals were presented to the Building Committee on February 18, 2016; and the Building Committee accepted the selection panel's recommendation of Koryn Rolstad. Mr. Combs also gave a presentation of the artists' proposals, as well as examples of their work. Discussion ensued.

Teresa Preston with the Public Art Design Council, spoke. She said the council consists of seven professionals plus four ex-officio members. Ms. Preston spoke about the call for artists; and said the art work was to be timeless, to create excitement, have a "wow" factor for visitors, add to the spectators' experience, and help Hutchinson stand out from other communities. She said Ms. Rolstad's work will be visible both day and night; and will be located both outside and inside of the Sports Arena. Ms. Preston said the artist is very willing to work with her clients; and other entities that have worked with her said she stays on time; and on budget.

Roger Givens, 121 East 16th, said he hadn't heard anything about art at the Sports Arena until February 9, at which time he became involved. Mr. Givens said he doesn't believe the Public Art Design Council has been very informative to the public; and construction funds are being taken away from the building in order to provide artwork. He went on to say that funds need to be spent on the building, not on art. Mr. Givens also said the public art ordinance didn't exist until after the Sports Arena issue was approved; and said the ordinance doesn't apply to the Sports Arena.

Charles Johnston, 1022 E. Sherman, said he is passionate about the arts; and read an article he wrote about his history with the Sports Arena and art. This was written in response to an editorial written against art that appeared in The Hutchinson News.

Carrie Mailloux with the Public Art Design Council talked about the Hutch Wins campaign. She said we want a modern, functional facility; and art will make it more attractive.

Mark McLaughlin of 201 West 19th, said art of this scope has to be incorporated in the construction phase of the building. He said to do the construction and then go back to add art, you create more costs, problems, etc. Mr. McLaughlin said he was impressed by the artists' renderings; and said no one has addressed the fact that we are in the eye of the nation for certain events such as the basketball tournament. He said we are the focal point; and this needs to be more than just a building where basketball is played. He said the Sports Arena needs to be inviting, attractive, and make a statement for Hutchinson.

Rudy Rodriguez, 519 East 10th, Apt. B, said he has lived in Hutchinson since 1985; and is a member of the Public Art Design Council. He said the committee has put a lot of work into this recommendation; and he has looked at over 2,000 pieces of art. Mr. Rodriguez said he is also a member of the USD 308 Board of Education and has had 20-25 children come before the board to present various pieces of art work. He said art is important to the children of Hutchinson; and this is a great investment for the community.

Additional discussion ensued regarding the public art ordinance, whether it should apply to the Sports Arena project, etc.

Lovella Kelly spoke, saying when you build a new house you hire an interior decorator and a landscaper. She suggested calling this interior decorating and landscaping rather than art as there are so many different feelings about art.

Councilmember Inskeep said it seems like the consensus is that art should be included in the project. Councilmember Daveline said he believes we need some formal action stating that public art does apply to the Sports Arena and suggested additional language for the motion. Additional discussion ensued.

Motion by Councilmember Inskeep, second by Councilmember Daveline, to approve the selection panel's recommendation to hire Koryn Rolstad as the artist for the Sports Arena Public Art for the sum of Two Hundred Thirty Thousand Dollars (\$230,000); that council did determine that public art applies to the Sports Arena project; and direct staff to prepare an agreement with Koryn Rolstad for the commission of the public art. The motion passed unanimously.

f. Consider proposal for Rice Park Splash Pad. Justin Combs, Director of Parks and Facilities, spoke. Mr. Combs said we are getting near the point we need to start moving forward on the design if we want to have this open by summer. Mr. Combs talked about the design of the splash pad, as well as funding. He said there is \$150,000.00 in the City's budget; and the remaining \$150,000.00 will come from private donations and grants. He said they have received a \$30,000.00 grant from the Hutchinson Community Foundation; and another grant from the Justice Foundation.

Aubrey Patterson of the Hutchinson Community Foundation said there is \$30,000.00 from the Hutchinson Community Foundation, \$30,000.00 from the Justice

Foundation; and another \$17,500.00 from various individuals. She said they are trying to get another \$25,000.00; and that local businessman Mert Sellers, is contributing the remainder.

Mr. Combs said the splash pad will be where the tennis courts are currently located. He said the courts are in rough shape; and tennis is a dying sport. Discussion ensued.

Gene McVey, 13 Swarens, said tennis is not dying; and said the courts are used until the lights go off. He said they may not be used for tennis all the time, but they are used from late spring through early fall. He said other space could be used before tearing out the tennis courts; and suggested moving the playground equipment to another location.

Mayor Piros de Carvalho asked why the tennis court area is being used for the splash pad location. Mr. Combs said they are underutilized; and are in terrible condition. He said they are badly cracked; and would have to be completely resurfaced. Mr. Combs also said they are challenged to find a space that offered close parking that wouldn't interfere with the rental building. Additional discussion ensued.

Motion by Councilmember Inskeep, second by Councilmember Soldner, to approve the Proposal with Athco LLC to design, supply and install Water Odyssey splash pad equipment at Rice Park for an amount not to exceed \$275,000.00; and authorize the Mayor to sign. The motion passed unanimously.

8. Report of City Officials

a. Council

- Councilmember Dechant said he is a landlord; and has had his units inspected. He said the inspection is a fairly easy process, although he did have some minor issues that needed to be corrected. Councilmember Dechant said he is now on a six year rotation; and if you are a landlord that takes care of your properties, the process is pretty painless.
- Councilmember Soldner had no comments.
- Councilmember Inskeep talked about the new parks, the rental inspections, etc., saying in the long haul this will make us a better community.
- Councilmember Daveline asked the City Manager or Ms. McCarron to comment on the testimony that will be presented Thursday regarding the rental registration legislation. Mr. Deardoff said six people will be

traveling to Topeka to testify; and Greg Binns, a member of the Housing Commission, will present the case. He said they have a compelling story to tell; and this has been an issue for a number of years. Mr. Deardoff said other communities may not have the same problems we do. Ms. McCarron said we didn't just one day decide to do this. She said a rental registration program was first addressed in 2001. Ms. McCarron said about half of the property owners have registered; and over \$40,000.00 has been collected in fees. She said another notice is going out today; and the last day to register is March 31.

Councilmember Daveline also asked the City Manager to comment on the pending legislation regarding the tax lid. Mr. Deardoff said there are three bills being considered. One would move the effective date up to July 1, 2016; another would keep the same date but adds additional exemptions; and he doesn't recall what the third bill would do. Mr. Deardoff said he doesn't expect anything to change; but the League would be active in that discussion.

- The Mayor thanked everyone that attended the meeting, saying we had a lot on the agenda today. She said the City is made better by this dialogue.

b. City Manager

The City Manager spoke about the speed study done on Jackson Street. He said based on the numbers from the study, the speed limit is reasonable for that area, and no warrants were met. Discussion ensued.

9. Adjournment

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