



*MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS – HUTCHINSON, KANSAS
MARCH 15, 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 15, 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 Gary Getting of Elliott Mortuary.
4. Petitions, Remonstrances, and Communications
 - a. Oral communications from the audience.

Maxine Julian of 37 Rambler Road, said she is a landlord; and is requesting the City repeal the rental inspection ordinance. Ms. Julian said landlords can't compete with low cost rental units that receive funding; and believes the code is directed at landlords. She said the code erodes the fourth amendment rights granted to individuals; and said City officials are asking landlords to forfeit their rights given to them by the constitution.

Dean Sorenson of D&D Towing, spoke about the storm water fees being assessed. He said he has talked to many other businesses; and the comments have not been favorable. He wants to know where the money is going, how it is going to be spent, etc. Mr. Sorenson said he sees this as short-term greed by the City, the City doesn't have pride in its citizens; and said the ordinance needs to be revoked. Mayor Piros de Carvalho said there was an extensive public information campaign; and this is a long-term vision, not short-term greed. The City Manager said the storm water utility issue has been on the agenda since before 2006; and more than \$50 million of improvements need to be made. He said there has not been enough money generated to address the issues; and a consulting firm was hired to look at an appropriate fee structure. Mr. Deardoff said an advisory committee worked on this for over a year; and came before the council several times, with ample opportunity for discussion. Councilmember Daveline said Mr. Sorenson has a valid question about where the money is going; and how it will be spent. He asked that the City's plan for the next 8-10 years be addressed. Jeff Peterson, Interim Director of Engineering,

addressed the question saying they want to minimize flooding issues and upgrade infrastructure. Additional discussion ensued regarding ways to reduce costs, etc.

Ed Manche, owner of Silas Enterprises, said he understands what Mr. Sorenson was saying; and spoke more about this issue. He said much of his property is sand; and the water does not run off. Mr. Manche said he has talked with the Engineering Department; and they have come out to his property. Discussion ensued. Mr. Manche also said they donate cars to the Fire Department each year for training using the Jaws of Life; and they don't charge the City for those vehicles. He said they probably donate 100 to 150 cars a year; and if he has to pay higher fees and taxes, he may have to start charging for this service.

Mike Klaers, owner/operator of the Rusty Needle, spoke about an incident this past weekend where police were called out due to a noise complaint; and shut the band down at 10:30 p.m. Mr. Klaers said he has talked with Mr. Deardoff in the past; and had agreed to have live bands on only Friday and Saturday evenings playing until midnight. The Mayor said she was not aware of a noise ordinance, at which time the City Manager indicated there is no noise ordinance. Mr. Deardoff suggested just moving forward to see how it plays out. He said the Council is in a difficult situation; and there is no real answer. Discussion ensued. Mr. Klaers said he is not able to move the bands inside due to the building capacity. He said live music is their draw; and they are booked for every weekend until July. Additional discussion ensued. Mr. Deardoff said the message has to be clear to the police department that there is an understanding with Mr. Klaers; and to proceed as planned.

5. Consent Agenda

- a. Approval of Minutes of March 1, 2016 City Council meeting.
- b. Approval of contract with Hutchinson/Reno Arts and Humanities Council for 2016 subsidy.
- c. Approval of Lease Agreement with Extreme Crossfire Paintball.
- d. Approval of License Agreement with Larsen and Associates for groundwater monitoring well installation on City property.
- e. Approval of February financial reports.
- f. Approval of appropriation ordinance in the amount of \$1,524,811.28.

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

6. Ordinances and Resolutions

a. Consider Amended Ordinance regarding rezoning of property in Sandy Lake Addition. Paul Brown, City Attorney, spoke.

Motion by Councilmember Daveline, second by Councilmember Inskeep, to approve Amended Ordinance amending the zoning map referred to in Section 27-402 of Chapter 27 of the Code of Ordinances of the City of Hutchinson, as adopted by Ordinance No. 7518; and repealing certain parts of the original zoning map as designated in Section 27-402 (00000 East 11th Avenue); and authorize the Mayor to sign. The motion passed unanimously.

b. Consider Reimbursement Resolution for spring projects. Angela Richard, Assistant Director of Finance, spoke. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Dechant, to approve Resolution of Intent 2016 R 9 to finance certain improvements with the issuance of federally tax-exempt debt; and authorize the Mayor to sign. The motion passed unanimously.

7. New Business

a. Consider Contract Amendment No. 2 with J. E. Dunn Construction Company. John Deardoff, City Manager, spoke. Mr. Deardoff said the bid came in 4.5% over budget, areas where costs could be reduced were identified; and was brought back into budget. Discussion ensued regarding contingencies, various ways to cut costs, etc. Jeff Swieton of J. E. Dunn spoke about contingencies, alternate projects, etc. Mr. Swieton said this process takes time; and they will continue to look at ways to trim costs. Additional discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Dechant, to approve Contract Amendment No. 2 (BP No.2) for the Hutchinson Sports Arena Project. The motion passed unanimously.

b. Consider Developer's Agreement with Monroe Development; and final plat for Kisiwa West Addition. Jana McCarron, Director of Planning and Development, spoke. Discussion ensued. The Mayor asked about the use of the property. Dave Freund of Freund Construction said he has an individual that wants to move from the country into Hutchinson; and was looking for a large lot to put a house on. He said they will be building a home, doing landscaping, and planting 40-50 trees.

Motion by Councilmember Dechant, second by Councilmember Soldner, to accept and approve a Developer's Agreement to Conditions between the City of Hutchinson and Monroe Development, LLC guaranteeing participation and consent to a benefit district for the future development of Buckskin Road; and authorizing the Mayor to sign said Agreement. The motion passed unanimously.

Motion by Councilmember Soldner, second by Councilmember Daveline, to accept and approve the recommendation of the Planning Commission to approve the final plat of the Kisiwa West Addition with the noted conditions. The motion passed unanimously.

c. Consider Report of Bid Opening for 2016 Residential Street Maintenance. Jeff Peterson, Interim Director of Engineering, spoke. Discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Inskeep, to approve the bid of Circle C Paving and Construction, LLC in the amount of \$474,478.12, subject to compliance with all legal requirements; and authorize the Mayor to sign the Contract. The motion passed unanimously.

d. Consider Public Art Commission Contract with Koryn Rolstad for Sports Arena Public Art. Meryl Dye, Assistant City Manager, spoke. Discussion ensued. Councilmember Daveline said Ms. Rolstad is very talented, is an engineer and an architect; and will be on site during the installation. She said the committee made a good decision in selecting her. Additional discussion ensued regarding copyright of the art, public input into portal designs, etc.

Motion by Councilmember Dechant, second by Councilmember Daveline, to approve the Public Art Commission Contract with Bannerworks, Inc. (DBA Koryn Rolstad Studios) as the artist for the Sports Arena Public Art for the sum of Two Hundred Thirty Thousand Dollars (\$230,000.00); and authorize the Mayor to sign the Contract. The motion passed unanimously

8. Report of City Officials

a. Council

- Councilmember Inskeep had no comments.
- Councilmember Daveline had no comments.
- Councilmember Dechant had no comments.
- Councilmember Soldner had no comments.
- Mayor Piros de Carvalho encouraged everyone to attend the NJCAA tournaments; and said HCC plays on Wednesday at 2:00 p.m.

The Mayor also commented on the rental inspection program. She said when the Council considered this ordinance it was in no way to denigrate the work of landlords in the City. She said it was to address health and safety issues in a number of the rentals; and the deterioration of the rental stock. Mayor Piros de Carvalho said rentals are a business; and

it is not a fourth amendment issue. She asked if the state would allow a restaurant to operate without being inspected. The Mayor also said the legislature is considering this issue in House Bill 2665.

The Mayor also spoke about the new City seal design; and asked for input from the council. Discussion ensued. All of the council members approved the proposed design.

b. City Manager

The City Manager had no comments.

9. Adjournment

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