



**MINUTES**  
**CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS – HUTCHINSON, KANSAS**  
**March 19, 2019**  
**9:00 a.m.**

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1. The Governing Body of the City of Hutchinson, Kansas met in regular session at 9:00 a.m. on Tuesday, March 5, 2019 in the City Council Chambers with Mayor Inskeep presiding. Councilmembers Dechant, Daveline, Soldner and Piros de Carvalho were present.

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

3. The prayer was given by Pastor Darryl Peterson of Grace Christian Church.

4. Proclamations

a. A Proclamation for Kick Butts Day was accepted by Carla Smith and students representing Communities That Care.

5. Petitions, Remonstrances, and Communications

a. Oral communications from the audience. (Please limit your remarks to five (5) minutes and to items NOT on the agenda.)

Richard Greever, President of the Central Kansas Landlords Association and a member of the Board of Associated Landlords of Kansas, said Hutchinson is the only city in Kansas that allows inspectors to leave the right-of-way to inspect properties. He spoke about one of the City inspectors in a derogatory manner, at which time Councilmember Piros de Carvalho said she was not going to allow him to make those kinds of accusations against an employee. She said if he had something productive to say, then to do so, but she would not allow him to attack City staff.

Robin Jackson, 3805 Quivira, said the landlords 4<sup>th</sup> amendment rights are being violated. She talked about the ordinance that was passed; and what she believed the intent of that ordinance to be. Ms. Jackson said she wants to go on record saying she gives no inspector permission to go on her property. She also spoke about the anti-siphon valve requirement for rental properties; and said it is obvious discrimination. Ms. Jackson also spoke about being written up for non-compliance regarding an electrical box, saying she wants the City to reimburse her for the expense she incurred. She also said she wants the current inspection practice to cease.

Frances Conklin, 2609 Heather Parkway, owner of All Seasons Storage and All Season Rental Homes, said she has been a landlord for over 25 years;

and has never had problems with the City or the inspectors until recently. She said landlords are having their rights violated; and are being treated as second class citizens. Ms. Conklin spoke about issues with the ordinance, tenants being afraid, behavior of the inspector, etc. She said it is very disheartening; and makes her afraid for the future of our city.

LaVerle Pounds, 512 East Avenue A, said he has rental properties in the city; and feels there has been an adversarial situation between the City and landlords. Mr. Pounds presented the council with photos of various violations, going on to say they were not rental properties, but City owned properties. He said he doesn't like that only rental properties are being inspected, but believes it should be the city as a whole.

Michael Jackson, 3805 Quivira Drive, said he is a property owner and taxpayer; and owns three rental properties. Mr. Jackson asked council members several questions, saying he has a right to know because he's a taxpayer; and pays the salaries of City employees.

William Graves, 130 West 17th, said he is the property manager for Graves Enterprises. Mr. Graves spoke about the anti-siphon valves being required; and showed council members a piece of pipe that had frozen and burst due to the anti-siphon valve. He talked about how he came to be a property manager; and said the actions of the inspectors have threatened landlords, saying he has considered selling everything and leaving town.

John Deardoff, City Manager, said he doesn't know where to begin. He said the landlords keep talking about inspectors peeking in windows; and said this is not being done. Mr. Deardoff said there are widespread allegations; and we need to make sure we have all the facts. He talked about the history of the rental inspection program saying the reason it was adopted was to address dilapidated housing and substandard rentals. Mr. Deardoff said there are over 1,500 landlords in this community, with only a few being in attendance. He said some have multiple violations in Municipal Court; and there is a need for this program. He said at some point the elected body will have to determine if this is a necessary program or if we let it go. Mr. Deardoff said he is frustrated with the allegations made by Mr. Greever; and the personal attacks on individuals employed by the City. Mr. Deardoff said the program will sunset at the end of the year; and council will have to decide what will happen with the program.

Mayor Inskeep said there will be no action taken today, as this is not an actionable item. He reminded everyone the program is set to sunset in December; and said there will be a discussion as to its appropriateness. Mayor Inskeep also spoke about inspection certificates, the number of years they are valid, etc.

Councilmember Piros de Carvalho thanked those that came to speak. She said there has been a lot of "back and forth" which needs to end, especially the language against City staff. She said remarks can be directed to the councilmembers. Councilmember Piros de Carvalho said she has received many

complaints from renters being held in substandard conditions; and we sometimes forget what the overall goal is. She said she would like to discuss this without so much animosity; and said the point is to make rentals safe and somewhat nice looking.

Trent Maxwell, Building Official, said when this program was in an infantile state, the goal was life safety. He said the program was designed to address missing smoke detectors, electrical and plumbing issues, faulty water heaters, etc. Mr. Maxwell said when everything changed at the State level to exterior inspections only, it changed everything. He said if the inspector sees rotting facia, a citation will be issued; and if a neighbor makes a complaint, the complaint will be addressed. Mr. Maxwell said the inspectors do not inspect City properties; and those issues should have been directed to the City's facility manager. Discussion ensued regarding notifying residents of inspectors, door tags, the court process and fines, etc. Mr. Maxwell said he has no problems with the inspector only going on the right-of-way, but said the inspection won't be as thorough. He said he doesn't want the inspector to be put in an unsafe environment. Additional discussion ensued regarding housing studies, property conditions, repairs made by individuals versus licensed professionals, etc.

Councilmember Dechant said he is sorely disappointed about the relationship between landlords and the City. He said he is hopeful the relationship can be repaired, saying a valuable service is performed by the inspectors. He said he has been a landlord for over 25 years; and has supported this program. He said he wants his properties to be safe, habitable and decent; and doesn't want slumlords around. Councilmember Dechant said this issue will be discussed later in the year; and hopes the program is not allowed to sunset. He said numerous studies have been done about what is happening to housing in the City; and as landlords they have a duty and responsibility.

Councilmember Daveline said this has been a healthy discussion. He said there have been obvious barriers since day one; and they need to thoroughly look at the program to see where corrections can be made. Councilmember Daveline asked if the Housing Commission is addressing this matter; and asked Tony Finlay, former chairman of the Housing Commission, to speak.

Mr. Finlay said the Housing Commission has started to look at inspection procedures. He said the original goal was to raise up the housing stock according to the studies that had been done. Mr. Finlay told the landlords they need a new spokesperson. He said Mr. Greever involved in the initial process; and spoke in favor of the program. Mr. Finlay said he has been asked to talk to the Housing Commission, but that Mr. Greever has chosen to speak in this forum.

Mayor Inskeep said we need to have better announcement of inspections, better visibility; and to limit the inspector to streets and alleys.

6. Consent Agenda

- a. Approval of Minutes of March 5, 2019 City Council meeting.
- b. Approval of Application for License to Sell Cereal Malt Beverages for Aldi Inc.
- c. Approval of December 2018 financial reports.
- d. Approval of January 2019 financial reports.
- e. Approval of appropriation ordinance in the amount of \$1,320,936.12.

Motion by Councilmember Soldner to approve the Consent Agenda. Councilmember Daveline had several questions about the financial reports and sales tax with regard to Sports Arena. Discussion ensued.

Councilmember Daveline seconded the motion to approve the Consent Agenda; and authorize the Mayor to sign. The motion passed unanimously.

7. Public Hearing

- a. Public hearing to consider demolition of the Sugar Mill building.

Motion by Councilmember Piros de Carvalho, second by Councilmember Dechant, to open the public hearing. The motion passed unanimously.

Aaron Barlow, Associate Planner, said this is the only known remaining structure associated with Kansas sugar production. He said the structure was built in the late 19<sup>th</sup> century; and is listed on the national, state and local registers. Mr. Barlow showed photos of the structure; and said engineers and architects have said the building is essentially stones sitting on top of each other. Mr. Barlow spoke about the factors to be considered; and said repairs would be well above the appraised value. Discussion ensued.

Ted Robinson, partner with T&T Leasing, owner of the property, said he hates to see the building be torn down, but at this point there is no other option. He said he doesn't have the funds to rebuild the structure; and they were unable to find a buyer for the building. Discussion ensued.

Joel Haag of 1015 East 22<sup>nd</sup>, and a member of the Landmarks Commission, said the building has served its purpose. He said the building could have been saved many years ago but wasn't. Mr. Haag spoke about salvaging pieces of the stone from the building, possibly reusing them in a park. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Soldner, to close the public hearing. The motion passed unanimously.

Motion by Councilmember Daveline, second by Councilmember Dechant, to grant the appeal of the Landmarks Commission determination and authorize the issuance of a demolition permit for 600 East 1<sup>st</sup> Avenue based upon a finding that there is no feasible and prudent alternative to the project. The motion passed unanimously.

Councilmember Dechant said it's a shame this has to be done. He said maybe the Landmarks Commission need to assume a caretaker role to keep an eye on historic buildings. He said at some point this building was salvageable; and it's a shame it wasn't.

Motion by Councilmember Dechant, second by Councilmember Soldner, to grant the appeal of the Landmarks Commission determination, removing the property from the local register, and authorize the issuance of a demolition permit for 600 East 1<sup>st</sup> Avenue based upon a finding that there is no feasible and prudent alternative to the project. The motion passed unanimously.

The Mayor called for a recess at 10:33 a.m. The meeting resumed at 10:45 a.m.

#### 8. Ordinances and Resolutions

a. Consider Ordinance amending Chapter 27. Zoning Regulations of the City Code regarding accessory buildings. Aaron Barlow, Associate Planner, spoke about the changes regarding carports and garages on large lots. Discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Dechant, to accept and approve the recommendation of the Planning Commission to approve amendments to Section 27-314; and to approve Ordinance 2019 - 1 amending Section 27-314. Accessory Buildings and Uses of Chapter 27 of the Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

b. Consider Ordinance amending Chapter 18. Alcoholic Liquors and Beverages of the Code of the City of Hutchinson, Kansas. Paul Brown, City Attorney, spoke. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Daveline, to approve Ordinance 2019 - 2 amending Chapter 18. Alcoholic Liquors and Beverages of the Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

#### 9. New Business

a. Consider Airport t-hangar assembly and site work. Justin Combs, Director of Parks and Facilities, spoke about the project, as well as the reasons for the project coming in over budget. Discussion ensued regarding the increase in steel prices, returning the building to the manufacturer and paying a restocking fee, level of interest in the t-hangars, etc.

Pieter Miller, Airport Manager, said the airport currently has 14 people on a waiting list for space at the airport. He said the last time hangars were constructed was in 1968; and now that they know what it takes to build them, the budget numbers will be better next time. Mr. Miller said there is enough space near the south end of 4<sup>th</sup> Avenue and Airport Road for a total of 24 t-hangars. Additional discussion ensued regarding funding, budget overruns, etc.

Motion by Councilmember Daveline, second by Councilmember Piros de Carvalho, to approve the bid for Airport t-hangar assembly and site work with Prairie Landworks in an amount not to exceed \$310,476.00; and authorize the Mayor to sign all necessary documents. The motion passed by a vote of four to one, with Councilmember Dechant voting no.

b. Consider bids for 2019 arterial street maintenance project. Jeff Peterson, Director of Engineering, spoke about the projects. He said the cost is higher than estimated, but there have been increases in the cost of asphalt and rock. Discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Daveline, to approve the bid from Cornejo and Sons LLC in the amount of \$1,167,886.40, subject to compliance with all legal requirements, for the 2019 arterial street maintenance project; and authorize the Mayor to sign all necessary documents. The motion passed unanimously.

c. Consider Request to Exchange Federal Funds for 2019. Jeff Peterson, Director of Engineering, spoke. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Piros de Carvalho, to approve the Request to Exchange Federal Funds; and authorize the Mayor to sign the agreement. The motion passed unanimously.

10. Report of City Officials

a. Council

- Councilmember Soldner had no comments.
- Councilmember Daveline had no comments.
- Councilmember Dechant had no comments.
- Councilmember Piros de Carvalho had no comments.
- Mayor Inskeep apologized to City staff. He said earlier in the meeting there was someone that made accusatory remarks about staff. He commended Councilmember Piros de Carvalho for calling out that individual; and said he was remiss and missed that opportunity. Mayor Inskeep said it was uncalled for; and the statements were not accurate. He said he is proud of City staff; and they are only doing what they are asked to do.

b. City Manager

Mr. Deardoff said he and the Mayor will meet on Wednesday with the Executive Director of the NJCAA; and said there will be some conversation about hotels as there have been major issues this year.

Mr. Deardoff said an offer has been made for a new Planning Director; and we should hear something within the next couple of days.

He also talked about the budget retreat scheduled for March 26, 2019 which will be held at the water treatment facility.

Mr. Deardoff said staff is still working on the truck issue on Apple Lane. He said during harvest season this is a difficult issue; and we will just have to work through it.

Councilmember Piros de Carvalho asked about the meeting with the NJCAA. She asked when we can expect the report and recommendation regarding a hotel/convention center. Mr. Deardoff said they were here last week; and it will take about six weeks to get the report. He said the issue won't be resolved by next year; and we may need to see about utilizing hotels outside of the City.

11. Adjournment

Motion by Councilmember Soldner, second by Councilmember Piros de Carvalho, to adjourn. The motion passed unanimously.