



MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS – HUTCHINSON, KANSAS
April 3, 2018
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, April 3, 2018 in the City Council Chambers with Mayor Dechant presiding. Councilmembers Daveline, Piros de Carvalho, Soldner and Inskeep were present.

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

3. The prayer was given by Pastor Kim Biery of Trinity United Methodist Church.

4. Proclamations

a. A Proclamation for Reno County Crime Victims' Rights Week was accepted by Keith Schroeder, Reno County District Attorney. Mr. Schroeder invited everyone to a candlelight vigil to be held on Tuesday, April 10, 2018 at 6:30 p.m. at the South Hutchinson Community Center.

b. A Proclamation for Child Abuse Prevention Month was accepted by Michael Woods of the Kansas Children's Service League.

c. A Proclamation for Week of the Young Child was accepted by Michael Woods of the Kansas Children's Service League. Mr. Woods spoke about various activities that will be held in the community during the week.

d. A Proclamation for Fair Housing Month was accepted by David Dove, Chairman of the Hutchinson Human Relations Commission. Mr. Dove thanked the council for the Proclamation; and said the Human Relations Commission meets the third Wednesday of the month, and is open to the public.

e. A Proclamation for National Public Safety Telecommunicators Week was accepted by Michele Abbott, 911 Director. Ms. Abbott said they processed 127,000 calls last year. She also said during last year's fire they processed as many calls in one week as they normally do in one month.

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.)

Sylvia Griggs, unit block of West 18th, said she is appearing as a member of the Hutchinson Kennel Club to invite everyone to an open house on Saturday, April 14 from 2:00 p.m. – 4:00 p.m. at 131 S. Washington in South Hutchinson, to introduce their new building. She said there will be various demonstrations, snacks and door prizes.

Tracy Hanson with the Hutchinson Clinic talked about Take Back Day for prescription medications which will be held on April 28, 2018 between 10:00 a.m. and 2:00 p.m. at 2101 N. Waldron next to the pharmacy.

Jana McCarron, Director of Planning & Development said there will be a Town Hall meeting on April 10, 2018 from 6:30 p.m. to 8:00 p.m. at McCandless Elementary School to discuss infill zoning regulations. She said there will be a second meeting later in the month.

Brian Bird, 1506 Brookwood, said he is representing the Kansas Soaring Association which is a group of pilots who promote soaring in the State of Kansas. He said they fly out of the old Navy base in Yoder; they have recently acquired that property and have set up a foundation. He said they have plans over the next few years to improve the property to make it into a facility where individuals from other parts of the country come to participate in soaring contests. He said the first contest will be held June 9 to June 16, 2018. Mr. Bird also spoke about national and international competitions they hope to bring to the facility.

Andy Anderson, 424 Carey Street, said he has concerns about the area of Katie and Porter Street. Mr. Anderson asked if Katie is privately owned or City owned. He said there are tremendous potholes there; and asked who is responsible. John Deardoff, City Manager, said this is a private street; and was developed when the housing unit was built. Mr. Deardoff said this has been a problem for years; and the City has tried to have communications with the developer. Discussion ensued. Councilmember Piros de Carvalho asked that we reach out to the developer to discuss this issue.

6. Consent Agenda

- a. Approval of Minutes of the March 20, 2018 City Council meeting.
- b. Approval of 2018 subsidy contracts with the following: Emancipation Day Committee, Family Community Theatre, Inc., Hutchinson Municipal Band Association, Stage 9, and Reno Choral Society.
- c. Approval of the removal of 20 North Pershing from the condemnation list.
- d. Approval of appropriation ordinance in the amount of \$1,374,414.51.

Councilmember Piros de Carvalho asked for discussion on Item 6b concerning the allocation process. Meryl Dye, Assistant City Manager, said the Hutchinson/Reno County Arts and Humanities Council is still functioning, but said they don't have a director any longer as that person retired in December, 2017. She said one of the roles that group plays is to make recommendations regarding the distribution of the cultural activity funds. Discussion ensued.

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

7. Ordinances and Resolutions

a. Consider annexation of property in Cherry Hills Addition. Paul Brown, City Attorney, spoke. He said this annexation is being done by petition and consent of the landowner; and as such, the annexation process is reduced substantially. Mr. Brown said the Plan for Extension of Services, Resolution setting the public hearing, etc. are all waived. Discussion ensued.

Jim Strawn, 507 N. Whiteside, spoke. Mr. Strawn spoke about the area being annexed saying he is not going up to 43rd as the City doesn't want to annex 43rd. Discussion ensued regarding drainage in the area, lot size, roadways, etc. Councilmember Daveline asked Mr. Strawn what the next step would be if the area were annexed. Mr. Strawn said he just wants to move forward. He said he bought the property about a year ago; and has redesigned the area. Additional discussion ensued regarding the annexation process, maintenance of roads, investment versus return, etc.

Tom Sanders, 4010 Cherry Hills Drive, spoke. Mr. Sanders said no one in the area would have even have been aware of the annexation if it weren't for the directors' meetings he attends as a City department head. He said he talked with Jana McCarron, Director of Planning and Zoning about the annexation. He said it's crazy that the City has no process regarding annexations as anything related to the Planning Department has all kinds of processes they have to go through. Mr. Sanders said the neighbors were stunned when they learned about the proposed annexation. He said Phase II of the development is flagged as high-density housing; and no one really knows what that means. He said he has learned that no one at the City has done a flood study, a traffic study, etc. Mr. Sanders said the whole process has been very alienating to everyone living there; and if this were a forced annexation it would have to go through a much more elaborate process. He also addressed the cost to the City, compatibility with existing neighborhoods, environmental issues, etc.

Councilmember Piros de Carvalho said the Planning process does require approval by the Planning Commission before anything is done. Mr. Deardoff said the City also requires traffic studies, drainage studies, etc. Councilmember Piros de Carvalho talked about the platting process, and asked if voluntary annexations are handled in a more transparent way in other communities. Jana McCarron, Director of Planning and Development, said platting does not require notification to the public; only the Planning Commission and City Council has to approve the plat. Ms. McCarron said one of the Comprehensive Plan strategies was to work on an annexation policy as the City does not currently have one. She said in Wyoming, the Planning Department handles annexations. In Kansas, if the owner wants to annex property, then it's done. Discussion ensued.

Mr. Sanders said he saw in the Comprehensive Plan that this area was going to be high density residential. When he asked about the reasoning behind this, he was told that was what Jim Strawn wanted. He said he is disappointed that the City has gone down this path; and has no explanation from the developer or the City why this is desirable or good. Mr. Sanders said the second big issue is traffic. He said tripling the number of houses in the area will have a huge impact on traffic; and there are currently no sidewalks, shoulders, etc. so the safety of people living in the area will be affected as they currently use the streets to walk, bike and play. He spoke more about intersections in the area, flooding, etc.

Mayor Dechant said he knows Mr. Sanders has concerns but wants to narrow the focus down to the annexation today. Councilmember Piros de Carvalho asked how many current homeowners would be assessed for street improvements, etc. Mr. Sanders said it would be only his property. He said he is not anti-development but wants to make sure the development is compatible and viable. He said the City has spent a lot of money building infrastructure; and it has been a mixed bag of success. He talked about the development of Oxford Point, Ashton Estates, Kisiwa Village, etc.; and the lack of homes being built in those areas. He said there are plenty of vacant lots available for development, the population is not growing, sales tax revenue is down, etc. He said there is no demonstrated need to annex this area.

Mayor Dechant asked Mr. Strawn about planned road improvements. He said the cul-de-sac has been asphalted. He also said Cherry Hills and Jupiter Hills would be asphalted. Additional discussion ensued regarding roads in the area, sidewalks, etc. Jana McCarron said what hasn't been mentioned are that these roads are already in the City. She said Mr. Sanders' property is currently an island.

Councilmember Daveline offered a different perspective. He spoke about the history of annexations during the past 15-18 years, saying we are a better community today because of them. He said some of the areas had issues with water quality, septic system, etc.; and those problems were alleviated because of the annexations. Councilmember Daveline said without orderly annexations we could potentially create islands of property not in the City. He said the areas annexed benefited in the way of police services, fire protection, higher standards of drinking water, etc. In addition, the City gained almost \$30 million in increased property valuations. He said this annexation is just the next natural progression; that we are not simply isolating these lots. Additional discussion ensued.

Radley Brooks, 3715 Spyglass Drive, said a lot of people that live off 43rd Avenue complain about upkeep of the roads. He said, living on Spyglass, the only place his three girls can play and ride bikes is on the street. He also talked about the quality of Lucille Drive saying the City already struggles to do a good job of maintaining streets. He said this needs to be done the right way; and the City needs to look at all possibilities.

Debra Teufel with the Chamber of Commerce said in 2015 there was a business condition survey in which businesses responded about factors that allow them to thrive and grow. She said factors that hinder their ability included quality housing, affordability, etc. She said we have a responsibility to decide how the community should grow. She said a Comprehensive Plan was adopted that has business investors' confidence; and we can't send a message to the business community that we are going to change rules mid-stream.

Phil Nightengale of 4200 Spyglass, said he has the same concerns as Mr. Sanders. He said he wants to see the community grow, but it needs to be done correctly. He also said traffic needs to use 43rd in order to protect residents in the area. Discussion ensued regarding 43rd Avenue.

Alex Carvalho, 3607 Spyglass Drive, said it is important to consider return on the investment of the City. He said he is very much pro-development, but the impact on the City's budget needs to be considered.

Mr. Strawn said he is not here to create problems, but it always seems to happen when new areas are being developed. He spoke about the area designated as high density, saying he envisions second homes for retirees, young professionals, etc. He said if he's wrong with regard to the need for homes for retirees, then he could easily double the lot size and there would be no problem. Mr. Strawn said he's looking at older people with money that don't want a yard to take care of; and he believes the golf course is a draw.

Additional discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Piros de Carvalho to approve the Petition and Consent for Annexation of the identified land owned by Strawn Development, Inc. and the Petition for Exemption which excludes the identified land from Reno County Fire District #2 and adopt and approve the Ordinance including and incorporating the identified land within the limits and boundaries of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

8. New Business

a. Consider Development Agreement with Kansas Protein Foods. John Deardoff, City Manager, said the announcement about reopening the facility which previously housed CHS was covered up by other news. He said the plant is expected to reach 50 employees over the course of the next four years. As an incentive, the City is recommending a \$200,000.00 contribution over the next four years, with \$100,000.00 being paid up front. The agreement does address payroll; and if the requirements are not met, then the grant amount would be reduced. Mr. Deardoff said from a fiscal standpoint

this will be paid out of the Economic Opportunity Fund. He said Reno County has agreed to provide an additional \$43,000.00 in potential bonuses. An economic impact study developed by WSU shows the City and County would both be impacted significantly. Mr. Deardoff introduced Dave Kerr who is an investor and Chairman of the Board. He said Mike Chisam, CEO of Kansas Ethanol had to leave the meeting. Councilmember Piros de Carvalho said she is disappointed this didn't get more attention in the media; saying it's a great deal for the City. Mayor Dechant said good things are happening.

Dave Kerr reiterated that Mike Chisam, CEO of Kansas Ethanol had to leave the meeting. Mr. Kerr said he is Chairman of the Board; and they have closed on this deal. He said they now own the plant along with 21 acres of land; and they are proceeding immediately to do the extensive cleaning that is required. Mr. Kerr said this will be a food quality plant; and they are in the process of hiring staff. He said they will have the leadership of those who were operating the plant at the time including the IT manager, plant manager, and others that are key to putting the plant back into operation. He said Kansas Ethanol is an excellent employer with low turnover. Councilmember Daveline talked about Mr. Kerr's entrepreneurial spirit; and knows Mr. Kerr wants to grow and expand the facility. He thanked Mr. Kerr for stepping up to make this happen. Mr. Kerr said he appreciates the incentives, as well as the Chamber's willingness to work with them.

Debra Teufel with the Hutchinson/Reno County Chamber of Commerce said they are in support of this project. She said when CHS closed they looked for opportunities to backfill it. She said time was of the essence; and they didn't want to let the building sit empty. She said they invested in a third-party impact analysis through WSU which indicated more than a two to one return on every dollar of incentive. Ms. Teufel said she is confident this is going to be a year that we turn things in a positive direction.

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to approve the Development Agreement with Kansas Protein Foods, LLC; and authorize the Mayor to sign. The motion passed unanimously.

Mayor Dechant expressed his disappointment that the benefit to the County equals or exceeds the benefit to the City, but the participation by the County is only 25% of that of the City. Councilmember Piros de Carvalho said she shares the same thought.

Mayor Dechant called for a short break at 11:15 a.m.

The Council meeting reconvened at 11:21 a.m., with Councilmember Piros de Carvalho being absent for a short time.

b. Consider Special Event Request by United Way to close Main Street for the 2018 Over the Edge Event. Jim Seitnater, Downtown Development Director, spoke about the request.

Lisa Gleason, Executive Director for United Way of Reno County, spoke. She said this is the second and last time to do the Over the Edge event. She said this is a critical time for United Way as they have lost substantial contributors such as Eaton, Target, etc. She said it is not their intent to hurt other businesses; and that they did speak with other Main Street businesses.

Steven Peterman with United Way said safety is the big thing. He also said United Way raised \$1.3 million for the community; and last year's event raised \$70,000.00.

Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Inskip, to approve the United Way Special Event Request to block off the unit block of Main Street to thru traffic from mid-block, south to Sherman, on Friday June 1, 2018 and Saturday, June 2, 2018 from 8:00 a.m. to 5:00 p.m. for the Over the Edge Event. The motion passed unanimously.

c. Consider 2018 residential street maintenance bid award. Bruce Colle, Director of Engineering, spoke. Councilmember Daveline asked if there had been issues with Circle C in the past. Mr. Colle said in 2016 there were some issues with a double chip seal area on South Madison but that has been addressed. They now have a 24-hour waiting time before applying the second coat. Discussion ensued.

Councilmember Piro de Carvalho returned to the meeting at 11:45 a.m.

Motion by Councilmember Inskip, second by Councilmember Daveline, to approve awarding the bid to Circle C Paving and Construction, LLC in the amount of \$767,965.46, subject to compliance with all legal requirements; and authorize the Mayor to sign the contract. The motion passed unanimously.

d. Discussion of Council meeting times. Mayor Dechant said the City Manager provided them with a memo and comments. He said they began this discussion two weeks ago; and they need to come to a decision. Discussion ensued regarding having one of the council meetings on Monday or Tuesday evening at 5:30 p.m., communicating the change to the public, Town Hall meetings versus council meetings, etc.

Andy Anderson, 424 Carey Street, said he can get in touch with over 3,500 people through social media; and believes evening meetings will have a higher attendance from the public as they have a lot they want to discuss. Councilmember Inskip asked if this would just be a platform to air grievances, but Mr. Anderson said people are frustrated; and they need a voice. Councilmember Soldner suggested leaving the meeting schedule as is, and to look at setting up Town Hall meetings on the 2nd or 4th Tuesday of each month. Mr. Deardoff said some of the issues Mr. Anderson has talked about are issues that could be discussed at Town Hall meetings as they are avenues for neighborhood concerns. Mayor Dechant said budget and study sessions are topic and purpose oriented and would need to be opened for public comment. Councilmember Piro de Carvalho said the Town Hall meeting seems to be more in line with what people need. She said that is something they should do on a regular basis in addition to the regular council meetings and study sessions. Additional discussion ensued.

Councilmember Piro de Carvalho moved to hold City Council meetings on the first Tuesday of the month at 9:00 a.m. and on the third Tuesday of the month at 5:30 p.m. for a trial period of six months beginning in June, 2018. Councilmember Inskip seconded the motion. The motion passed unanimously.

9. Report of City Officials

a. Council

- Councilmember Piros de Carvalho said there will be a City-wide clean-up on April 28.
- Councilmember Inskeep had no comments.
- Councilmember Soldner had no comments.
- Councilmember Daveline asked the City Manager to speak about the State Fair issue as it is important for the public to see where things stand.

Mr. Deardoff said the State Fair has been here for 105 years; and it is going to be here for another 105 years. He said conversations have been ongoing with the Fair Board for decades; and they have a great relationship with them. He said a commitment of \$3 million was made for improvements, but the State had not fulfilled their obligation. Mr. Deardoff said the City provides over \$100,000.00 in services each year to the Fair. Mr. Deardoff also spoke about the economic impact of the Fair, other funding options, etc.

b. City Manager

Mr. Deardoff said there will an open house pertaining to flood map updates on April 10, 2018 at the Fire Command and Training Center from 2:00 p.m. to 8:00 p.m. Bruce Colle, Director of Engineering said representatives from FEMA, the State Department of Agriculture, Planning Department, Engineering Department, etc. will be in attendance to answer questions.

10. Adjournment

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