



*MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS – HUTCHINSON, KANSAS
JUNE 7, 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, June 7, 2016 in the City Council Chambers with Mayor Daveline presiding. Councilmembers Dechant, Soldner, and Piros de Carvalho were present. Councilmember Inskip was absent.

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. Smallville, Kansas – The Home of Clark Kent. The Proclamation was accepted by Christopher Wietrick and Jon Robinson.

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.)

Lt. Jason Yingling with the Hutchinson Police Department spoke about the Edward Byrne Memorial Grant. He said they are applying for the \$26,842.00 grant which would be split with the Sheriff's Office. The Police Department receives 69% or \$18,521.00, with the Sheriff's Department receiving the remainder. The funds will be used to upgrade the body camera system.

Meryl Dye, Assistant City Manager, reminded people about the Sculpture Walk reception which will be held on June 16, 2016 at the Art Center from 5:30 p.m. to 6:30 p.m., with the program beginning at 6:00 p.m.

Jason McDade, President of the Riveratz, spoke about the access point in South Hutchinson. He said he wants to continue to work with the City to solve the matter regarding levee access; and appreciates the council's patience and understanding.

6. Consent Agenda

- a. Approval of Minutes of May 17, 2016 City Council meeting.
- b. Approval of Application for License to Sell Cereal Malt Beverages for Infinity's, 1321 East 4th.
- c. Approval of Public Highway At-Grade Crossing Improvement Agreement with Union Pacific Railroad Company.
- d. Approval of appointment to the Hutchinson Tree Board of Elizabeth Grilliot, 606 ½ North Main, Hutchinson, Kansas, for a first three-year term beginning 4/19/2016 to 4/19/2019.
- e. Approval of appointment to the Greater Hutchinson Convention/Visitors Bureau Board of Allie David, 1301 S. Seville, Wichita, Kansas, for a one year rotating term beginning 1/01/2016 through 12/31/2016.
- f. Approval of reappointments to the Public Art Design Council of the following:
 - Jim Heck, 316 East 13th, Hutchinson, Kansas, for a first three-year term beginning 7/01/2016 to 7/01/2019.
 - Lovella Kelley, 4301 Winesap, Hutchinson, Kansas, for a first three-year term beginning 7/01/2016 to 7/01/2019.
 - Kari Mailloux, 417 East 15th, Hutchinson, Kansas, for a first three-year term beginning 7/01/2016 to 7/01/2019.
- g. Approval of appropriation ordinance in the amount of \$1,895,839.20.

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

7. Ordinances and Resolutions

- a. Consider Ordinance dissolving the Hutchinson Community Improvement Commission. Jana McCarron, Director of Planning. & Development, gave a brief history of the commission. She said the duties of the CIC will be reassigned; and indicated members of the commission are willing to serve on future boards, task forces, etc. Discussion ensued. Mayor Daveline said this is a great example of streamlining local government; and it is a good decision.

Motion by Councilmember Dechant, second by Councilmember Piros de Carvalho, to accept and approve Ordinance 2016 - 9 repealing Sections 2-601, 2-602, 2-603 and 2-604 of Chapter 2 of the Hutchinson City Code, dissolving the Hutchinson Community Improvement Commission; and authorize the Mayor to sign. The motion passed unanimously.

b. Consider Resolution dissolving the ADA Advisory Board. Meryl Dye, Assistant City Manager, spoke. Ms. Dye gave an overview of the ADA. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Dechant, to approve Resolution 2016 R 18 repealing Resolution 2009 R 28, dissolving the Americans with Disabilities Act Advisory Board; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider Ordinance rezoning property to the east of 1024 North Hendricks. Casey Jones, Senior Planner, spoke. Mr. Jones said this is a rezoning for the additional property that was purchased for the expansion of Fire Station #5. Fire Chief Kim Forbes also spoke, saying the project should be out for bid in July, with demolition/construction beginning in September. Discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to accept and approve the recommendation of the Planning Commission to approve the request to rezone the west 7.50 feet of Lot 3 and all of Lots 4, 5, 6 and 7, Block 6, Fairmount Addition, from R-4 Residential Neighborhood Conservation District to P/I Public and Institutional District based on due consideration of the factors presented, approve Ordinance 2016 - 10; and authorize the Mayor to sign. The motion passed unanimously.

8. New Business

a. Consider Water Right Offset Agreement with Cargill, Inc. Don Koci, Superintendent of Water Treatment Systems, spoke. Representatives from Cargill and Burns McDonnell were also in attendance. Discussion ensued.

Daniel Clement with Burns McDonnell, also spoke. Mr. Clement said this is a renewal of what was done in 2011; and said the State of Kansas issues a permit allowing them to dewater. He said when water levels are high, the basement of the elevator floods. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Piros de Carvalho, to approve the Water Right Offset Agreement between the City of Hutchinson, Kansas and Cargill, Inc.; and authorize the Mayor to sign. The motion passed unanimously.

b. Consider contract with Athco, LLC for playground equipment in George Pyle Park and Garden Grove Park. Justin Combs, Director of Parks and Facilities, spoke. Mr. Combs said staff has worked with Athco on the Orchard Park and Carey Park projects; and is also working with them on the Rice Park splash pad. Mr. Combs said both playgrounds will be community built. He said the structure in George Pyle Park will have 21 elements including a large rope element. The structure in Garden Grove Park will feature a spinning element,

bridge, wobble boards, a climbing structure, etc. Discussion ensued about base materials, plans for Ashmeade Park, etc.

Motion by Councilmember Piros de Carvalho, second by Councilmember Dechant, to approve a contract with Athco, LLC to supply playground equipment and supervise a community build in George Pyle Park and Garden Grove Park for an amount not to exceed \$89,951.00; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider proposal for design services for the River Otter Exhibit. Justin Combs, Director of Parks and Facilities, spoke. Mr. Combs talked about the exhibit, fundraising efforts, design costs, etc. Discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Piros de Carvalho, to approve the proposal with GLMV Architecture for design services for the North American River Otter Exhibit at the Hutchinson Zoo for an amount not to exceed \$56,000.00; and authorize the Mayor to sign. The motion passed unanimously.

9. Report of City Officials

a. Council

- Councilmember Soldner had no comments.
- Councilmember Dechant had no comments.
- Councilmember Piros de Carvalho said she had talked to the City Manager about a zoning issue wherein an individual living on 35th Avenue wants to build a shop on a parcel he owns behind his property, with access to 36th Avenue, which has not been developed. Discussion ensued.
- Mayor Daveline had no comments.

b. City Manager

- South Hutchinson ATV access – Mr. Deardoff said the City has been contacted by Kansas Wildlife officials regarding the City's authority to lease the area in the high water mark. Mr. Deardoff said the City has put forth a lot of effort to make this work, but there are a lot of questions concerning our authority and whether the City even owns the property. He said we can comply with the City of South Hutchinson's request to close the access, or we can take no action; and the City of South Hutchinson would be forced to decide how to handle this matter. Discussion ensued. Mayor Daveline said there is no perfect solution; and every option has

been discussed. He said a State agency has intervened; and interpreted that the City doesn't have the authority to enter into a lease. Mayor Daveline suggested we comply with the request of the City of South Hutchinson. He said most would prefer to keep the access open, but that is not a viable option. Additional discussion ensued.

Jason McDade, President of the Riveratz, said they were at the finish line; and the State red flagged the matter. He asked if the access point were closed, would that eliminate access for people with canoes, those wanting to sunbathe, etc. He said the problem will continue even if the access is closed; and asked if the City would look to see if any other property was owned that could be leased to them. He said he doesn't want to give up; and knows there has to be an alternative. Councilmember Piros de Carvalho said the City doesn't have the authority to do what he is asking; and said the convincing has to happen on the South Hutchinson side. Mayor Daveline said it was disappointing when the State intervened, as everyone had been receptive up to that point. Additional discussion ensued. Mr. McDade said no one has expressed displeasure with the Hutchinson City Council; and thanked the council for working with him.

- Update on Sports Arena Project – Mr. Deardoff said Bid Package #3, which encompasses audio visual, food service and signage, will be brought before the council on June 21, 2016. Mr. Deardoff said the bid came in approximately \$40,000.00 over budget. Discussion ensued regarding concessions, contingencies, etc.

Justin Combs, Director of Parks and Facilities, explained the difference between owner contingencies and construction contingencies; and spoke about the balances in the contingency funds not being as high as he would like. Councilmember Piros de Carvalho said this is alarming; and said it's an irresponsible use of taxpayer funds. Additional discussion ensued.

10. Executive Session

a. Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to recess into executive session pursuant to the preliminary discussion relating to the acquisition of real property exception, K.S.A. 75-4319(b)(6), in order to discuss a possible real estate acquisition involving the Parks and Facilities Department, the open meeting to resume in the City Council chamber at 12:00 o'clock p.m. The motion passed unanimously.

The open meeting resumed in the City Council chambers at 12:00 p.m.

11. Adjournment

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