



*MINUTES  
CITY COUNCIL MEETING  
COUNCIL CHAMBERS – HUTCHINSON, KANSAS  
JUNE 21, 2016  
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, June 21, 2016 in the City Council Chambers with Mayor Daveline presiding. Councilmembers Dechant, Soldner, Inskeep 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. Petitions, Remonstrances and Communications

a. Presentation by Suzi Thien, Executive Director of Sunlight Children's Advocacy and Rights Foundation. Ms. Thien said since opening the Children's Home in 2014 they have been getting children from all over the state. She said children are taken into police protective custody by law enforcement officers when it is not safe for them to be in the home. If no foster homes are available, or if there are no appropriate family members to take the children, those children are taken to Sunlight Children's Home. Ms. Thien said they have served more than 700 children to date. She said child abuse is prevalent; and there are very few facilities of this kind in the state. Ms. Thien said the agency does receive funding from the state and United Way, but the daily stipend for each child is not enough to cover all of their needs. She said they are glad they've been able to serve Hutchinson; and just wanted to speak today so people are aware of their facility.

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

Jana McCarron, Director of Planning & Development, gave an update on the comprehensive plan. She said there would be a full presentation at the next council meeting. Ms. McCarron said stakeholder interviews will be held on June 23 and 24, 2016, with the kickoff taking place on July 28, 2016 at the Atrium Hotel.

John Deardoff, City Manager, introduced Bruce Colle, the new Director of Engineering. Mr. Colle was raised in Little River; and has a degree in Civil Engineering. Mr. Deardoff said he came back to this area to care for family. Mr. Colle said he is honored by the confidence the City has placed in him; and looks forward to making a positive impact. He said he has long family ties historically in Reno County and Rice County; and he has a vested interest in the community.

5. Consent Agenda

- a. Approval of Minutes of June 2, 2016 City Council special meeting.
- b. Approval of Minutes of June 7, 2016 City Council meeting.
- c. Approval of appointments to the Downtown Hutchinson Revitalization Partnership Board of the following:
  - Anne Dowell, 4304 Foothill Drive, to fill the unexpired term of Marcia Fletcher for the term beginning 1/01/2014 to 1/01/2017.
  - Ryan Diehl, 10 Rambler Road, for reappointment to a second 3-year term beginning 1/01/2016 to 1/01/2019.
  - Bailey Stiggins, 625 West 22<sup>nd</sup>, for reappointment to a second 3-year term beginning 1/01/2016 to 1/01/2019.
- d. Approval of reappointment to the Hutchinson Housing Commission of Scott Cooley, 10071 Paganica Pass, to a first 3-year term beginning 6/29/2016 to 6/29/2019.
- e. Approval of Application for License to Sell Cereal Malt Beverages for HutchFest (pending Police Department approval).
- f. Approval of May, 2016 financial reports.
- g. Approval of appropriation ordinance in the amount of \$1,971,451.03.

Mayor Daveline asked for clarification on Item 5e, confirming the license would be for a location at the Kansas State Fairgrounds, and not the Bretz & Young Law Office location.

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

6. Public Hearing

- a. Consider Structures Determined to be Unsafe and Dangerous.

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

Trent Maxwell, Building Official, gave an overview of each of the properties. Councilmember Piros de Carvalho asked about why certain properties were chosen over others. Mr. Maxwell said he hasn't isolated a particular area; and some are based on the number of complaints received. Discussion ensued regarding extensions of time in which to make improvements, etc.

Cynthia Denton, owner of the property at 722 West Avenue A, said she is in the process of obtaining a loan to make repairs. She said all repairs should be done by July 21; and she and her husband will do all of the repair themselves. Ms. Denton said they are pulling a permit this week; and they will begin work after they have the permit.

Darrin Cain spoke for his father who owns the property at 0000 East Avenue C. Mr. Cain said this property is used as a storage facility; and they do not intend to fix it up or live in it. He said they keep it maintained and mowed; and would like to continue using it for storage. Councilmember Piros de Carvalho asked about a storage facility in a residential area. Jana McCarron, Director of Planning & Development, said storage is not a primary use that is allowed in a residential zone. She said to allow the property to continue being used as a storage facility would not be appropriate.

No one appeared to speak regarding the property at 417 East Avenue C.

Grace Nance, owner of the property at 514 East Avenue C, said she was depending on a nephew to work on this property; and didn't realize he hadn't done anything. She said her health is bad, but she wants to keep this property so she can have a place to live. Ms. Nance said she doesn't have a time frame because she's on a fixed income. Councilmember Piros de Carvalho asked when she last lived there. Ms. Nance said it was in 2008. Councilmember Dechant asked Ms. Nance if she has removed personal items from the property; and Ms. Nance indicated she had not because of her health. Additional discussion ensued.

Randy Jenkins spoke on behalf of his mother, Viola Angel, who owns the property at 1015 East Avenue C. Mr. Jenkins said the intent is to make repairs to the property; and his sister will be moving into the home. He said they would like an extension of time due to the fact they only have weekends to work on the property. Councilmember Piros de Carvalho asked about the improvements made to date. Felicia (last name unknown) said they have put in new windows, new doors, etc. She said the house had been burglarized so the windows were boarded. She also said the house located behind this property would also be fixed up; and her brother would be moving into that home. Leslie Angel, a co-owner of the property, said he gave this property to this children; and would like to have at least six months in order to get most of the work done. Additional discussion ensued regarding additional improvements, etc.

There was no one in attendance to speak with regard to the properties at 527 Carey, 605 Carey, 615 Carey or 317 East Avenue D.

Charles Mendenhall, owner of the property at 628 East Avenue F, said he acquired the property four years ago; and spoke about the improvements made to date; and those he has planned. Mr. Mendenhall said most of the materials have been purchased for the exterior of the property including windows, doors, paint, etc. He said once repairs are done, he anticipates his daughter moving into the property.

Preston Pelkey, owner of the property at 1117 Milcon, said he purchased the property a year and a half ago; and spent 90 days cleaning it up. He said windows have been replaced, electrical improvements have been made, doors and floors have been replaced, etc. Mr. Pelkey said the property is 30-45 days from being totally finished; and will either be sold or his son may live in the home.

There was no one in attendance to speak with regard to the properties at 218 S. Reformatory or 724 West Sherman.

Greg Bell, attorney for Penny Barker, owner of the property at 510 N. Walnut, said the Barkers purchased this property in 2014; and have the financial ability to make repairs. He said it is their intent to make this their primary residence. Mr. Bell gave an overview of the repairs/improvements made to date. He said replacement of the siding will begin this week; and some of the materials such as cabinets have been purchased for the interior. Mr. Bell said the Barkers have spent over \$17,000 since the permit was pulled; and they are committed to doing this project. Mrs. Barker said the house will stand out once it is finished; and they are doing it correctly. Discussion ensued about removing the property from the demolition list, etc.

No one was in attendance to speak with regard to the property at 909 East 1<sup>st</sup>.

Craig Hogan, former owner of the property at 1026 E 2<sup>nd</sup>, said he sold the property last week to Jose Inchauraga. He said he has worked with Mr. Inchauraga in the past; and there is a definite plan in place. Mr. Hogan said they will be starting next week on the electrical; and then replacing the roof. Discussion ensued. Mr. Maxwell said he doesn't doubt that the work will be done; and knows Mr. Inchauraga has the financial resources for the repairs. Additional discussion ensued.

Van Gates, owner of the property at 1501 E. 4<sup>th</sup> said he doesn't have the time or the money or make repairs. He said he originally wanted to fix up the property, but he now lives in Wichita; and it's hard for him to get away to do anything. He said if the property has to be demolished, then that's what will have to be done.

No one was in attendance to speak with regard to the property at 723 East 7<sup>th</sup>.

Sean Harper, owner of the property at 300 West 9<sup>th</sup> said he lives across the street at 301 West 9<sup>th</sup>; and would like to have this property removed from the demolition list or at least given an extension of 12 months' time. He said this is the 2<sup>nd</sup> 100 year old home they are renovating, the decking in the front has been done, one side has been painted,

etc. Councilmember Inskeep asked about his intentions for property. Mr. Harper said he will either keep this property as a rental or will offer it to an at-risk population in town. Discussion ensued.

Clinton Bailey said he just purchased the property at 1001 West 13<sup>th</sup>; and would like to have it removed from the demolition list. Mr. Bailey said the property is livable, but doesn't want to invest a lot of money until he knows what the council is going to do with the property. He said the outside has been cleaned up; and a building permit was issued on June 10, 2016. Councilmember Solder said he's on the right track; and he needs to get a plan in place with Mr. Maxwell.

Alan Plumley, who is the son of the owner of the property at 1413 East 35<sup>th</sup> –said they have no problem with the property being demolished, but there are personal items inside that they would like to remove.

Motion by Councilmember Dechant, second by Councilmember Inskeep, to close the public hearing. The motion passed unanimously.

Councilmember Dechant said he would like to go through the properties one by one; and decide what should happen with each. Councilmember Soldner said she made a list of those wanting three to six month extensions. Councilmember Piros de Carvalho suggested it might be easier to keep all of the property on the list; and deal with extensions the next time. Discussion ensued. Paul Brown, City Attorney, said when Mr. Maxwell comes before the Council next time he will tell them what has been done to each property, etc. He said you can grant extensions at that time; and Council should pass the motion as it is. Councilmember Dechant said he didn't want to do that. Additional discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Inskeep, to approve Resolution 2016 R 19 which condemns unsafe and dangerous structures within the City of Hutchinson located at 722 West Avenue A, 00000 East Avenue C, 417 East Avenue C, 514 East Avenue C, 1015 East Avenue C, 527 Carey Street, 605 Carey Street, 615 Carey Street, 317 East Avenue D, 628 East Avenue F, 1117 Milcon Street, 218 South Reformatory Street, 724 West Sherman Avenue, 510 North Walnut Street, 909 East 1<sup>st</sup> Avenue, 1026 East 2<sup>nd</sup> Avenue, 1501 East 4<sup>th</sup> Avenue, 723 East 7<sup>th</sup> Avenue, 300 West 9<sup>th</sup> Avenue, 1001 West 13<sup>th</sup> Avenue and 1413 East 35<sup>th</sup> Avenue, and allows the property owners 30 days to repair or remove such structures; and authorize the Mayor to sign. The motion passed by a vote of four to one, with Councilmember Dechant voting no.

## 7. Ordinances and Resolutions

a. Consider Ordinance amending the Residential Rental Registration and Inspection Program. Jana McCarron, Director of Planning and Development, spoke. A summary of the proposed amendments was given. Discussion ensued regarding notification of inspection, education about the program, etc. Ms.

McCarron said they are still receiving registrations from landlords; and believes some of the concerns on the landlords' side will diminish. Councilmember Inskeep asked about the penalty for not registering your property. Ms. McCarron said the fine is \$20.00 per month; and if the property isn't registered by June, then further action is taken. Paul Brown, City Attorney, said the landlord could be charged with a misdemeanor; and the penalty is up to one month in jail; and up to a \$500.00 fine. Additional discussion ensued.

Motion by Councilmember Inskeep, second by Councilmember Dechant, to approve Ordinance 2016 - 11 amending certain sections of Article XI, Residential 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.

Mayor Daveline asked that we proceed to Item 8b due to members of the audience being in attendance for this item, saying they have waiting quite a while. Councilmember Soldner asked for a short break at 11:10 a.m. The meeting resumed at 11:17 a.m.

#### 8. New Business

a. Consider Final Plat for Pine Hill Second. Casey Jones, Senior Planner, spoke. 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 final plat for the Pine Hill Second subdivision with the conditions as presented. The motion passed unanimously.

b. Consider Final Plat for North Pointe. Casey Jones, Senior Planner, spoke. Discussion ensued regarding overhead/underground utilities, access to lot, utility easements, etc.

Motion by Councilmember Soldner, second by Councilmember Piros de Carvalho, to accept and approve the recommendation of the Planning Commission to approve the final plat for the North Pointe subdivision with the conditions as presented. The motion passed unanimously.

c. Consider Request for Conditional Use Permit for storage facility at 2803 North Lorraine. Casey Jones, Senior Planner, spoke. Discussion ensued regarding the drainage study, exterior lighting, buffers, etc.

Motion by Councilmember Soldner, second by Councilmember Dechant, to accept and approve the recommendation of the Planning Commission to approve the conditional use permit for a climate-controlled self-storage facility at 2803 North Lorraine Street (Lot 2, Block A, of the proposed North Pointe Addition) pursuant to the factors and conditions as presented. The motion passed unanimously.

7b. Consider Ordinance amending Municipal Court costs. Paul Brown, City Attorney, spoke.

Motion by Councilmember Inskeep, second by Councilmember Piros de Carvalho, to approve Ordinance 2016 - 12 amending Section 22-102 of the Code of the City of Hutchinson, Kansas, relating to Court costs in Municipal Court; and authorize the Mayor to sign. The motion passed unanimously.

7c. Consider Ordinance regarding payment of insurance proceeds. Paul Brown, City Attorney, spoke. Discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Soldner, to approve Ordinance 2016 - 13 concerning payment of insurance proceeds, establishing a new Article XII of Chapter 21 of the Hutchinson City Code; repealing the existing Article XII. Insurance Proceeds Fund of Chapter 21 of the Hutchinson City Code; repealing Ordinance No. 7557; and authorize the Mayor to sign. The motion passed unanimously.

8d. Consider Agreement with KDOT for Safe Routes to School Project. Bruce Colle, Director of Engineering, spoke. Mr. Colle said he anticipates the bid letting to take place in November, with actual construction being in the spring of 2017. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Piros de Carvalho, to approve the agreement for the Safe Routes to School project with the Kansas Department of Transportation; and authorize the Mayor to sign. The motion passed unanimously.

8e. Consider 2016 KLINK Resurfacing Project. Bruce Colle, Director of Engineering, spoke. Discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Dechant, to approve awarding the low bid of \$374,743.45 to Cornejo and Sons LLC for the 2016 KLINK Resurfacing Project (K-61 from Lorraine Street to north of 11<sup>th</sup> Avenue); and authorize the Mayor to sign. The motion passed unanimously.

9. Report of City Officials

a. Council

- Councilmember Piros de Carvalho had no comments.
- Councilmember Inskeep had no comments.
- Councilmember Dechant had no comments.
- Councilmember Soldner had no comments.
- Mayor Daveline had no comments.

b. City Manager

John Deardoff, City Manager, reminded the Council about the budget study session on June 29, 2016 at 8:00 a.m. in the City Council Conference Room.

Mr. Deardoff also said there will be a community fireworks show on July 4, 2016 sponsored by the City of Hutchinson, Bretz & Young, and Eagle Radio at 10:00 p.m. at the fairgrounds. He said there would not be any public seating in the grandstands; and a press release will be issued later today.

10. Executive Session

a. Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to recess into executive session pursuant to the employer-employee negotiations exception, K.S.A. 75-4319(b)(3) in order to discuss pending issues related to the 2017 contract negotiations with the City's bargaining units; the open meeting to resume in the City Council chamber at 1:05 o'clock p.m. The motion passed unanimously.

Councilmember Soldner left the meeting at 12:37 p.m.

The open meeting resumed in the City Council chambers at 1:05 p.m.

Motion by Councilmember Piros de Carvalho, second by Councilmember Dechant, to recess into executive session pursuant to the employer-employee negotiations exception, K.S.A. 75-4319(b)(3) in order to discuss pending issues related to the 2017 contract negotiations with the City's bargaining units; the open meeting to resume in the City Council chamber at 1:30 o'clock p.m. The motion passed unanimously.

Mayor Daveline left the meeting at 1:24 p.m.

The open meeting resumed in the City Council chambers at 1:30 p.m.

11. Adjournment

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