



MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS – HUTCHINSON, KANSAS
September 4, 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, September 4, 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. 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.)

There were no communications from the audience.

5. Consent Agenda

a. Approval of Minutes of the August 21, 2018 City Council meeting.

b. Approval of Application for License to Sell Cereal Malt Beverages for Paleteria Tuky Tuky, 2221 N. Lorraine Street.

c. Approval of appointment to the Hutchinson Recreation Commission Board of Stephen C. Schaffer, 203 West 28th, to a first four-year term beginning 8/01/2018 to 8/01/2022.

d. Approval of July, 2018 financial reports.

e. Approval of appropriation ordinance in the amount of \$1,934,842.15.

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

6. Ordinances and Resolutions

a. Consider Ordinance authorizing General Obligation Bonds. Angela Richard, Finance Director, spoke. Discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Daveline, to approve Ordinance 2018-25 authorizing the issuance and delivery of \$380,000.00 principal amount of General Obligation Bonds, Series 2018-B (Taxable under Federal law), of the City of Hutchinson, Kansas; and providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; and authorize the Mayor to sign. The motion passed unanimously.

b. Consider Resolution authorizing the issuance and delivery of General Obligation Bonds. Angela Richard, Finance Director, spoke. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Piros de Carvalho, to approve Resolution 2018 R 15 prescribing the form and details of and authorizing the delivery of \$380,000.00 principal amount of General Obligation Bonds, Series 2018-B (Taxable Under Federal Law), of the City of Hutchinson, Kansas, previously authorized by an ordinance of the City; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider Ordinance amending City Code Section 21-106 regarding Building Trades Board. Paul Brown, City Attorney, spoke. Councilmember Daveline asked about the appointment process to the Board; and whether we should stipulate these be Hutchinson or Reno County residents. Discussion ensued.

Councilmember Piros de Carvalho said the committee that was put together to look at the Building Trades Board asked to have at-large members to avoid any conflicts of interest by having only contractors. Discussion ensued about the number of at-large members, terms of board members, etc. Councilmember Piros de Carvalho asked the City Attorney if council should vote on this item now, or wait until later. Mr. Brown said he would come back to council with an amended ordinance at a later date. Additional discussion ensued. It was decided that the board would consist of seven professional members in trades/businesses; and two at-large members.

d. Consider Resolution of Support for GVI Bicycle/Pedestrian Trail Extension. Justin Combs, Director of Parks & Facilities, gave an overview of the project. He said they wanted to wait until next year to apply for this grant, but KDOT indicated this would be the final year for the Transportation Alternative Grant, so this was a good opportunity to seek funding for the project. Mr. Combs said this has been in the Master Plan since the early 2000's; and BG Consultants has developed some conceptual drawings and cost estimates. He said while they were working on the grant application, Steve Drach of the Vitality Team went door to door to talk with residents about the project. Mr. Combs said he has received calls and e-mails about the location of the trail; and residents have made it clear they do not want the trail on the south side of the drainage ditch. He said he has had conversations with residents; and explained the City is only seeking approval for the grant application at this time, but the application will show the trail on the north side of the ditch. He said there are three property owners the City will have to work with to build on the north side; and they would have to acquire property from them. Mr. Combs said if they can't obtain a right-of-way on the pasture land north of Kisiwa Village, then the project could not go forward. Discussion ensued.

Sean Thomas, Assistant Director of Parks and Facilities, said the application is due Monday, September 10, 2018; and they are only seeking approval to submit the grant application. Discussion ensued regarding cost of the project, acquisition of the property, type of construction, etc. Councilmember Piros de Carvalho said she had received several comments about the maintenance schedule for current trails; and asked about future maintenance plans. Mr. Thomas said as of January 1, 2019 the Parks & Facilities Department will take over mowing along ditches and trails; and the trails will be treated just as the parks are. He said they also want to install dog waste dispensers, etc. Additional discussion ensued.

Melissa Sides, 10 Kisiwa Village Road, said concern about this project came up years ago. She said if the proposed trail is located on the south side of the ditch it will be in her backyard, but if it is on the north side she would be fine with that so long as the trail and surrounding area is maintained.

Peggy Dickinson, 436 Kisiwa Village Road, said a trail on the south side of the ditch would be in her front yard. She believes this matter should be tabled until more information is available. Ms. Dickinson also asked about extending the bicycle lane on Plum all the way to 43rd, then west on 43rd to Monroe, rather than going through private property. Discussion ensued.

Bruce Klosterhoff, 400 Kisiwa Village Road, said he was speaking for himself and not the homeowner's association. He said he doesn't favor using Plum because of traffic; and told councilmembers he was in favor of them passing the Resolution.

Julie Gary, 424 Kisiwa Village Road, said she is an active person and believes in exercise, but the trail will literally be in her backyard. She asked where people were going to park, saying there are several cul-de-sacs in the neighborhood; and she is afraid people will be parking there and walking through yards to get to the trail. Discussion ensued.

Steve Drach with the Vitality Team, said he would urge staff to start working with the neighborhood on this matter; and supports the trail being on the north side of the ditch. He said the City is behind many other cities when it comes to the trail system; and wants to see the trail system completed.

Mr. Combs reiterated that the proposal will show the trail being on the north side of the ditch. Councilmember Inskeep said he had received quite a few e-mails and phone calls about this matter. He said all of this could be a moot point if the City can't acquire the land, but we can't get there without applying for the grant.

Motion by Councilmember Inskeep, second by Councilmember Piros de Carvalho, to approve the submittal of an application to the Kansas Department of Transportation for Transportation Alternatives Program for funds to complete GVI Bicycle/Pedestrian Trail Extension; and authorize the Mayor to sign. The motion passed unanimously.

7. New Business

a. Consider Update on Structures Determined to be Unsafe and Dangerous. Trent Maxwell, Building Official, said this has been a long journey, but there is some end in sight. Mr. Maxwell addressed the following properties:

715 West 1st – The house has been reroofed, the front deck has been redone, windows have been replaced, etc. He said a lot of progress has been made on this property.

763 East Avenue F – Mr. Maxwell said you won't see a lot from the outside, but most of the interior framing is completed; and most of the electrical has been roughed in.

28 East Bigger – The front porch is now mostly completed, a new roof has been put on the property; and the HVAC will be connected.

1210 Forrest – Mr. Maxwell said he went by this property again this morning; and another dumpster is sitting outside. He said the back shed has been torn down; and the roof on another accessory structure will be rebuilt. He also said the majority of framing on the inside has been completed. He said he hasn't had any communication with the property owner, but that good strides have been made. Discussion ensued.

Timothy Steinhauser, owner of the property at 1210 Forrest apologized for how slow the progress has been. He said he bit off more than he could chew moving to a new town, purchasing the property, etc. He said with his new job he is able to put in 20-25 hours a week on the house. He said framing could be done by the end of the week, then he would start working on electrical and plumbing issues. Mayor Dechant said he is disappointed that he did not contact Mr. Maxwell to keep him advised of the status. Mr. Steinhauser said he would e-mail Mr. Maxwell each week with photos and a status update. He thanked the council for their patience.

John Koontz, owner of the property at 763 East Avenue F, said there was more to do than what he originally thought. He said he's gone this far, so he might as well get it done. He said it has been a tough summer with all the heat, but should have the sheetrock done in two months.

Mayor Dechant said there needs to be considerable and significant progress; and asked owners to stay in close contact with Mr. Maxwell.

Motion #1

Motion by Councilmember Inskeep, second by Councilmember Soldner, to approve a two-month extension to complete the rehabilitation of 28 East Bigger Street, 763 East Avenue F, 715 West 1st Avenue and 1210 Forrest. The motion passed unanimously.

Mr. Maxwell spoke about the remaining properties.

753 East Avenue F – Mr. Maxwell said the owner talked to him at the beginning of the meeting; and indicated he wants the property demolished. The owner indicated the property was worse than he thought it was; and it is not feasible to repair the home. Mr. Maxwell said he will get a signed release; and will then proceed with getting bids.

324 West 6th – Mr. Maxwell said he has not had a lot of communication with the owner; and nothing has been done with the property since the last update. Discussion ensued.

Jeff Mack, owner of 324 West 6th, said he hasn't had any contact with Mr. Maxwell, but that he has been dealing with John Vetter of the Inspection Department on another house. He said when they started this discussion back in January he told councilmembers it would take two years. He said he has been working on another house, so he hasn't done anything to the West 6th property.

Mr. Maxwell said he stands by his recommendation on this property; and all owners are held to the same standards.

Motion #2

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the solicitation of bids through Central Purchasing to demolish the structures located at 753 East Avenue F and 324 West 6th Avenue. The motion passed unanimously.

Mayor Dechant called for a break at 10:22 a.m. The meeting resumed at 10:30 a.m.

b. Consider Rental Registration and Inspection Program. Amy Allison, Senior Planner, spoke. She said so far in 2018 there is 97% compliance with registration. She spoke about the inspections, the number of violations, performance measures, property crimes, etc. She said the Housing Commission has discussed removing the complaint only policy, hiring a temporary staff person during the summer to deal with tall grass complaints, educating the Municipal Court judges about various issues, publicizing violations on a website, etc. Ms. Allison said the Housing Commission recommends continuing the program for 2019, removing the complaint only policy; and authorizing the Housing Commission to explore alternative code enforcement options.

Councilmember Piros de Carvalho asked about the most frequent violations prior to the internal inspection portion of the program being discontinued. Mr. Maxwell said the majority of violations were the lack of smoke detectors. He also said outlets were a major problem, as well as windows being painted, caulked or screwed shut. Discussion ensued.

Councilmember Inskeep talked about the amount of staff time required to facilitate the registration of properties, collection of fees, etc. Ms. Allison said changes have happened in the Planning Department since the program's inception. Jim Seitnater, Interim Director of Planning and Development, said staff will carry out any decisions made by council. He said any time you have to deal with billing and collecting money, it does take a lot of time. He said they are here to execute the work of the Housing Commission and the council.

Councilmember Piros de Carvalho said when the State required consent for internal inspections, that crippled the program. She asked if staff is only doing external inspections, how that differs from just applying the IPMC but charging a fee. Mr. Seitnater said that is a difficult question. He said the legislature took the teeth out of the ordinance right off the bat, but said inspections need to continue. He said the problem is in the lower tier of the units in which landlords aren't providing safe and good places for people to live. Mr. Seitnater said we need to look at alternatives or stricter enforcement. He said about 12% of properties create the majority of violations; and that's where we need to focus. Discussion ensued.

Councilmember Daveline said he is disappointed the Kansas Legislature took this action. He talked about expenses for the first three years' of the program, including mailing costs. Ms. Allison said the initial invoice is sent out in October, with a reminder being sent at the end of December. She said for those that don't pay by June, the matter is sent to the Court. Councilmember Daveline also asked about the turnover rate with inspectors. Mr. Maxwell said those were both unavoidable. He said there is not a high turnover rate in his department, as most employees are there until they retire.

Richard Greever, President of the Central Kansas Landlords Association and member of the Board of Directors of the Associated Landlords of Kansas, said this program was to be used to improve housing stock, etc. He said slumlords were let off the hook when they were given the opportunity to do land contracts. He said the City has collected over \$250,000.00 in rental registration fees, but nothing has been done for either landlords or tenants. Mr. Greever said the City is not going after homeowners with the same demands as are being made on landlords; and believes landlords are being treated unfairly. He said most of the rental complaints come from tenants who are behind on their rent or who have received eviction papers. He wants to see an end to the program.

Kelly Ann Lanham, co-owner of Elite Property Management and a member of the Housing Commission, said she manages 200 rental units in Hutchinson and surrounding communities. Ms. Lanham said she is in support of the rental registration program, saying it has multiple benefits including protecting the young, the old, those fearing retaliation, etc. She said they inspect all of their units four times a year, any issues are addressed; and seasonal maintenance is completed. She said they also make sure tenants aren't in violation of their lease agreement. Ms. Lanham said the cost may not seem like a lot, but it eats away at the bottom line. She said breaking even is their best hope. Ms. Lanham said the formal eviction process can take up to three months; and the property usually needs thousands of dollars of work to make the property rentable. She said the Hutchinson News did a great article on the use of meth in the community; and until this issue is addressed, the community and rental properties will suffer the consequences. She said she doesn't know what the program should look like, but suggested educating landlords about crime prevention, offering incentives for those that comply, and holding tenants responsible for violations. She said many organizations help tenants with rent and utility payments; and suggested tenants should be required to attend budgeting classes, perform community services hours, etc.

Tony Finlay of the Housing Commission, echoed Ms. Lanham's comments. He said this issue is very complex. He said the housing problem was decades in the making; and a two and a half year program isn't going to turn it around. Mr. Finlay said he agrees the City needs to keep the program, but if the City doesn't commit to necessary staffing, then it's not going to work. He said the Council's decision will speak loudly on their commitment to improving housing.

Aubrey Patterson, 2708 Tyler, and a member of the Housing Commission, said the issue is bigger than the Rental Registration and Inspection Program. She said there have been several housing studies and needs assessments done, but many people weren't aware there was a problem until they saw a story several years ago in the Hutchinson News by Ken Stephens. Ms. Patterson said this is something that is going to take time; and not something we should scrap. She said staffing is a big deal; and asked the City to provide the correct resources so the job can be done well.

Fran Weber, 2609 Heather Parkway, said she has owned rentals for close to 25 years. She said since this program went into effect, she has had three complaints against her, all which were the result of giving tenants a three-day eviction notice. She said she has had tenants tell her if she kicks them out they will turn her in to the City; and another left a message on her answering machine threatening her. She said most of the landlords take pride in their properties and work hard. Ms. Weber said we now have tenants that destroy property, then call the City and complain about the landlord. She said the landlord

is the one held responsible; and tenants get off scott free. She said a lot of the time they don't find out about problems until the tenant calls the City, as the tenants won't call the landlord because they are behind on rent. Ms. Weber said it's upsetting to hear the landlord is always the "bad guy".

Councilmember Piros de Carvalho said the majority of landlords are doing a huge service; and that approximately 40% of the housing stock are rentals. She asked about any screening process for tenants. Mr. Maxwell said damage to property is a civil matter between the landlord and tenant. He said if the program continues, he knows of other cities that require a tenant to prove they are current on rent when making a complaint. Discussion ensued about the eviction process, etc.

William Graves, 130 W. 17th, said he is a renter and a property manager. He said it seems as a property manager and landlord they are being singled out and under attack. He said he is against interior inspections; and would not want the City coming into his house. Mr. Graves said that goes for everyone except those he invites in. He said he is against this program as it is not doing any good.

Councilmember Piros de Carvalho said it is not the intent of the program to single anyone out. She said there are several landlords that are not doing it right; and are preying on those less fortunate. She said councilmembers have been called a variety of names over this program, but said the program was done in a good faith effort. She said we need to change the narrative that this was some big government effort to infringe on rights of landlords.

Nathan DeBerry, a member of the Housing Commission and a licensed master electrician, said he has to go through requirements of continuing education; and it's just part of the process. He said this program is a way to let people know their landlords are participating; and willing to comply with the program. Mr. DeBerry said land contracts are a problem, but they are legal. He asked if the \$20.00 inspection fee was worth someone's life to make sure their property was safe; and he said he believes it is.

Mitch Gumble, 1506 Linwood Drive, said he has several nice rentals. He said he has been turned in for two of his properties by tenants that were being evicted; and one of the items he was cited for was having house numbers that were too small. He said other houses on the same street don't have any numbers, but they weren't cited. Mr. Gumble said this program won't be effective until someone is hired to run the program.

Mr. Maxwell said the house numbering issue is an international standard; and is mainly for 911 emergency responses. He said if other issues are found when responding on a complaint, those items will show as infractions.

Maxine Julien said she is frustrated with the City and County regarding all of the government subsidized housing. She said she can't compete with the rental rate on those properties; and is trying to get out of the rental business.

Bill Sikes, 108 Roadrunner, said he has a couple of rentals. He said staff needs to go back and look at the metrics; and to establish a direct link between the program and the data.

Bill Graves said everyone recognizes the problem is with the slumlords. He said if you look at the valuation of a property versus the amount of rent being charged, that will say a lot.

Mayor Dechant said he was closing the time for public comments; and bringing the matter back to council for discussion. Councilmember Piros de Carvalho said she was one of the biggest proponents of this program; and felt it would make a difference. She said at this point she is leaning toward getting rid of the program, as the current program isn't working like it should. She said it's an unnecessary burden to staff and landlords. Councilmember Soldner said the thing that triggered all of this was a house fire that killed a little boy because the landlord had not fixed a faulty furnace; and the tenant was using space heaters, etc. She said we are not where we need to be or where we want to be. Councilmember Piros de Carvalho said she respects the opinions of Aubrey Patterson, Tony Finlay and Kelly Ann Lanham, but we need to look at what we are doing. She said it's not throwing in the towel on the program; and we have the capacity to come up with something better. She said it's not okay that people are living in homes without proper electricity.

Mayor Dechant said we need to take the opportunity and utilize the next 15-16 months to go on to the end of next year when the program sunsets; and that he expects the Housing Commission and staff to identify and implement changes to a flawed program. He said the legislature "cut us off at the knees". Mayor Dechant said there are ways to get back inside to do interior inspections saying he knows of several cities that do this between tenants. He said it is the landlord's responsibility to notify the City. The Mayor said he believes we will lose the momentum we have built up, if we close down the program. Additional discussion ensued.

Motion #1

Motion by Councilmember Piros de Carvalho, second by Councilmember Daveline, to deny the recommendation of the Housing Commission to continue the Rental Registration and Inspection Program for 2019, based upon a review of the program's outcome measures

Mayor Dechant said there was a failure at several levels. He said he fears it would be a great injustice to step back from the program; and then to try to reimplement it. He said we should modify what we have now, rather than spending years to reimplement. Councilmember Piros de Carvalho said we have to come up with something better. Discussion ensued.

Councilmember Soldner asked what would happen if we continue the program but don't charge fees for 2019. Councilmember Inskeep said he is hearing that fees are the main issue, not the inspection process. Councilmember Soldner said she is not suggesting doing away with the fees forever, but at least doing that this year until the Housing Commission can come back with a revised program that enables them to address issues they want to address. Additional discussion ensued.

Councilmember Piros de Carvalho rescinded her original motion and moved to amend the recommendation of the Housing Commission to continue the Rental Registration and Inspection Program for 2019 without fees collected, based upon review of the program. Councilmember Inskeep seconded the motion. The motion passed unanimously.

Motion #2

Motion by Councilmember Inskeep, second by Councilmember Soldner, to approve the recommendation of the Housing Commission to discontinue the Complaint-Only Policy for the International Property Maintenance Code. The motion passed unanimously.

Motion #3

Motion by Councilmember Piros de Carvalho, second by Councilmember Daveline, to approve the recommendation of the Housing Commission to authorize the Housing Commission to explore alternative code enforcement options. The motion passed unanimously.

c. Consider Hobart-Detter ballfield lights installation bid results. Justin Combs, Director of Parks and Facilities, spoke. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Piros de Carvalho, to approve a contract with Kenny's Electric Company to install new ballfield lights at Hobart-Detter Field and parking lot for an amount not to exceed \$125,541.00; and authorize the Mayor to sign. The motion passed unanimously.

8. Report of City Officials

a. Council

- Councilmember Piros de Carvalho reminded everyone that today is the official kick-off of the 2019 United Way campaign; and asked everyone to consider supporting its \$1.35 million goal.
- Councilmember Inskeep said the State Fair is right around the corner; and a lot of out-of-town people are here. He encouraged everyone to put their best foot forward.
- Councilmember Daveline had no comments.
- Councilmember Soldner had no comments.
- Mayor Dechant had no comments.

b. City Manager

The City Manager talked about a joint City/County meeting; and set a date of September 21, 2018. He said the time would be set on a later date.

Mr. Deardoff also brought councilmembers up to date on bids for police cars. He said they are purchasing 13 new vehicles, but had only 2 bids. He said one of those was local; and the other was from McPherson. Discussion ensued.

Mr. Deardoff also said there are two people in the audience he wants to acknowledge, as this is their last Council meeting. He said Chief Heitschmidt has had 46 years of law enforcement service; and his last day is September 17. Mr. Deardoff said Chief Heitschmidt has been Police Chief for 26 years; and if there is a crisis, this is who you want with you. He said he has had a good relationship with the Chief, both personal and professional; and wished him the best of luck. The City Manager said the Chief's retirement reception is September 15, and Council had received invitations.

The City Manager said the other person leaving is Meryl Dye. He said she has had almost 40 years of service with the City; and her last day is September 17. He said she has been a major contributor to the City; and is very efficient at project management. He said it was her inspiration that brought public art to the forefront in the City; and that future generations will appreciate this. He wished her the best; and said her reception will take place on September 14.

The City Manager asked for an Executive Session pursuant to the non-elected personnel exception.

Motion by Councilmember Piros de Carvalho, second by Councilmember Inskeep, to recess into executive session pursuant to the personnel matters of non-elected personnel exception, K.S.A. 75-4319(b)(1) in order to discuss the Police Chief position; the open meeting to resume in the City Council chamber at 12:45 p.m. The motion passed unanimously.

The meeting reconvened in the City Council chambers at 12:45 p.m.

9. Adjournment

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