



**MINUTES**  
**CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS - HUTCHINSON, KANSAS**  
**November 5, 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, November 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 Gary Getting of Elliott Mortuary.

4. Proclamations

a. A Proclamation for Veterans Appreciation Month was accepted by Marvin Hall, Commander of VFW Post 1361.

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.)

LaVerle Pounds, 512 East Avenue A, presented another list of code violations to councilmembers. He said he has talked to Justin Combs about trees being too close to fire hydrants, etc.; and was told by Mr. Combs there is another section in the City Code regarding trees. Mr. Pounds said this is not a personal vendetta, but that he is upset about the number of codes. He said he doesn't like the fact that when more codes and restrictions are put into place the rights of the citizens and businesses are being restricted. Discussion ensued.

Marvin Mast, 200 East 6<sup>th</sup>, and a member of the Housing Commission, said there seems to be a page missing from the Planning Commission Minutes in the agenda with regard to the rental registration issue.

6. Consent Agenda

- a. Approval of Minutes of October 15, 2019 City Council meeting.
- b. Approval of T-Hangar leases for the Hutchinson Regional Airport.
- c. Approval of Air Traffic Control Lease at Hutchinson Regional Airport.

- d. Approval of appointments to the Hutchinson/Reno County Arts & Humanities Council of the following:
  - Emily Gallart, 1001 East 22<sup>nd</sup>, Hutchinson, for appointment to a three-year term beginning 1/01/2020 through 12/31/2022.
  - Kelbe McGill, 820 West 19<sup>th</sup>, Hutchinson, for appointment to a two-year term beginning 1/01/2020 through 12/31/2021.
  - Geoffrey Smith, 16 Countryside Drive, Hutchinson, for appointment to a one-year term beginning 1/01/2020 through 12/31/2020.
  - Christopher Wietrick, 10 West Avenue A, Apt. 5, Hutchinson, for appointment to a one-year term beginning 1/01/2020 through 12/31/2020.
  - Lauren Taylor, 12 West 21<sup>st</sup>, Hutchinson, for appointment to a one-year term beginning 1/01/2020 through 12/31/2020.
- e. Approval of appropriation ordinance in the amount of \$1,739,869.69.

Councilmember Dechant asked that Items 6b and 6c regarding airport matters be discussed.

Pieter Miller, Airport Manager, spoke with regard to Item 6b. He said the leases are year to year leases for those t-hangers that were just built. He discussed the monthly rental costs, as well as annual increases. Councilmember Dechant asked about the total cost of the project versus initial estimates. Mr. Miller said the initial estimate in 2017 was \$370,000.00; and assumptions were made that some of the work would be done in house. He said by the time the hangars were actually built, the cost was approximately 40% higher. Mr. Combs said the overage was paid by leftover funds from other projects, as well as a reserve account. Councilmember Daveline said he pegged it when he said, "build it and they will come." Mr. Miller said there is not an empty t-hangar in the state. Additional discussion ensued.

Councilmember Dechant asked about Item 6c, saying the memorandum made it sound like the FAA wasn't going to pay rent for something they helped build. Mr. Miller said there are three types of towers, those being federal, contract, and cost share. He said federal towers, which are usually found in larger airports, are owned by the government and staffed by FAA employees. Mr. Miller said contract towers are sponsored, sometimes by cities, with the FAA paying a private company to staff the tower; and cost share is a combination of the two. Mr. Miller said Hutchinson is a contract tower. He said the City pays for upkeep of the tower, but the controllers work for Midwest ATC out of Kansas City; and are paid 100% by the FAA. Additional discussion ensued.

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

7. Ordinances and Resolutions

a. Consider Ordinance authorizing issuance and delivery of General Obligation Refunding and Improvement Bonds, Series 2019-A. Angela Richard, Finance Director, spoke about both of the Ordinances and Resolutions. She said all of the rates were better than expected; and the City will save approximately \$603,000.00. Councilmember Daveline said this is an affirmation of good fiscal management by the City; and it should not be taken for granted. Discussion ensued regarding ratings.

Dustin Avery with Piper Jaffrey spoke about the various ratings, removal of the negative from the City's rating, etc. Additional discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Piros de Carvalho, to approve Ordinance 2019 - 15 authorizing the issuance and delivery of \$8,565,000.00 principal amount of General Obligation Refunding and Improvement Bonds, Series 2019-A, 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 delivery of General Obligation Refunding and Improvement Bonds, Series 2019-A.

Motion by Councilmember Piros de Carvalho, second by Councilmember Dechant, to approve Resolution 2019 R 20 prescribing the form and details of and authorizing the delivery of \$8,565,000.00 principal amount of General Obligation Refunding and Improvement Bonds, Series 2019-A, 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 authorizing issuance and delivery of General Obligation Refunding Bonds, Series 2019-B.

Motion by Councilmember Daveline, second by Councilmember Piros de Carvalho, to approve Ordinance 2019 - 16 authorizing the issuance and delivery of \$3,490,000.00 principal amount of General Obligation Refunding Bonds, Series 2019-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.

d. Consider Resolution authorizing delivery of General Obligation Refunding Bonds, Series 2019-B.

Motion by Councilmember Piros de Carvalho, second by Councilmember Daveline, to approve Resolution 2019 R 21 prescribing the form and details of and authorizing the delivery of \$3,490,000.00 principal amount of General Obligation Refunding Bonds, Series 2019-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.

e. Consider Ordinance regarding Residential Rental Licensing and Inspection. Ryan Hvitløk, Director of Planning and Development, said this matter has been before this body several times. He said on October 23, 2019 the Housing Commission voted two to four to deny an ordinance. Mr. Hvitløk said staff was surprised, but stated the Housing Commission has several new members. Mr. Hvitløk said with regard to Mr. Mast's public comment about pages of the Minutes being omitted, not all pages are included. He said only that portion of the Minutes dealing with a particular topic are included. Mr. Hvitløk said there has been over three hours of public comment on this matter; and he talked about the position of the Kansas Association of Realtors and various landlords, costs of the program, etc.

Mayor Inskeep said at the October 1, 2019 meeting council directed staff to prepare an ordinance establishing this program; and that requirement has been met.

Councilmember Piros de Carvalho asked about having a checklist that would protect both landlords and tenants. Mr. Hvitløk said that could certainly be done. He said staff had initially made that proposal, but landlords said it wasn't feasible. He said they want to work with landlords as part of an overall education program; and said staff is working on preparing a landlord/tenant handbook that will be part of that program. Discussion ensued regarding appeals, fees associated with the program, inspections, violations, etc.

Trent Maxwell, Building Official, addressed concerns about violations. He said as part of the complaint, photos are sent showing exterior code violations. He said the photo may show only one side of the property; and the landlord will only paint one side of the structure, rather than the whole property. He said that's part of why the belief is that they are adding additional work to be done. Mayor Inskeep said any clarification could help. Mr. Maxwell said the landlord can always reach out to the inspectors if there are any questions, as the name and phone number are at the bottom of each letter. Additional discussion ensued regarding better communication, a social media presence, etc.

Motion by Councilmember Dechant, second by Councilmember Piros de Carvalho, to approve Ordinance 2019 - 17 repealing Article XI. Residential Rental Registration and Inspection of Chapter 21 of the Code of Hutchinson, Kansas and substituting Article XI. Residential Rental Licensing and Inspection of Chapter 21 of the Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed by a vote of 4 to 1, with Councilmember Daveline voting no.

## 8. New Business

a. Consider 2020 Health and Dental Insurance Renewal. Tom Sanders, Director of Human Resources, said the City will continue working with Meritain as its TPA. He said there has been a significant decline in pharmacy costs; and the City should receive

approximately \$100,000.00 in rebates by year end. Discussion ensued regarding stop loss, premium costs, etc.

Aaron Wells and Rick Beins with USI Consultants, also spoke about the plan. Mr. Beins gave an overview of the 2019 plan performance; and said the Hutchinson Hospital Emergency Room Physicians group will now accept the Aetna network. Mr. Wells and Mr. Beins also spoke about the Teladoc service, "lasering", which targets individuals with pre-existing conditions, cash payment for surgery/imaging networks, etc. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Piros de Carvalho, to approve the proposed 2020 Health and Dental program; and authorize staff to execute the group health and dental insurance contracts with Meritain and Delta Dental for the 2020 plan year. The motion passed unanimously.

Mayor Inskeep called for a break at 10:42 a.m. The meeting resumed at 10:49 a.m.

b. Consider request to demolish structure at 541 East Avenue A. Aaron Barlow, Associate Planner, spoke. He said there was a fire in May, 2019; and the cost to repair the property nearly matches the value.

Jim Gilliland, representing the owner, Forest Tennant, said the cost of repairs and restoration are a problem. He said the property was underinsured; and insurance proceeds will not cover the cost of repairs. Mr. Gilliland said the owner has said he will pay for demolition; and will donate the land to the Hutchinson Land Bank so it will make a wider lot as it is next to another Land Bank property. Discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to grant the appeal of the Landmarks Commission determination and authorize the issuance of a Demolition Permit for 541 East Avenue A based upon a finding that there is no feasible and prudent alternative to the project. The motion passed unanimously.

c. Consider request to demolish structure at 524 East 1<sup>st</sup> Avenue. Aaron Barlow, Associate Planner, said the property owner purchased the property for \$1.00 thinking she could flip the home. He said the upgrades were more than her budget; and the owner has signed the property over for demolition. Discussion ensued regarding redrawing the historical district lines, etc.

Motion by Councilmember Soldner, second by Councilmember Daveline, to grant the appeal of the Landmarks Commission determination and authorize the issuance of a Demolition Permit for 524 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.

d. Consider approval of final plat for SilverRock Addition. Amy Allison, Senior Planner, said this is unplatted property south of the Hutchinson Mall. She said the office for Children and Family Services is moving to this location from South Hutchinson. Discussion ensued.

Kendall Schoenrock with Kansa Development Corp, owner of the property, said there is a 15 year lease with the Department of Children and Families. He said they are wanting to move forward as quickly as possible as DCF is anxious to get moved into the new facility. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Dechant, to accept and approve the recommendation of the Planning Commission to approve the final plat for SilverRock Addition. The motion passed unanimously.

e. Consider agreement with Sunflower Ag for services related to dewatered municipal biosolids. Brian Clennan, Public Works Director, spoke. He said the City has worked with Sunflower Ag since 2011; and this will be a three year agreement. Discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Piros de Carvalho, to approve the agreement with Sunflower Ag Enterprises for services related to the removal, transportation, land application and agronomic management of dewatered municipal biosolids; and authorize the Mayor to sign. The motion passed unanimously.

f. Consider agreement with Burns & McDonnell for 4<sup>th</sup> and Carey Farmland Pilot Remediation Project. Brian Clennan, Public Works Director, gave an overview.

Denny Mosier with Burns & McDonnell spoke about the project. He said they are testing two products to inject into the groundwater to degrade the contamination; and will monitor the wells for a year and look at results. Mr. Mosier said the pilot test may reduce the contaminants enough that they will not have to do further injections. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the agreement with Burns & McDonnell for the 4<sup>th</sup> and Carey Farmland J Northwest Site Pilot Remediation Project; and authorize the Mayor to sign. The motion passed unanimously.

9. Report of City Officials

a. Council

- Councilmember Soldner had no comments.
- Councilmember Daveline had no comments.
- Councilmember Dechant encouraged everyone to get out and vote.
- Councilmember Piros de Carvalho also encouraged everyone to vote.
- Mayor Inskeep also asked the citizens to vote.

b. City Manager

- 30<sup>th</sup> Avenue Speed Study – Mr. Deardoff said the area between Lorraine and K-61 has been studied several times; and it has been shown that 45 mph is a reasonable speed. He said staff is recommending the speed stay as it is posted; and if council wants to do something different this needs to be an agenda item. Councilmember Daveline said he has had this on his radar for several years. He said he understands the engineering model used for the study, but thinks we need to localize this and address it as a Hutchinson issue and not a model issue. Councilmember Daveline asked that this item be placed on the agenda. He said there are two school zones in this area; and said he would like to know about traffic flow, etc. Councilmember Soldner said we need accident data, citation information, etc. Mayor Inskeep asked that the Director of Public Information put something on the City's web page so people can comment. Councilmember Dechant said if we are moving in that direction, we should look at reconfiguration of the number of lanes as four lanes of traffic with a turning lane does not lend itself to leisurely driving. Additional discussion ensued.

Mr. Deardoff said the Governor and Secretary of Transportation announced cost share awards saying that the Apple Lane project was one of those selected. He said this was estimated to be a \$2 million project, so that means the City would get \$1 million. Mr. Deardoff congratulated the Engineering Director and his staff as it was a quick turnaround from submittal of the request to the award.

Councilmember Daveline asked about the Woodie Seat project. Mr. Deardoff said it may be the end of November before we hear anything.

- Downtown Trees – Councilmember Dechant suggested that the Fire Department be involved in any discussions. Mr. Deardoff said they have been involved; and the most recent landscape ordinance does not address the number of feet a tree should be from a fire hydrant. Mr. Deardoff said he is not in the mood to cut down six trees because of one complaint. Additional discussion ensued.

10. Adjournment

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