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**MINUTES**  
**CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS - HUTCHINSON, KANSAS**  
**November 19, 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 19, 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 Darryl Peterson of Grace Christian 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.)

Chief Steve Beer with the Hutchinson Fire Department said for the very first time in the City's history Central Garage now has a certified Emergency Vehicle Technician (EVT) on staff. He said a lot of time and effort has been put into filling this position. Chief Beer said the true heroes of the City are the mechanics that keep the fleet on the road. He said to have this person as part of the City is a new era for Hutchinson; and is an awesome endeavor.

5. Consent Agenda

- a. Approval of Minutes of November 5, 2019 City Council meeting.
- b. Approval of street closing request for Hyde Park Luminaria.
- c. Approval of October financial reports.
- d. Approval of appropriation ordinance in the amount of \$1,152,057.81.

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 Taxable Industrial Revenue Bonds for Afaya Partners, LLC. Angela Richard, Finance Director, spoke. She said the bonds will be paid in full by December 2030; and there will be no costs to the City for these bonds. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Dechant, to approve Ordinance 2019 - 18 authorizing the City of Hutchinson, Kansas to issue its Taxable Industrial Revenue Bonds, Series 2019 (Afaya Partners LLC Project) for the purpose of the acquisition, renovation and equipping a commercial facility; and authorize certain other documents and actions in connection therewith; and authorize the Mayor to sign. The motion passed unanimously.

b. Consider Ordinance amending the Comprehensive Plan Land Use Map. Amy Allison, Senior Planner, spoke. Councilmember Dechant questioned the proposed zoning. Discussion ensued regarding the requested zoning change, allowable uses for the property, etc.

Dane Power, 2801 Hawthorne Lane, said his office with Edward Jones is currently located at 4<sup>th</sup> and Main; and he will be building a new office on this property. He said there would be room for multi-family housing on the northern part of the lot, but said it will not be an apartment complex. Councilmember Dechant asked about leaving the north portion of the lot zoned as R-5. Discussion ensued regarding review of the Comprehensive Plan, taking the request back to the Planning Commission, etc.

Councilmember Piros de Carvalho said this is the kind of barrier people are talking about. She said residents in the area were generally happy with what they heard; and stated that she would be opposed to dragging this matter out. Mayor Inskeep said he leans on the decision of the Planning Commission. Councilmember Daveline said the applicant has made it clear that he owns the parcel; and would rather have another office than a multi-family apartment complex. Councilmember Dechant said he doesn't know what will happen in 20-30 years; and said it seems like we should take a longer view of the immediate impact. He asked Mr. Power about his timeframe. Mr. Power said closing on the property is tomorrow at 4:00 p.m.; and he would like to get going on this as soon as possible.

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to accept and approve the recommendation of the Planning Commission to approve the request for an amendment to the Comprehensive Plan Land Use Map, Section M.1.7.b. of the 2017-2037 Comprehensive Plan for Hutchinson, Kansas, based on a finding of conformance to the factors required for approval, adopt Ordinance 2019 - 19 amending the Comprehensive Plan Land Use Map; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider request to rezone property at 00000 N. Brentwood Street. Amy Allison, Senior Planner, said this is part two for the same property. Mayor Inskeep asked how neighbors were notified. Ms. Allison said there were three steps. The first was by publication in the newspaper. Next, a letter was sent to property owners within 200 feet of the parcel; and lastly, a sign was posted on the property indicating a zoning change.

Motion by Councilmember Soldner, second by Councilmember Daveline, to accept and approve the recommendation of the Planning Commission to approve the request to rezone 00000 N. Brentwood Street from *R-5 High Density Residential District* to *C-1 Office Commercial District* based upon due consideration of the factors listed, adopt Ordinance 2019 - 20 rezoning the property at 00000 N. Brentwood Street; and authorize the Mayor to sign. The motion passed unanimously.

d. Consider Ordinance amending Section 13-101 of Chapter 13 of the City Code. Justin Combs, Director of Parks and Facilities, spoke. He said Rivers Banks Orchard Park hasn't been added to the City Code and it's time to do so. He said the property was originally homesteaded in the 1870's by Rivers Banks; and was later sold to the Dillon family. Mr. Combs said the Dillon family donated 70 acres of the 160 acres to the City, which is now the park space.

Mr. Combs said the second amendment to Section 13-101 is the naming of the Chester I. Lewis Plaza. He said the space was completed earlier this week, the plaza is open; and he is happy with the results.

Darrell Pope, President of the NAACP Hutchinson Branch, said he knew the Lewis family. He said Chester Lewis graduated from Hutchinson High School, enlisted in the Army; and then went to the University of Kansas. He said he became a lawyer; and was recruited by John F. Kennedy to work on his legal staff. Mr. Pope said Mr. Lewis wanted his own law firm, so he came back to Kansas and settled in Wichita. He said Mr. Lewis desegregated the Wesley nursery, the swimming pool, etc. Mr. Pope said that Mr. Lewis promoted social justice and equality; and said it is fitting that the plaza be named in his honor. He commended the council for their consideration; and for their support. Councilmember Dechant asked Mr. Pope if he knew Chester Lewis. Mr. Pope said he did know him, that Mr. Lewis was a little older; and that he encouraged those that were younger.

Mayor Inskeep said one of the things that came out of this conversation was that it brought Chester Lewis to light. He said he didn't know anything about Mr. Lewis; and wasn't able to find any civil rights commemorations in Hutchinson for him. Mayor Inskeep said this is a great opportunity to right that wrong; and to recognize one of our own. Discussion ensued regarding signage for the space, etc. Mr. Combs said the goal is to have a dedication ceremony in April 2020; and to have an unveiling of the story piece regarding Mr. Lewis.

Motion by Councilmember Piros de Carvalho, second by Councilmember Dechant, to approve Ordinance 2019 - 21 amending Section 13-101 of Chapter 13 - City Parks of the Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

7. New Business

a. Consider demolition of structures determined to be unsafe and dangerous. Trent Maxwell, Building Official, addressed each of the properties as follows:

The property at 225 East 1<sup>st</sup> consists of three structures; and the property owner came in yesterday to sign a release.

There has been no contact with the owner of the property at 516 East 2<sup>nd</sup>.

The owner of the property at 840 East 4<sup>th</sup> has reached out to three contractors. Mr. Maxwell said he is recommending giving the owner three additional months to work on the property. Council agreed with the recommendation.

Mr. Maxwell said he has received a proposal from the property owner of 2100 S. Bonebrake. He said the south side of the commercial building will be demolished; and Gruver Construction would be doing the remodel on the north side. He said there is still work to be done on the residential property, but they have been doing a lot of work cleaning up that property. Mr. Maxwell said he is recommending a three month extension.

Susie Bernard, owner of the property at 2100 S. Bonebrake, said they are continuing to make progress. She said weather is a factor; and may slow them down a little. She said Mr. Maxwell has been very honest and forthright with them; and said they will keep going. Discussion ensued.

There has been no contact with the owner of the property at 207 East Avenue E.

There has been no communication with the owner of 624 East Avenue E.

Mr. Maxwell said he heard from a friend of the owner of 600 S. Elm that the owner will be staying in California; and is not contesting demolition of the property.

Mr. Maxwell said he has had some discussions with the owner of the property at 204 East Avenue F, but is not sure if she has a plan or not. He said she has reached out to several contractors, but none have returned her calls. Mr. Maxwell said he also reached out to those contractors, but has received no reply.

Barbara Crowe, owner of the property at 204 East Avenue F, said she wants to try to get something going within the next three months, or to let Mr. Maxwell know that she's not able to proceed. Mayor Inskeep told her to get actual expenses as those can be alarming; and to stay in contact with Mr. Maxwell.

There has been no contact with the owner of the property at 1301 S. Maple.

Mr. Maxwell said a plan has been presented with regard to 1600 N. Prairie; and he is recommending a three month extension. He said the owner has made some progress on the property.

Kevin Dilli, owner of the property, said he has been working on the outside of the property so it looks more presentable. He said all but two windows have been replaced, he has painted the outside, and is planning on getting the roof redone. Mr. Dilli said he would like to get it livable within the next three months. Council members agreed to the three month extension.

Mr. Maxwell said there has been no recent contact with the owner of the property at 413 W. Sherman. He said early on there were some Property Maintenance Code

violations; and the owner was very combative so there has been no verbal interaction with him.

Motion by Councilmember Piros de Carvalho, second by Councilmember Daveline, to grant a one (1) month extension of time to complete the rehabilitation of 204 East Avenue F. The motion passed unanimously.

Motion by Councilmember Dechant, second by Councilmember Piros de Carvalho, to approve granting a three (3) month extension of time to complete the rehabilitation of 2100 South Bonebrake Street (commercial and residential structures), 1600 N. Prairie Avenue and 840 East 4<sup>th</sup> Avenue. The motion passed unanimously.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve demolition of the properties at 225 East 1<sup>st</sup> Avenue, 516 East 2<sup>nd</sup> Avenue, 207 East Avenue E, 624 East Avenue E, 600 South Elm, 1301 South Maple and 413 West Sherman; and to solicit bids through the Central Purchasing Department. The motion passed unanimously.

b. Consider agreement with HW Lochner for Runway 13/31 Crackseal/Sealcoat Design Services. Pieter Miller, Airport Manager, spoke. Discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Soldner, to approve the design agreement with HW Lochner for Runway 13/31 sealcoat, remarking and DBE program updates for an amount not to exceed \$62,500.00; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider bid report for Wastewater Treatment effluent channel repair. Jeff Peterson, Director of Engineering, said when we had the flooding earlier in the year there was some damage to City property just south of the Wastewater Treatment Facility. He said the City is in the process of constructing a temporary diversion channel so they can dry out the main channel. Photos and drone footage of the damage was shown. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Piros de Carvalho, to approve the bid; and authorize the Mayor to sign a contract with Ward Davis Builders, Inc. in the amount of \$188,892.00, subject to compliance with all legal requirements. The motion passed unanimously.

Councilmember Dechant asked Mr. Davis of Ward Davis Builders if he was the contractor for the Chester Lewis Plaza. He said he was; and indicated the plaza is completed except for one punch item that remains to be done. Mayor Inskeep thanked him for all the projects he's done for the City. Mr. Davis said he appreciates the business; and said it has been good to work with the City.

d. Consider Urban Forest Master Plan. Justin Combs, Director of Parks and Facilities, said this is near and dear to his heart; and that a lot of his experience has been

with urban forestry. Mr. Combs said he was the City Arborist in Wichita for a number of years; and said this has been a fun project. He indicated that Plan-it-Geo is truly a leader and innovator in their field; and said he has worked with them since their inception. Mr. Combs said they “knocked it out of the park” with this plan. He acknowledged the members of the Tree Board; Bill Moyer, former Park Superintendent; and the Park staff. Mr. Combs spoke about the Master Plan, the goals associated with the Plan, etc. Discussion ensued.

Mr. Combs said he is only asking the council to accept the plan, as the bulk of the work will be done through the Tree Board. Additional discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Dechant, to accept the Urban Forest Master Plan as prepared by Plan-it-Geo. The motion passed unanimously.

8. Report of City Officials

a. Council

- Councilmember Piros de Carvalho reminded everyone about the Christmas Parade this Saturday; and wished everyone a Happy Thanksgiving. She asked Mr. Combs about the status of the water slide property. Mr. Combs said proposals were received several weeks ago; and that last week he, the City Manager, Tony Finlay and Karen Neal with the Recreation Commission met to review the proposals. He said there are some discussion points; and he would like to have something by the end of the year.
- Councilmember Dechant talked about the Community Foundation grant awards. He said it struck him that we often hear nothing is happening in the city, but that money was given to programs for youth, the arts, community improvement, etc. He said there is a tremendous amount of things happening in the community. He also talked about the Planning Department’s pop-up event on “Tactical Urbanism” that will take place in 2020. Councilmember Dechant also said Interfaith Housing will have an Open House and Tree Auction following the parade at their facility on East Avenue A.
- Councilmember Daveline asked Chief Hooper for a status update on the remodeling of the Law Enforcement Center. Chief Hooper said they are still working with the architects. He said it’s a fairly old building; and they are having some issues with the electrical component. Chief Hooper said it was to go out to bid on October 1, but that has been delayed. He said they are hopeful to have the bid process completed by the end of the year, with construction beginning early in 2020.

- Councilmember Soldner said she watched the water drop at the airport on Friday, saying it was fascinating. She said it was her understanding the airplane was privately owned; and asked about the procedure for contracting the plane for use. Fire Chief Beer said he has talked with the City Manager about water drops; and said he's received calls about why the plane wasn't deployed for the latest grass fires. He said there is a misconception that the plane is owned by the City. Chief Beer said the plane holds 800 gallons of water; and is operated by the State of Kansas Forestry Service. He said when you contract to use the plane, the cost is \$4,000.00 per hour. Chief Beer said the plane may work great in western Kansas where it's open, but here there is acreage, then a house, cattle, horses, etc. He said this creates a lot of problems in that the plane flies at 100+ mph; and when the water hits a truck, it will cause the truck to roll. Chief Beer said there is also no communication between the ground and the plane; and he is not going to risk losing people on the front line as it's a dangerous operation to just dump water out of the sky. He said helicopters work better in this area as you can pinpoint where the water will be dropped.
- Mayor Inskeep asked about the last several fires in the city. Chief Beer said it has been a crazy, busy week as there have been eight brush fires and two structure fires. He said one of those was lit by a man in the bedroom using a butane torch; and on the south side of town, a homemade smoker grill started leaves on fire which spread under the porch, to the house, up to the attic. Chief Beer said another fire several weeks ago was started by a four year old who lit the bedroom on fire.

Mayor Inskeep asked Rebekah Keasling, Director of Public Information and Community Engagement, to speak about the on-line City Manager survey. Ms. Keasling said the survey is available on-line until 5:00 p.m. on November 22<sup>nd</sup>. She said the link can be found on the City's website, on the City's Facebook page, etc. Mayor Inskeep said this is an opportunity for the general public to have input as to what they want in a new City Manager.

b. City Manager

Mr. Deardoff said the City did not receive the BUILD grant for the Woodie Seat Freeway; and talked about the next steps. He said he would recommend taking the opportunity to debrief with the Department of Transportation to learn more about the application, what the City's weaknesses were, etc.; and to consider resubmitting the application next year. Discussion ensued.

Mr. Deardoff also reminded council about the NJCAA volleyball championship which will take place beginning Thursday.

9. Adjournment

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

**Upcoming Meetings**

December 3, 2019	9:00 a.m.	City Council Meeting
December 17, 2019	9:00 a.m.	City Council Meeting