



**MINUTES**  
**CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS – HUTCHINSON, KANSAS**  
**January 15, 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, January 15, 2019 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 Darryl Peterson of Grace Christian Church.

4. Election of Mayor

Motion by Councilmember Piros de Carvalho, second by Councilmember Daveline, to elect Councilmember Inskeep, Mayor. The motion passed unanimously.

Mayor Inskeep was sworn in by Karen Weltmer, City Clerk.

5. Election of Vice Mayor

Motion by Councilmember Dechant, second by Councilmember Soldner, to elect Councilmember Piros de Carvalho, Vice Mayor. The motion passed by a vote of 4 to 0, with Councilmember Piros de Carvalho abstaining.

Councilmember Piros de Carvalho was sworn in as Vice-Mayor by Karen Weltmer, City Clerk.

6. 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.)

Richard Greever, President of the Central Kansas Landlords Association and board member of the Association of Landlords of Kansas, spoke. Mr. Greever said there is a serious problem with the City's Inspection Department, saying Mr. Maxwell has said the only things a landlord can do are to change a lightbulb, change the battery in a smoke detector and patch a small hole in sheetrock. He said several years ago a lawsuit was filed in Wichita; and the Judge there ruled a landlord can do much more than that. Mr. Greever asked if a lawsuit would have to be filed against the City of

Hutchinson. He said landlords are being threatened by the Inspection Department with fines, jail time, etc. He said homes that have passed HUD inspections are being flunked by this department. Mr. Greever spoke further about HUD inspections, the International Property Maintenance Code, the condition of owner occupied properties, etc.

Mayor Inskeep asked Mr. Maxwell to speak to Mr. Greever's allegations. Mr. Maxwell said he's not sure where Mr. Greever's facts are coming from; and said landlords know what repairs they can do. Discussion ensued.

Councilmember Dechant asked why a house would pass HUD standards, but not pass a City inspection. Mr. Maxwell said HUD standards do not meet the standards of the International Property Maintenance Code. He said in several instances' foundations have totally failed. He said if HUD passes that, he would question the inspector, as that should not pass any inspection.

Mr. Maxwell said their goal this year is to get through all of the rentals as requested by the Landlords Association. He said they are putting a lot of effort into these inspections since this is the last year for the program. Mr. Maxwell said as they see owner occupied homes in disrepair, they are addressing those structures as well.

Councilmember Piros de Carvalho said she doesn't believe it's the City's position to target landlords; and there is a lot of fear mongering. Mr. Maxwell said they are just trying to complete what was requested, as landlords wanted their money's worth from the program. Additional discussion ensued regarding adoption of the 2012 International Property Maintenance Code, misinformation, etc.

Bill Sykes, 108 Roadrunner, said he has only been back in Hutchinson for three years, but the thing that bothers him is the difference between HUD standards and the International Property Maintenance Code. He said he is reasonably certain the councilmembers did not read the code in its entirety; and is hopeful someone went through it to decide what could be removed, ignored, etc. Mr. Sykes said he believes there's been a lot of "we'll take the easy way out" thinking; and believes there are a lot of "stupid" things in the International Property Maintenance Code. He said the council should be responsible for what the Inspection Department does; and maybe they need to take a closer look at what that department is doing.

Kelly Ann Lanham, 2409 Tartan Trail, said she is on the Housing Commission and the Landlords Association. She said the Housing Commission has created the Code Enforcement Evaluation Committee; and they are working on streamlining codes, etc.

Mr. Deardoff said he can assure you that the code was read word for word by landlords, property owners, etc. He said he disagrees 100% with what has been said, saying items were taken out of the code. Mr. Deardoff said

there is no way the code was adopted without being properly vetted by a lot of eyes.

Trent Maxwell said Mr. Greever was probably at a lot of the meetings when the code was being reviewed. He said the whole code was stripped and revised; and when the 2012 code was adopted, all of those amendments were kept. Mr. Maxwell said he is tired of being told they are nitpicking, etc.; and shared photos of violations with the council.

Additional discussion ensued.

7. Consent Agenda

- a. Approval of Minutes of December 18, 2018 City Council meeting.
- b. Approval of Lease Agreement with Extreme Crossfire Paintball.
- c. Approval of contract with Friends of the Zoo for narrow gauge train unit.
- d. Approval of contract with Friends of the Zoo for operations related to the Zoo Gift Shop.
- e. Approval of Lease Agreement with Salthawk Archery.
- f. Approval of appointment to the Building Trades Board of Laura Meyer Dick, 4805 East 28<sup>th</sup>, for a one-year term beginning 1/01/2019 to 1/01/2020, in a citizen-at-large position.
- g. Approval of appropriation ordinance in the amount of \$3,085,152.59.

Councilmember Dechant spoke about Item 7.e. saying he appreciates work by staff, that there was a modest increase.

Travis Wolfe, 7 Meadowlark Lane, asked if the \$250.00 annual fee was included in the Salthawk Archery agreement. Mr. Deardoff said that's correct. Mr. Wolfe said he thought someone from the City was going to contact them. Mr. Deardoff said there was a conversation with Mr. McAllister about the increase. 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.

8. Public Hearing

- a. Public hearing to consider the issuance of Taxable Industrial Revenue Bonds for Afaya Partners, LLC.

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

Angela Richard, Finance Director, said the bonds are for the acquisition, renovation and equipping of property for Genzada Pharmaceuticals. She said there is no liability to the City; and no expenses will be incurred.

Councilmember Daveline said he would like to take a moment to review the property tax exemption, etc. Ms. Richard said the company will apply for a property tax

exemption; and will then have PILOT payments for 10 years of \$70,000.00 per year. She said this amount is based on the current valuation. Discussion ensued.

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

9. Ordinances and Resolutions

a. Consider Resolution regarding the issuance of Taxable Industrial Revenue Bonds on behalf of Afaya Partners, LLC. Angela Richard, Finance Director, said the City will become the leaseholder; and Afaya Partners LLC will become the lessee. She said after the bonds are paid, the property will be deeded back to them. Mr. Deardoff spoke about a cost benefit analysis that was done, saying it showed a positive return.

Sarah Steele with Gilmore & Bell said the company that prepared the cost benefit analysis is out of Pittsburg, Kansas. She said it shows a good positive ratio on all of the taxing jurisdictions.

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to approve Resolution 2019 R 1 of the Governing Body of Hutchinson, Kansas determining the advisability of issuing Taxable Industrial Revenue Bonds for the purpose of financing the acquisition, renovation and equipping of a commercial facility located in said City, authorizing execution of related documents; and authorize the Mayor to sign. The motion passed unanimously.

10. New Business

a. Consider Human Relations Commission staffing proposal. John Deardoff, City Manager, said there has been a lot of discussion about staffing the office, and a proposal was put together for limited staffing. He said this proposal was presented to the Human Relations Commission on December 19; and the vote was 6 to 2 in favor of the proposal. Discussion ensued.

Councilmember Soldner said it is essential we have data; and said if we don't know what the actual numbers are, council can't begin to make a viable decision. Mr. Deardoff said that's an excellent point, there is no good data currently. Additional discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Soldner, to approve hiring a Human Relations Officer on a trial basis for 2019 at twenty (20) hours per week. The motion passed unanimously.

Councilmember Piros de Carvalho asked if there was any public input.

Marianne Kitson, 7 Sunflower, said she was present at the last Human Relations Commission meeting; and said she has a lot of feelings about the current proposal. She said she agrees there is value in a budget for outreach and education; and understands with restricted budgets a foot in the door is good. Ms. Kitson said she is worried about amendments that were made, and several qualifications being removed to make it more available to a part-time position. Ms. Kitson spoke about a disparity report being done;

and that it could be done by using students at WSU. She said a part-time position after nearly 10 years of having no position feels personally hollow. She said it seems like the person will just be a filing clerk. Ms. Kitson doesn't believe the City will be able to find someone able to do the job who would have the qualification with so little pay. She said funding a full-time position may not be in the cards, but this position doesn't meet the ordinance; and has been restricted significantly.

Councilmember Piros de Carvalho asked Councilmember Dechant and Mayor Inskeep to talk about the position. Councilmember Dechant said the ordinance hasn't changed. He said the person would be the local contact point for any issues regarding discrimination, retaliation, etc. He said there wasn't a lot of talk about the ordinance specifically related to employment, housing and public accommodations, but said a lot of the conversation had to do with rude, crude comments. He said in addition to being a local contact point for what a person might feel is an illegal act, they can deal with behaviors, perception, attitudes, etc. which is part of outreach and education. Councilmember Dechant said with regard to investigations, the City will rely on the Kansas Human Rights Commission. Additional discussion ensued.

Mr. Deardoff said the most important piece is mediation. He said if you go back in history when there was a full time officer, that was the biggest part of the job. He said he doesn't remember any subpoenas being issued or a matter going to court. Councilmember Piros de Carvalho echoed the concern about finding an individual for a part time position. Additional discussion ensued.

Jesse Juma, 2708 Westminster, asked what if it was a matter of age discrimination. He said it's not just a race relations board, but it's about being human. Mr. Juma said you hear about the "silver tsunami" coming on with a big wave of older people. He again said it's not just for race relations, but that it's a Human Relations Commission.

Councilmember Piros de Carvalho said she's not willing to do nothing, but has reservations about a part-time position. She asked if the City would be willing to re-evaluate the position if they recognize it's ineffective as a part-time position. Councilmember Soldner said no one has a crystal ball; and we just need to see how it plays out.

b. Consider final plat for Navarro Replat. Amy Allison, Senior Planner, spoke. Councilmember Piros de Carvalho asked what would have to be done as a council to allow for these replat approvals to be done at an administrative level if they conform to regulations so people wouldn't have to go to Planning Commission, etc. Paul Brown, City Attorney, said it's State law. Discussion ensued.

Dan Garber of Garber Surveying said there were times in the past we maybe handled this with a variance, but a few years ago it was determined that was not in compliance with the law.

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

- c. Consider final plat for Sims Replat. Amy Allison, Senior Planner, spoke.

Motion by Councilmember Daveline, second by Councilmember Soldner, to accept and approve the recommendation of the Planning Commission to approve the final plat for Sims Replat subdivision. The motion passed unanimously.

- d. Consider 2018 Annual Report for Hutchinson Land Bank. Aaron Barlow, Associate Planner, spoke.

Sue Poltera, 3600 Brigadune, Chairman of the Land Bank, spoke. Ms. Poltera addressed how they accumulate properties for the Land Bank. She thanked the council for the funds given to the Land Bank for 2019; and said they try to be good stewards with the money.

Councilmember Dechant asked about a property on 8<sup>th</sup> Avenue the Land Bank used to own. Mr. Barlow said the Land Bank sold the property to Eddie Spellman; and that Mr. Spellman was able to build a home and sell it for under \$85,000.00. He said this is an example of what can happen; and said there is a demand for these types of properties. Additional discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Dechant, to approve the Hutchinson Land Bank 2018 Annual Report. The motion passed unanimously.

- e. Consider legislative issues for 2019. John Deardoff, City Manager, spoke. Councilmember Daveline talked about the Federal Fund Exchange Program, saying in past years' the amount had been reduced to \$0.75 on the dollar, but has since gone back up to \$0.90. He asked about adding brief language to the policy statement so it's not overlooked, saying he just wants to keep it on the front burner so it remains at the current level. Discussion ensued regarding land contracts, etc.

Motion by Councilmember Daveline, second by Councilmember Dechant, to accept the "Legislative Issues for 2019" for the City of Hutchinson with the proposed addition. The motion passed unanimously.

- f. Consider City Manager contract for 2019. Paul Brown, City Attorney, spoke. Discussion ensued.

Motion by Councilmember Dechant, second by Councilmember Piros de Carvalho, to approve the proposed contract for the City Manager for 2019; and authorize the Mayor to sign. The motion passed unanimously.

## 11. Report of City Officials

### a. Council

- Councilmember Piros de Carvalho said she has a couple of items. She said she was approached at Rivers Bank Orchard Park by a person who was asking about the disc golf course. Justin Combs, Director of

Parks and Facilities, said there are no plans to expand it, but said they are working on signage.

Councilmember Piros de Carvalho said she had read about the dwindling South Hutchinson Police Department, and wondered about efforts to reach out to them about a possible agreement to provide those services. Mayor Inskip said it's not bad nor good, but we do need to have that conversation. Mr. Deardoff said he doesn't know the status, but said they do still have a Police Department. Chief Hooper said they currently have three active officers which includes one sergeant and two patrol units. He said they also have a cadet in the academy. He said he has talked to all of them, but they wouldn't say what their plans are. Chief Hooper also said he had talked with Sheriff Henderson; and the Sheriff said they will respond if needed, but they don't have the budget or manpower to do everything. Chief Hooper said his officers had been dispatched to South Hutchinson three times this week; and that he won't leave them unprotected. Mayor Inskip asked about his ideas on a possible merger. The Chief said he has lived in that environment; and has thoughts on ways to facilitate a merger. Additional discussion ensued on this matter.

Lastly, Councilmember Piros de Carvalho asked about the former Eaton building, saying part of it was sold off; and that it is very unkempt. She asked if the City has any recourse; and what can be done to fix the situation. Mr. Deardoff said the owner is paying taxes a year at a time, but they are not paying the stormwater fees. He said to be fair, we have other properties just like it, and if we do something on one, we need to do it to all of them. Councilmember Piros de Carvalho said she doesn't care about the stormwater fees, but cares about the property junking up the area. Additional discussion ensued, with Mr. Deardoff saying he can reach out to the owner.

- Mayor Inskip said he had not heard the term "silver tsunami"; and said he's part of that now. He also wished everyone a Happy New Year.
- Councilmember Dechant had no comments.
- Councilmember Daveline had no comments.
- Councilmember Soldner had no comments.

b. City Manager

The City Manager introduced Rebekah Starkey Keasling, Director of Public Information and Community Engagement. He said she has hit the ground running; and looks forward to good things.

Mr. Deardoff said Local Government Day will be January 2e in Topeka. He said they will get up early, spend some time there that morning, meet legislators, etc. Mr. Deardoff said a reception and dinner will follow in the evening.

Mr. Deardoff also talked about the Woodie Seat bridge saying there has been a lot of concerns regarding its condition. He said the City is going to do some major pot hole repair to try to hold it together.

## 12. Adjournment

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