



MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS - HUTCHINSON, KANSAS
February 4, 2020
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, February 4, 2020 in the City Council Chambers with Mayor Piros de Carvalho presiding. Councilmembers Daveline, Soldner, Bagwell and Garza 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.)

Alicia Garcia, said she has been a resident of Hutchinson for four years, after moving here from Salina. She spoke about problems she has experienced with rental properties; and said the City wasn't always prompt in responding to complaints. Ms. Garcia said she finally spoke with the City Manager who was able to get an inspector out within a week. She said she doesn't want this to happen to anyone else, saying she would like to have a quicker response time; and that people need to take better care of their properties.

Datjaeda Moore, Human Relations Officer, said Ms. Garcia's story is not the only one she's heard in the past month or so. She said people have told her that repairs are not being done by landlords, that they are struggling with utility bills, etc. Ms. Moore said this puts the tenant behind on rent; and the landlord can then evict them. She said landlords aren't always as responsive as they should be; and tenants may not have any other options. Ms. Moore said the Human Relations Commission has asked her to find some type of protection for tenants like Ms. Garcia.

Jonah Blake, 500 East Avenue C, said he has lived in Hutchinson for four years. He said he was out of town for job training; and while he was gone he received a call from a friend telling him his truck had been towed because the truck did not have an up-to-date tag. Mr. Blake said the truck was exempt from that requirement as it is an antique; and further said he did not receive any kind of notification saying he was in violation. He said he did get his truck back after paying \$75 to the contractor who was holding his

truck in their impound lot. Mr. Blake also said he was cited for violations for paint, siding, windows, etc. He spoke about his contact with Mr. Vetter; and said that Mr. Vetter told him not to contact Trent Maxwell as he could do nothing for him. The Mayor thanked Mr. Blake for sharing his experience; and said we need to take a different approach. She also said she is confident we can come up with a solution. Discussion ensued.

5. Consent Agenda

- a. Approval of Minutes of January 21, 2020 City Council meeting.
- b. Approval of contract with Hutchinson Friends of the Zoo for operation of a narrow gauge train.
- c. Approval of contract with Hutchinson Friends of the Zoo related to operation of the Zoo Gift Shop.
- d. Approval of contract with the Hutchinson Recreation Commission for use of the Elmdale Senior Center.
- e. Approval of appointments to the Airport Advisory Committee of the following:
 - Scott Cooley, 10071 Paganica Pass, Hutchinson, is eligible for appointment to fill the expired term of Adam Schneider, for a first full three year term beginning 1/01/2020 to 1/01/2023.
 - Douglas Bennett, 7315 N. Monroe, Hutchinson, is eligible for appointment to fill the unexpired term of William Garrison, for a term beginning 1/01/2018 to 1/01/2021.
 - Steve Stacey, 15 Linda Lane, Hutchinson, is eligible for appointment to fill the expired term of Tevin Houseman, for a first full three year term beginning 1/01/2020 to 1/01/2023.
- f. Approval of appointments to the Visit Hutch Advisory Board of the following:
 - Scott Brown (Arkanoe), 211 West 9th Avenue, Hutchinson, who will replace Scott Nelson as a Business-at-Large representative, in a first odd year term beginning 1/01/2020 to 12/31/2021.
 - Rayne Templeton (Comfort Inn & Suites), 407 East 37th Avenue, Hutchinson, to fill the unexpired even year term of Jason Williams as a Business-at-Large representative, from 1/01/2019 to 12/31/2020.
 - Steve Snook (The Wool Market and DIY School), who will replace Tracy Tanley as a Business-at-Large representative, for an even year term beginning 1/01/2019 to 12/31/2020.
 - Lynsey Becher (Stage 9), 1235 East 6th Avenue, Hutchinson, for a first full at-large, odd year term, from 1/01/2020 to 12/31/2021.
 - Karen LeShure (Skaets), 3312 Clove Circle, Hutchinson, for a first full at-large, odd year term, from 1/01/2020 to 12/31/2021.
- g. Approval of appropriation ordinance in the amount of \$1,625,598.53.

Councilmember Daveline asked if the contract with Friends of the Zoo for operation of the train was something new. Paul Brown, City Attorney, said this is a continuation of a current contact.

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

6. Public Hearing

a. Public hearing to consider issuance of Taxable Industrial Revenue Bonds for Affordable Housing (Commerce Gardens).

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

Angela Richard, Director of Finance, said this is an additional development at the Commerce Gardens Complex. She said the cost benefit analysis was provided by WSU; and said it meets the requirements to pass the IRBs. Ms. Richard said there will be no cost to the City.

Dominic Eck with Gilmore & Bell, bond counsel for the project, spoke about Phase II of the Commerce Gardens project saying there is no liability for the City; and all costs will be paid by Commerce Gardens. Councilmember Daveline said he is pleased to see this next phase as this is an incredible project. Discussion ensued concerning the PILOT schedule, etc. Councilmember Bagwell voiced her concerns with this project saying she would rather see investment made in existing neighborhoods; and said she is not in support.

Roarke Gordon with Investment Resources Corporation, said they are bringing in an additional subsidy from an apartment complex in western Kansas; and they have worked out an agreement with HUD. He said if this doesn't occur, the subsidy wouldn't be coming into the community. Councilmember Bagwell said she wants to encourage growth in the middle class; and if we are going to get more jobs here, we need housing for the middle class. Mayor Piros de Carvalho asked about using IRB's as a financing tool; and if they can be used residentially. Both Mr. Eck and Mr. Gordon said the IRBs could not be used for single family residences. Discussion ensued regarding how IRBs have been used in the past, HUD housing regulations, etc.

Mr. Gordon said when Phase I was completed, the City asked them when they could develop the other four acres. He said there is an absolute need for affordable housing in the community; and said there are over 300 people on the waiting list. Councilmember Daveline gave a brief history of Commerce Gardens saying it was developed in the 1970's; and that it fills a void in work force housing. He said in 2013 torrential rains fell, the complex was flooded and had to be evacuated. Councilmember Daveline said the complex was in terrible condition;

and they were not sure if they could continue to operate. He said a management group came forward; they acquired Commerce Gardens with the understanding they would rebuild; and they have done so. Additional discussion ensued.

Richard Greever, 3409 N. Maple, said he is not against affordable housing but is against more subsidized housing; and is dead set against tax abatements saying he pays over \$50,000.00 in taxes on his properties.

Motion by Councilmember Daveline, second by Councilmember Garza, to close the public hearing. The motion passed unanimously.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve Resolution 2020 R 2 of the Governing Body of the City of Hutchinson, Kansas determining the advisability of issuing Taxable Industrial Revenue Bonds for the purpose of financing the acquisition, construction and equipping of an affordable housing apartment complex facility to be located in said City; authorizing the Mayor to sign the Resolution and all related documents, including the Agreement for Payment in Lieu of Taxes. The motion passed by a vote of three to two, with Councilmembers Bagwell and Garza voting no.

7. Ordinances and Resolutions

a. Consider Letter and Resolution of Support for the Interfaith Townhomes I development. Ryan Hvitløk, Director of Planning and Development, spoke about how this request differs from that of Commerce Gardens. He said it will be up to the State, through an application process, to determine the viability of this project.

Clint Nelson, Director of Housing Development for Interfaith Housing, spoke about this project which would be on the site of the former St. Elizabeth Hospital. He said they came before council last year requesting a Resolution for tax credits, but that the application was denied by the State. He said they began working with Manske and Associates on a Plan B. Mr. Nelson said the building is deteriorating quickly, health and safety issues are significant; and the Police Department has spent a lot of time securing the building. He said they concluded that the best decision would be to demolish the building; and redevelop the site with new construction. Mr. Nelson said there is a need for affordable senior housing, as what they currently have is 100% occupied, with approximately 40 people on the waiting list. He said they are rolling the dice and putting in two applications, knowing there are two other low income tax credit applications also being submitted. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Bagwell, to accept and approve the recommendation of the Housing Commission to provide a Letter and Resolution of Support for the Interfaith Townhomes I development; and authorize the Mayor to sign. The motion passed unanimously.

b. Consider Letter and Resolution of Support for the Interfaith Townhomes II development. Ryan Hvitløk, Director of Planning and Development, said a sub-committee of the Housing Commission has looked at the issue of our aging population; and said we

have a “log jam” in our housing cycle. Mr. Hvitløk said this proposed development will offer zero-entry units, no lawn maintenance, etc. Mayor Piros de Carvalho asked when the tax credits will be awarded; and Mr. Hvitløk said we should know by late spring or early summer.

Motion by Councilmember Bagwell, second by Councilmember Daveline, to accept and approve the recommendation of the Housing Commission to provide a Letter and Resolution of Support for the Interfaith Townhomes II development; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider amendment to the Comprehensive Plan Land Use Map designation for 925 West 4th Avenue. Aaron Barlow, Associate Planner, introduced the applicant, Galen Dreiling. Mr. Dreiling spoke about his plans for the property. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the recommendation of the Planning Commission to deny 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 that the request does not meet the factors required for approval. The motion passed by a vote of four to one, with Councilmember Garza voting no.

d. Consider request to rezone property at 925 West 4th Avenue. Aaron Barlow, Associate Planner, spoke.

Motion by Councilmember Soldner, second by Councilmember Daveline, to approve the recommendation of the Planning Commission to deny the request to rezone 925 West 4th Avenue from I-2 Industrial District to EN Established Neighborhood District based upon due consideration of the factors shown. The motion passed by a vote of four to one, with Councilmember Garza voting no.

e. Consider amendment to Hutchinson City Code Section 21-103. Paul Brown, City Attorney, said there are a series of ordinances to consider.

Trent Maxwell, Building Official, spoke about the Building Trades Board; and their review of the various codes. He spoke further about key points that came up during their discussions, as well as the proposed amendments to the various sections of the codes. Discussion ensued.

Jon Richardson of Richardson Brothers Construction spoke from a contractors perspective. He said the longer you wait to update the codes, the bigger the impact will be. Mr. Richardson said updating the codes every three to six years is best; and said some amendments are made to clarify things while others are made to make it a better fit for our city. Discussion ensued. Councilmember Garza said he’s heard about a lot of businesses that don’t want to come to Hutchinson because of all of the codes. Mr. Maxwell said that simply isn’t true. He said this is an international code, not just a Hutchinson code. Mr. Maxwell said a lot of a developments come from out of town developers; and that problems come up with local property owners because they don’t understand the codes;

and they may not agree with them. He said contractors do understand them; and it's not anything new or different to them.

Curtis Mitchell, with Borecky Construction, said they usually don't work outside of Reno County. He said they have had crews in Kingman, Newton, McPherson, Pratt and Andale; and that Hutchinson is by far the easiest. Councilmember Bagwell said she has heard that communication between the Planning and Development and Code Enforcement is lacking. Mr. Mitchell said he has not experienced that at all; and that people just like being negative. Discussion ensued.

Laura Meyer Dick, who serves as the only non-contractor on the Building Trades Board, said she has heard rumors for years, but believes we do have a cultural issue in the building department. She said we don't have an attitude of yes; and that she has talked to Mr. Maxwell about it. Ms. Dick said she is passionate about growth here; and council needs to drive that change. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Daveline, to approve Ordinance 2020 - 1 amending Section 21-103. Exclusions of Article I. Building Trade License and Certification of Chapter 21. Building Regulations of the Code of the City of Hutchinson, and repealing original Section 21-103 of Chapter 21 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

- f. Consider adoption of 2018 International Building Code.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve Ordinance 2020 - 2 amending Sections 21-201 and 21-202 of Article II of Chapter 21 of the Code of the City of Hutchinson incorporating the International Building Code, 2018 Edition, by reference, and repealing original Sections 21-201 and 21-202 of Article II of Chapter 21 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

- g. Consider adoption of 2018 International Plumbing Code. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Bagwell, to approve Ordinance 2020 - 3 amending Article III of Chapter 21 of the Code of the City of Hutchinson incorporating the International Plumbing Code, 2018 Edition, by reference and repealing original Article III of Chapter 21 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

- h. Consider adoption of 2018 International Mechanical Code.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to approve Ordinance 2020 - 4 amending Article IV of Chapter 21 of the Code of the City of Hutchinson incorporating the International Mechanical Code, 2018 Edition by reference and repealing original Article IV of Chapter 21 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

- i. Consider adoption of 2017 International Electrical Code.

Motion by Councilmember Soldner, second by Councilmember Bagwell, to approve Ordinance 2020 - 5 amending Article V of Chapter 21 of the Code of the City of Hutchinson incorporating the NFPA 70, National Electrical Code 2017 Edition, by reference and repealing the existing Article V of Chapter 21 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

- j. Consider adoption of 2018 International Existing Building Code. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve Ordinance 2020 - 6 amending Article VI of Chapter 21 of the Code of the City of Hutchinson incorporating the International Existing Building Code, 2018 Edition, by reference and repealing original Article VI of Chapter 21 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

- k. Consider adoption of 2018 International Fuel Gas Code.

Motion by Councilmember Soldner, second by Councilmember Bagwell, to approve Ordinance 2020 - 7 amending Article XVI of Chapter 21 of the Code of the City of Hutchinson incorporating the International Fuel Gas Code, 2018 Edition, by reference and repealing original Article XVI of Chapter 21 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

- l. Consider adoption of 2018 International Residential Code. Discussion ensued about detached accessory structures, permits, etc.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve Ordinance 2020 - 8 amending Article XVII of Chapter 21 of the Code of the City of Hutchinson incorporating the International Residential Code, 2018 Edition, by reference and repealing original Article XVII of Chapter 21 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

- m. Consider adoption of 2018 International Property Maintenance Code. Discussion ensued regarding changes to the code.

Motion by Councilmember Soldner, second by Councilmember Bagwell, to approve Ordinance 2020 - 9 amending Article XVIII of Chapter 21 of the Code of the City of Hutchinson incorporating the International Property Maintenance Code, 2018 Edition, by reference and repealing original Article XVIII of Chapter 21 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

- n. Consider adoption of 2018 International Swimming Pool and Spa Code. Mr. Maxwell said this used to be in the Residential Code, but it was pulled and made into a separate code.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to approve Ordinance 2020 - 10 amending Chapter 21 of the Code of the City of Hutchinson adding Article XIII, Swimming Pool and Spa Code, incorporating the International Swimming Pool and Spa Code, 2018 Edition, by reference; and authorize the Mayor to sign. The motion passed unanimously.

o. Consider adoption of 2018 International Fire Code. Laura Meyer Dick, a member of the Building Trades Board, asked about the appeal process. Paul Brown, City Attorney, said that has always been omitted. Mayor Piros de Carvalho asked if it would be appropriate for the Building Trades Board to hear appeals. Mr. Brown said that board does not have the expertise to hear those appeals.

Tony Arpin, Division Chief, said in order to have an appellate board you have to have someone that knows the Fire Code. He said you would have to bring in people from other jurisdictions, or possibly retired firefighters from the area. Discussion ensued.

Steve Beer, Fire Chief, said he is not aware of one other city that has an appeal panel, but he will put out feelers to the national group to see if any exist. He said he is proud of staff and what they do; and said out of over 2,500 inspections in the past three years, he has not had anyone come forward with a concern or issue concerning fire codes. Chief Beer said he has dealt with only one code issue for a specific downtown property, but that is the only one. He said realtors come in to properties with prospective owners; and tell them what is needed before the property is ever purchased, so everyone knows what the expectations are prior to purchasing. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Garza, to approve Ordinance 2020 - 11 amending Article I, Fire Protection of Chapter 25 relating to fire protection of the Code of the City of Hutchinson incorporating the 2018 Edition of the International Fire Code by reference and repealing the existing Article I of Chapter 25 of said Code; and authorize the Mayor to sign. The motion passed unanimously.

Mayor Piros de Carvalho called for a break at 11:07 a.m. The meeting reconvened in the Council Chambers at 11:15 a.m.

p. Consider Ordinance repealing Article XI. Residential Rental Licensing and Inspection Program.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to approve Ordinance 2020 - 12 repealing Article XI. Residential Rental Licensing and Inspection Program, Sections 21-1101 through 21-1107 of Chapter 21. Building Regulations of the Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign.

Richard Greever said he has been a landlord for over 50 years; and has served on the Housing Commission twice. He said this ordinance has not worked; and that it didn't go after those it should of, but penalized others. Mr. Greever said criminalization of the International Property Maintenance Code is ridiculous; and he now has a criminal record because he was sentenced to 90 days in jail, even though he didn't serve any time.

Mitch Gumble, 1506 Linwood Drive, spoke about several homes he owns as well as violations he has been cited for. Mr. Deardoff said that he has had conversations with Mr. Gumble; and that Mr. Gumble and the City Attorney have also had multiple conversations. Paul Brown, City Attorney, said any matters before the Municipal Court will stay there. Mayor Piros de Carvalho said they will be looking at a different way of handling things, but in the meantime, she would encourage Mr. Gumble to work with the City Attorney regarding this matter. Additional discussion ensued. Mr. Deardoff said the issue before the council is the repeal of an ordinance; and that we need to move on with this item.

Alicia Garcia thanked the landlords who are working on their properties, saying this is appreciated by her as a tenant. She said she works with some landlords at Collins Bus; and some of those are concerned about what has been going on. She said it is the larger companies with hundreds of properties that are the issue; and said most of the landlords want good tenants.

Michael Jackson, 3805 Quivira Drive, said he was born and raised in Hutchinson, went to school here; and owned and operated a 4th generation business here. He said he sold the business 10 years ago and reinvested in rental properties. Mr. Jackson said that due to over-regulation they are going in a different direction as the inspections of many of his properties have caused him to make thousands of dollars' worth of improvements. He said the City is chasing responsible property owners out of town; and asked that council repeal this ordinance and decriminalize the IPMC.

Oleta Lett, 3105 Mission Drive, said a lot of the landlords are older people just trying to make a living. She said she has sold real estate for over 30 years, has had great investors, but that every single one of them are selling their properties here. Ms. Lett said people from McPherson are no longer purchasing here; and said that several doctors that she manages properties for are calling her and asking about sales in McPherson, Derby, etc. She said she would love to see everyone get along and work things out.

Julie Case, 2416 Colorado, said she has been in real estate and property management for 20 years; and she manages 15 properties here and 20 in McPherson. She said she has a vested interest in six of those properties, but there is no reason to buy any more and invest in Hutchinson. Ms. Case said this ordinance should be repealed; and that the IPMC needs to be decriminalized.

Teresa (no last name or address given) said she has resided in Hutchinson since 2008. She said we need to provide a safe environment for our community; and that codes need to be upheld.

Councilmember Soldner called the question, saying we have a motion and a second; and that council needs to vote.

The motion passed unanimously.

8. New Business

a. Consider cost share agreement with KDOT for Apple Lane reconstruction and bridge replacement. Jeff Peterson, Director of Engineering, spoke. He said about 100 applications were received; and only 22 were awarded. Mr. Peterson said we are very fortunate to receive this award; and that 50% of the cost will be funded through the grant, with the remainder being bonded. He said the project is currently under design by the Engineering Department; and he hopes to have it out for bid in April or May. Discussion ensued.

Motion by Councilmember Bagwell, second by Councilmember Daveline, to approve the Cost Share Program Agreement with KDOT for the Apple Lane Reconstruction and Bridge Replacement Project; and authorize the Mayor to sign. The motion passed unanimously.

9. Report of City Officials

a. Council

- Councilmember Bagwell had no comments.
- Councilmember Garza said he has a problem with the inspector; and that we need to fix how things are being handled. The City Manager said this is not a counsel discussion; and that personnel issues should come to him directly. Mayor Piros de Carvalho reminded Councilmember Garza about an item he had brought up at the fire awards dinner regarding a junior council. Councilmember Garza said he would like to see a junior council put together with one person from each district. He said they would report to the council once a month, but they would have no power. Councilmember Garza said there are a lot of very involved young people, that he has talked with schools; and they believe it is a great idea. Discussion ensued. The City Manager said he would do a little research to see what other communities have.
- Councilmember Daveline had no comments.
- Councilmember Soldner had no comments.
- Mayor Piros de Carvalho said she has had the opportunity to go to several neighborhood meetings; and commended the Recreation Commission for educating citizens.

The Mayor said she went to the Fire Awards Banquet on Saturday and got a peek at the organization and the family they are. She thanked them for their service.

She also said we discussed a very contentious topic that has torn the community apart. She said she was a proponent of the program to improve the housing stock, but it has penalized people that shouldn't be penalized. Mayor Piros de Carvalho said she looks forward to working with the Housing Commission and the community at large to come up with a solution so that we don't take a step backward.

b. City Manager

The City Manager said one of the missing voices in this discussion has been the neighbors that live in the neighborhoods next to some of these properties. He said he gets calls from them; and if you read the notes of the neighborhood meetings that were held, this topic came up. Mr. Deardoff reminded everyone there are other voices.

Mr. Deardoff asked Ryan Hvitløk to bring council up to date on what happens next. Mr. Hvitløk said this has not been an easy topic; and said that housing, in general, is a vitally important issue. He said with the repeal of the rental registration program we can now stop separating rentals versus owner occupied properties. Mr. Hvitløk said he is dedicated to finding a solution; and recommended a joint meeting between the Housing Commission sub-committee and the City Council . Discussion ensued.

The City Manager called for an executive session.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to recess into executive session pursuant to the preliminary discussion relating to acquisition of real property exception, K.S.A. 75-4319(b)(6) in order to discuss a possible purchase of real estate; the open meeting to resume in the City Council chamber at 12:15 p.m. The motion passed unanimously.

10. Adjournment

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

Upcoming Meetings

February 18, 2020	9:00 a.m.	City Council meeting
March 3, 2020	9:00 a.m.	City Council meeting
March 17, 2020	9:00 a.m.	City Council meeting