

- A. **CALL TO ORDER/ROLL CALL**
__Garretson __Schmidt __Nisly __Brislin __Fairbanks __Scofield
- B. **PLEDGE OF ALLEGIANCE**
- C. **APPROVAL OF AGENDA (ADDITIONS/DELETIONS)**
- D. **CITIZEN COMMENTS**
- E. **CONSENT AGENDA**
1. Approval of Minutes – Regular Council Meeting, November 13, 2023
2. Approval of Invoices

Motion _____ Second _____ Vote _____
- F. **ACTION ITEMS**
1. Ordinance 23-07: Amending Chapter 11, Article 1, Sec. 11-104

Motion _____ Second _____ Vote _____
- G. **DISCUSSION ITEMS**
1. South Hutchinson Land Development Code Section 27-108.B.
2. Insurance Premiums and options for 2024 calendar year.
3. Neighborhood Revitalization Program
a. What would we like to see for length of rebate and percentages per year?
- H. **CITY ADMINISTRATOR’S REPORT**
- I. **GOVERNING BODY COMMENTS**
- J. **EXECUTIVE SESSION**
- K. **ADJOURNMENT**

SUBMITTED BY: Jeff Schenk, City Administrator

MEETING DATE: November 27, 2023

AGENDA ITEM: Consent Agenda

BACKGROUND:

Consent agendas are designed to take routine business items, non-controversial items, and other matters where a consensus has been reached and combine them into one single motion and vote.

DESCRIPTION:

Items on the consent agenda should not be discussed or debated by the governing body. Any member of the governing body may elect to pull an item from the consent agenda for a separate vote.

PROPOSED ITEMS:

- Approval of Minutes from the following meetings:
 - November 13, 2023, Regular Council Meeting
- Approval of Invoices

RECOMMENDATION:

Motion to approve the consent agenda as presented.

ATTACHEMENTS:

Exhibit A - Minutes from November 13, 2023, Regular Council Meeting

Exhibit B - AP Invoices

Present: Councilmembers Jeremy Schmidt, Matt Nisly, Dina Brislin, John Fairbanks, Paul Scofield, City Administrator Jeff Schenk, Police Chief Darrin Pickering, City Attorney Mark Tremaine, and City Superintendent Ronnie Pederson

Absent: Mayor Brian Garretson, City Clerk Michele Nightingale

A. CALL TO ORDER/ROLL CALL

_A_Garretson _X_Schmidt _X_Nisly _X_Brislin _X_Fairbanks _X_Scofield

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA (ADDITIONS/DELETIONS)

Additions #2a, b, c and #3

D. CITIZEN COMMENTS

Mike Benedict, who handles the lot rent for Betty's Mobile Home Park, discussed the abatement letter he had received for mobile homes within the park in disrepair. He mentioned that he had demolished some homes and renovated others. He was very upset and ultimately realized during the meeting that he had misinterpreted the abatement letter believing that he had 6 days to act regarding the dilapidated homes; he was told by members of the Council that he had that amount of time to come up with an action plan. He suggested creating a city ordinance to allow skirting around the campers within the mobile home parks during the winter season. Jeff Schenk said that he would check into how other cities handle this issue. The suggestion will be addressed at the next Planning Commission meeting. Mike said the drug problems within the mobile home parks have been cleaned up over the years, and he thanked the police department for their help in getting the problem resolved.

E. CONSENT AGENDA

1. Approval of Minutes - Regular Council Meeting, October 23, 2023
2. Approval of Invoices

Motion: Nisly

Second: Schmidt

Vote: 5-0

F. ACTION ITEMS

1. Approve Ordinance to allow City Attorney to draft Ordinance 23-08 to allow the discharge of a firearm within City Limits to take a migratory bird with approved application.

Motion: Schmidt

Second: Nisly

Vote: 4-1

Nay: Scofield

G. DISCUSSION ITEMS

1. Incentive Programs for South Hutchinson

Councilman Fairbanks stated there are a lot of vacant buildings currently in South Hutchinson. Per Jeff Schenk, the goal is to increase foot traffic in South Hutchinson.

2. Encumbering \$84,994.24 of ARPA money
 - a. \$65,958.00 for LSSE Grant
Per Jeff Schenk, a Grant initiated by Assistant Fire Chief Shae Brooks; used to improve communications; covers brush gear; pay up front and reimbursed 80%
 - b. \$14,036.24 for Police Radios
 - c. \$5,000.00 for housing assessment
Partnering with Hutchinson who is allowing South Hutchinson to participate at 2 ½ %
3. Neighborhood Revitalization Plan (NRP) with Reno County
Jeff Schenk stated he will do more research with surrounding communities regarding NRP.

H. CITY ADMINISTRATOR'S REPORT

Per Jeff Schenk, two businesses are interested in assistance opportunities with upcoming city projects and development for South Hutchinson with which Jeff and Ronnie Pederson are both involved. Jeff would like to have a decision in December with implementation beginning in January 2024. Council members Scofield and Fairbanks offered their assistance as well.

I. GOVERNING BODY COMMENTS

Councilmember Fairbanks questioned the hiring of a new South Hutchinson police officer. Per Police Chief Darrin Pickering, the job was open for two weeks with an extension of an additional week with only 1 job applicant. Hutchinson's starting wages for police officers are higher than South Hutchinson. Per Jeff Schenk, bringing new business into South Hutchinson would in turn bring more opportunities and competitive wages. Councilman Matt Nisly suggested that Jeff work on providing a wage improvement/total package scale for and evaluate the PD & FD for efficiencies. Jeff Schenk stated he has already begun this process. Councilmember Jeremy Schmidt stated South Hutchinson needs to get away from a "copy-and-paste" budget.

Councilmember Fairbanks asked if the city's checkbook is currently balanced. Jeff Schenk reported that the books are current through May 2023, and that he is working with the CPA on this process. Jeremy Schmidt suggested that overtime should be implemented to achieve current status. According to Jeff Schenk, review by the Treasurer is being hindered by previous practices put in place and lack of knowledge during a time of job and position transition. The areas of concern, at present, involve credit cards and checks; other accounts are current. Councilmember Brislin questioned if payroll is currently correct to which Jeff Schenk replied that it is.

J. EXECUTIVE SESSION (None)

K. ADJOURNMENT

Jeremy Schmidt motioned to adjourn at 7:10 pm.

Motion: Schmidt

Second: Nisly

Vote: 5-0

(Attest): Rene' Thompson

Rene' Thompson, Billing/Utility Clerk

INVOICES PAID (11/20/2023 thru 11/30/2023)

Gen Gov	Description	Vendor	Inv. Amt	Ck Date
101-101-5001	Nov Ins Premiums	BCBS	\$144.43	11/21/2023
101-101-5000	Nov Vision Ins Coverage	VCD	\$22.21	11/21/2023
101-101-6000	Nov Cable Service	Cox	\$16.78	11/21/2023
101-101-6000	Oct Gas Service	Ks Gas	\$84.90	11/21/2023
101-101-6000	Oct Phone Service	Vaspian	\$116.70	11/21/2023
101-101-6002	December Health Coverage	Freedom Claims	\$5,625.61	11/21/2023
101-101-6002	Pest Control Service	The Bug Guys	\$135.00	11/21/2023
101-101-6002	Service & Repair on Rene's printer	Better Image	\$196.95	11/21/2023
101-101-6004	After Prom Donation	Nickerson HS	\$100.00	11/21/2023
101-101-7000	Ink Cartridges - Postage Machine	Pitney Bowes	\$182.58	11/21/2023
101-101-7001	Ethnics/Civility Training	League of Ks Muni	\$75.00	11/21/2023
101-101-7015	Laptop/Support (Jeff)	Leading Edge	\$1,683.16	11/21/2023
			\$8,383.32	
Police	Description	Vendor	Inv. Amt	Ck Date
101-102-5001	Nov Ins Premiums	BCBS	\$5,092.94	11/21/2023
101-102-5000	Nov Vision Ins Coverage	VCD	\$138.01	11/21/2023
101-102-6000	Nov Cable Service	Cox	\$39.87	11/21/2023
101-102-6000	Oct Gas Service	Ks Gas	\$163.28	11/21/2023
101-102-6000	Oct Phone Service	Vaspian	\$236.70	11/21/2023
101-102-6002	Pest Control Service	The Bug Guys	\$150.00	11/21/2023
101-102-6012	Instructor Development School-McVey	Univ of Kansas	\$275.00	11/21/2023
101-102-7004	Holster	Godfrey's	\$126.30	11/21/2023
101-102-7004	Tires/Disposal	Tom & Dan's Tire	\$793.36	11/21/2023
101-102-7004	Labor, Lube, Belt, Freight	EZ Lift Door	\$158.25	11/21/2023
			\$7,173.71	
Street	Description	Vendor	Inv. Amt	Ck Date
101-103-5001	Nov Ins Premiums	BCBS	\$2,049.69	11/21/2023
101-103-5000	Nov Vision Ins Coverage	VCD	\$64.60	11/21/2023
101-103-6000	Oct Gas Service	Ks Gas	\$127.57	11/21/2023
101-103-6000	Oct Phone Service	Vaspian	\$50.00	11/21/2023
101-103-6002	Irrigation Electrical Repairs	Stewart Electric	\$900.00	11/21/2023
			\$3,191.86	
Fire	Description	Vendor	Inv. Amt	Ck Date
101-104-6000	Nov Cable Service	Cox	\$10.49	11/21/2023
101-104-6000	Oct Gas Service	KS Gas	\$69.90	11/21/2023
101-104-6000	Oct Phone Service	Vaspian	\$50.00	11/21/2023
101-104-6002	Pest Control Service	The Bug Guys	\$150.00	11/21/2023
101-104-7002	Torch, pans, plugs, bulk parts	Westlake Ace Hardware	\$73.42	11/21/2023
101-104-8000	800 MHZ Antenna	TBS Electronics	\$210.00	11/21/2023
			\$563.81	
Court	Description	Vendor	Inv. Amt	Ck Date
101-106-6004	Inamte Medications	Diamond Drug	87.63	11/21/2023
101-106-6017	October Inmate Services	RN Co Sheriff's Office	\$1,200.00	11/21/2023
			\$1,287.63	
		GENERAL TOTAL	\$20,600.33	
Water	Description	Vendor	Inv. Amt	Ck Date
201-000-5001	Nov Ins Premiums	BCBS	\$897.05	11/21/2023
201-000-5000	Nov Vision Ins Coverage	VCD	\$40.70	11/21/2023
201-000-6002	Solder/Repair Well 5 Generator	Machine Design Service	\$30.00	11/21/2023
201-000-7002	Sensus Annual Fee	Core & Main	\$5,741.67	11/21/2023

\$6,709.42

Sewer	Description	Vendor	Inv. Amt	Ck Date
301-000-5001	Nov Ins Premiums	BCBS	\$1,660.06	11/21/2023
301-000-5000	Nov Vision Ins Coverage	VCD	\$12.50	11/21/2023
301-000-6002	Lift Pump Service	Zenor Electric	\$307.88	11/21/2023
301-000-6002	Wirenut, Tie wrap, tape, labor	Zenor Electric	\$1,020.97	11/21/2023
301-000-6003	WW Permit Fees thru 12/24	KDHE Bureau of Water	\$370.00	11/21/2023
301-000-6003	Grit Removal	RN Co Solid Waste	\$205.00	11/21/2023
301-000-7002	Indicator Bulbs	Sunflower Electric	\$6.90	11/21/2023
301-000-7002	caulk	Westlake Ace Hardware	\$7.98	11/21/2023
301-000-7002	PVC	Westlake Ace Hardware	\$29.86	11/21/2023
301-000-7002	PVC	Core & Main	\$84.54	11/21/2023
			\$3,705.69	
Employee Benefits	Description	Vendor	Inv. Amt	Ck Date
501-000-5007	December Life Ins Premiums	Dearborn	\$420.02	11/21/2023
			\$420.02	
Capital Improvement	Description	Vendor	Inv. Amt	Ck Date
902-000-8029	New Street Signs (748)	Advertising Specialists	\$22,843.92	11/21/2023
			\$22,843.92	
2023 Idea Tek Fiber Project	Description	Vendor	Inv. Amt	Ck Date
910-000-6004	GO Bond Filing 2023	Attorney General	\$375.00	11/21/2023
			\$375.00	
Community Center	Description	Vendor	Inv. Amt	Ck Date
811-000-6000	Oct Gas Service	Ks Gas	\$101.13	11/21/2023
811-000-6026	Refund on Comm Center Rental	Nisly Auction	\$75.00	11/21/2023
			\$176.13	
Parks	Description	Vendor	Inv. Amt	Ck Date
101-105-7002	Splash Pad parts	Westlake Ace Hardware	\$9.86	11/21/2023
			\$9.86	
ASAP	Description	Vendor	Inv. Amt	Ck Date
801-000-6004	Restitution	Matthew Whalen	\$265.00	11/21/2023
			\$265.00	
		GRAND TOTAL	\$55,105.37	

Insurance Rates for 2024 15% reduction

	<u>Medical</u>	<u>15%</u>	
			15%
Single	556.38	104.37	83.46
E/S	1,090.79	205.39	163.62
E/C	957.19	181.34	143.58
Family	1,358.00	254.43	203.70

	<u>Dental</u>	<u>15%</u>	
			15%
Single	41.20	104.37	6.18
E/S	85.96	205.39	12.89
E/C	82.82	181.34	12.42
Family	98.52	254.43	14.78

Total			
Single			89.64
E/S			176.51
E/C			156.00
Family			218.48

SUBMITTED BY: Jeff Schenk, City Administrator
PREPARED BY: Jeff Schenk, City Administrator
MEETING DATE: November 27, 2023
AGENDA ITEM: Approve ordinance 23-07 Amending Article 1 Chapter 11

BACKGROUND:

The City of South Hutchinson currently does not allow discharging a gun inside of City Limits.

The City annexed in two fields during the annexation of Agri-Center. One parcel is directly behind Kutters and the other is just north of that parcel. The farmers were told that the annexation would not affect their use of the property.

DESCRIPTION:

After being notified the farmers of those fields were frustrated because they want their crops protected from the migratory birds over the winter.

After discussion with City Council, there is a majority desire to allow the farmers to protect their crops on parcels over 40 acres and south of highway 50 by permit only. This permit will be granted by Chief of Police and

RECOMMENDATION:

City staff recommends the council approve Ordinance 23-07 "Amending Article 1 of Chapter 11 of the Code of the City of South Hutchinson" and authorize the mayor to sign.

ORDINANCE NO. 23-07

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER XI OF THE CODE OF THE CITY OF SOUTH HUTCHINSON, KANSAS, PERTAINING TO PUBLIC OFFENSES, TO ADD AND INCLUDE A NEW SECTION 11-104 AMENDING SECTION 10.5 OF THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, AS INCORPORATED BY REFERENCE PURSUANT TO SECTION 11-101 OF SAID CODE.

WITNESSETH:

WHEREAS, the Governing Body of the City of South Hutchinson, Kansas, has determined that Chapter 11, Article 1 of the Code of the City of South Hutchinson, Kansas, pertaining to public offenses should be amended by the addition of a new section 11-104.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SOUTH HUTCHINSON, KANSAS, AS FOLLOWS:

SECTION 1. Chapter 11, Article 1 of the City Code of the City of South Hutchinson, Kansas is hereby amended by the addition of a new section 11-104, to read as follows:

11-104. Same; amendment.

Section 10.5 of the Uniform Public Offense Code of the City of Newton, Kansas, is hereby amended to read as follows:

10.5 Unlawful Discharge of a Firearm.

- (a) Unlawful discharge of a firearm is the reckless discharge of a firearm within or into the corporate limits of any city.
- (b) This section shall not apply to the discharge of any firearm within or into the corporate limits of the city if:
 - (1) The firearm is discharged in the lawful defense of one's person, another person or one's property;
 - (2) The firearm is discharged at a private or public shooting range;
 - (3) The firearm is discharged by authorized law enforcement officers, animal control officers or a person who has a wildlife control permit issued by the Kansas Department of Wildlife, Parks and Tourism. A person holding a wildlife control permit must provide 24-hour advance notice to the South Hutchinson Police Department prior to the discharge of a firearm within the City;

- (4) The firearm is discharged to take a migratory bird as defined in the Migratory Bird Treaty Act by authorized law enforcement officers, animal control officers or a person who has a Migratory Bird Depredation Permit issued by the United States Fish and Wildlife Service. A person holding a Migratory Bird Depredation Permit must provide 24-hour advance notice to the South Hutchinson Police Department prior to the discharge of a firearm within the City;
 - (5) The firearm is discharged by special permit of the chief of police or by the sheriff when the city has no police department;
 - (6) The firearm is discharged using blanks; or
 - (7) The firearm is discharged in lawful self-defense or defense of another person against an animal attack.
- (c) The discharge of any firearm for the taking of wildlife within the corporate limits of the city, except as provided in (b)(3), is prohibited and shall constitute a violation of this section.
- (d) Unlawful discharge of a firearm is a Class B violation.

SECTION 2. Section 10.5 of the UPOC as adopted by Ordinance 23-03 is hereby repealed.

SECTION 3. All other ordinances, or parts thereof, or City policies inconsistent with Section 1 hereof, are hereby repealed and held for naught.

SECTION 4. This Ordinance shall be effective upon its passage and publication on the South Hutchinson City website, www.southhutch.com, the official city newspaper.

PASSED, APPROVED AND ADOPTED by the governing body of the City of South Hutchinson, Kansas, this 28th day of November, 2023.

Brian Garretson, Mayor

ATTEST:

Michele Nightingale, City Clerk

PERMIT TO HUNT MIGRATORY BIRDS WITHIN CITY LIMITS

LANDOWNER\TENANT\MANAGER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE NUMBER: _____

HUNTER\OUTFITTER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____

HUNTING LOCAITON: _____

NUMBER OF ACRES ON PARCEL: _____

(MAP ATTACHED)

Beginning and ending dates permit to be used: _____ to _____

Time of Day permit to be used: sunrise to sunset

The landowner\tenant\manager and hunter\outfitter or any hunter accompanying the outfitter listed on the permit will comply with the following:

- **Obtain full licensing from the Kansas Department of Wildlife and Parks and/or United States Fish and Wildlife Service.**
- **Obtain and carry an insurance liability policy (attached) on the property described above in the amount of not less than \$1,000,000.**
- **The dates the permit is to be used is within the season limits as set by the Kansas Department of Wildlife and Parks and/or United States Fish and Wildlife Service.**
- **The number of birds/waterfowl or migratory birds harvested do not exceed the harvest limits set by the Kansas Department of Wildlife and Parks and/or United States Fish and Wildlife Service.**

- The method of taking any birds/waterfowl or migratory birds are only those allowed by the Kansas Department of Wildlife and Parks and/or United States Fish and Wildlife Service.
- Full understanding and in full compliance with all statute, law, rule, code or regulation for the taking of birds/waterfowl migratory birds or the shooting of firearms published by the State of Kansas, the Kansas Department of Wildlife and Parks and/or United States Fish and Wildlife Service or City of Newton.
- The hunting location described above is on a parcel that is greater than 40 acres and south of highway 50 with at least one boundary being the City limit as established by the City of Hutchisons Zoning District Map.
- No firearm will be discharged within 300 feet of a residence, building, school, church, airport, cemetery, feedlot, park, recreation facility, public right-of-way or pedestrian or vehicle traffic.

I certify that I am the legal landowner, tenant or manager of the property listed above and further certify that the information provided in this document is true and accurate and that any hunter/outfitter or hunter accompanying the outfitter fully understands and will comply with the above.

- I understand that the Chief of Police may deny or revoke this permit at any time if and in his sole discretion there is a violation of any of the parameters set forth above, when there is a concern with public safety, or upon request of the City Administrator.

 Landowner\Tenant\Manager Date

Submit Completed Permit and Attachments to: South Hutchinson Police Department
 Attn: Darrin Pickering
 10 E Blanchard, South Hutchinson, KS 67505
darrinp@southhutch.com

OFFICE USE ONLY:

APPROVED: DENIED:

 Chief of Police Date

27-106 Accessory Uses: Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

27-107 Eligibility for Accessory Use: The determination of the eligibility of a proposed use as an accessory use shall be made by the Zoning Administrator.

27-108 Accessory Uses Allowed: Accessory uses shall be allowed; provided, said accessory uses shall be limited to those specified herein for the various zoning classifications:

1. In District "R-1A" Single-Family Residential, "R-1B" Single-Family Residential, "R-1C" Single-Family Residential, and "R-2" Two-Family Residential District, only the following accessory uses are allowed:

A. Accessory buildings and uses commonly associated with multi-family residential activity, including, but not limited to, the following:

- Accessory off-street parking and loading spaces
- Fences or walls
- Flag poles
- Gates or guard houses for subdivisions
- Guest houses
- Home barbeque grills
- Parabolic and satellite dish-type antennas
- Play equipment
- Private garages and carports
- Servants quarters
- Small storage sheds
- Solar collectors
- Swimming pools
- Television and radio receiving antennas less than 50 feet in height

No accessory building or use shall occupy a required front yard (except basketball goals, flag poles and fences as permitted).

A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation.

B. Home occupations such as, but not limited to, the following:

Accountant
Architect
Artist
Attorney
Author or writer
Chiropractor
Clergyman
Cosmetologist
Counselor
Dentist
Engineer
Home crafts
Insurance Agent
Osteopath
Photographer
Physician
Planner
Real Estate Agent
Salesman
Seamstress/Dressmaker
Secretary/Typist

Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day

The following conditions and restrictions shall apply to such customary home occupations:

1. That the home occupations shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.
2. That no person other than members of the household living on the premises and one (1) outside person shall be employed.
3. That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
4. That no display or storage of equipment or materials outside of a building or structure shall be permitted.
5. That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
6. That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.