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- A. **CALL TO ORDER/ROLL CALL**  
\_\_Brislin \_\_Cokeley \_\_Nisly \_\_Scofield \_\_Griffin \_\_ Vacant
- B. **PLEDGE OF ALLEGIANCE**
- C. **APPROVAL OF AGENDA (ADDITIONS/DELETIONS)**
- D. **CITIZEN COMMENTS**
- E. **CONSENT AGENDA**  
1. Approval of Minutes – Regular Council Meeting, March 24, 2025  
2. Approval of Invoices  
  
Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_
- F. **ACTION ITEMS**  
1. Approve moving forward with Voluntary Dismissal of Water Right and re-allocation to existing wells.  
  
Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_  
  
2. Approve Resolution 25-01 Showing support for Petra Investment Partners  
  
Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_
- G. **DISCUSSION ITEMS**  
1. Potential Council Candidate  
2. House Bill 2134
- H. **CITY ADMINISTRATOR’S REPORT**
- I. **GOVERNING BODY COMMENTS**
- J. **ADJOURNMENT**

**SUBMITTED BY:** Jeff Schenk, City Administrator

**MEETING DATE:** April 14, 2025

**AGENDA ITEM:** Consent Agenda

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**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:
  - March 24, 2025, Regular Council Meeting
- Approval of Invoices

**RECOMMENDATION:**

Motion to approve the consent agenda as presented.

**ATTACHMENTS:**

**Exhibit A** – Minutes from March 24, 2025, Regular Council Meeting

**Exhibit B** – AP Invoices

**A. CALL TO ORDER/ROLL CALL**

**\_X\_Brislin \_X\_Cokeley \_X\_Nisly \_X\_Scofield \_A\_Griffin \_\_Vacant**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA (ADDITIONS/DELETIONS)**

None

**D. CITIZEN COMMENTS**

Daniel Lizalde – Hot Rod Resurrections

Addressed the Council with plans to build a two-level, container building at the corner of Washington and A Streets in South Hutchinson. It will house a few office spaces and living quarters. It will be built on a slab with footings and will include four containers. The weight of each container would be approximately 8500 lbs. (empty). The inside would be 2 X 4 structure with sheetrock and insulation. The estimated value of the structure would be \$150,000 to \$200,000. The outside of the structure would be dark grey with black trim and stone on the front. The surrounding area would be fenced in. The timeline for the project would be a 1.5 to 2-year project. Because the structure would be a commercial property, the project would not have to go through the Planning Commission.

Jay Mitzner – Land on Blanchard with Frisbee Golf

Councilmember Nisly asked for the valuation of the property. Mitzner responded that the driveway company, Collins Bus, had approached him with an offer of \$3,000/month with a 6-year lease. Mitzner felt obligated to offer the property to the City. Nisly asked if he would prefer a land contract or lease to purchase. Mitzner said he would accept either. Administrator Schenk said that this topic could be added to the agenda at the next Council meeting.

**E. CONSENT AGENDA**

1. Approval of Minutes – Regular Council Meeting, March 10, 2025
2. Approval of Invoices

Motion **SCOFIELD**

Second **COKELEY**

Vote **3-0**

**F. ACTION ITEMS**

1. Approval of Ordinance 25-01: Amending Article 1 of Chapter 4 (Building Code)  
Updates the current Building Code to 2018 regulations.

Motion **SCOFIELD**

Second **NISLY**

Vote **3-0**

2. Approval of Ordinance 25-02: Amending Article 5 of Chapter 4 (Electrical Code)  
Updates the current Electrical Code to 2017 regulations.

Motion **COKELEY**

Second **NISLY**

Vote **3-0**

G. **DISCUSSION ITEMS**

Schenk stated that the City has started the process of code codification by passing new zoning and subdivision regulations. Updated ordinances and zoning and subdivision regulations will be sent for digitization to include all in one reference book. It will be “live” and hosted on a server for a minimal annual fee with a shortcut on the City page. Also, Schenk suggested to the Council to extend Jared Oatney’s 1-year farm lease so that Schenk could work on building out a bid package for 2026. He suggested a 5-year contract with auto renewal. If the City needed to access the land, the City could write into the contract that the City would take possession of the crop with payment or the City would take possession after the crop is harvested. Schenk said that he would contact Oatney and would check with other cities for examples of farm leases.

H. **CITY ADMINISTRATOR’S REPORT**

Schenk said that HB (House Bill) 2119, currently in the Senate, will try to get rid of all housing tax credits. Also, the Fireworks Association has been informed by the Governor’s office that fireworks sales will be allowed from June 20<sup>th</sup> thru July 7<sup>th</sup> in brick-and-mortar and pop-up structures. Yearly sales of fireworks will be allowed in brick-and-mortar structures. Schenk asked the Council if a seasonal ban should be put into effect for shooting fireworks inside the city limits.

I. **GOVERNING BODY COMMENTS**

Scofield – None

Nisly – None

Cokeley – None

Brislin – Mayor Brislin took a city tour with Matt Mock in Public Works and highly recommends it to anyone interested.

J. **ADJOURNMENT**

Brislin made a motion to adjourn the meeting at 6:37 p.m.

Motion **NISLY**

Second **SCOFIELD**

Vote **3-0**

# VOLUNTARY DISMISSAL OF A WATER RIGHT OR PERMIT & WAIVER OF HEARING

To: Chief Engineer  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Appropriation of Water ☐  
 Water Right ☐  
 Vested Right ☐  
 Term Permit ☐

File No. \_\_\_\_\_

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right or permit freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I/we am indicating my/our understanding and agreement that I/we am relinquishing all right, title and interest in said water right or permit.

The signature(s) below represent all present owners (or an authorized agent) for the file number(s) shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Check the following if applicable:

☐ Processing dismissal is contingent upon approval of: \_\_\_\_\_  
New or Change Application, etc., include File No.

☐ I wish to retain the point(s) of diversion for domestic use (water right not required).

Signature of Owner or Authorized Agent

\_\_\_\_\_  
Signature of Spouse or Title of Authorized Agent

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Print Name \_\_\_\_\_

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Print Name \_\_\_\_\_

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Address

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Address

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City, State, Zip

---

City, State, Zip

State of Kansas )  
 ) SS  
County of \_\_\_\_\_)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

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DWR Initials

# VOLUNTARY DISMISSAL OF A WATER RIGHT OR PERMIT & WAIVER OF HEARING

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Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

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Signature of Owner or Authorized Agent

Signature of Spouse or Title of Authorized Agent

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Print Name \_\_\_\_\_

---

Print Name \_\_\_\_\_

---

Address

---

Address

---

City, State, Zip

---

City, State, Zip

State of Kansas )  
 ) SS  
County of \_\_\_\_\_)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

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DWR Initials

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DEMONSTRATING THAT THE PETRA RESIDENCES - SOUTH HUTCHINSON PROJECT PROPOSED BY PETRA INVESTMENT PARTNERS, LLC HAS THE SUPPORT OF THE GOVERNING BODY AND THE COMMUNITY OF THE CITY OF SOUTH HUTCHINSON, KANSAS AND, FURTHER, MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE GOVERNING BODY'S DESIRE TO PARTNER WITH SAID DEVELOPER IN THE APPLICATION FOR FUNDING OF THE PROJECT UNDER THE KANSAS MODERATE INCOME HOUSING PROGRAM AND THE KANSAS HOUSING INVESTOR TAX CREDIT ACT COLLECTIVELY ADMINISTERED BY THE KANSAS HOUSING RESOURCES CORPORATION AND TO PARTICIPATE IN THE ADMINISTRATION OF ANY SUCH FUNDING AND TAX CREDITS.

WHEREAS, any city or county in the State of Kansas having a population of less than 60,000 is eligible to apply for funding under the Kansas Moderate Income Housing Program ("MIH") administered by the Kansas Housing Resources Corporation, a Kansas not for profit corporation ("KHRC"), and pursuant to a certain request for proposal opened by the KHRC, namely the Kansas Moderate Income Housing Notice of Resource Availability, dated September 12, 2024 ("2024 Round 4 MIH NORA"); and

WHEREAS, eligible cities and counties may partner or contract with outside entities or individuals, including, but not limited to, public housing authorities, nonprofits, community housing development organizations, developers, contractors, and local employers; and

WHEREAS, notwithstanding any such partnership or contract, the eligible city or county shall retain full responsibility for compliance with all 2024 Round 4 MIH NORA rules and requirements and shall provide additional information to the KHRC regarding any such partnerships or contracts to ensure compliance with procurement requirements of said NORA; and

WHEREAS, the MIH funds shall be used only for certain eligible activities, as follows: (a) actual housing development, including acquisition of real property, new construction, modular or manufactured housing, rehabilitation of existing vacant housing, and/or home buyer assistance of actual housing development; or (b) infrastructure in combination with actual housing development, subject to limitations set forth in the 2024 Round 4 MIH NORA; and

WHEREAS, the MIH funds shall be used only for certain eligible activities as specifically set forth and defined by the 2024 Round 4 MIH NORA and as generally set forth as follows: (a) actual housing development, including acquisition of real property, hard costs for new construction, modular or manufactured housing on a permanent foundation, rehabilitation of existing vacant uninhabitable housing, and conversion from non-residential to residential use; (b) down payment assistance; and (c) certain offsite and onsite infrastructure.

WHEREAS, an eligible city or county may only submit one (1) application per funding round and each application shall only include one (1) project; and

WHEREAS, in order to proceed with the application pursuant to the 2024 Round 4 MIH NORA, the governing body of an eligible city or county must pass a resolution that demonstrates community support for the application and project; and

WHEREAS, the Kansas Housing Investor Tax Credit Act, K.S.A. 79-32,310 through 79-32.315 ("KHITC Act") authorizes the issuance of Kansas tax credits for qualified housing projects to qualified investors who make cash investments in such qualified housing projects and to project builders and developers; and

WHEREAS, to qualify for such tax credit, the housing project must be for the construction of single-family residential dwellings or multi-family residential dwellings or buildings located within a city with a population of less than 70,000 or within a county with a population of less than 75,000 and must otherwise qualify for funding pursuant to a certain request for proposal administered by the KHRC, namely Kansas Housing Investor Tax Credit Notice of Resource Availability, dated September 12, 2024 ("2024 Round 4 KHITC NORA"); and

WHEREAS, to apply for such tax credit, the builder or developer of the housing project must submit an application to the KHRC that includes, inter alia, a resolution of the governing body of the city in which the project is located demonstrating that the housing project has the support of the governing body and the community; and

WHEREAS, South Hutchinson, Kansas has an estimated population of approximately 2,500 pursuant to the most recent estimates by the United States Census Bureau and, therefore, constitutes an eligible city as said term is defined by the 2024 Round 4 MIH NORA, the 2024 Round 4 KHITC NORA, and the KHITC Act; and

WHEREAS, a developer, Petra Investment Partners, LLC, a Kansas limited liability company ("Developer"), has submitted an application to the City of South Hutchinson, Kansas for MIH funding and KHITC tax credits for the development of a multi-family housing project to be constructed in South Hutchinson, Kansas, generally located at [PROJECT LOCATION] and to be named Petra Residences - South Hutchinson ("Project"); and

WHEREAS, the Governing Body of the City of South Hutchinson, Kansas ("Governing Body") desires to demonstrate that the Project has the support of the Governing Body and the community for purposes of the 2024 Round 4 MIH NORA and the 2024 Round 4 KHITC NORA; and

WHEREAS, the Governing Body proposes to partner with the Developer in the application for MIH funding and KHITC tax credits for the Project and to participate in the administration of any such funding and tax credits, to the extent that any such partnership and participation does not conflict with the provisions of the 2024 Round 4 MIH NORA, the 2024 Round 4 KHITC NORA, or the KHITC Act.



NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of South Hutchinson, Kansas:

SECTION 1. Community Support. The Governing Body hereby finds and determines that there is community support for the Project proposed by the Developer and, further, that there is community support for the City of South Hutchinson, Kansas ("City") to partner with the Developer in the application for MIH funding and KHITC tax credits for the Project pursuant to the 2024 Round 4 MIH NORA and the 2024 Round 4 KHITC NORA and, further, to participate in the administration of any such funding and tax credits.

SECTION 2. Intent. The Governing Body hereby expresses its intent to partner with the Developer for such application and administration in a manner that complies with and does not conflict with the provisions of the 2024 Round 4 MIH NORA, the 2024 Round 4 KHITC NORA, or the KHITC Act.

SECTION 3. Further Action. The Governing Body hereby authorizes the City Administrator, and any designee thereof, to execute, seal, attest, and deliver any documents, certificates, and instruments, for and on behalf of the City, as may be necessary and desirable to apply for and participate in the administration of such funding and tax credits.

SECTION 4. Effective Date. This Resolution shall be in force and take effect from and after its adoption and approval.

ADOPTED AND APPROVED by the Governing Body of South Hutchinson, Kansas, this 14th day of April 2025.

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Dina Brislin, Mayor  
City of South Hutchinson, Kansas

Attest:

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Katie Marcum, City Clerk