



MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS - HUTCHINSON, KANSAS
March 17, 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, March 17, 2020 in the City Council Chambers with Mayor Piros de Carvalho presiding. Councilmembers Daveline, Soldner, Garza and Bagwell 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. Proclamations
 - a. Taking Down Tobacco Day.
 - b. Census Day.

Due to limiting the number of individuals in the council chambers because of COVID-19, the Proclamations were not read.

5. 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.)

There were no oral communications from the audience.

6. Consent Agenda
 - a. Approval of Minutes of March 2, 2020 City Council Special Meeting.
 - b. Approval of Minutes of March 3, 2020 City Council meeting.
 - c. Approval of Addendum to Contract No. 2020 C 2 with Extreme Crossfire Paintball.
 - d. Approval of contract with Family Community Theatre, Inc. for 2020 subsidy.
 - e. Approval of contract with Reno Choral Society for 2020 subsidy.
 - f. Approval of contract with Stage 9 for 2020 subsidy.
 - g. Approval of Application for License to Sell Cereal Malt Beverages for Hutchinson Recreation Commission for June's Third Thursday event.
 - h. Approval of January 2020 financial reports.

- i. Approval of February 2020 financial reports.
- j. Approval of appropriation ordinance in the amount of \$1,186,891.77.

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

7. Public Hearing

- a. Public hearing to consider evaluating the performance of CDBG Grant No. 18-CR-001 for the rehab of the blighted Steven's Building at 225 S. Main.

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

Jim Seitnater, Housing and Development Coordinator, said this is one of the first grants of this kind. He said it took the combination of a blighted building; and a business that would utilize that space. Mr. Seitnater said the Cooley's have done that; and this is the second building they have rehabilitated. He also said the Finance Department did a great job working with SCKEDD to get things done, which made for a successful grant.

Gloria McDowell with SCKEDD showed before and after photos of the building. She said the Cooley's achieved everything they wanted with the grant; and the building is greatly improved.

Scott Cooley, 225 S. Main, said this old building has had a special place in their heart; and they initially looked at doing something with it in 2009. He said Jen fell in love with the building, but it was way too much building at the time. Mr. Cooley said City staff was great to work with; and complimented Karen Weltmer and Jim Seitnater for all of their help. He said they still have a lot of work left to do, but the building remodel was done in seven months. Mayor Piros de Carvalho said she appreciates his feedback.

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

Motion by Councilmember Daveline, second by Councilmember Bagwell, to approve the Notice of Completion/Final Inspection and Final Wage Compliance Report Format; and authorize the Mayor to sign. The motion passed unanimously.

- b. Public hearing to consider Application for Certificate of Public Convenience and Necessity by Richard Burgess.

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

Karen Weltmer, City Clerk, said the City currently has three certificates issued, those being Hutch Taxi, Roadrunner, and Helping Hands Shuttle.

Councilmember Daveline said he is a free enterprise person; and supports the right and ability of anyone to enter into business operation, but asked how many taxi services the City can support without jeopardizing the other three that are currently in operation. He said he is troubled that we already have three companies; and asked about the background of the other services.

Jeanette Chambers with Hutch Taxi, said she has three cars running 24 hours a day, seven days a week. She said she doesn't mind another taxi service, but the gentleman that is applying was let go from her service. She said she also doesn't approve using the name Hutch Ride because it's too close to the Hutch Taxi name. Discussion ensued.

Richard Burgess, 3804 W. 9th, said he is just trying to get his business up and going; and said he has gone through all the proper steps. Discussion ensued.

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

Motion by Councilmember Garza, second by Councilmember Soldner, to approve the issuance of a Certificate of Public Convenience and Necessity to Richard Burgess to operate a taxicab in the City of Hutchinson, Kansas; and direct the City Clerk to issue said Certificate. The motion passed unanimously.

8. Ordinances and Resolutions

a. Consider Ordinances authorizing bonded projects. Angela Richard, Finance Director, spoke. Councilmember Daveline asked Ms. Richard if she had conferred with bond counsel regarding the volatility of the market. Ms. Richard said she has not, but knows it is changing very rapidly. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to approve Ordinance 2020 - 13 amending Ordinance No. 2019 - 24 of the City of Hutchinson, Kansas, authorizing the construction of certain improvements and authorizing the issuance of General Obligation Bonds to pay the cost thereof; and authorize the Mayor to sign. The motion passed unanimously;

and

Motion by Councilmember Soldner, second by Councilmember Garza, to approve Ordinance 2020 - 14 authorizing the issuance of General Obligation Bonds of the City of Hutchinson, Kansas, to pay the cost of certain improvements, all pursuant to Charter Ordinance No. 50 of the City; and authorize the Mayor sign. The motion passed unanimously.

b. Consider Resolution authorizing the public sale of Taxable General Obligation Bonds. Angela Richard, Finance Director, spoke.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve Resolution 2020 R 7 authorizing the public sale of approximately \$3,805,000.00 principal amount of General Obligation Bonds, Series 2020-A of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider Ordinance amending Chapter 9 of the Hutchinson City Code. Ryan Hvitløk, Director of Planning and Development, said he has been working on these amendments for a while; and they will streamline the process. Mr. Hvitløk spoke further about minor plats, lot splits, lot line adjustments, the approval process, etc. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Garza, to approve Ordinance 2020 - 15 amending Section 9-401.D. and Article V. Lot Splits of Chapter 9 of the Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

d. Consider Ordinance amending Chapter 27 of the Hutchinson City Code. Ryan Hvitløk, Director of Planning and Development, spoke about the amendments. He said he worked with the Inspection Department and Building Trades Board on this ordinance; and the amendments remove any unpredictability. Discussion ensued regarding changing the sign height allowance from 17' to 20', the requirement for engineered drawings, etc.

Cindy Proett, with Luminous Neon, said they are opposed to more regulation; and indicated this will have a negative impact on small business. She said they "can live" with the 20' sign height, saying the City's concern is appreciated; and that the regulations need to be consistent. Additional discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to amend the sign height in the proposed Ordinance from 17' to 20'; to approve Ordinance 2020 - 16 amending Sections 27-802 and 27-813.D. of Chapter 27 of the Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

e. Consider Ordinance amending the Comprehensive Plan Land Use Map. Ryan Hvitløk, Director of Planning and Development, spoke.

Motion by Councilmember Bagwell, second by Councilmember Garza, to approve Ordinance 2020 - 17 providing for adoption of an amendment to the Comprehensive Plan Land Use Map appearing at Section M.1.7.B. of the 2017-2037 Comprehensive Plan for Hutchinson, Kansas (00000 East Avenue B); and authorize the Mayor to sign. The motion passed unanimously.

f. Consider Ordinance rezoning property on East Avenue B.

Motion by Councilmember Bagwell, second by Councilmember Garza, to approve Ordinance 2020 - 18 amending the zoning map referred to in Section 27-402 of Chapter 27 of the Code of Ordinances of the City of Hutchinson, as adopted by Ordinance No. 7518; and repealing

certain parts of the original Zoning Map as designed in Section 27-402 (00000 East Avenue B); and authorize the Mayor to sign. The motion passed unanimously.

9. New Business

a. Consider Development Agreement with Superior Boiler, LLC. John Deardoff, City Manager, said this is a bit of good news among all the craziness. He said the Chamber, the City and the County have been working with Superior for several years on this project; and said Superior is moving its Richmond, Virginia operation to Hutchinson. Mr. Deardoff said Siemens will remain a tenant in the building Superior is purchasing until February 2021, but after that time, the Richmond facility will move their equipment to Hutchinson. Mr. Deardoff said most jobs will be above the \$21.00/hr. threshold; and new jobs will be created over a four year period. He said incentives will be paid from the Economic Opportunity Fund; and payment is made as it is earned.

Debra Teufel with the Chamber of Commerce said it's always a good day when a company makes a great announcement like this and brings jobs to the community. She said Doug Wright with Superior would have been in attendance, but that he is making the announcement in Richmond. She said this will help streamline their operations; and indicated some individuals in the management team may make the move to Hutchinson earlier so they can get their children established in schools here, etc.

Mokhtar Matallah with Superior Boiler said the Richmond facility will be bringing in additional products; and the company is also developing new product lines. He said Superior will be able to offer all necessary boiler room equipment. Mr. Matallah said they will employ welders, pipe fitters, electricians, engineers, etc. Mayor Piros de Carvalho said this is the best news we've had all week; and knows that Ms. Teufel has worked very hard on this project. She said it's great to see such a long standing business invest here in the community when they could have done this anywhere else.

Councilmember Daveline said he suspects Superior had other options and locations; and asked what the deciding factors were for choosing Hutchinson. Mr. Matallah said the core management group is here in Hutchinson; we are centrally located; and this is what works best for them. Additional discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the Development Agreement between the City of Hutchinson and Superior Boiler LLC; and authorize the Mayor to sign. The motion passed unanimously.

Mayor Piros de Carvalho called for a break at 10:29 a.m. The meeting reconvened at 10:37 a.m.

b. Consider Law Enforcement Center Lease Agreement. Paul Brown, City Attorney, spoke. He said the Sheriff's Office has vacated their space in the Law Enforcement Center; and the City is taking over most of that area. He said the lease is to protect our investment in the facility since we don't own the building. Mr. Brown said the Police Department has been in the building for almost 50 years, the building is being

remodeled; and the City has always had a cost share arrangement with the County, but has never paid a lease or rent payment. Mr. Brown also spoke about future developments, terms of the lease and renewals, etc.

Councilmember Daveline said this is a very unusual arrangement we have had; and said he wants to address fairness of the lease terms. Discussion ensued regarding the percentages of costs paid, roof replacement, etc.

Chief Hooper, with the Hutchinson Police Department, said the roof was replaced in the last 10 years, but that it would probably not survive the 20 year contract term. Mayor Piros de Carvalho asked the City Manager to address the reasons for investing in remodeling the building rather than a new building. Mr. Deardoff indicated a new building would have cost between \$10 to \$12 million dollars; and the Law Enforcement Center would be vacant, just like the courthouse. He said the City and County have had a good relationship over the years, but said he is disappointed in how the building has been maintained. Mr. Deardoff said the City chose to continue their relationship with the County; and to stay in that facility. Discussion ensued regarding purchase of the building, separation of utilities, maintenance, etc.

Motion by Councilmember Soldner, second by Councilmember Garza, to approve the Lease Agreement with Reno County, Kansas for use of the Law Enforcement Center; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider acceptance of KDOT aviation grant. Pieter Miller, Airport Manager, spoke about the grant. He said he submitted the grant application in October, 2019; and was notified in February, 2020 that the grant was approved. He said the total project costs will be \$293,000.00 with KDOT's share being \$263,700.00; and the City paying \$29,300.00. Mr. Miller said the estimated project date will be in the Spring of 2021.

Motion by Councilmember Daveline, second by Councilmember Garza, to accept Kansas Department of Transportation Grant Offer AV-2021-32 in the amount of \$263,700.00 for the pavement maintenance and preservation project associated with aprons, taxiways and taxi-lanes at the Hutchinson Regional Airport; and authorize the Mayor to sign. The motion passed unanimously.

d. Consider Employment Agreement for City Manager. Paul Brown, City Attorney, thanked the counsel for their efforts in selecting the new City Manager. He also thanked Tom Sanders, saying a lot of time and effort went into this matter. He said this contract is very similar to the prior contract with Mr. Deardoff; and takes effect May 15, 2020. Mr. Brown said the last thing left to do is to approve the contract. The Mayor thanked Mr. Sanders, the search firm and the community panel, as well as Debra Teufel and Aubrey Patterson who took the candidates on a tour of the City.

Motion by Councilmember Soldner, second by Councilmember Bagwell, to approve the Employment Agreement with Jeff Cantrell for the position of Hutchinson City Manager; and authorize the Mayor to sign. The motion passed unanimously.

e. Consider City Manager (Deardoff) extension agreement. Paul Brown, City Attorney, said this agreement covers the gap in Mr. Deardoff's previous agreement, as he will remain here until May 8. He thanked Mr. Deardoff for his willingness to stay on as City Manager.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the Addendum to City Contract No. 2020 C 3, Employment Agreement of John Deardoff; and authorize the Mayor to sign. The motion passed unanimously.

10. Report of City Officials

a. Council

- Councilmember Soldner reminded everyone to wash their hands; and to practice social distancing.
- Councilmember Daveline had no comments.
- Councilmember Garza said he met this past week with the high school regarding the junior council; and that he is also working with the Human Relations Officer. He said the kids are excited about this opportunity; and he will be bringing it back to the council in the future.
- Councilmember Bagwell said she enjoyed the last week as there were no meetings. She thanked everyone saying there were a lot of meetings, long discussions; and a lot of work went into the selection of the new City Manager.
- Mayor Piros de Carvalho recognized City employees, saying we are a service organization; and we are operating as usual. She said the City Manager would touch on some of the policies to protect staff; and keep the community safe. The Mayor thanked the medical community for their efforts; and for the willingness to work on the front lines. She encouraged people to follow the City and County Facebook pages as the situation is evolving rapidly. The Mayor also talked about the Virtual Town Hall meeting the City is hosting at 3:00 p.m. in conjunction with the Hutchinson Clinic, the Hutchinson Regional Medical Center, Prairie Star, etc.

b. City Manager

Mr. Deardoff talked about the press release that went out. He spoke about City offices closing to the public at 5:00 p.m., but said while the buildings will be closed, employees will still be working. Mr. Deardoff said this is a very fluid situation; and is not sure how long this will last, but said it will be

for at least 15 days. He said most things can be done on-line or by phone; and indicated there would be no utility shut-offs. He also talked about some employees working remotely, flex scheduling, etc. Mr. Deardoff also said council sessions would be limited to pressing matters only.

Councilmember Garza asked Chief Hooper about police officers and firefighters that come into contact with the public, wondering if they are wearing gloves, etc. Chief Hooper said he couldn't speak for the Fire Department, but said the Police Department has implemented a four-tier response plan; and spoke about those tiers. Chief Hooper said they will always respond to public safety incidents.

11. Adjournment

Motion by Councilmember Garza, second by Councilmember Bagwell, to adjourn. The motion passed unanimously.

Upcoming Meetings

April 7, 2020

9:00 a.m.

City Council meeting

April 21, 2020

9:00 a.m.

City Council meeting