



**MINUTES**  
**CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS - HUTCHINSON, KANSAS**  
**May 5, 2020**  
**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, May 5, 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 Paul Brown, City Attorney.

4. Proclamations

- a. National Public Works Week
- b. Peace Officers Memorial Day

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.)

- Remote presentation from Michelle Carter with SCKEDD regarding Federal Home Loan Bank Grant. Ryan Hvitlok, Director of Planning and Development, said SCKEDD has hired Michelle Carter with Michelle Carter Consulting of Topeka to write grant applications for the Federal Home Loan Bank of Topeka. He said if we are awarded the grant, funds would be available for up to 50 owner occupied homes.

Michelle Carter said she will be discussing the 2020 affordable housing program. She gave an overview of her experience; and also spoke about the Federal Home Loan Bank Topeka, which promotes affordable housing. Ms. Carter said the application process begins July 6, 2020; and applications must be submitted by August 21, 2020. She indicated awards would be announced December 31, 2020; and eligibility is income based. Ms. Carter said eligible repairs would including roofing, electrical, plumbing, sewer, foundation, windows, doors, floors, etc. She said the funds do not need to be repaid; and there is no need to sign a retention agreement. Ms. Carter said there is no guarantee, but she believes we have a good chance of receiving the funding. Additional

discussion ensued regarding distribution of the funds, timelines, dissemination of information to homeowners, etc.

There were no oral communications from the audience.

6. Consent Agenda

- a. Approval of Minutes of April 21, 2020 City Council meeting.
- b. Approval of contract with Pepsi Beverages Company (Bottling Group LLC).
- c. Approval of License Agreement with Hutchinson Salt for groundwater monitoring well installation in City right-of-way.
- d. Approval of appropriation ordinance in the amount of \$1,064,626.42.

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

7. Ordinances and Resolutions

a. Consider Resolution adopting the National Incident Management System. Fire Chief Steve Beer said this Resolution is needed for accreditation. Chief Beer said Reno County adopted a Resolution in 2005, but the City never did. Councilmember Soldner asked for information about the system. Chief Beer explained that they used to talk in "ten codes" (i.e. 10-4). He said now it's just plain English; and when various agencies are in the same room, everyone is using the same language and is on the same page.

Motion by Councilmember Bagwell, second by Councilmember Garza, to approve Resolution 2020 R 9 for adoption of the National Incident Management System (NIMS) Presidential Directive (HSPD)-5; and authorize the Mayor to sign. The motion passed unanimously.

8. New Business

a. Consider design services for the Zoo nature plan expansion. Justin Combs, Director of Parks and Facilities, said the expansion will be located along Blanchard next to the otter exhibit. He said they eventually plan to develop the area where the bison and deer are located. Mr. Combs gave an update on the otter exhibit, saying we have had great weather the last several weeks; and have gotten a lot of work done. He said they hope to open the exhibit by the end of the month. Mr. Combs said in 2019 the City received the Land Water Conservation Fund Grant. He said the total project cost is \$300,000.00, with Federal funds accounting for \$150,000.00; and the remainder being split between the Zoo Reserve Fund and Friends of the Zoo. Mr. Combs showed a conceptual drawing which includes a shallow splash river, turf mounds to run up and down on, roll down, etc. He said the next phase would include an open-air shelter with attached restrooms. Mr. Combs said we now need construction documents for this project as what we have are only conceptual drawings. He spoke about the bids received; and said he is recommending PEC of Wichita as they have a history of good projects in the area, a connection to Hutchinson, and a good understanding of the site and level of creativity. Mr. Combs said they would like to have

the playground installed yet this year; and hope to open the area next spring. Councilmember Daveline asked if most of the construction would be done in-house or bid out. Mr. Combs said it would be a little bit of both, with the playground and some of the concrete work being done in-house, but the splash river, etc. would be contracted out. Councilmember Bagwell asked about expenses for this addition. Mr. Combs said this expansion would extend zoo visits without having to add any staff. He said there would be some maintenance, but it would not be significant. Councilmember Bagwell said she thinks it's a big expenditure; and said she would like to see something that doesn't cost so much money. She also indicated that people are moving away from "trapped animals"; and said the zoo is just a big money pit. Mr. Combs said when the Strategic Plan was done several years ago, one of the questions asked was what facilities the public values. He said the zoo was number one on that list. Mr. Combs said the community sees the zoo as being tremendously valuable to the community; and they are working toward a way for it to be more self-sufficient. Additional discussion ensued. Mayor Piros de Carvalho said Ryan VanZant has done a great job with the zoo; and said people can make the same case with Fun Valley, the Animal Shelter, the golf course, etc. She said everyone will have an opinion about what should stay or go, but said she is excited about the project. Councilmember Soldner said the one thing that sets this aside from a traditional zoo is our zoo features native types of animals and exhibits. She said this is a totally different concept and not like the Wichita zoo. Councilmember Soldner said the zoo is a great asset to the community. Councilmember Daveline said you can drive by the zoo during the weekend; and the parking lot is full as families with children and grandparents with their grandchildren visit the zoo. He said this is one of the best values we offer to the public; and said we should be very proud of the zoo.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the contract for design services with Professional Engineering Services for the Hutchinson Zoo Nature Play Expansion for an amount not to exceed \$25,500.00; and authorize the Mayor to sign. The motion passed by a vote of four to one, with Councilmember Bagwell voting no.

b. Consider bid results for remodel of the Law Enforcement Center. Police Chief, Jeffrey Hooper, said the project started in 2017. He said this is a 50 year old building which has had very few improvements. Chief Hooper said original cost estimates were \$2.34 million for the renovations; and there have been several delays in the project due to electrical issues, HVAC, etc. He said the project went to bid; and they had anticipated costs would be \$2.8 million or more. Chief Hooper said they received bids from seven contractors, but they ultimately selected Wiens and Co. coming in at \$1,559,000.00. He said there are additional parts that are outside of the general construction bid, bringing the total project to \$2,204,400.00. Councilmember Daveline said there are many unknowns until they get into this project; and asked if the \$200,000.00 contingency would be sufficient. Chief Hooper said that is a valid concern; and there would be no harm in putting more into the contingency and then not having to spend the reserves.

City Manager John Deardoff said in two weeks a Resolution for bonding of this project would be brought before council. He said they can talk more about how to size the bond; and to provide for a larger contingency. Discussion ensued.

Councilmember Garza asked if the building would be strictly for the Police Department or if they would still share some space with the Sheriff's Department. Chief Hooper said there will be a little bit of sharing as the Law Enforcement Center still houses offender registration, drug enforcement, the evidence room and the garage. Councilmember Garza also asked about construction costs for a new building. Chief Hooper said construction costs would be at least double of what they are putting into the remodel; and said there would be a lot of drawbacks.

Councilmember Daveline asked if any exterior improvements were being made or if everything would be internal. Chief Hooper said exterior improvements are not included in the project. He said his intent from the beginning was to open the Law Enforcement Center to walk-in traffic as they now have to come in through the Courthouse. He said the LEC and Courthouse will be separated; and each will have their own controlled access. Councilmember Daveline said he knows cost is a concern, but said he would hate to spend all of this money and for the exterior to remain looking like it does currently. Discussion ensued about minimal improvements to the exterior including paint and new signage, etc.

Motion by Councilmember Bagwell, second by Councilmember Garza, to approve the contract and all related documents with Wiens and Co. in the amount of \$1,559,000.00; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider amendment to contract with Burns McDonnell for Phase II of the Ultraviolet (UV) Disinfection System. Brian Clennan, Director of Public Works, said this system was originally installed in 1990; and it is at the end of its life. He said the electrical systems are failing; and it is very difficult to find parts. Mr. Clennan said Phase I was approved in January 2020. He said they looked at two UV systems; and he is recommending the more expensive option as delivery is four weeks earlier, tech support is located in Kansas, the contractor has worked successfully with this manufacturer and the annual operating and maintenance costs are less expensive for this system. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve Amendment No. 2 to the contract with Burns McDonnell for the Ultraviolet (UV) Disinfection System – Phase II Design/Building Agreement; and authorize the Mayor to sign. The motion passed unanimously.

## 9. Report of City Officials

Mayor Piros de Carvalho said before we move on, she wanted to acknowledge the significance of this meeting as it is John Deardoff's last meeting. She said this is the day he's been waiting for; and that he wanted to ride off quietly. The Mayor said Mr. Deardoff is kind of getting his wish as we can't throw him an epic retirement party. Mayor Piros de Carvalho said Mr. Deardoff has changed Hutchinson for the better; and is grateful he agreed to stay on for a few extra weeks. She said he has led the City through this crisis without waiting to see which way the political winds were blowing; and that he has made decisions without hesitation. The Mayor said he has closed city buildings, extended shut-offs, etc. She talked more about Mr. Deardoff saying he has always been patient and listened to her; and that he is always friendly, humble and

accessible. The Mayor also talked about some of his major projects including the Wiley Building, the transformation of downtown, park improvements, etc. She thanked him for his 15 years with the City; and presented the City Manager with a plaque.

Mr. Deardoff said this is not what he expected in his retirement. He said he used to be the young guy, looking at all the old guys that were retiring; and said the time goes quickly. He said he has worked here, Sterling and Dodge City; and said he's worked with great staff. Mr. Deardoff said the next phase is pretty exciting, saying he will still be in Hutchinson; and will be doing some consulting work, as well as some travel and family time. He said he appreciates the opportunity to serve here.

a. Council

- Councilmember Soldner wished Mr. Deardoff good luck; and told him to take a year off and not make any major decisions.
- Councilmember Daveline said he has not looked forward to this day. He said he has followed Mr. Deardoff's career; and he did things the right way. He said Mr. Deardoff set a standard and a model for the right way to operate a city. He congratulated him on his retirement; and thanked Mr. Deardoff for his leadership. Councilmember Daveline said Mr. Deardoff handles himself well, that his calming voice was a strong influence, he is a good listener; and said all of us can learn from that. Councilmember Daveline wished him the best.
- Councilmember Garza said they have had their differences, but said he will miss him. He wished Mr. Deardoff good luck; and thanked him for all he has done.
- Councilmember Bagwell said he should stay active and find a good hobby.
- Mayor Piros de Carvalho reminded everyone that today is Match Day; and the Community Foundation is offering \$100,000.00 in matching donations.

She also said the city is adhering to the Governor's guidelines; and to watch the Chamber's website for updates. The Mayor also acknowledged Hutchinson Regional Medical Center saying we have had no deaths from Covid 19.

b. City Manager

Mr. Deardoff said he has been working on a reopening plan for the City; and spoke about the different phases. He said all of this is subject to change. Mr. Deardoff said this plan would be pushed out later today on the City's website. He said there have been a lot of questions about organized

ball teams, rec leagues, etc.; and said Justin Combs has been in contact with Hutch Rec. Mayor Piros de Carvalho asked if the park restrooms are open.

Mr. Combs said restrooms are open; and they have increased their sanitizing schedule. He said the KRPA is working closely with the Governor's office to come up with guidelines for pools, playgrounds, etc. Discussion ensued.

Councilmember Daveline asked about any changes to the personnel cost reduction plan. Mr. Deardoff said he is happy to report that the first payroll shows there was a remarkable change from the Police Department. Mr. Deardoff said Phase III will come back to the council; and they will have to see what May and June receipts reflect. He said he has talked with some employees about what a furlough might look like; and said most employees would rather work.

Councilmember Daveline also asked about the Woodie Seat Project; and who would be shepherding the project. Mr. Deardoff said Jeff Peterson and Jessica Lowe would be handling the project. He said they are in the process of getting letters of support; and indicated they had a good call with WSP last week. Mr. Deardoff asked council to keep in mind their contacts with congress; and said there may need to be some political push to get us over the top. Additional discussion ensued.

Councilmember Bagwell said she had a call from a citizen regarding a neighbor flying drones over neighbors back yards. She said police have been called, but no action has been taken as the neighbor was on his own property and the City doesn't have any laws about flying drones. Mayor Piros de Carvalho said she knows there are restrictions regarding proximity to airports; and asked if there was any model legislation on municipalities. Paul Brown, City Attorney, said there is some model legislation. Todd Davis, Director of Information Technologies, said the City is working on a drone program; and that he has had a lot of experience with drones. Mr. Davis said he put the Police Department in contact with the appropriate people; and said there are a lot of rules and it is very complicated. Additional discussion ensued. Mr. Davis said the FAA does have rules and regulations, but the City doesn't have the authority to enforce federal law or FAA regulations. He said unless there is State law or a City ordinance, we can't enforce the regulations. Chief Hooper said they will need to look at model ordinances and determine what penalties will be, etc.

Councilmember Garza said not everyone supports the Woodie Seat Project; and said he is not excited about the project. He said everyone has their opinion; and he doesn't want Avenue B closed. Mayor Piros de Carvalho said in our form of government each member has one vote; and many wanted the grant application. She said they will not have a consensus on everything; and the Mayor commended him for standing up for his constituents.

10. Executive Session

a. Motion by Councilmember Bagwell, second by Councilmember Garza, to recess into executive session pursuant to the employer-employee negotiations exception, K.S.A. 75-4319(b)(3) in order to discuss issues related to 2021 contract negotiations with the City's bargaining units; the open meeting to resume in the City Council chambers at 11:10 o'clock a.m. The motion passed unanimously.

11. Adjournment

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

**Upcoming Meetings**

May 19, 2020

9:00 a.m.

City Council meeting

June 2, 2020

9:00 a.m.

City Council meeting