



MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS - HUTCHINSON, KANSAS
June 1, 2021
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, June 1, 2021 in the City Council Chambers with Mayor Garza presiding. Councilmembers Piros de Carvalho, Daveline, Soldner 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. 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.

5. Consent Agenda

a. Approval of Minutes of May 18, 2021 City Council meeting.

b. Approval of Corporate Application for License to Sell Cereal Malt Beverages by the Hutchinson Recreation Commission.

c. Approval of Addendum to City Contract 2006 C 58 with Luminous Neon.

d. Approval of appointment to the Public Library Board of the following:
Susan Richardson, 2702 East 46th Avenue, Hutchinson, Kansas to fill the expired term of Jeff Roberson, for a first four-year term beginning 4/30/2021 to 4/30/2025.

e. Approval of appropriation ordinance in the amount of \$1,295,564.26.

Mayor Garza asked about Item 5.b. Paul Brown, City Attorney, said the License is being requested for the Smallville Festival and Pub Crawl.

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

6. Ordinances and Resolutions

a. Consider Resolution approving Smallville Festival and Pub Crawl as a Special Event in a designated Entertainment District. Paul Brown, City Attorney, spoke.

Motion by Councilmember Daveline, second by Councilmember Piros de Carvalho, to approve Resolution 2021 R 5 authorizing the Smallville Festival and Pub Crawl event on Saturday, June 19, 2021, as a Special Event pursuant to City Code Sec. 18-801 et seq.; and authorize the Mayor to sign. The motion passed unanimously.

7. New Business

a. Consider 2020 Audit. Angela Richard, Finance Director, said no findings or recommendations were made. Randy Hofmeier, of Lindburg Vogel, said a clean opinion was issued on the financial statement. He said he worked with the City Manager, the Finance Department, Human Resources, Public Works, etc.; and everyone was very cooperative and helpful.

Motion by Councilmember Piros de Carvalho, second by Councilmember Bagwell, to approve the 2020 Audit performed by Lindburg, Vogel, Pierce and Faris Chartered. The motion passed unanimously.

b. Consider bid award for Wells Apron/Taxi-lane Pavement Preservation project. Pieter Miller, Airport Manager, said in March 2020 the City Council approved acceptance of the grant; and the project was bid in April 2021. Mr. Miller said in 2019 the grant was just under \$300,000.00, but things are more expensive now than in 2019 so he worked with Ward Davis; and said there will be phases to this project. Mr. Miller said to get this project back under budget, the crack seal portion was removed; and will be included along with the residential mill/overlay/sealing projects. He said the project should begin in the next couple of weeks; and the remainder of the project will be rebid in the fall. Additional discussion ensued regarding anticipated upcoming improvements, federal grants, etc.

Motion by Councilmember Daveline, second by Councilmember Soldner, to accept the agreed upon project scope change and accept the low bid and contract with Ward Davis Builders for an amount not to exceed \$181,429.75 for pavement maintenance associated with the Wells Aircraft parking apron and taxi-lane; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider Arkansas River Access Site Improvements. Justin Combs, Director of Parks and Facilities, spoke about where the river access would be; and showed where people are currently accessing the river. He said the current access point is pretty rough; and this project would put asphalt milling on the current dirt road, the parking lot and the pathway leading to the access point. Mr. Combs talked about the bid results; and said their estimates were much lower than the bid amount causing the project to be significantly over budget. He said they are rejecting several items such as cement powder, asphalt prime coat and the double chip seal from the bid to get it back in line with the original estimates, showing a net decrease of \$122,501.00. Mr. Combs said if maintenance becomes an issue, that can be added into the residential street program so it may come back before council at some time. Discussion ensued regarding surface materials, how this point of access was chosen, etc. Mr. Combs said the access point is currently on County property, but when this project is completed, it will be on City owned property. He said

he has talked to the County Public Works Director, and was told once our project is completed, access through the County property would be closed and blocked off.

Mayor Garza said he has received some emails regarding safety issues. Mr. Combs said there is an abandoned pipeline and some other hazards; and it needs to be determined who has authority to remove the pipeline. He said the City has no authority; and that this is really federal property where Kansas Wildlife and Parks may have some authority. Mr. Combs said it gets tricky, but the City can be a partner to help address this issue. Councilmember Bagwell asked about getting a group together to address the cleanup. Mr. Combs said the Kansas Alliance on Wetlands and Streams would be a good group to contact. Additional discussion ensued regarding formation of a committee, timing of the project, signage, etc.

Steven McKibben, a landowner next to this parcel, said over the past 25 years there have been numerous attempts by Lazy Lagoon, Inc. to purchase this property. He asked if a portion of this property is sold, how would his property be protected. Mr. McKibben said they currently have numerous break-ins, confrontations, etc. in this area; and said he sees this as more trouble headed their way. He also said that the City has not done any maintenance on the existing road; and that it's always been on them. Mr. McKibben talked about the water runoff from the hill, saying that the water covers the road on occasion; and he doesn't think that putting asphalt on the road will keep the roadway from washing out into the river. Additional discussion ensued. Mr. McKibben said he would like to see a plan before this goes any further; and asked if the City is having the property surveyed. Mr. Combs said the City has a survey of a portion of the property now, but a boundary survey of the entire parcel was not done. He said this will have to be done prior to selling any portion of the property.

Jay Pratt said there is a lot of riff raff that happens in this area; and said he has an interest in purchasing a portion of the property to limit what happens there. He also said the FOP has property in this area.

Scott Brown said he is a lifelong resident and paddler; and thanked Mr. Combs for taking the lead in the development of this area. He said he hopes this is the beginning of a renewed commitment to this resource; and said he is glad this is happening. Mr. Brown said it shouldn't be the City's responsibility, but said he would like to see more projects like this throughout the county. He said thousands of kayakers' float down the Arkansas River; and an advisory board needs to be in place. He suggested having a board in place before moving forward as there are a lot of questions about this project; and a lot of ideas that haven't materialized.

Councilmember Piros de Carvalho said she is hesitant to shut the project down completely because she knows the County wants to close off their access. Mr. Combs said putting together an advisory board could address all of the issues; and it would be a good group to work with the adjoining property owners. He said he would not support slowing down this process to develop an advisory board saying this can be done simultaneously. Mr. Combs said this whole idea goes back to the master plan; and said this has been looked at for multiple years. Additional discussion ensued.

Councilmember Bagwell said we need to figure out what we are doing with the rest of the property; and believes a lot of the problems will go away once this area is developed. She said private companies can always do it better than the government, but said the City does need to maintain the public entryway. Mayor Garza asked Chief Hooper about law enforcement in this area. The City Attorney said the City has no jurisdiction as this property is in the county. He said HPD can't do anything. The Mayor told Mr. McKibben he hopes the City will be better neighbors; and said City employees do a fantastic job.

Motion by Councilmember Soldner, second by Councilmember Bagwell, to approve the agreement with Ward Davis Builders for the amount of \$76,775.00 for the development of a river access point at the former Fun Valley waterslide site; and authorize the Mayor to sign. The motion passed unanimously.

d. Consider Bernard White Park improvements. Justin Combs, Director of Parks and Facilities, said the neighborhood identified two things they wanted which was trail access and improvements to the Bernard White Park. He said they have made improvements to the trail access point; and the second part of this project is to improve the park. He said the park will have a half-court basketball court with painted acrylic surface, as well as a gazebo, picnic tables, etc. Mr. Combs said the total investment in this neighborhood will be \$142,000.00, with approximately 42% of that being City dollars. Discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to approve the contract with Prairie Land Works Inc. for an amount not to exceed \$125,000.00 for the improvements to Bernard White Park; and authorize the Mayor to sign. The motion passed unanimously.

e. Discussion regarding VanBuren Street and Heather Parkway stop sign request. Jeff Peterson, Director of Engineering, spoke about the request and the Manual of Uniform Traffic Control Devices which is what is used to evaluate such requests. He spoke about traffic warrants or conditions that are looked at including the amount of traffic, ability to see conflicting traffic, crash records, etc. Mr. Peterson said there are no warrants for a sign at this location. He said they get a number of requests; and they try to be consistent in their decisions. Discussion ensued regarding why stop signs are in some neighborhoods, but not in others, comparisons to other communities, etc. Councilmember Daveline said part of the challenge is because there are no sidewalks in the neighborhood; and as you observe traffic, etc. there is a lot of foot traffic and bicyclists. He said he knows the accident level is low, but there was a similar situation on Tyler; and yield signs were installed. Councilmember Daveline said perhaps we could consider those at this intersection because of the challenges with the type of traffic there. Discussion ensued.

Tony Finlay with the Hutchinson Recreation Commission said through the neighborhood work they do this issue comes up a lot. He said they receive many requests for signs or traffic calming devices; and said he is not here to challenge Mr. Peterson but said he would suggest that residents are the ones that will have to live with the signs, etc. He said if the neighborhood wants these things, what's the harm if it makes them feel safer.

Paul Brown, City Attorney, said we have standards for a reason; and that we follow them for a reason. He said when we stray from those standards, that's when the City gets sued. Mr. Brown said it shows negligence when the City doesn't follow their own standards; and it's a haphazard approach to the whole city. He said professional standards are for safety purposes; and encouraged council to follow them. Councilmember Piros de Carvalho said that's a slippery slope approach; and why not just put everything in ordinances and let the City run itself. She said we should be responsive to the needs of the community even if it doesn't fit into a box; and said she respectfully disagrees with Mr. Brown. Councilmember Bagwell said we shouldn't pick and choose which one we do, so she is taking the middle ground. She suggested looking at the whole development; and change it by adding several yield signs in that area. The Mayor said regulations are in place for a reason; and they need to be followed. He said he has had schooling in this area; and you stay with the standards. Additional discussion ensued.

Steven McKibben said he lives in this area; and if signs are installed they should go east and west on Heather Parkway. He also said he does not want a stop sign.

Motion by Councilmember Daveline, second by Council Bagwell, to place two yield signs to be determined by the traffic department of the City of Hutchinson; and approve the installation of those signs. The motion passed unanimously.

8. Report of City Officials

a. Council

- Councilmember Daveline had no comments.
- Councilmember Soldner had no comments.
- Councilmember Piros de Carvalho asked about future budget meetings. Councilmember Bagwell said she would like some evening meetings. Councilmember Piros de Carvalho said that's not a bad idea for access to people that want to attend. Discussion ensued amongst the councilmembers as to what evenings worked for them; and decided that June 17, 2021 at 6:00 p.m. would work for each of them.
- Councilmember Bagwell said when she said the City doesn't do a good job, she was talking about involvement in camping or picnicking areas, etc. She said City employees are wonderful; and are doing their jobs.
- Mayor Garza had no comments.

b. City Manager

Jeff Cantrell, City Manager, said there have been several task force meetings regarding federal funds which will be coming to the City. He said this item will come back before council, but said we have a lot of time to make those decisions.

Mr. Cantrell also spoke about a meeting he had with the Salvation Army regarding a future park,

The City Manager said he received a communication from Paul Waggoner about his position on conversion therapy.

Councilmember Daveline asked the City Manager when council can expect his report, recommendations, etc. regarding the Atrium. Mr. Cantrell said he is working on that; and he had hoped to have it today, but there are ongoing discussions. He said there is some concern as to how things are set up procedurally to protect the City. Councilmember Daveline said he doesn't want to get into the legal side, but said he wants to make sure there is a provision for a lien release by the Dallas bank upon the City's acquisition of the property as we need to have complete control. Mr. Cantrell said that's the problem right now. Discussion ensued. The City Attorney said this will be ready for the next council meeting; and it will be done in executive session.

9. Adjournment

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

Upcoming Meetings

June 15, 2021	9:00 a.m.	City Council meeting
June 17, 2021	6:00 p.m.	Budget meeting
July 6, 2021	9:00 a.m.	City Council meeting
July 20, 2021	9:00 a.m.	City Council meeting