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**MINUTES**  
**CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS - HUTCHINSON, KANSAS**  
**October 6, 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, October 6, 2020 in the City Council Chambers with Mayor Piros de Carvalho presiding. Councilmembers Soldner, Daveline and Garza were present. Councilmember Bagwell was absent.

2. The Pledge of Allegiance to the flag was recited.

3. The prayer was given by Paul Brown, City Attorney.

4. Proclamations

a. A Proclamation for Fire Prevention Week was accepted by Tony Arpin, Prevention Division Chief, and Inspector Michael Cain, both with the Hutchinson Fire Department.

Councilmember Bagwell joined the meeting at 9:03 a.m.

b. The Proclamation for Domestic Violence Awareness Month was accepted by Donna Davis, Executive Director of BrightHouse. Ms. Davis said this is the fourth time accepting this Proclamation; and said she didn't know any of these statistics before becoming involved with BrightHouse. She said she is shocked that nothing has changed in those four years. Ms. Davis said since the first of the year they have sheltered 73 people, with half of those being children. She said BrightHouse is doing great work in Hutchinson working with students at Hutchinson Community College, as well as public and private schools in the area. Ms. Davis said they talk about healthy relationships, safe dating, etc.

c. The Proclamation for International Alpha Delta Kappa Month was accepted by Andrea Henne, President of the Alpha Rho Chapter of Kansas Alpha Delta Kappa, along with one other member of the Chapter. They spoke about various ways Alpha Delta Kappa helps support the schools, teachers, and students.

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.)

Doug Proett, 703 East Avenue A, talked about an issue he has with Utility Billing. The City Manager said he has looked into this matter, but can't publicly release the information because of Mr. Proett being a customer. He said he will be happy to share the information with Mr. Proett; and said there was proper communication between the customer and Utility Billing.

Jesse Juma, 2708 Westminster, said SW Bricktown will be celebrating National Night Out tonight from 5:30 p.m. to 7:30 p.m.; and there will be hundreds of tacos for people. He encouraged everyone to be careful because of Covid; and asked everyone to wear their masks. He said in addition to the food they will have a DJ, games, etc. Mr. Juma said in the future they would also like to celebrate National Hispanic Heritage Month in the park.

6. Consent Agenda

- a. Approval of Minutes of September 15, 2020 City Council meeting.
- b. Approval of License Agreement with Jodie Bliss for "Fire Dancer" for SculptureWalk.
- c. Approval of appropriation ordinance in the amount of \$1,934,508.99.

Councilmember Bagwell asked if there was sketch of Fire Dancer, stating that she wants to make sure it's appropriate. Mayor Piros de Carvalho talked about the process involved for selecting the pieces to be displayed. Discussion ensued.

Justin Combs, Director of Parks and Facilities, said the License Agreement allows the sculpture to be placed on the City right-of-way. He said the Public Art Commission failed to do the agreements last year; and he brought that to their attention. Mr. Combs said they failed to get the agreements again this year, but he was able to catch it and will be working to get agreements for all of the sculptures. Discussion ensued.

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

7. Ordinances and Resolutions

- a. Consider Ordinance adopting the Uniform Public Offense Code for Kansas Cities. Paul Brown, City Attorney, talked about the UPOC's and STO's. He said there were no changes to the STO's because of the abbreviated legislative session. Mr. Brown said most of the changes to the UPOC were minimal, but talked about some of the more significant revisions including violations of a public health order, firearm violations, and the Federal law that changes the age for purchasing tobacco products from 18 to 21.

Mayor Piros de Carvalho asked if local retailers have been following the federal guidelines. Mr. Brown said he didn't know, but did say that state agencies won't enforce this until it is made a part of the state law. Discussion ensued.

Motion by Councilmember Bagwell, second by Councilmember Garza, to approve Ordinance 2020 - 26 incorporating the Uniform Public Offense Code for Kansas Cities, 36<sup>th</sup> Edition, by reference; and authorize the Mayor to sign. The motion passed unanimously.

8. New Business

a. Consider approval and awarding of CDBG-CV grant funds for childcare providers. Ryan Hvitlok, Director of Planning and Development, said this is a single award of \$2,500.00. He said he put out a call for applications, but didn't receive any. Mr. Hvitlok said this application was pulled from the first submittal; and the review committee agreed it should be awarded. Mr. Hvitlok also gave an update on the grant funds remaining. Discussion ensued regarding income restrictions limiting the grant awards, County applications, etc.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the recommendation of the CDBG-CV Review Committee to award \$2,500.00 in CDBG-CV grant funds to Happy Lil Peeps in the City of Hutchinson. The motion passed unanimously.

b. Consider 2021 Memorandum of Understanding with Service Employees International Union. Paul Brown, City Attorney, said the last contract was for a two year period with openers regarding wages. He said they didn't get to wages because no one is sure what revenues will be; and the parties want to leave it open and extend the opportunity for renegotiation. Mr. Brown said the negotiation period would probably be in February 2021; and will just be an opportunity to negotiate so we have an idea what funds are available. He said the union is in agreement with this; and if the parties don't come to an agreement, then the council will make that decision.

Motion by Councilmember Garza, second by Councilmember Bagwell, to approve the proposed Memorandum of Understanding with SEIU Local 513 bargaining unit for 2021; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider 2021 Memorandum of Understanding with Service Employees International Union Emergency Communication Employees. Paul Brown, City Attorney, said this is the same as the previous item, but involves Emergency Communications. Mr. Brown said the Fraternal Order of Police has a "me too" clause which means that what is done with other contracts, applies to them. He said the International Association of Firefighters Union is not at odds with this, but they want to wait until later in the year to get a better idea of where things are. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the proposed Memorandum of Understanding with SEIU Local 513 Hutchinson/Reno County Emergency Communications Employees bargaining unit for 2021; and authorize the Mayor to sign. The motion passed unanimously.

d. Consider Special Alcohol Fund Awards for 2021. Paul Brown, City Attorney, spoke about the awards. Mr. Brown said the City does have the \$50,000.00 that was committed for the drug treatment center. He said it is important to understand that revenues are off this year, but that doesn't create a problem for 2021. Mr. Brown said if

the detox center gets up and running, there may be council input on the future of some of these funds and how they are used. Discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Garza, to approve staff's recommendation on agency awards from the Special Alcohol Program Fund for FY 2021. The motion passed unanimously.

e. Consider bids for Apple Lane reconstruction project. Jeff Peterson, Director of Engineering, said they received three bids, with all of them being below the engineer's estimate. He said he submitted the bids to KDOT for review; and they approved the low bid with Pearson Construction LLC. The Mayor asked about projects Pearson has done. Mr. Peterson said the City hasn't worked with them directly, but they are doing a lot of work on the K96 project in Wichita. He said they are new to us, but explained that when Cornejo was sold to a larger company, there was a non-compete clause. Mr. Peterson said Pearson Construction is made up of some of the former Cornejo employees; and said he has no qualms with them. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Garza, to approve the bids; and authorize the Mayor to sign a contract with Pearson Construction LLC in the amount of \$1,215,774.10, subject to compliance with all legal requirements. The motion passed unanimously.

f. Consider 2021 Residential Street Maintenance Project. Councilmember Bagwell spoke about the street projects being done this year; and asked if this is the next set saying she was hoping to see more on the south side of town. Mr. Peterson said it's difficult to keep up with everything. Councilmember Bagwell also asked about the brick roads, saying a lot of them are in bad condition. She also said it's the perception of the citizens that the City keeps working on the same roads. The Mayor asked Mr. Peterson to talk about how the roads are analyzed and chosen.

Jeff Peterson, Director of Engineering, talked about the 2012 and 2018 road studies that were done. He said it is important to get through the first round of chip seals in the whole community, then move on to spot type maintenance on streets. Mr. Peterson spoke about maintenance on brick streets, saying it's a matter of taking each brick out and then putting them back one by one. He also talked about reconstruction costs for brick streets; and said the budget doesn't allow this unless we were to bond them.

Councilmember Garza said 80% of his phone calls are complaints about streets; and asked how we respond to those complaints. Mr. Peterson said the Public Works Department completes repairs on a complaint basis. He also said alleys are not regularly maintained, but done on a request only basis. Councilmember Bagwell said the main issue is the budget; and said it looks like we spend more on parks and recreation rather than economic development, public works, etc. She said she hopes that next year we can look at funding core services before funding parks and recreation, but that it will be another discussion. Additional discussion ensued regarding potholes, the various types of seals, funding sources, etc.

Mr. Peterson displayed a map showing the streets that are included in the street maintenance program for 2021. He said this is out for bid; and they want to get the crack sealing done in November and December. Mr. Peterson said he hopes to bring the bids back at the next council meeting. Additional discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Daveline, to approve the City's 2021 Residential Street Maintenance Project. The motion passed unanimously.

g. Consider design agreement with HW Lochner for Airport Apron Sealcoat. Pieter Miller, Airport Director, spoke about the project. He said this project was originally planned for 2022 or 2023, but because of the CARES Act and the fact that the FAA is paying for 100% of current projects, they asked if we wanted to move this project up a year. Mr. Miller said the FAA will pay 90% of the cost, with the other 10% coming from leftover funds. Discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Garza to approve the design agreement with HW Lochner for Transient Apron Sealcoat Design Services for an amount not to exceed \$46,400.00; and authorize the Mayor to sign. The motion passed unanimously.

h. A sprinkler demonstration by the Fire Department was held in the burn trailer in front of City Hall.

#### 9. Report of City Officials

##### a. Council

- Councilmember Soldner had no comments.
- Councilmember Daveline had no comments.
- Councilmember Bagwell said everyone is stressed with school schedules, coming into the holidays, etc.; and told everyone to "hang in there".
- Councilmember Garza said he went to the event at Allen Samuels honoring the police; and said he got to meet a lot of the new officers. He said he also went to the youth council meeting; and they have a lot of good, young leaders coming up. Councilmember Garza also said he went to the Hutchinson football game with Andover, saying he was proud to see all of the support for the team. He said he had been sick a couple of weeks ago; and encouraged everyone to wear their masks, saying he looks at mask wearing differently now.
- Mayor Piros de Carvalho said her thoughts are with the school districts, parents, students, etc.

b. City Manager

The City Manager, Jeff Cantrell, said the youth council is exciting, that they are very energetic and have a lot of new ideas.

Mr. Cantrell said prior to Covid the City had discussions with the owner of the Atrium. He said the dynamic has changed; and that he can't get into a lot of that without having an executive session. Mr. Cantrell said if we want to revitalize those discussions there are ways to do that, but said there needs to be a tour of the facility. He said he has had conversations with the owner about that; and said it could be arranged. Council agreed they should see the building.

Mr. Cantrell said he and Justin Combs spoke about Fun Valley; and said there has been some renewed interest. He said he would like to have a work session with potential investors to work out some of the issues. Mr. Cantrell said this could be done on a non-meeting Tuesday, probably 30 days out.

10. Adjournment

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

**Upcoming Meetings**

October 20, 2020	9:00 a.m.	City Council meeting
November 3, 2020	9:00 a.m.	City Council meeting
November 17, 2020	9:00 a.m.	City Council meeting