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**MINUTES**  
**CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS - HUTCHINSON, KANSAS**  
**November 3, 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, November 3, 2020 in the City Council Chambers with Mayor Piros de Carvalho presiding. Councilmembers Soldner, Daveline, Bagwell and Garza were present.

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

3. The prayer was given by Pastor David Dubovich of Park Place Christian Church

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.)

The Mayor said when addressing the council, individuals are required to give their name and address. She said she had been contacted by a constituent who doesn't want to provide an address for safety reasons. Councilmembers agreed that it was the Mayor's decision; and the Mayor said she is fine with having this individual not give an address.

Lovella Kelley, a resident of Hutchinson, said she would like to follow up on the Orchard Park matter saying she has heard nothing. Justin Combs, Director of Parks and Facilities, said he believes the Police Chief is working to fill several positions to be used for patrolling the parks. Chief Hooper said he is working with Human Resources; and they are in the process of hiring PSA's for the park patrol. He said they have had some very qualified applicants and will be starting the interview process either this week or early next week. Chief Hooper said they currently have five PSA's on staff who have been doing intermittent park patrol; and that people have stopped and thanked them for being there. He said it will probably take several weeks yet to hire and train the individuals, but hopes to have them in place by mid-December, but no later than the first of the year. The Mayor asked that a news release be done when that process is completed.

Teresa Preston, a resident of Hutchinson, spoke about SculptureWalk and gave a presentation showing each of the sculptures. She announced "Here Comes the Sunset" as the Award of Excellence winner.

Teresa Delgado, Hutchinson, Kansas, said she wanted to bring to light some issues from the weekend. She spoke about the Trump Parade held this past weekend, saying participants were blocking traffic, yelling racial slurs, etc. Ms. Delgado said it bothered her how the event was handled by police, that officers were joking with Trump supporters, that Chief Hooper has spoken about accountability and she asked where that was, etc. Councilmember Bagwell said Ms. Delgado's behavior did a disservice to the cause she was trying to promote. She said Ms. Delgado has directly insulted a population of people who have a right to vote by calling the event "The Fight to End White Supremacy One Trump Rally at a Time", by using hateful, derogatory language, etc. Councilmember Bagwell said she watched all of Ms. Delgado's videos, that she's not helping the cause she is trying to promote, that Ms. Delgado was one of the antagonizers, etc. Ms. Delgado said this has been a problem for years in this community; and asked if there is a plan of action to fix this problem. Mayor Piros de Carvalho thanked her for her comments. She also told Ms. Delgado that if you believe in freedom of speech, you have to respect the fact that both sides can say what they believe. The Mayor said she also saw the videos; and was discouraged by both sides. She said the police officers extended them a lot of grace; and was surprised Ms. Delgado's group wasn't arrested. The Mayor encouraged her to engage more civilly, to get involved with the Human Relations Commission; and work with them to develop policy recommendations. Mayor Piros de Carvalho said she agrees that racism is a horrible problem here; and there's a lot of work to be done. Councilmember Garza said he understands what's going on; and said we all need to work this out together. He said he watched the videos, knows some of the participants were not from Hutchinson; and said there were a lot of children around and this wasn't good for them to see. Councilmember Garza asked Ms. Delgado to use her enthusiasm in the right way.

Anthony Frischenmeyer of Hutchinson said he works in the community; and said he has gotten a lot of phone calls after this past weekend's events. He said one comment is that a lot of people of color are fearful of violence after the election; and asked if there is a plan of action if that happens. Chief Hooper said they are aware that the election results could cause civil unrest, that they have a plan in place with extra officers today and tomorrow, as well as a quick reaction force on standby. He said they can handle any of those incidents if they occur.

Jesse Juma, a resident of Hutchinson, said he wants to reiterate that this council, the City Attorney, City Manager, Police Chief, etc. have been cooperative since day one. He said they don't always agree on things, but they have always been able to work things out. Mr. Juma said we do have race issues, but that's been going on forever. He said Chief Hooper has made many changes, there has been a drop in crime rates, etc. Mr. Juma said you can come to the City and they will help you out, but it needs to be done in a civil manner. Councilmember Bagwell said she has lived in

different places; and Chief Hooper is one of the best she's ever known. She said his approach is vastly different than in some larger cities, that he is very personable; and that we have something special here.

5. Consent Agenda

- a. Approval of Minutes of October 20, 2020 City Council meeting.
- b. Approval of reappointment to the Landmarks Commission of Chelsey Dawson, 64 E. Des Moines, South Hutchinson, for reappointment to a second three-term beginning 8/01/2020 to 8/01/2023.
- c. Approval of License Agreements with the following for SculptureWalk 2020:
  - Reven Marie Swanson – “Dancing Aspens”
  - Antonio Flores – “Charro Fierro”
  - Jennifer Cannon – “Illusory Control”
  - Sue Quinlan – “Rise of the Maiden”
  - Benjamin Pierce – “Here Comes the Sunset” and “Lineage”
  - Nancy Bole – “Genesis 9”
  - Jodie Bliss – “Fire Dancer”
  - Rollin Karg – “Miller I”
- d. Approval of License Agreement with Steve and Angie Stowers (1904 East 35<sup>th</sup> Avenue).
- e. Approval of appropriation ordinance in the amount of \$1,476,171.66.

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

6. Ordinances and Resolutions

- a. Consider Ordinance amending the Comprehensive Plan Land Use Map Designation for 419 N. Poplar. Amy Allison, Senior Planner, said this has been a commercial property since the 1920s. Councilmember Daveline said he has reviewed all of the materials; and asked if this process could be streamlined as this matter seemed pretty straight forward. Paul Brown, City Attorney, said he knows what Councilmember Daveline is saying, but that what he is proposing is “spot zoning” which is forbidden by law. Additional discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to approve the recommendation of the Planning Commission to approve the request for an amendment to the Comprehensive Plan Land Use Map, Section M.1.7.b of the 2017-2037 Comprehensive Plan for Hutchinson, Kansas, based on a finding of conformance to the factors required for approval, adoption of an ordinance for publication; and authorize the Mayor to sign. The motion passed unanimously.

- b. Consider Ordinance rezoning property at 419 N. Poplar Street. Amy Allison, Senior Planner, spoke.

Motion by Councilmember Bagwell, second by Councilmember Garza, to approve the recommendation of the Planning Commission to approve the request to rezone 419 N. Poplar Street from R-5 High Density Residential District to C-4 Special Commercial District based upon due consideration of the factors shown, adopt an ordinance for publication; and authorize the Mayor to sign. The motion passed unanimously.

7. New Business

a. Consider Brookside Drive trail access point improvements. Justin Combs, Director of Parks and Facilities, spoke. He said he doesn't believe this was ever a planned access point; and that it is very steep, narrow, and unsafe. He said they are proposing an eight foot wide concrete trail that connects to the asphalt. Mr. Combs said they will also clean up some of the trees, etc. which will make this a better access point. He said a portion of the Pathways Grant from Blue Cross Blue Shield of Kansas would be used for this project, with the balance possibly being used for improvements to the Bernard White Park next to the Creekside neighborhood. Discussion ensued regarding potential uses including a small shelter, basketball court, playground, pickleball courts, etc.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the contract with HEIB and Associates for the construction of a new trail access point on Brookside Drive for an amount not to exceed \$14,705.82; and authorize the Mayor to sign. The motion passed unanimously.

Justin Combs spoke about pickleball, saying one solution may be the Rice Park tennis courts which are currently not usable. He said there is already fencing and lighting, so it would be easy to go in and cut out that portion of the surface that would be used for pickleball, pour concrete for the court surface, and leave asphalt for the surround. Mr. Combs said this is a very popular, quickly growing activity and there is the potential of having three to four courts done over the winter months which would then be ready for springtime. The Mayor asked if the pickleball players would have access to the Sports Arena courts during the winter months. Mr. Combs said they are working with Hutch Rec on this; and that they may even have drop in play at Memorial Hall this winter. Additional discussion ensued regarding costs of construction, the tennis court at Elmdale Park, etc.

b. Consider 2021 Health and Dental Insurance Renewal. Tom Sanders, Director of Human Resources, said we are very happy with our providers; and we are trending better than last year, some of which may be due to Covid. Mr. Sanders also addressed proposed premium increase.

Councilmember Daveline asked about how Fund 32 works, how reserves are built, etc. Mr. Sanders said Fund 32 has been in place for many years, with 80% of the funds coming from the City; and the other 20% from employee premiums. Discussion ensued regarding the fund, as well as the proposed premium increase. Mayor Piros de Carvalho asked what the cost would be for the City to absorb the policy increases. Mr. Sanders indicated he didn't have the exact figures, but it would be around the \$90,000.00 mark. The Mayor said she hopes that if we end up with better revenues than predicted, the City can find a way to compensate employees for that difference. Additional discussion ensued. Mr. Sanders is to bring information back to the council at the next meeting showing what

the fund will look like if the City absorbs the premium increase rather than passing it on to the employees.

Motion by Councilmember Soldner, second by Councilmember Garza, to approve the proposed 2021 Health and Dental programs; and authorize staff to execute the group health and dental insurance plan contracts for the 2021 plan year. The motion passed unanimously.

8. Report of City Officials

a. Council

- Councilmember Soldner had no comments.
- Councilmember Daveline said he would like to have the City Manager and Finance Director give an analysis of where the City will be financially at the end of the year. Mr. Cantrell said Ms. Richard is on top of that, but that we may want to push back that discussion to early 2021 so she can present good, up-to-date information. Councilmember Daveline also asked about the stormwater utility fund. He asked if it would be appropriate to have someone from Public Works, or the City's consultant, to give councilmembers an update on the status of the Cow Creek project. Mr. Cantrell said that could be done.
- Councilmember Garza encouraged everyone to vote. He said that we should all take care of each other and get along.
- Councilmember Bagwell also encouraged everyone to vote. She said that no matter the results, we should all come together and stay civil. Councilmember Bagwell also said she sees we have a lot of parks for younger children; and asked about something for pre-teens and teens. Mr. Combs said this came out in the master plan in that they are missing kids that are too old for playgrounds, but not old enough to drive. He said the recommendation was for adventure type sports. Mr. Combs said the former Fun Valley water slide site has potential for this. Councilmember Bagwell said long boarding is very popular; and asked about a mini skateboard park rather than a full sized park. Mr. Combs said that is a great idea; and that Farmington Park or Bernard White could work for that purpose. Additional discussion ensued.
- Mayor Piros de Carvalho told people to vote. She also spoke about the Covid Cut-off Challenge which begins tomorrow and runs through November 13. She said the challenge asks people to step up their efforts to limit social contact, limit in-person meetings, order takeout rather than dining in, etc. The Mayor also said our ICU is under stress; and that we don't want to overburden them. Discussion ensued regarding capacity, staffing levels, etc.

Mayor Piros de Carvalho also said she has seen some chatter on social media regarding the toy run. She said she reached out to the health department; and

that they have signed off on this event. The Mayor said the toy run will happen; and encouraged people to watch it from their cars.

The Mayor said they have previously talked about a strategic planning session; and would like to see this happen by year end. Mr. Cantrell said there are some scheduling issues; but he will be happy to get something set up.

b. City Manager

Jeff Cantrell, City Manager, said it is his understanding Hutchinson and Wichita, as well as other communities, are diverting patients to other areas due to Covid. He said we are doing all we can; and that some work sessions will be by Zoom. Mr. Cantrell thanked the Police Chief for being at this past weekend's event personally. He said he found value in reviewing the videos; and was impressed with how law enforcement handled the situation, saying arrests could have been made.

9. Executive Session

Motion by Councilmember Soldner, second by Councilmember Bagwell, to recess into executive session pursuant to the personnel matters of non-elected personnel exception, K.S.A. 75-4319(b)(1) in order to discuss performance of an employee; the open meeting to resume in the City Council chambers at 11:00 a.m. The motion passed unanimously.

10. Adjournment

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

**Upcoming Meetings**

November 10, 2020	6:00 p.m.	Study Session
November 17, 2020	9:00 a.m.	City Council meeting
December 1, 2020	9:00 a.m.	City Council meeting