



MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS - HUTCHINSON, KANSAS
May 18, 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, May 18, 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 Pastor Darryl Peterson of Grace Christian Church.

4. Proclamations

a. A Proclamation for Mental Health Month was accepted by Beth Akins of Horizons Mental Health Center. Ms. Akins said one in four adult Americans will face a mental health challenge in a given year. She said this Proclamation validates that mental illness is real, that people need help; and that it's okay to get help. Ms. Akins thanked the council for the Proclamation; and introduced Seth Dewey with the Reno County Health Department. Mr. Dewey said he is here representing the Reno Recovery Collaborative, an agency that covers mental health issues, substance abuse, etc. He said they want to bring about awareness and shatter the stigma of mental health. Mr. Dewey said the Reno County Collaborative will be in front of the Hutchinson Recreation Commission building during May's Third Thursday event; and a variety of agencies will be available.

b. A Proclamation for National Public Works Week was accepted by Brian Clennan, Director of Public Works. Mr. Clennan thanked the Mayor for the Proclamation; and thanked the Public Works employees, especially the front-line workers. He said they are critical to the success of the community; and said he had the opportunity to work side by side with some of them cleaning sewers, pouring concrete and crack sealing. Mr. Clennan said it's physical work; and very challenging.

Mr. Clennan introduced several Public Works employees. First was Daniel Soto, Lead Fleet Mechanic, who, during the recent wildfires, worked until 2:00 a.m. supporting the Fire Department. He said for one repair Mr. Soto had to suit up in protective clothing to go out in the field to get to the brush truck that was broken down. Mr. Clennan said this is just one employee within the Public Works Department who responds to emergencies after hours. Mr. Clennan next introduced Ricky Sprague, Supervisor at the Wastewater Treatment Facility. He said Mr. Sprague has been an employee since 1987; and that he and his staff have played a key role in facility improvements. Mr. Clennan said Mr. Sprague provided valuable input to designers so they can better understand how the plant operates. Mr. Clennan then introduced Richard Buller, Superintendent of Water and Sewer Maintenance. He said Mr. Buller started in 2006 as a sewer maintenance worker,

was promoted several times; and is now a superintendent. He said in 12 years Mr. Buller has made significant advancements; and said this is an example of the opportunities the Public Works profession can provide. Mr. Clennan said they currently have numerous openings; and they are looking for qualified individuals to fill those positions.

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.)

Lisa Gleason, Executive Director of United Way, said several agencies came before the council a couple of weeks ago regarding federal funding coming the City's way; and thanked the council for considering their proposal to engage residents. She said since the last council meeting and the last County Commission meeting, the team has worked quickly to put together a timeline. Ms. Gleason said they are hoping to have 60 facilitated small group meetings through July, with a presentation to the council in August.

Tony Finlay, Executive Director of the Hutchinson Recreation Commission went over the timeline. He said he supports this process; and said councilmembers all received a communication yesterday setting out the timeline. Mr. Finlay said they have verbal commitments from several organizations to help support this process. He said this will be a great opportunity to hear from residents regarding how they would like to see the funds used. Councilmember Piros de Carvalho said she is excited to see the timeline; and said a lot of thought and effort went into the timeline. She said she has some concerns about people's understanding that these funds will only be available for certain things; and said she doesn't want to set the public up for disappointment. Mr. Finlay said that will be communicated to residents by the facilitators of the meetings. Councilmember Daveline asked if he knew what the allocation of the \$17 million would be. Mr. Finlay said he thought the – City would receive \$5.6 million; and the County would receive \$12 million. Councilmember Soldner asked if he had any idea when final guidelines will be released; and said she is questioning how much flexibility we will really have. Councilmember Piros de Carvalho said she is concerned that people recognize we can't spend it on everything they want; and that maybe it should fall within some of the master plans already established. Councilmember Daveline said there should not be winners and losers in this process; and that in the end, the council has the ultimate responsibility to finalize those recommendations.

Ms. Gleason said she hopes during this process they would consider future items; and that it is important to get community buy-in. She also said this could be a model for others to use. Ms. Gleason said she understands the ultimate responsibility lies with the council but hopes that with community input they will have a better insight on what those dollars can be spent for. Mayor Garza said he would like the City Manager and one of the councilmembers to sit in with them on these discussions. He said Councilmember Bagwell had expressed an interest in that. Ms. Gleason said

that would be fabulous; and again said they are looking at approximately 60 meetings so several councilmembers could have an opportunity to take part. Councilmember Bagwell asked about a timeline. Mr. Finlay said he wants to stress the schedule was put together for council's budget process for 2022, but that the Federal funds don't have to be spent until 2024. He said this expedited schedule is a timeline for the council.

Tony Finlay, Executive Director of the Hutchinson Recreation Commission, said swimming season is just about here; and this is the first time since Salt City Splash opened that there have been staffing issues. He said they are having a difficult time finding enough lifeguards; and they are currently about 10 lifeguards short. Mr. Finlay said they may need to look at reduced hours/days, as safety is their first priority.

6. Consent Agenda

- a. Approval of Minutes of May 4, 2021 City Council meeting.
- b. Approval of request by Kansas State Fair for road closures, temporary signage, etc.
- c. Approval of April 2021 financial reports.
- d. Approval of appropriation ordinance in the amount of \$1,859,152.67.

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

7. Ordinances and Resolutions

- a. Consider Ordinance authorizing golf course and Fun Valley parking lot bonded costs. Angela Richard, Finance Director, spoke. She said these projects will be bonded in late summer or early fall along with other projects. Discussion ensued.

Justin Combs, Director of Parks and Facilities, said he has asked the contractor to only work Monday through Friday at Fun Valley. He said there will be some disruption to league play, but it will not interfere with tournaments. Additional discussion ensued.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve Ordinance 2021 - 8 authorizing the issuance of General Obligation Bonds of the City of Hutchinson, Kansas, to pay the cost of certain public improvements, all pursuant to Charter Ordinance No. 50 of the City; and authorize the Mayor to sign. The motion passed unanimously.

- b. Consider Ordinance amending Chapter 27 of the Hutchinson City Code regarding multi-unit living design standards and use restrictions. Ryan Hvitløk, Director of Planning and Development, spoke about the amendments. Discussion ensued regarding the Fire Suppression Code, square footage minimums, the Development Review Committee, etc.

Motion by Councilmember Piros de Carvalho, second by Councilmember Bagwell, to approve Ordinance 2021 - 9 amending Sections 27-202 and 27-406.A.8, of Chapter 27 of the

Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

c. Consider Ordinance amending Chapter 27 of the Hutchinson City Code regarding Firearm Retail Sales in Industrial Districts. Ryan Hvitløk, Director of Planning and Development, spoke about the various zoning districts, where indoor ranges would be allowed, etc. Councilmember Daveline asked if this would be allowed in the City owned Kansas Enterprise Industrial Park. Mr. Hvitløk said they would suggest the applicant do a lot split to make it more feasible, but said the intent is to save industrial tracts for their intended purpose. Councilmember Daveline said we need to be mindful that the industrial parks were designed for a specific purpose, not a retail operation. He said he is very protective of the industrial land; and wants to protect that land. Paul Brown, City Attorney, said the easy answer is that the City owns the land; and we won't sell it for retail purposes. He said something like this would go through him first; and then it would come back to council for contract approval. Discussion ensued regarding various options. The council agreed the industrial park needs to be protected. Additional discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Bagwell, to approve Ordinance 2021 - 10 amending Sections 27-406.B. and 27-406.B.21., of Chapter 27 of the Code of the City of Hutchinson, Kansas; and authorize the Mayor to sign. The motion passed unanimously.

8. New Business

a. Consider final approval of donated art from Lovella Kelly. Justin Combs, Director of Parks and Facilities, said after the council's initial approval, this was sent to the Art Design Council for formal review. He said the Art Design Council accepted the piece; and had very positive comments about the sculpture. Mr. Combs said he would be the staff liaison that will work with Ms. Kelly through the installation of the art, upgrades to the pedestal, etc. Mayor Garza said he would like to see this lit up at night. Mr. Combs said they can look into that as the sculpture will be close to a landscape bed so there are options available.

Motion by Councilmember Soldner, second by Councilmember Piros de Carvalho, to accept the donation by Lovella Kelley of the sculpture "Majestic" to be installed on the northeast corner of Main Street and 1st Avenue; and authorize the Mayor to sign the Memorandum of Understanding. The motion passed unanimously.

Lovella Kelly thanked council for approving the sculpture. She said the original idea of SculptureWalk was to provide permanent pieces for downtown; and said this fits very well. She also said she likes the Mayor's idea.

b. Consider 2021 Emergency Solutions Grant Application on behalf of BrightHouse. Amy Allison, Senior Planner, said the City has applied for and received this grant since 1994. She said the City receives 2.5% for administration of the grant. Councilmember Bagwell asked Ms. Allison to share information about BrightHouse.

Sue Wray, Executive Director of BrightHouse, said she has only been there for about six weeks, but that BrightHouse offers support for victims of domestic violence and

sexual assault. She said their facility generally houses 24 people, but that had to be minimized this past year due to Covid. Ms. Wray said the house is only used for women and children; and that males are put in a hotel. She said last year 18 males went through the shelter, as well as three transgendered individuals. Ms. Wray said it gives people a safe place to get away from an abuser; and this grant helps pay for staff, operational costs, etc.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to accept the 2021 Emergency Solutions Grant (ESG) Application from BrightHouse, Inc. in the amount of \$40,600.00; and authorize the Mayor to sign grant application documents. The motion passed unanimously.

c. Consider final plat for SW Bricktown No. 1 Addition. Amy Allison, Senior Planner, said this would usually be done through a minor plat process, but an Evergy pole sits on the property so they had to create a five-foot easement which required this to go through the full process. Discussion ensued.

Motion by Councilmember Bagwell, second by Councilmember Piros de Carvalho, to approve the recommendation of the Planning Department to approve the final plat for the SW Bricktown No. 1 Addition. The motion passed unanimously.

d. Consider final plat for Meadowlark Dunes Addition. Amy Allison, Senior Planner, said there was an existing utility easement that went through the property. She said the applicant wants to add on to the house which would have been over the platted utility easement, so they went through the replatting process to combine the lots and move the utility easement.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the recommendation of the Planning Department to approve the final plat for the Meadowlark Dunes Addition. The motion passed unanimously.

e. Consider bid report for drainage improvements. Jeff Peterson, Director of Engineering, spoke about the proposed improvements for the two neighborhoods. He said the improvements will be paid from the stormwater maintenance reserve. Mr. Peterson said the low bid is higher than the engineer's estimate, but materials and delivery times are volatile right now so that added to the cost. Discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Bagwell, to approve the low bid; and authorize the Mayor to sign the agreement with Ward Davis Builders, Inc. in the amount of \$244,787.80 subject to all legal requirements. The motion passed unanimously.

f. Consider City Manager Contract for 2021-22. Paul Brown, City Attorney, spoke about the proposed merit increase, as well as other minor changes.

Motion by Councilmember Soldner, second by Councilmember Bagwell, to approve the proposed contract for the City Manager for 2021-22; and authorize the Mayor to sign. The motion passed unanimously.

9. Report of City Officials

a. Council

- Councilmember Bagwell asked if there was any update on the water slide project. Justin Combs, Director of Parks and Facilities, said they open bids this afternoon; and those will be brought before the council at the next meeting. Councilmember Bagwell asked about the debris under the bridge, saying it is a concern. Mr. Combs said this is tricky to maintain as the City doesn't have authority to maintain this area as it is Federal property from bank to bank but said he will look to see what can be done. Councilmember Bagwell said she hopes to move this along quickly; and to finalize this by the end of the year. She said we have a good investor that can bring people to the City; and said she doesn't believe we are putting enough effort into this project. Mr. Combs said there will be costs getting us to that point including a boundary survey, costs of splitting the parcel, etc. He asked if the City would be paying this; and said it will be several thousand dollars. Discussion ensued regarding a cost split, selling the land to Arknoe, moving forward with a survey, etc. Mayor Garza asked the City Manager if we can get this on an upcoming agenda. Mr. Cantrell said this is not an action item. Additional discussion ensued regarding a lease option, maintaining public river access, sustainability, etc. Mr. Cantrell said once a survey is done, we will bring back a potential sale document and the governing body will have to consider the sale document and act on that document. Mr. Cantrell said Arknoe will probably have some comments to make at that time; and they will be able to speak to the council.
- Councilmember Soldner asked if the City will register councilmembers for the Chamber breakfast. Mr. Cantrell said yes.
- Councilmember Daveline said he has a traffic question about Carey Park and the Zoo. He said he has observed over the past several months and weeks an increase of truck traffic. He said while sitting in the parking lot over a 30 to 45 minute time period, he saw a lot of heavy-duty truck traffic, saying it looks like they have found a short cut off of K-61. Councilmember Daveline said this is damaging the streets; and asked if the traffic division can look into that and post signs addressing weight limits.
- Councilmember Piros de Carvalho asked for an update on the pickleball courts. Justin Combs, Director of Parks and Facilities, said they found the asphalt was poured directly on top of the dirt, so they had to excavate, haul in rock, etc. to build a new base. He said that has been completed; and he is hopeful staff can start again this week. Mr. Combs said a pickleball complex is included in the CIP; and he said we will need to resurface several courts in the next three to four years.

Councilmember Piros de Carvalho said she was approached by a member of the youth council regarding an ordinance banning conversion therapy. She said this has been done in several other communities. Councilmember Piros de Carvalho said conversion therapy is an attempt to change sexual orientation, usually targeting youth; and some communities are banning the practice. She asked if council would consider an ordinance similar to one done in Roeland Park. Councilmember Piros de Carvalho said she wasn't familiar with this type of therapy, but said it is very damaging and widely criticized. She also said it leads to higher levels of depression, suicide, substance abuse, etc. She said he would be happy to bring in someone that knows more about this matter; and will round up someone.

- Mayor Garza said he went to a SW Bricktown meeting yesterday and they are planning a Hispanic heritage celebration later this year but didn't want to give to many details.

The Mayor said he is sad to hear that the Youth Council is dissolving themselves. He said this was his baby; and he feels bad about it. The Mayor said he appreciates their efforts; and wishes he could have been more involved.

b. City Manager

Jeff Cantrell, City Manager, said he also received the Youth Council email. He said it could be reformulated to create longevity.

Mr. Cantrell said in preparing for the MERF and CIP discussions, there is never enough money to do all of the projects. He said he has learned we do have full eligibility for water, sewer and stormwater improvements through federal funds; and said that could cover a lot. Mr. Cantrell said this needs to be included into future discussions; and said it could relax other general fund issues.

The City Manager said there is not enough data yet for an educated discussion regarding the stop sign request from the last meeting, but said he should have something for the next council meeting.

Mr. Cantrell thanked Public Works staff, saying with their FEMA appeal the City could capture over \$100,000.00 for levee work. He said it took a lot of effort, but was worth doing.

Mr. Cantrell said Dispatch is now back in the Law Enforcement Center. He also said there is favorable trending in crime statistics; and after talking with the statistician, he is comfortable with the data.

The City Manager said he is seeking letters for support for the Woodie Seat project that will be submitted with the application. Councilmember

Daveline asked what the deadline is for that submission. Jeff Peterson, Director of Engineering, said the deadline is July 12, 2021.

Councilmember Daveline asked about the time for the budget study session, saying he had seen both 8:00 a.m. and 9:00 a.m. Mr. Cantrell said it will begin at 8:00 a.m.

Mr. Cantrell also thanked the council for allowing him to continue his relationship with the City, saying it has been a very challenging time, but he is looking forward to serving this next year.

10. Executive Session

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, 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 City Manager matters; the open meeting to resume in the City Council chambers at 11:20 a.m. The motion passed unanimously.

The meeting reconvened in the Council Chambers at 11:20 a.m.

11. Adjournment

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

Upcoming Meetings

May 24, 2021	8:00 a.m.	Budget study session
June 1, 2021	9:00 a.m.	City Council meeting
June 15, 2021	9:00 a.m.	City Council meeting