



MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS - HUTCHINSON, KANSAS
May 4, 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 4, 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 Gary Getting of Elliott Mortuary.

4. Proclamations

a. A Proclamation for Police Officers Memorial Day and Police Week was accepted by several members of the Hutchinson Police Department. Ofc. Vaughn thanked the City Council, the City Manager, and the Chief of Police on behalf of the Fraternal Order of Police. Ofc. Vaughn said they all enjoy doing their job, from barking dog complaints to handling major crimes. He said they try to do everything with professionalism and class.

b. A Proclamation for Preservation Month was accepted by Ryan HvitlØk, Director of Planning and Development. Mr. HvitlØk said historical preservation is a very important part of the City; and the City has had a great partnership with the Kansas Historical Society since inception of the program. He said there are almost 200 properties that are within a historic district or individually listed. Mr. HvitlØk thanked the Landmarks Commission and the City Council for their work in protecting these community treasures.

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.)

Debra Teufel with the Hutchinson Reno County Chamber of Commerce, said the Chamber, along with Start Up Hutch, the Hutchinson Community Foundation and others have crafted an open letter to be sent today to all elected officials in Hutchinson and Reno County regarding the \$17+ million that will be received from the American Rescue Plan. She said the letter addresses the use of the funds; and said there needs to be a team to deploy the money effectively. Ms. Teufel also said we need to have the input of citizens as to the use of these funds.

Jackson Swearer with Start Up Hutch said we need to engage as many voices as possible; and this should be a county-wide decision-making

process. He said we can use studies and plans the communities already has; and that we should trust the wisdom of residents by giving them a voice. Mayor Garza asked about the plan and goal. Mr. Swearer said the objective is to get the City and County together on how to spend the money, along with resident engagement. He suggested creating a steering committee; and getting resident engagement by going out into the neighborhoods and communities. Councilmember Daveline asked if this is an open-ended funding stream. Mr. Swearer said there will be some federal requirements, but no one knows at this time what those guidelines will look like. He said more information is expected sometime this month. Mr. Swearer said the public perception of the outcome of the use of these funds will be better if citizens are engaged in the process. Councilmember Piros de Carvalho thanked him; saying she is in favor of this approach. She also said we have until the end of 2024 to use these funds, so there is time for wise decisions to be made. Additional discussion ensued.

Chris Mullins, 612 West 24th Avenue, said on November 30, 2020 he and his daughter were in a serious car accident. He said they were lucky to walk away with minor injuries; and said the root cause of the accident was an uncontrolled intersection at Heather Parkway and Van Buren. Mr. Mullins said he went out several weeks later, talked to residents, and started a petition, with all but one signing the petition. He said he would like to see a stop sign installed at that intersection; and said many of the neighbors told him they have seen a lot of close calls. Mr. Mullins said he reached out to the City, but he was told based off of probability, no stop sign was needed. He said the accident was a very scary moment; and would like to avoid accidents for others. Mr. Cantrell said the intersection has been looked at, but it doesn't meet the criteria for a stop sign. He said if we were to do something, it would not be consistent with City policy. Councilmember Daveline said there was a similar situation at Tyler and Old Farm Estates; and that in the end, yield signs were installed. Additional discussion ensued.

6. Consent Agenda

- a. Approval of Minutes of April 20, 2021 City Council meeting.
- b. Approval of appointments to the Hutchinson Human Relations Commission of the following:
 - Gleysha Mendez-Rosario, 22 East 10th Avenue, Hutchinson, KS, to fill the unexpired term of David Sotelo for the term beginning 9/11/2018 to 9/11/2021.
 - Charles Johnston, 1022 East Sherman, Hutchinson, KS, to fill the unexpired term of Leighann Dixon for the term beginning 9/11/2018 to 9/11/2021.
- c. Approval of appointments to the Hutchinson Public Library Board of the following:
 - Martha Fee, 607 Adair Circle, Hutchinson, KS, for reappointment to a second full four-year term from 4/30/2021 to 4/30/2025.

Marvin Schlatter, 4107 Sherwood Drive, Hutchinson, KS, to fill the expired term of Steve Timken, for a first four-year term beginning 4/30/2021 to 4/30/2025.

- d. Approval of appointment to the Hutchinson Tree Board of Nicole Scott, 202 Countryside Drive, Hutchinson, KS to fill the expired term of Aaron Barlow, for a first full three-year term beginning 4/19/2021 to 4/19/2024.
- e. Approval of final plat for Ashton Estates No. 1 Addition.
- f. Approval of appropriation ordinance in the amount of \$911,980.71.

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.

7. Public Hearing

- a. Public hearing to consider an Application for Certificate of Public Convenience and Necessity by Samantha Ratley.

Motion by Councilmember Soldner, second by Councilmember Piros de Carvalho, to open the public hearing. The motion passed unanimously.

Karen Weltmer, City Clerk, said notice was given to all interested parties. She said the mailing to Helping Hands was undeliverable; and said their Certificate has expired. Ms. Weltmer also said the Certificate for Hutch Rides has also expired; and she has not been able to contact them. She said that Hutch Taxi and Roadrunner did receive their notices; and both indicated they planned to attend today's meeting. Councilmember Piros de Carvalho asked if Uber drivers were licensed through the City. Ms. Weltmer said they were not, but believed they are licensed by the state.

Samantha Ratley, 1415 Arthur, said insurance is in order; and everything is ready to go as soon as the council makes their decision. Councilmember Bagwell asked about her experience. Ms. Ratley said she worked for Hutch Taxi at one time. Councilmember Daveline said he is a proponent of the free enterprise system; and spoke about the City Code's reference to the number of taxi services for the City. Councilmember Soldner asked if vehicles are inspected, if they have to meet safety criteria, etc. Ms. Weltmer said they do initially, but there is no authority in the Code for the vehicles to be inspected annually. Councilmember Soldner also asked about background checks. Ms. Weltmer said the Police Department does check their driver's license to make sure it is active, but that is the only requirement. Mr. Cantrell said he has received complaints of unfair rates, discourteous service, etc. but those complaints are filed away because there is no authority to do anything else. Councilmember Bagwell said the level of service is below satisfactory; and would welcome competition so standards can be raised.

Janette Chambers of Hutch Taxi said she hired Nick Ratley; and that he worked for her for three months. She said he was promoting his own taxi service; and caught him giving flyers to her customers. Ms. Chambers said Mr. Ratley signed a non-compete clause; and that she is taking him to court on May 28. Councilmember Piros de Carvalho said we aren't the mediator of such disputes. Additional discussion ensued.

Mike Hill with Roadrunner Taxi said he has been operating since 1996; and has been through this process several times. He said he has never disagreed with anyone trying to further themselves or make a living for themselves, but said he does have reservations in this case. Mr. Hill said there are Lyft and Uber drivers in this community; and said he even drove for Uber to see what it's all about. Mr. Hill said he has done everything the City has asked; and that his vehicles are maintained and clean. He said Covid almost shut him down; and he only picked up those he knew personally. Mr. Hill spoke further about his business; and voiced his concerns as to why a license should not be granted to Ms. Ratley.

Nicholas Ratley, 1415 Arthur, said they were told they could advertise their business, so that was why signs were posted. He said he is just here to help his family; and that he's been getting calls every day that he has to deny because they have not yet been approved for a license.

Councilmember Piros de Carvalho said if we deny the application, they could become Uber drivers. Mayor Garza said if there are no rules or regulations, we may need to sit down and talk about this. Councilmember Soldner said she is guessing a lot is regulated by state law. The City Attorney said Uber and Lyft drivers are regulated by state law, but taxis are regulated by the city. Additional discussion ensued. Ms. Weltmer said the City Code needs to be looked at, as there is nothing that allows her to do anything when complaints come in. Additional discussion ensued.

Motion by Councilmember Bagwell, second by Councilmember Piros de Carvalho, to close the public hearing. The motion passed unanimously.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to approve the issuance of a Certificate of Public Convenience and Necessity to Samantha Ratley to operate a taxicab in the City of Hutchinson, Kansas; and direct the City Clerk to issue said Certificate. The motion passed unanimously.

8. New Business

a. Consider initial review of donated art from Lovella Kelly. Justin Combs, Director of Parks and Facilities, spoke about the sculpture which is titled "Majestic.". He said the sculpture will be located just north of 1st and Main in front of the Wiley building. Mr. Combs talked about the City's Donated Art Policy; and the steps involved.

Lovella Kelly, 4301 Winesap Drive, said this is a memorial to her husband, Ron Kelly, in appreciation for his service to God, family and country. She said he did amazing things in this community; and that he did a lot of work with historic preservation, as well as being the Downtown Director for a while. Ms. Kelly said the family wanted to leave something in his memory; and that they chose the Wiley site because he was on the initial task force. She said the sculpture, valued at \$15,000.00, is made of steel and urethane; and should be ready by the end of the month. Councilmember Daveline said he knew Ron quite well; and he recalls a critical time after the gas explosion when a leader was needed, Ron stepped forward and was the conduit to bring what we have today in revitalizing downtown. Councilmember Daveline said he has great respect and admiration

for Ron. Ms. Kelly said it was his dream for the streetscape to go all the way to Carey Park. Councilmember Piros de Carvalho said she can't think of a more fitting location. Ms. Kelly said she looked a long time to find the right thing; and knew that this sculpture represented his service to his county, his church, etc. Councilmember Soldner said Ron was an incredible asset. Mr. Combs said Ms. Kelly will also pay for the plaque and the pedestal, with the only cost to the City being a few hours of time to set the piece.

Motion by Councilmember Soldner, second by Councilmember Daveline, to forward the proposed donated sculpture from Lovella Kelly to the Art Design Council for review and formal recommendation. The motion passed unanimously.

b. Consider 2021-2023 Historic Preservation Action Plan. Ryan HvitlØk, Director of Planning and Development, spoke. He said this is the third action plan; and that due to Covid and reduced staffing, half of the strategies from the 2018-2020 plan were not completed. Mr. HvitlØk said there are three main goals of the plan which are to continue the education of residents, business owners, etc. of their role in the historic preservation process, to preserve local historical sites; and to maintain up to date information and resources for historic property owners. Councilmember Bagwell asked if the benefits outweigh the nuisance of red tape when you own a historical building. She said there are some areas that should be taken out of the historical district. Mr. HvitlØk said a good example is the Houston Whiteside district, saying it was made too large. Discussion ensued.

Mayor Garza said he lives in a historic area; and said if a person that buys a house in the area wants to remodel, they aren't able to do it the way they want because the City stops them. Mr. HvitlØk said the City has an agreement with the State, so their hands are tied. He said if an owner disagrees with a decision made by the Landmarks Commission, they can appeal that decision to the City Council. Councilmember Bagwell asked about the benefit of having residential historic buildings rather than commercial buildings. Mr. HvitlØk said many homeowners love being in a historic district; and said there is a value in keeping those historic buildings. Discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to accept the recommendation of the Landmarks Commission to approve the 2021-2023 Historic Preservation Action Plan.

As roll was being called Councilmember Bagwell asked if this motion would include what was discussed. Mr. HvitlØk said that could be added. Councilmember Bagwell said she would like an amended motion to look at a more targeted approach. Paul Brown, City Attorney, asked if this would need to go back to the Landmarks Commission. Discussion ensued.

Councilmember Piros de Carvalho amended her motion to accept the recommendation of the Landmarks Commission to approve the 2021-2023 Historic Preservation Action Plan, with the addition of a more targeted focus on residential areas. Councilmember Soldner seconded the motion. The motion passed unanimously.

c. Consider Special Alcohol Fund Awards for 2022. Paul Brown, City Attorney, spoke about the fund and how monies are received. Discussion ensued.

Motion by Councilmember Bagwell, second by Councilmember Piros de Carvalho, to approve staff's recommendation on agency awards from the Special Alcohol Program Fund for FY 2022. The motion passed unanimously.

9. Report of City Officials

a. Council

- Councilmember Bagwell had no comments.
- Councilmember Piros de Carvalho said several things made her think about the City's advisory boards and commissions; and said that we don't have a lot of diversity among those commissions. She asked if this is something we should send to the Human Relations Commission or if the Council has a role to address that. Councilmember Piros de Carvalho said she knows it's not always easy to get people to apply; and said she would like to see more diversity on those commissions to try to avoid some misunderstandings. She said she doesn't have a solution but wanted to throw it out for discussion. Councilmember Piros de Carvalho said some people serve on three to four commissions; and asked if we are then limiting other participants. She said it's a lot to think about when we want to have greater outreach. The Mayor asked how many committees there are, how people get appointed, etc. Justin Combs, Director of Parks and Facilities, said he oversees several committees; and spoke about the application process. Discussion ensued.
- Councilmember Daveline asked about the Cow Creek project, saying this has been pending for years and years. He said we have a \$12 to \$15 million dollar project for which we continue to collect stormwater fees; and he is frustrated that we are still negotiating with railroad companies. Councilmember Daveline said he would like to suggest we bring back this matter back to council for a full disclosure of where we are as a City. He said this is a big project, but movement has progressed at a snail's pace. Councilmember Daveline said he would like to bring back the consultants for this project, because we, as a community, deserve to know where we are on this project; and if there are other options available. Mr. Cantrell said he has found it disheartening that no one knew we had the potential of spending multiple millions without factoring in acquiring key areas of railroad property. He said working with the railroad is very complex; and having a conversation with the consultant would be very worthwhile. Councilmember Daveline asked that this matter be put back on the agenda for discussion. Additional discussion ensued.
- Councilmember Soldner said there was a wonderful crowd at the airport this weekend; and said Pieter Miller needs to be commended.

- Mayor Garza said he went to the boxing event at Memorial Hall this weekend; and said employees of the Park Department were there and did a great job. He also said he went to the Salt City Brewery event; and that the Police Department was there and handled everything very professionally. Mayor Garza also told individuals to get involved by applying to serve on City boards and commissions.

b. City Manager

The City Manager said a budget meeting is scheduled for May 24; and that the MERF and CIP budgets would be discussed. Discussion ensued regarding the time for the meeting; and it was decided it would be held from 8:00 a.m. to 10:00 a.m. Councilmember Bagwell asked for some evening meetings because of her work schedule.

Mr. Cantrell said the City is adding a couple thousand dollars to maintain the quality of the Fourth of July fireworks show, bringing the City contribution to \$17,500.00.

Mr. Cantrell said the Main Street resurfacing project is coming along well. He also said he is always available for updates with regard to the Atrium. The City Manager said he hopes to report back on the matter by June 1.

10. Executive Session

Motion by Councilmember Piros de Carvalho, 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 the City Manager's job performance evaluation; the open meeting to resume in the City Council chambers at 11:30 a.m. The motion passed unanimously.

The meeting reconvened in the Council Chambers at 11:30 a.m.

11. Adjournment

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

Upcoming Meetings

May 18, 2021	9:00 a.m.	City Council meeting
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