

KECHI CITY COUNCIL MEETING MINUTES

May 27, 2021

I. CALL TO ORDER/ROLL CALL

Mayor John Speer called the meeting to order at 7:00pm

Council present: John Speer, Brian Adams, Betty Washington, Matt Brewer, Richard Haddock, and Margaret McCormick via Zoom.

City staff present: Kamme Sroufe, City Administrator; Andrew Kovar, City Attorney; Jessie Woodrow, Chief of Police; Theresa Morlan, City Clerk; Thomas Bevan, Director of Public Works; Chris Morlan, Zoning Administrator, and Lieutenant Joseph Trumbull.

Guests present: Ashley Velasquez, Karin Anderson, Lee Boyer, Jack McCormick, David Messmore, Danny Smith, Terry Brown, Krista Brown, Mark Bradbury, Todd Hedstrom, Nancy Glenn, and Taylor Messick.

A. PLEDGE OF ALLEGIANCE – Led by Mayor Speer

B. APPROVE CONSENT AGENDA

Motion by Brian Adams to approve the Consent Agenda with removing item 3 and placing it under New Business, item A.1. Seconded by Richard Haddock and carried 5-0-0.

Consent Agenda

1. Minutes May 13, 2021 Meeting
2. 2020 Audit Agreement

C. APPROVE AGENDA

Motion by Betty Washington to approve agenda with change from Consent Agenda above. The motion was seconded by Matt Brewer and carried 5-0-0.

II. COMMUNICATIONS

A. Public Forum – Rogene Matson, 100 Matson, sent a letter to City Clerk and Council Members and asked that it be read into the record as she was unable to attend the meeting. She has lived in Kechi 74 years with 54 years at current address. She expressed frustration with the City's maintenance worker having cut down a bush from the road right away last year while mowing ditches. She is upset with the city requiring her to maintain the ditches along her property and doesn't feel that the ordinance is being fairly enforced to all residents with ditches. She expressed that all residents with ditches should receive the same letter and that not all did. She also expressed frustration with how she was approached by the City Inspector with a complaint he received about items in her backyard.

Terry Brown, 708 E Zuni, stated that when he moved in 11 years ago, he thought that Kechi would become an arts district similar to Eureka Springs, Arkansas. It has not and although he expressed frustration with the heavy commercial development that has occurred adjacent to his neighborhood, he believes that the taphouse is a good thing for the community and would promote development of the downtown area becoming an arts district.

Karin Anderson, lives at 300 E Kechi Rd, and represents owner of that property as well as 230, 234 and 236 E Kechi Rd. She is concerned with the unimaginable impact on her property and rental property. The city is inviting the chaos similar to that of downtown Wichita bars. They will be installing a fence on the west side of the rental property at a cost of \$9000 due to bar. She feels there has been a double standard with issues regarding the waterway. They also incurred a \$2500 expense to have part of their property to C-1 to allow an expanded rental property. C-1 allows residential use, and this should have bearing on types of businesses allowed. She is concerned with flooding issues. A family friend was interested in purchasing their residential property but has changed his mind due to the bar. She asked that the council keep the Planning Commission's recommended conditions of the 8-ft privacy fence along the

north property line of the taphouse, and the limited hours of operation. She stated that just because mistakes were made by the city, more permits were granted after the mistakes were made. She hopes the vote is not just a formality and referred to an ordinance banning bars inside the city.

David Messmore, owner of Old School Taphouse, 210 E Kechi Rd, stated that the flooding issue was put to rest. His establishment is not a bar that would be represented by the chaos of downtown Wichita. He has had retirement parties, and gatherings by not-for-profit groups, and they promote a sit down and socialize atmosphere. They have been proactive in getting the police department involved if there are issues. Their patrons have included have families, kids and some have brought their pets to the outdoor area. They are not a 21-year-old power drinking bar. They are trying to be a good community business which will bring people to a culture center. He asked how many linear feet of 8-ft privacy fence would be required by the Planning Commission's recommendation. He stated that they want to be a catalyst form growth and development in the area. He agreed that screening requirements are good, but landscaping can also be used and encourages green space. Aging fences don't look good after time and encourage the council to explore other options. He is not trying to get away with something, and he came to the city in good faith. They pulled permits and did not circumvent the city. The city has I's to dot and T's to cross. They have a great clientele. He feels the generalizations have been unfair, and that requiring 194ft of 8ft fencing after the fact is unfair. They increased their parking even though it was not a requirement.

B. Kechi Civic Groups – None

III. OLD BUSINESS - None

IV. NEW BUSINESS

- A. Ordinance 1786-21 – An Ordinance repealing and replacing Chapter XVI, Article 1, Section 16-102 of the Code of the City of Kechi, Kansas regarding Membership, Terms, Interest and Compensation.** City Administrator (CA) Kamme Sroufe presented the item which would make the ordinance match the practice over the past decade or so of two-year terms. To encourage new membership, it would also add term limits of 4 consecutive terms with a minimum of one term between re-appointment.

Motion by Brian Adams to adopt Ordinance 1786-21 and authorize the mayor to sign. Seconded by Matt Brewer and carried 5-0-0.

1. Planning Commission Appointments – CA Sroufe stated that according to the records, appointments to the Planning Commission have not happened since 2017. The Mayor's recommended appointing Larry Burk, Richard Wolf and Oscar Thomison to complete the remaining year on their terms, and appointing Luke Harber, Britt Hopper and Mark Bradbury to 2-year terms.

Motion by Betty Washington to go into Executive Session for Attorney/Client Privilege for 10-minutes with the meeting to resume at 7:43pm. Seconded by Richard Haddock, the motion carried 5-0-0.

The meeting resumed at 7:45pm, and no binding action was taken during Executive Session.

Motion by Richard Haddock to approve Mayor Speer's appointments. The motion was seconded by Matt Brewer and carried 4-1-0.

- B. Hillside Road Maintenance -** CA Sroufe presented the plan to resurface the east lane of Hillside from 61st north a half mile to the city limits. There was no subgrade and will eventually need to be reconstructed. It wasn't originally on the road maintenance schedule, and when we

reached out to the township, they were not interested in having the west lane done at this time.

Motion by Betty Washington to approve the Pearson Contract to resurface Hillside. Seconded by Richard Haddock, the motion carried 5-0-0.

- C. Shawnee Drive Road Maintenance** – The 2021 Capital Improvement Plan originally included Shawnee Dr. reconstruction from Cherokee to the hedgerow between 300 and 400 blocks of Shawnee. The Public Works staff recommends doing a 2” mill and overlay which extend the project to include up to Chippewa which is need of repair as well. The mill and overlay would have a life expectancy of 10- 20 years, and the project would still come in below the original budget. There are efficiencies in having both projects mobilizing at the same time.

Motion by Matt Brewer to approve the contract with Pearson for Shawnee Drive mill and overlay. Seconded by Richard Haddock, the motion carried 5-0-0.

- D. CU-2021-04 – 1700 E 98th St – Accessory Dwelling – Ordinance 1783-21 - Zoning**
Administrator (ZA) Chris Morlan introduced the item. There were no abstentions, quorum of 5 was established, and there were no valid protests. The Council acknowledged they had received a copy of the unapproved Planning Commission (PC) minutes, and they believed that the hearing had been fair and impartial. ZA Morlan read his report as written and stated that a deed restriction being filed stating the accessory dwelling cannot be split off and sold separately must be filed with the Register of Deeds prior to a certificate of occupancy being granted. The PC recommended approval.

Motion by Brian Adams to approve CU-2021-04 and adopt Ordinance 1783-21. Seconded by Richard Haddock, the motion carried 5-0-0.

- E. VAC-20201-01 – 1700 E 98th St – Request to Vacate Total Access Control** – ZA Morlan reported that the property was platted with no access allowed on Hydraulic. The applicants are requesting to vacate so they can have access for the accessory dwelling to be on Hydraulic. PC recommends to have the total access control except for one opening.

Motion by Mat Brewer to approve the Vacation Order and authorize the Mayor to sign. Seconded by Brian Adams, the motion carried 5-0-0.

- F. Zoning Regulation Change – Ordinance 1784-21 – Recommended Change 10.15 - 10.15. Bar or Tavern; Brewpub**

- A. Shall not be located within two-hundred and fifty (250) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares. When located within two-hundred fifty (250) feet of residential land uses or zoning districts (R-R, R-1, R-1A, or R-2), this use is only allowed by conditional use.**

ZA Morlan stated that the recommended change would allow a bar or tavern only by conditional use in C-1. According to the strategic plan, mixed uses are encouraged in the C-1 Arts & Business District. Karin Anderson stated her concern over property values, the ordinance being put into place for the protection of residents, and that residents and the taphouse socials are not mixing very well. Councilman Adams expressed concerns with the motion being driven by the next agenda item, and it comes after the fact. He

also is concerned with property values, and he doesn't want to discourage investment in the community but is concerned with personal property rights. Councilwoman Washington recognizes that the business owners have put quite a bit of money into the taphouse, and that money does come back to the community. She is concerned as well with personal property tax, and that there are no winners.

Motion by Matt Brewer to accept the Planning Commission's recommendation and adopt Ordinance 1784-21. Second by Richard Haddock and motion failed 2-1-2. Voice vote: Richard Haddock – aye, Matt Brewer – aye, Brian Adams – nay, Betty Washington – abstained, Margaret McCormick – abstained.

CA Sroufe asked council members to look at the issue based upon the Comprehensive Plan and separate from the next agenda item. Resident Ashley Velasquez, 309 N Shawnee Dr, stated that the taphouse brings in business, young families, and a different demographic. She wants to see the community grow. Nancy Glenn, 235 N Oliver, has no bad feelings about the taphouse and what they're trying to do, but she does feel bad about the residents who have given quite a bit of time to the community and their loss of revenue. She recognized that a mistake was made and questions who is the priority, who gets punished and that it is not fair to anyone.

Motion by Matt Brewer to accept the Planning Commission's recommendation and adopt Ordinance 1784-21. Second by Richard Haddock, the motion carried 3-2-0. Voice vote: Richard Haddock – aye, Matt Brewer – aye, Brian Adams – nay, Betty Washington – aye, Margaret McCormick - nay.

G. CU-2021-02 – 210 E Kechi Rd – Bar/Tavern in the C-1 District – Ordinance 1785-21 - Zoning Administrator (ZA) Chris Morlan introduced the item. There were no abstentions, quorum of 5 was established, and there were no valid protests. The Council acknowledged they had received a copy of the unapproved Planning Commission (PC) minutes, and they believed that the hearing had been fair and impartial. ZA Morlan referred to his written report and gave background of the case. He stated that a Zoning Permit was submitted and that he signed it, but after reviewing the regulations for a different zoning issue, he discovered his error in the approval process. He brought it to the attention of the City Administrator and City Attorney, who informed him the City would have to hold the public hearing. When holding the public hearing in March, a different interpretation for regulation 10.15 was presented, and the item was then tabled, so the issue could be addressed at the April meeting. At the May meeting, a public hearing was held to address the zoning regulation in question, and the public hearing for the conditional use was continued. The PC recommended approval of CU-2021-02 with conditions of an 8-ft privacy fence between the taphouse property and that to the north, limited hours of 10am to 10pm Sunday through Thursday and 10am to 11pm on Friday and Saturday, and the approval of changes to Article 10.15.

Other discussion: The applicant requested that the 8ft fence requirement be changed to another form of screening, and they would enforce quiet hours. The Police Department has not received complaints but has had an increased presence and that drainage issues and trash have not been witnessed. The owners have taken steps to be proactive and prevent actions noted. There have been inquiries by businesses to use Mr. Boyer's rental property. Ms. Anderson stated they have not bothered the police as there are better uses of the police department resources.

Motion by Richard Haddock to approve CU-2021-02 as recommended by Planning Commission and adopt Ordinance 1785-21. Seconded by Matt Brewer, the motion failed 2-3-0. Voice vote:

Richard Haddock – aye, Matt Brewer – aye, Brian Adams – nay, Betty Washington – nay, Margaret McCormick - nay.

Motion by Betty Washington to approve CU-2021-02 with condition of screening as approved by council, and hours of operations as recommended by Planning Commission, and adopt Ordinance 1785-21 with changed in condition for fence. Seconded by Matt Brewer, the motion carried 4-1-0. Voice vote: Richard Haddock – aye, Matt Brewer – aye, Brian Adams – nay, Betty Washington – aye, Margaret McCormick – aye.

V. RECESS

Motion by Betty Washington to recess at 9:07pm until June 10th at 6:00pm, seconded by Richard Haddock, and carried 5-0-0.

Signed: _____
John Speer, Mayor

Attest: _____
Theresa Morlan, City Clerk