

KECHI CITY COUNCIL MEETING MINUTES & WORKSHOP
Thursday, March 27, 2014

Mayor, Ed Parker; reconvened the meeting that was continued March 13, 2014. The meeting was continued until this evening for a council workshop at 6 PM

Council present: Debbie Jacobs, Kevin Opat, David McConnaughay and Margaret McCormick
Brian Adams was absent

Staff Present: Robert Conger, City Administrator; Sally Lane, City Treasurer; John Blevins, Chief of Police; Laura Hill, City Clerk;

Robert Conger, City Administrator went over the goals discussed at the Council/Staff Retreat on March 8, 2014. Council added input as to which goals could be easily achieved and those that need to be budgeted for.

Motion by Margaret McCormick to adjourn the reconvened meeting of March 13, 2014. Second by Debbie Jacobs. Motion carried 4-0-0. The time was 6:55 PM

REGULAR MEETING – MARCH 27, 2014

I. CALL TO ORDER

Mayor, Ed Parker; called the regular meeting of the Kechi City Council to order, the time was 7:00 PM.

Council present: Debbie Jacobs, Kevin Opat, David McConnaughay & Margaret McCormick. Brian Adams was absent

Staff Present: Laura Hill, City Clerk; Sally Lane, City Treasurer; John Blevins, Chief of Police; Ben Winters, Legal Counsel; Robert Conger, City Administrator

Visitors Present: Keith Lane, Sandra McConnaughay, Matt Heilman, Ark Valley News; Mr. & Mrs. Richard Wolf, Mr. & Mrs. Lynn McDonald, Nick Villalovos, Alan Green & David Stapleton, Fred Dimick & Janet Faust.

A. PLEDGE OF ALLEGIANCE

B. APPROVE CONSENT AGENDA

Motion by Kevin Opat to approve the consent agenda. Second by Margaret McCormick. Motion carried 4-0-0.

Consent agenda

1. Approve minutes of March 13, 2014.

C. APPROVE AGENDA

Motion by Margaret McCormick to approve the agenda. Second by David McConnaughay. Motion carried 4-0-0.

II. COMMUNICATIONS

A. PUBLIC FORUM-none

B. KECHI CIVIC GROUPS/COMMITTEES

1. Historical Post Office Update -none

2. Tree and Park Board – Jack McCormick reported that the city has been awarded the designation of Tree City USA. He introduced Nick Villalovos, park board member who was instrumental in gathering the information and applying for the designation. The City was presented with a plaque, road signs, flag and certificate.

Jack asked for authorization to have the trees which were previously purchased planted by the nursery for \$105.00 per tree, a total of \$840.00 which includes a 1 year warranty.

Motion by David McConnaughay to authorize the expenditure of \$840.00 to have Hillside Nursery plant the trees in the park. Second by Kevin Opat. Motion carried 4-0-0.

3. Chamber of Commerce- none

4. Fair Committee – none

C. DEPARTMENT REPORTS

ZONING ADMINISTRATOR-Chris Morlan, Zoning & Planning Administrator presented the 2014 Preliminary Valuation for the city. The City should see an increase of approximately \$685,489.00 in the total assessed valuation for 2014. Part of the increase is due to Karg Art Glass coming back on the tax rolls as the 10 years tax exemption for economic development has now expired.

DIRECTOR OF PUBLIC WORKS- Larry Kallenberger, Director of Public Works; requested authorization for the purchase of a combustible gas indicator and carbon monoxide detector. He said he had been pricing and looking at them for several years. The one he has now needs to be replaced. The price is \$2,064.00.

Motion by David McConnaughay to authorize the expenditure of \$2064.00 for the purchase of the Combustible Gas Indicator & Carbon Monoxide Detector. Second by Debbie Jacobs. Motion carried 4-0-0.

CHIEF OF POLICE-Provided a written report.

TREASURER

CITY CLERK

MAYOR

COUNCIL – Kevin Opat suggested we buy some additional mats for the community room and have the windows cleaned.

CITY ADMINISTRATOR - provided a written report.

III. OLD BUSINESS

A. Workers Compensation Insurance Contract-The city received a quote from KMIT in the amount of \$14,481.00 with a pro-rated amount of \$10,881.00 for the remainder of the year. The contract with KMIT will be from January to December. It was the recommendation of the city administrator to go with KMIT. The council discussed the quote from EMC which was \$15,676.00 which would be reduced by a dividend paid each year based on the participation record of the group. The dividend is not guaranteed but the city has received one for many years. A list of the dividends issued since 2007 was provided to the council by EMC.

Motion by Margaret McCormick to follow the City Administrator's recommendation and contract with KMIT for workers compensation insurance. Second by David McConnaughay. Motion failed 2-2-1. McConnaughay & McCormick voting aye, Opat & Jacob voting nay, Mayor Parker voting nay due to the tie vote of the council.

IV. NEW BUSINESS

A. Special Use Case # SU-2014-01-Application for the establishment of an open air Vintage Marketplace as a special use in the C-3 Heavy Commercial District.

Chris Morlan, Zoning & Planning Administrator explained the planning commission had received application for the establishment of an open air Vintage Marketplace as a special use in the C-3 Heavy Commercial District.

He asked before proceeding if anyone intended to disqualify themselves from discussing and voting on this case because they have a conflict of interest or a particular bias on the matter. Councilmember Debbie Jacobs, who is the wife of the owner of the property, disqualified herself. The council now has a quorum of three members present to consider the application.

Morlan then asked if the city clerk had received any protest petitions on the case. She stated she had not. Morlan asked if the council had received and read the minutes of the Planning Commission meeting held on March 11, 2014. Having determined that the members have received the required information, he then asked the applicant and members of the public present 1) If they felt they had a fair and impartial hearing. They indicated they had. 2) Is there any new information on this case not otherwise presented at the hearing that should be brought to the attention of the council? The applicant indicated there was not any additional information.

Morlan, reported to the council the background of the case and the planning commission's recommendation. The property located in the 1400 block of E. Kechi Rd. The property is 4.93 acres in size and this is the first time this case and request has come before the Planning Commission and City Council.

Zoning on the property adjacent to said property is:

C-3 Heavy Commercial North & West;

C-2 Light Commercial- East;

I-1 Industrial –South

Land use consists of retail business & car lot- West; Storage building-North Undeveloped land & ROW both East & South.

The property was platted in May 2002 and zoned to C-3 Heavy Commercial shortly thereafter. The 6,000 square foot building at 1303 E. Kechi Rd was built in 2004. This lot was spit to its current configuration in June 2007. The east part of the lot has remained undeveloped. The eastern part of it is low-lying and the drainage is in that direction. The applicant requested the use for an Open Air Marketplace. He and his business partner, David Stapleton, want to use the 4+ acres located on Kechi Rd., just west of Woodlawn for an open air marketplace to lease space for vendors to sell vintage items, restored and refurbished goods, arts, crafts, and locally grown produce. He presented a drawing on how they propose to use the space. The most eastern drive is 30ft wide and will be used for customer access to parking. They plan to use the temporary orange snow fence to separate the parking from the vendor area and have three designated walkways between the areas. The drive to the west would be for vendors only, and none of the public's vehicles would be allowed in the vendor area. They would have some portable restrooms placed as noted on the drawing. They want to have temporary banners up three weeks prior to an event. They would be 8ft x 2.5ft and state "Vintage Market Coming Soon", and then the day before and day of the event would be changed to "Vintage Market Open Today". They plan to have seven events from April to October, typically on the third Saturday of the month, but there were a couple of exceptions to that timeline, one of which would be in September to coincide with the Artisan Lane Festival. They did request the temporary orange fencing separating the public parking and vendor area be allowed to remain from one event to the next until the last one of the year. To address the Zoning Administrator's concerns, Mr. Green stated the public parking will be supervised by a minimum of two people directing vehicles where to park. They proposed to use t-posts and yellow caution tape along Kechi Rd. to prevent any parking there. The vendors would be allowed on the site beginning at 6am, and the events would be open to the public from 8am to 4pm. There would be no need for any lighting beyond flashlights. They would not allow the vendors to leave anything on the property and would make sure the property is mowed and all litter would be removed. It could be Monday after the event before the portable restrooms could be removed.

There was interest and discussion from the council regarding the concept. The Mayor cautioned the applicant that they should abide by any condition placed on them by the planning commission or they could lose the special use.

Morlan outlined the choices for the council as follows:

- (1) By a majority vote, move to adopt the findings and factors and recommendations of the Planning Commission on Case *SU-2014-01* and approve Ordinance No. 1662-14
- (2) By a 2/3 majority vote, move to override the Planning Commission's recommendations, describe in detail the findings and factors supporting the motion and approve Ordinance No. 1662-14.

By a majority vote, return the recommendation to the Planning Commission for further consideration at its next regular meeting with a statement specifying the basis for the Council's failure to approve or disapprove the recommendation.

Motion by Kevin Opat to adopt the findings and factors and recommendation of the Planning Commission on Case SU-2014-01 and approve Ordinance 1662-14. Second by David McConnaughay. Motion carried 3-0-0. Debbie Jacobs had previously disqualified herself and did not vote.

B. Richard Wolf – Waiving of fees associated with demo, zone change, site planning & plating of properties along Sioux St. & Kechi Rd.

Richard Wolf spoke on behalf of himself and his wife and Lynn & Suzy McDonald. The group had recently purchased the property east of the city building commonly known as the Decker properties. Richard stated they had invested a substantial amount of money in the property. He also discussed the city's desire over the years to have the property cleaned up. He discussed the plans of the group to improve the property. He requested the city waive the fees associated with the demolition permits, zone change and platting & site plan applications. These fees are estimated to be under \$2,000.00.

Motion by Debbie Jacobs to waive the fees charged by the city for demolition permits, zone change and platting & site plan applications. Second by Margaret McCormick. Motion carried 4-0-0.

V. EXECUTIVE SESSION-Attorney Client Privilege & Personnel Matters

Motion by Kevin Opat to go into executive session for 15 minutes for attorney client privilege & personnel matters. Second by David McConnaughay. Motion carried 4-0-0. The time was 8:30 PM.

The council came out of executive session at 8:45 PM.

Motion by David McConnaughay to follow the recommendation of the City Administrator and Public Works director and hire James Grow at a level 2 Step 15 employee for the utility maintenance department and hire William Opat at level 2 Step 11 employee for the utility maintenance department. Second by Margaret McCormick. Motion carried 3-0-1 Kevin Opat abstained.

V. Adjournment

Motion by David McConnaughay to adjourn. Second by Debbie Jacobs. Motion carried 4-0-0. The time was 8:55 PM.

Signed: _____
Ed Parker, Mayor

Attest: _____
Laura Hill, City Clerk