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District 3 Citizens Advisory Board Meeting
Minutes

Monday, May 1, 2020
7 p.m.

Goddard School District
Conference Center

Board members in attendance: Sharon Aislieger, Lamont Anderson, Nancy Hinten, Pat Gaughan, David Wright, Kevin McWhorter, Glen Shafer

County representatives: Commissioner David Dennis, County Manager Tom Stolz

ORDER OF BUSINESS

1. **Call to Order** – Meeting called to order by Chairman Lamont Anderson, 7:00 pm.
2. **Approval of April Minutes** – Glen Shafer moved to accept the minutes.
Seconded by Nancy Hinten, passed unanimously.

PUBLIC AGENDA

None

NEW BUSINESS

1. **COVID-19 Update: Sedgwick County COVID-19 Summary – County Manager, Tom Stolz**

<https://www.sedgwickcounty.org/covid-19/>

The County Manager gave a presentation of COVID-19. The presentation started off with a brief background on Coronavirus explaining when the virus was first identified, the seven types of human coronavirus, and the first time COVID-19 was reported.

The County Manager reviews Sedgwick County's initial responses, Sedgwick County's role in public health, the reality of COVID-19, public policies in response to COVID-19, and federal funding strategies.

The County Manager explained the reality of COVID-19 as not having medicines and vaccines, having an inadequate PPE supply chain, inadequate testing samples; and

testing technology is suspicious. All of these factors played an important role in the public policy for COVID-19.

The public policies in response to COVID-19 in Sedgwick County include the Disaster Declarations that was set on March 16, the Stay at Home Order that was set on March 23, the gathering size numbers, and the guidelines and best practice suggestions.

To keep track of the Sedgwick County COVID-19 Test Data including cases, recoveries, deaths, active cases, PPE, and people tested please visit the Sedgwick County COVID-19 Dashboard.

David Wright asked what Sedgwick County is doing in regards to contact tracing and if the County plans to hire additional personnel. County Manager, Tom Stolz answered stating that yes, both the County and the state are planning on increasing the contract tracing protocol by hiring additional personnel. He mentioned that Sedgwick County is looking to add eight contract tracers, which will make a total of 24 contract tracers.

Stolz also mentioned that in a few weeks the County plans to introduce asymptomatic testing, which allows those who show no symptoms the opportunity to test for COVID-19. Next week, residents will be called to participate in a random sample survey and be tested for COVID-19.

Pat Gaughan asked if there are any other public nonsystematic testing going on in the Sedgwick County area. The County Manager stated the Health Department does about 20% of the testing for Sedgwick County, but there are also testing sites from doctors' offices, hospitals, Grace Med, and HealthCore.

2. Discussion of CON2020-00010 – Senior Planner Kathy Morgan

Members of the public in attendance included: Lyneisa Cocking, Hank Cocking, Harvey Bradbury, Stacy Nills, Brad Nills, Ronda Seriwert, Vick Dagnas, Greg Dagonim, Kathy Mies, Courtney Campbell, Dave Severt, Nancy Hill, Brenda Mies, Jane Neville, Greg Norville, Alan Simon, Matt Trout, and Lisa Trout.

This case was deferred from April 8, 2020 MAPC meeting because of issues that were communicated to staff by the neighbors. Code enforcement personnel conducted an unscheduled inspection of the CON2013-10. The applicants are requesting an amendment to CON2013-0010 to expand the existing business temporarily to allow 60 dogs in doggy daycare and two outdoor classes on a day per week on their RR Rural Residential (RR) zoned 4.55 acre site, located approximately 1/3 mile west of 215th Street West on the south side of 29th Street North.

Sharon Aislieger wanted to know if the applicants are asking for an expansion for 18 months, then to expand their business relocating to a new location that would accommodate a larger scale of business.

Senior Planner Kathy Morgan confirmed that the applicants are requesting an expansion for 18 months and their request to expand their business.

Nancy Hinten stated that she was confused with recommendation #2 regarding the time frame with the puppy and adult dog training will be from 7:15 p.m. until 8:15 p.m. During Daylight Saving Time the training classes will be conducted on Saturday mornings.

Morgan clarified that during the fall and winters months the daylight is shorter so classes will be moved to Saturday mornings. She stated that she will make this clear on the final document.

Someone from the public asked the owners if they were doubling the amount of dogs that will be in there care from six to 12.

The owners answered by stating that they have had 12 dogs in their care before and they are trying to have as many dogs in their care so they can earn the funds to expand their business and move to a new location.

The owners also stated that they had no idea that the neighbors had so many issues with their business and if they would have known there were so many complaints they would not have had their businesses in their own home. They also knew that they were in violation of their terms and apologized for not being in compliance with the rules and regulations.

The same person from the public said that the owners had two dog training classes that held six dogs back to back and had the neighborhood backed up in traffic with participants from the class. This person then went on to say that if the classes doubled in size there would be more cars bringing more traffic to the neighborhood.

The owner responded by saying that the requested amount of dogs does not necessarily mean that there will be 12 dogs in the dog training classes and that that number was used so they would not be in violation of their terms again. The owners agreed that if approved of this new amount they will not have dog training classes on the same day at back to back times.

Morgan also mentioned that having 60 dogs in the daycare and boarding does not necessarily mean that there will always be this amount of dogs at the facility; it strictly gives the owners room to grow their business and services.

The owners asked Kathy Morgan if daycare and boarding are considered to be separate.

She responded by saying daycare and boarding are separate and the amount of dogs for both daycare and boarding need to be specified.

The owners said they need to run their numbers to get an estimate on many dogs they need for daycare and boarding.

Morgan clarified that as of right now there can only be 12 dogs allowed for boarding and 12 dogs allowed for daycare.

The owners stated that this is not what they originally planned and then specified that they would like to board more than 12 dogs and also have more than 12 dogs in the daycare.

Morgan asks the owners out of the 60 dogs how many will be there for boarding and how many will be there for daycare.

The owners said they have about 60 dogs within one day, but some dogs come and go. There will never be 60 dogs at the location all at once.

Morgan tells the owners she needs a total amount of dogs for daycare and for boarding.

The owners give an estimate of 25 dogs for daycare and there are 15 dogs boarding overnight.

The owners also clarified that the dogs would need to go outside at 7:00 a.m. instead of 7:30 a.m.

Lamont Anderson asked the board, with the moving amendments does the board have a piece of legislation that they should be looking at with the modifications or is this something that could be tabled because the board does not have definitive on what they're at looking at.

Morgan suggested to the board that they could either vote to approve or support the staff report as written or vote to approve the staff report with the conditions that have changed.

The person from the public stated their reason for asking is because back in 2013 at the beginning of the business the neighborhood had no say in whether a dog business could be at its current location. The neighborhood would like to not have a business in the current location.

The person from the public also mentioned that the neighborhood has covenant that the neighborhood should be a residential area and not meant for a businesses, and that is

why so many people are at the meeting today because they do not want a businesses there. People who are living in this area do not know about the convenience.

Sharon Aislieger asked if the County sends out a notice if residents are changing zoning.

Kathy Morgan stated it is state law that all property owners 1,000 feet within the property will receive a letter from the planning department with notification of zoning changes. All changes will be in the Derby Informer.

Kathy Morgan said another step that is taken, that is not required by state law is to have development signs on the property 14 days prior to public hearing at the planning commission, after the planning commission has concluded, anybody has the right to file a protest petition and then it will go to the county clerk and conditional uses will go to the county commission whether there is protest or not, then the commission goes through their process to approve the zoning request or not.

Sharon Aisleiger asked if the current location is zoned as a business.

Morgan stated that the current location is a conditional use; the unified zoning code has different codes. In residential districts a conditional use it allowed for this specific type of business.

Lamont Anderson asked for other public comments.

Someone from the public stated that they would like to add that the covenant that the owners have are not being followed, because recently the someone went in and added a shed who has a bee businesses and they don't have a permit for the shed and the bee businesses.

Sharon Aislieger stated that we've had this discussion before for other situations about covenant and that any covenant that you have from the real-estate people doesn't do anything unless you are willing to go to court and fight against it you're are stuck, so the covenant does not mean anything.

Sharon Aislieger asked the public if there are any other complaints about this issue.

Someone from the public asked if the owners could switch the days of the puppy and adult dog classes because there is concern of traffic.

The owners said they are fine with changing the classes, and asked if they could make this change in July. The owner also apologizes for the inconvenience and asked if he could have some time to make the changes.

Commissioner Dennis asked when this will go to the Board of County Commissioners.

Kathy Morgan stated that is will go to the Board of County Commissioners middle of July.

Commissioner Dennis asked if this issue can be deferred until the next meeting.

Kathy Morgan stated that depending on what is voted on tonight she can change the staff report to reflect current conditions.

Commissioner Dennis stated that he is concerned that the advisory board does not have a staff report that has everything that has been assessed tonight and he does not see a problem with this being discussed at the July 6th meeting.

Kathy Morgan stated that they are trying to have the discussion within the protest period and that this will go to the planning commission , which is only July 2 and that this issue will come back to the advisory board on July 6.

Commissioner Dennis expresses that he thinks this could be deferred.

Lamont Anderson officially closes the public comment section. He also states that he feels that the board should have current documentation in front of them so they know exactly what they are moving into place, because there is a lot of uncertainty and suggest that this issue be deferred.

Sharon Aislieger states that she agrees that this should be deferred to make sure what both parties are wanting are voiced. The board needs to be sure what the problems are and how they can access them.

Anderson states that there has been productive dialog at this meeting and they should capitalize off of this dialog and put it into a document and make sure that everyone has an understanding. Lamont Anderson states that there are some grey areas and that he recommends to defer this until both parties have documentation that they are both happy and complaint with so the board can make the vote on the piece of legislation.

Commissioner Dennis clarifies the use the Derby Informer because it is more cost effective, he also reassures that any issues regarding Sedgwick County they should visit Sedgwick County website all information is provided on the website.

Commissioner Dennis also clarifies that Sedgwick County is complying with state law and providing zoning information on the newspaper, but they are trying to be good stewards of tax dollars and using a more cost friendly newspaper (Derby Informer) instead of Wichita Eagle which is more expensive.

Commissioner Dennis encourages everyone to download the Sedgwick County app which provides zoning information and that this exact zoning issue is provided on the app.

Anderson states that for the sake of time we need to consolidate this issue. Does the board need to go in a make a substitute motion to table this matter or do we need to vote to approve or object the matter.

Commissioner Dennis suggests the board defer it for a month.

Pat Gaughan moves to defer for a month. Second by Sharon Aislieger, unanimously passed.

3. Discussion of CON2020-00011 – Senior Planner Kathy Morgan

The applicant is requesting a conditional use to build a new accessory dwelling unit (30-foot by 25-foot) and a new event center (approximately 8,500 square feet, maximum capacity 350 persons). The property owner currently operates the event center as an agro-tourism business, "Vineyards at Prairie Hill" at this location, which was permitted by right because he owns approximately 130 acres at this location. It is because of his desire to plat the property and create a separate lot that the property size for a use by right changed when the property size reduced to less than 20 acres. The subject property is zoned Rural Residential, is approximately 18.65 acres in size, and it being processed with a plat (SUB2020-00010). The subject site is located at the southeast corner of the intersection of North 215th Street West and West 37th Street North (21421 West 37th Street North) and is located in the unincorporated area of Sedgwick County. The proposed accessory dwelling unit is identified as a "granny unit" and is intended as living quarters for a family member.

Kathy Morgan states that the applicant has already been in touch with Sedgwick County to see what septic fields needs to be put into place. She also mentions that the accessory unit is only to be used for family and this unit cannot be sold separately it has to remain under the ownership of whomever owns the 20 acers of land.

The new event center that the applicant is requesting has a plan for onsite parking and the parking spaces are determined by the square footage of the building occupancy, which is something that the building and construction verify at the time a building permit is pulled.

Morgan states that staff recommends approval of this application contingent upon the applicant getting the building permit, meeting the sanitation requirements, and the parking requirements.

Lamont Anderson has a question, this application is talking about an event center on

less than 20 acres and the site size is 18.65 and if they were at 20 they would automatically trigger and be able to build this facility?

The applicant states that yes, that's what he was told. He also states he has more acres to make the facility 20 acres. The building is going to require a building permit and in order to get a building permit they have to get the platting done and that's why we have gone down this road.

Anderson asks if there is comment from the board, there were none, so he opens up discussion for public comment.

Someone from the public asks if the accessory unit apartment for the applicant's family members or is the apartment for the venue and have family members that are having an event stay there?

The applicant states that this apartment was for his daughter to live in or for him to stay there. This building may not be built because his daughter has purchased another property.

The same person from the public asks, what is going to happen with the venue center?

The applicant states he would like to stay there for as long as possible and then his daughter will take over the property. He doubts the apartment will get built, but his main reason for the application would be for the event center.

Another person from the public states that they would like to talk about the residency and asks if the applicant going to live there until they die, why don't they just stay in the house? Why would they build a separate living space for someone else to live?

The applicant states this the idea was for his daughter to live on the property with him and not in the house so he wanted to put a small house next to the main house and have access to the property. The applicant states he is now not going to build the small house.

The person from the public states, that he does not want another person living on the property living in a separate house and that he has a problem with it.

The same person from the public states that they would like to see the section of the accessory unit eliminated from the application.

Someone else from the public states that the applicant has many different people from time to time, month to month living in the cabin.

Pat Gaughan states that recommendation number four says that the size of events are limited to no more than 200 people, but the website says the capacity is 300 people at

each event.

Someone from the public states that the website says that 300 people are allowed, but there has been time when the applicant has had 700 people.

Someone else from the public states that the applicant told them that there was a wedding that held 700 people and there was an issue with the guest.

The applicant claims that it is untrue that there were 700 people at a wedding.

The applicant also mentions that they no longer hold quinceañeras, because they are too loud and that the company does not like doing events with over 300 people.

Someone from the public states that last night they called 9-1-1 because of what was going on at the applicant's property. After 10 p.m. on a Sunday night, there was a lot of noise.

The applicant states that he wishes they would have called him instead of calling the police because he would have handled the situation.

Someone from the public states that they have many forms of documentation of them contacting the applicant and nothing has been resolved.

Sharon Aislieger asked the public if they are actually the applicant's neighbors.

Everyone started speaking at once explaining how they were neighbors to the applicant and Anderson asks everyone to lower their voices and to stay on task.

Aislieger states she is trying to figure out where everyone is located because she cannot visualize where everyone is located.

The applicant states the event that was on Sunday night was a bigger number, and when people come to the venue they use his home address which creates traffic.

Someone from the public states they live on the east side of the property and her main concern was parking, traffic, noise, and safety. This person claims that it was not until after 10:40 p.m. when the noise stopped. This person also wanted to note that the development application was moved from 37th street to 215th. This person also states that one night their windows were rattling and they did not get ahold of the applicant until after 11:00 p.m... And it took four phone calls to reach the applicant.

The applicant apologized and offered to have music turned down early on Sunday nights.

The same person from the public mentioned that she would feel more comfortable if the

accessary apartment was taken off the application so guests from the event venue would not try to spend the night.

The applicant states that now there is no need for the accessary apartment.

Lamont Anderson states that the board would like to close the public comment portion, and the public states that they are not finished and have more to say.

Anderson states that they have to be quick because time is running short.

A person from the public states that the traffic is out of hand for the bigger events. 37th street gets complied with cars on both sides of the street.

Another person from the public expressed concern for teenage drivers who drive in that area.

Commissioner Dennis asked Kathy Morgan about the regulations for parking and she states that they have not received a preliminary site plan, but the applicant will have to provide onsite parking for the new event center.

Commissioner Dennis shared a couple suggestions for the staff report. Parking should be specified in the staff report to make sure that it is adequate, and the maximum capacity needs to be correct, Commissioner Dennis suggested that the planning staff and applicant take a look at similar venues to see how they operate.

The applicant apologizes and states that there will be no more parking on 37th street.

Anderson states that for the second time, they will have to close the public comment and bring it back to the board.

Pat Gaughan states that because the board does not have anything to vote on they will have to defer this issue for the next meeting. Anderson concurs. Gaughan moves to defer this issue for the next advisory board meeting and David Wright seconds, unanimously passed.

BOARD AGENDA

Citizens Advisory Board Members

Pat Gaughan has some comments about the COVID-19 update; he is very disappointed in the Governor's plan for Coronavirus, but he felt that Governor Kelly put her head down and ran from the situation and left the Counties' to make the decisions on how to handle COVID-19. Gaughan felt that the County suffered because there was no Board of Health that included health professionals that could provide political cover for the COVID-19 situation.

He thinks the Board of County Commissioners should be separate from the Board of Health.

Commissioner Dennis explains that the Board of County Commissioners are currently the Board of Health and explains everything that they are responsible for, he also encourages everyone to view the COVID-19 Dashboard located on the Sedgwick County website.

Commissioner Dennis explains that the County had to flatten the curb of positive cases so the hospitals would not be overwhelmed.

Commissioner Dennis shares that the Board of County Commissioners are also responsible for the economic and social aspects of Sedgwick County.

Commissioner Dennis states that he disagrees with the thought of a separate Board of Health.

Gaughan states that to his knowledge there is no Board of Health that operates autonomously from the Board of County Commissioners.

Commissioner Dennis states that this is why the Board of County Commissioner's has Dr. Minns as an advisor to help make decisions.

Pat Gaughan states that he believes Dr. Minns is over his head and that still should be a Board of health.

Commissioner Dennis states that Dr. Minns has more authority than the Board of County Commissioners.

Sharon Aislieger states that she felt that the Board of County Commissioners did the right thing, but mentioned it was hard for those families who did not have any income coming in.

Comments from Commissioner Dennis

- The Board of County Commissioners had a meeting today with all the superintendents.
- Last Friday Commissioner Dennis watched the Health Department do testing for COVID-19.
 - As now of there is only one test that is done for COVID-19.
 - He would like to see different testing options for the Sedgwick County Health Department.
 - There is a possibility of a mobile testing unit to receive more data in certain areas.
 - There is not a vaccination at this time.

- Coronavirus Aid Relief and Economic Security (CARES) Act
 - Sedgwick County applied for the federal CARES Act grant and received \$99.6 million dollars.
- Budget
 - We are currently spending the 2020 Budget and we are potentially looking at a 6 to 9 million dollar shortfall this year.
 - 220 Sedgwick County employees were furloughed.
 - Sedgwick County is trying to make as many cuts as possible.
 - Every Sedgwick County department has been asked to create a budget with a 3% cut and a 5% cut.

ADJOURNMENT

Sharon Aislieger made a motion for adjournment, Nancy Hinten seconded. Lamont Anderson adjourned the meeting.

Next meeting will be at 7 p.m. on Monday, July 6, at the Goddard School Conference Center.