

District III Advisory Board Minutes
February 7, 2007
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The District III Advisory Board meeting was held at 7 p.m. at the Wichita Water Center at 101 E Pawnee. Ten District Advisory Board members were in attendance; 10 City staff and 45 members of the public were present (three which did not sign in).

Members Present

Teresa Cook
Judy Dillard
Matt Foley
Charlotte Foster
Jim Gulick
Joann Hartig
John Kemp
DeWayne Kitchen
Jesse Sheffield
Council member Jim Skelton
Bill Ward

Members Absent

Staff Present

Officer Dwain Diehl, Patrol South
Officer Colin Gallagher, Patrol East
Lt. Clark Wiemeyer, Patrol East
Sgt. Jeff Pike, Patrol South
Officer Mike Amy, Patrol South
Officer Naomi Arnold, Patrol South
Janet Johnson, City Manager's Office
Derrick Slocum, Planning
Scott Lindebak, Storm Water Management
Kay Johnson, Environmental Services

Guests

Listed on the last page

ORDER OF BUSINESS

At 7 p.m. **Council member Jim Skelton** called the meeting to order.

The meeting minutes from January 10, 2007, were approved as submitted (**Dillard: Kemp**). **10:0**

PUBLIC AGENDA

Scheduled items

1. **Ange Aubry, 149 S. Ridge Road**, presented information on the Lifeline program. Lifeline is a nonprofit personal emergency response service dedicated toward allowing elderly, disabled and individuals whose health is at risk to maintain peace of mind, dignity and quality of life in the privacy of their homes. She said they also have an indigent fund for citizens who need the service, but can't afford it. **Bill Ward** and **John Kemp** both said they had family members who used the service and they were very pleased with it.

Non-Scheduled items

No items.

STAFF REPORTS

Community Police Report

Officer Dwain Diehl, Patrol South Beat 24, reported that auto thefts have increased significantly due to cold weather. He reminded everyone not to leave their vehicles unattended, unlocked and running. He also noted that the Patrol South area is seeing a lot of thefts from unlocked vehicles. He also announced that the Project Butterfly project that was initiated by Patrol South has been adopted in Topeka, Kansas.

Officer Colin Gallagher, Patrol East Beat 34, reported that there has been a residential robbery trend in east Wichita that police are working diligently on addressing. He said if citizens see anything suspicious in their neighborhood, they need to call 911. He also reminded everyone that the WPD Community Affairs section would do free home security surveys. Citizens can call 268-4101 for a free assessment. He also announced the Hooked on Fishing program sponsored by Patrol East and slated for June.

Action: Receive and file.

NEW BUSINESS

Boeing Construction and Demolition Landfill

John Frederick, Tim Frasher and Steven Tochko, Boeing, provided information on the Boeing Construction and Demolition landfill, which is a 69-acre area located off east MacArthur Street. **Tochko** reported that Boeing purchased the landfill in 1983 and it was re-permitted in 1991. The permit will expire in June of 2007 and Boeing wants to renew the permit so they can sell the landfill. They said they would only sell to a municipality. If the re-permitting of the landfill is denied, they will close it and then sell the property.

Tochko said the C&D landfill is not lined and currently only accepts refuse from Boeing – primarily soil and concrete. He said there is room in the landfill for another million tons of debris and he sees the landfill as a community asset.

He explained that there is some ground water contamination that occurred sometime prior to 1980 when volatile de-greasing solvent was dumped there. As a result, Boeing has been operating extractions wells since 1991 to clean the contamination out of the water, and they anticipate the wells will have to operate another 10 to 15 years before the contamination is cleared up.

Discussion was opened to the public.

Donnah Taylor, 6555 S. Hydraulic, asked why Boeing is dumping soil at the landfill. **Tochko** said because it's primarily clay, and not usable soil, and assured her no hazardous material was being dumped there. **Taylor** also wanted to know what would happen with the ground water remediation if they sold the landfill. **Tochko** said the treatment system would continue to operate.

Richard Hill, 4555 S. Laura, asked for clarification that if Boeing sold the property, the water treatment system would continue to operate. **Hill** asked who would be responsible for making sure it continued to operate. **Tochko** said Boeing would probably continue to be responsible for it because they usually don't sell any liability with the property.

Ben Trout, 2021 E. 51st St. S., said there are conflicting reports regarding the status of the contamination at this site, so it's hard to know what to believe. **Kay Johnson, Director of City of Wichita Environmental Services**, assured him that the remediation wells would continue to operate until the State of Kansas sent a 'no further action' letter. She said the wells would be there another 10 to 15 years. **Trout** said he believes there are more than the two options for the landfill than what Boeing was proposing.

Donna Taylor, 6555 S. Hydraulic, wanted to know what was dumped in the landfill prior to Boeing purchasing it. **Tochko** said they don't know for sure what went in there, but they believe that less than one drum of volatile material was dumped there, based on what is currently being extracted in the remediation process.

Discussion was returned to the Board.

Judy Dillard thanked Boeing for keeping the landfill well maintained and well grassed. She said citizens are working on improving the general perception of the South end of Wichita and they want the C&D landfills closed. She said they don't want any other entities taking over the landfill, because you have no guarantees what will happen once it's sold. **Tochko** said Boeing has no interest in selling the landfill to anyone other than a municipality. He explained that in Seattle, here he is from; most of the closed C&D landfills are now golf courses. He went on to point out that this landfill has many more years of capacity.

Jesse Sheffield said he thinks there is probably MEK in the landfill. **Tochko** said there is not. **Sheffield** said South Wichita has been a dumping site for years and that we want to clean up south Wichita and we don't need another landfill. He said it should be closed down and later on turn it into a park or a golf course. He said we need to make this go away.

John Kemp said he agreed with Judy and Jesse and that he had been involved with some other ground water contamination incidents and they are very expensive. He said he has lived here 26 years and in his area, all he sees are landfills and more landfills.

Matt Foley said he understood that Boeing had the possibility of getting a tanker contract and he wanted to know if that would change the need for the landfill. **Tochko** said only a little bit because most of the material they are currently putting in the landfill is from building new runways.

Jim Gulick wanted to know that if the landfill were re-permitted, would Boeing only consider selling to the City of Wichita. **Tochko** said they would consider selling to any municipality, but that only Wichita would be interested.

Charlotte Foster asked why the City of Wichita should have to buy this rotten egg. **Tochko** declined getting into any sales/contract discussion.

John Kemp asked what the chances were that Boeing would sell to a municipality outside the state of Kansas and he cited three trash companies that operate locally, but are owned by out of state corporations. **Tochko** said the chances were zero.

DeWayne Kitchen asked if the City of Wichita was considering buying it. **Skelton** said the City is not anywhere near the point of discussion of that nature, and pointed out that the City Planning Department would be coming to DAB next month regarding the re-permitting application.

Kitchen (Gulick) made a motion to end the discussion. Motion passed 10:0.

Action: Receive and file.

Zoning case CUP2006-00058

Derrick Slocum, Planning Department, presented information on a zoning request to put a Used Car Lot in a portion of the Wal-Mart parking lot at Pawnee and Broadway.

The Kinkaid Community Unit Plan (CUP) located at the southeast corner of Broadway Avenue and Pawnee Avenue, and divided into nine development parcels, with each parcel containing specific development standards. The application area is located in Parcels 2B and 2C, and has a base zoning of "GC", General Commercial, but according to the CUP (General Provision #13), these two parcels, along with two other parcels in the CUP, are only allowed to be developed with any commercial use permitted by-right in the "LC", Limited Commercial District, excluding night club in city, sexually oriented business, tavern and drinking establishment. Wal-Mart owns parcels 2A, 2B, 2C and 2D out of the nine parcels within the CUP, totaling 23.73 acres of the 61.10-acre CUP, and are seeking an amendment to allow "used vehicle sales, vehicle and equipment sales (outdoor)" to occur on Parcels 2B and 2C. If the request is approved, Guaranteed Auto Finance Inc. intends to purchase the site and use it for automotive retail and related finance company. Parcels 2B and 2C are currently not developed and are located on the north side of the Wal-Mart parking lot.

Slocum said Planning staff recommended that the request be denied, but the Metropolitan Area Planning Commission (MAPC) approved the request during its Feb. 1 meeting.

The applicant, **Roger McMennamy from Rogers, Arkansas**, and his agent, **Terry Smythe**, were present at the meeting. McMennamy said that he started Auto Master in Arkansas in 1989. He currently has 10 stores and plans on adding four to six more in 2007. He said they are a neighborhood business and they did a demographic study of Wichita and determined that the location in the Wal-Mart parking lot would be the best location. He said they plan on making a \$1.1 million investment and want to start operating in August. **McMennamy** said they sell clean, re-conditioned vehicles; that they are a good neighbor, and he thinks his business would drive out some of the other used car businesses on South Broadway. He said they opened a store in Tulsa, Okla., in an area similar to South Broadway and since then, 19 used car business in that Tulsa area have closed. He said the market forces them to close because Auto Master offers a better service.

McMennamy talked at length about how he believes that Auto Masters meets the objectives of the South Central Neighborhood Improvement Plan, and also talked at length about the community involvement and participation they seek when they have a grand opening of a store.

Discussion was opened to the public.

Vickie Adamson, 817 S. Oliver, spoke representing the South Central Improvement Alliance, and said that they have worked tirelessly on their neighborhood plan, and that the Auto Master store simply doesn't fit in with the plan for the neighborhood.

Paula Hearn, 633 Marcilene, is president of the Dry Creek Neighborhood Association, and she said it is important that the neighborhood leaders stick to their plan.

Paul Farha, asked why McMennamy wouldn't consider buying one of the properties on South Broadway for this store. **McMennamy** responded saying because it would be a different location and it costs more to buy an existing structure and remove it, than to start with an unimproved area.

Elena Ingle, 3608 Meadow Lane, inquired about usury rates. **McMennamy** discussed usury rates in Arkansas and Oklahoma, and said that their business interest rate is less than what the state allows for and in Kansas it would be 16.9 percent.

Paul Davis, 6417 S. Madison, asked how many units a year Auto Master sells. **McMennamy** said they sell between 70 and 100 a month per store. Davis also asked about their repossession rate. **McMennamy** said it's around 25 percent.

Discussion was returned to the Board.

Matt Foley noted that the request is in direct conflict with the Neighborhood Plan and he felt that the Plan must be supported. He also pointed out that Auto Masters would be competing against local businesses, and forcing local businesses to close wasn't necessarily a good thing, especially if there is nothing to replace them and they sit vacant.

Joann Hartig said there are currently 23 car lots in the South Central Broadway area – 19 active and four inactive, and another car lot is simply not what the neighborhood wants.

Jesse Sheffield agreed that citizens in the area don't want any more car lots. He said he had received so many calls on this issue that his ears were hurting. We don't need it and we don't want it, he said.

Ward (Kitchen) made a motion to recommend denial of the application. Discussion of the motion ensued.

John Kemp said he didn't like the idea that the vehicles are taken to Arkansas for re-conditioning and then brought back to Wichita to a "tote the note" business. He said he felt if this car lot were allowed to go in, there would be car lots all the way down to the railroad.

Teresa Cook asked if the application were approved, would Auto Masters be willing to consider façade and landscaping that would make the business more appealing to the neighborhood. **McMennamy** said that they would be open to that.

Judy Dillard complimented McMennamy for doing his homework and being willing to appear in front of the DAB, even though MAPC had already approved the application.

DeWayne Kitchen also complimented McMennamy and said he didn't believe that the interest rate nor the re-po rates were bad, but the business just doesn't fit for the location and Neighborhood Plan.

Motion passed 10:0.

Action: Recommended denial of the application.

Dry Creek Channel Improvements

Scott Lindebak, Storm Water Management, Don Baker and Andrew Smith, Black & Veatch, presented the design concept for the Dry Creek Improvements. Black & Veatch evaluated several alternatives, including a buyout option, bridge replacement, and a few different channel improvement configurations. Based on the alternatives, Engineering recommends the channel restoration option, which includes the requirement of purchasing three or four homes, replacing the Gilbert Bridge and regarding most of the channel between Lincoln and Orme. The estimated cost of the project is \$1.6 million. The project has surveyed 35 structures in the floodplain and will remove 27 of the structures following a post construction FEMA Letter of Map Revision. There will be approximately seven homes remaining in the floodplain and recommend these properties be purchased by the City through a voluntary buyout program. The cost to buy out all 34 structures would exceed \$2.4 million and would not include the bridge improvements at Gilbert, estimated to cost \$400,000.

Staff recommended that the DAB review and approve the concept design and authorize Black & Veatch to proceed with the final design plans.

Discussion was opened to the public.

Hoyt Hillman, 3705 E. Mt. Vernon, commended the plan for only eliminating a few homes. He said the goal should be to keep as many homes intact as possible. He said the problem with tearing down homes and building pocket parks, is that they have to be maintained.

Richard Hill, 4555 S. Laura, asked if the seven or eight remaining homes would have to be bought out. **Lindebak** said those would be strictly voluntary buyouts.

Discussion was returned to the Board.

John Kemp asked about the time line for the project. **Lindebak** said they hope to have City Council approval of the design by June, secure the needed permits and begin construction on the project in August or September with a completion in late fall and a re-vegetation effort in the Spring of 2008. **Kemp** wanted to know if WAMPO could come in and delay this project. **Lindebak** said no, because the funding for this project comes from the Storm Water Utility Fund and not Federal funds.

Kitchen (Kemp) made a motion to recommend approval of the design concept. Motion passed 10:0.

Action: Recommend approval of the design concept.

BOARD AGENDA

Updates, Issues and Reports

John Kemp said he received a call from an appraiser who told him that Joyland is looking into building low-income housing.

Matt Foley reported that the new sidewalk construction is continuing in the Hilltop area and that a number of focus groups are being conducted to discuss neighborhood needs and goals.

Joann Hartig said she had been to a meeting concerning the Sedgwick County jail and she has a problem with the County telling the City who can and can't be put in jail. **Council Member Skelton** said he would be attending a meeting on Saturday regarding the jail. A long discussion ensued regarding jail issues and history that included Board and citizen comments.

Teresa Cook said there would be a Gang Coalition meeting at 7 p.m. on Monday at Believer's Tabernacle.

Council member Skelton reported that he was going to meet with representatives from KDOT on Tuesday to discuss the 47th Street development project.

He also noted that there is a vacancy on the DAB that he would like to fill and interested persons should contact him.

Bill Ward told everyone that former Council member Phil Lambke is having some health problems.

Action: Receive and file.

Adjournment

Bill Ward (Gulick) made a motion to adjourn at 9:25 p.m. Motion passed 10:0.

The next regularly scheduled meeting for District Advisory Board III will be held at 7 p.m., March 7, 2007, at the Water Center 101 E. Pawnee.

Respectfully submitted,

Janet Johnson,
Neighborhood Assistant – District III

Guests

Bill Barnes	2707 S. Hillside
Goldie Barnes	2707 S. Hillside
Elena Ingle	3608 Meadow Lane
Paul Davis	6417 S. Madison Ct.
Tom Strickland	1302 S. Galena
Betty Strickland	1302 S. Galena
Annette Schoenthaler	1314 Galena
Tom Smythe	Baughman Co.
Roger McMennamy	44 Champions Blvd., Rogers, AR
Paula Hearn	633 Marcilene
Ange Aubrey	149 S. Ridge Road
Roger Hahn	1924 E. Sunrise
Debra Miller Stevens	3125 E. Boston
John Stevens	3125 E. Boston
Donnah Taylor	6555 S. Hydrualic
Wesley Provines	1601 E. 45 th St. S.
Jody Bennett	1709 E. 48 th St. S.
Shirley Doramus	1651 S. Waco
Virginia Hess	1728 S. Waco
Vickie Adamson	817 S. Oliver
Gerald Beals	3449 Kinkaid Ct.
Mary Beals	3449 Kinkaid Ct.
Hoyt Hillman	3705 E. Mt. Vernon
Larry Manny	1116 Alturas
Kathy Manny	1116 Alturas
Donna Thorton	2714 Southfork
Claudia Lee	2826 Greenwood
Lynda Novotny	1209 Jump
Joan Burt	1330 S. Wichita
Ray Fees	1624 S. Waco
Carole Campbell	2821 S. Mosley
Don Hansen	2156 S. Topeka
Paul Farha	
Jared Bartlett	Boeing
Mike Spain	Boeing
John Frederick	Boeing
Tim Frasher	Boeing
Steven Tochko	Boeing
Don Baker	Black and Veatch
Andrew Smith	Black and Veatch
Ben Trout	2021 E. 51 st St. S.
Doug Hite	