

**BOARD OF PARK COMMISSIONERS
REGULAR MEETING MINUTES
Wichita Ice Center, 2nd Floor
Monday, January 10, 2011
3:00 p.m.**

Present: Bryan Frye, Tom Roth, Andy Solter, Cindy Claycomb, John Stevens

Absent: Matt Goolsby, Randy Brown

Also Present: Doug Kupper, Director of Park and Recreation, Lee Ann Sack, Clerk, Deborah Lambert, Clerk, Bryce Mumford, Park Dept., Dennis McHugh, IT Dept., Mike Mayta, IT Dept., Council Member Jeff Longwell, Gerri Ford, City Manager's Office, Jerry Warren, John Voyt, Kristy McFarland, Luke Duling, Ron Duling, Lynda Tyler, Robert Tyler, Donna Bridge, Patricia Altenhofer, Betty Long, Mark Stevens, Andrea Fuschetti, Leslie Hicks, Donna Frazey, Charles Frazey, Mike Barushok, Greg Ferris, David Tuhtorn, Russell Oliver, Darlene Morrow, James Coe, Matt Fulghum, Ron Gerant, Albert Sanchez, Gene Mudd, Craig Gabel, citizens.

President Frye called the meeting to order at approximately 3:00 p.m. Frye welcomed all visitors and ask if anyone wanted to speak on a topic not listed on the agenda.

PUBLIC AGENDA

Albert Sanchez, 1269 N. Country Walk Circle, 67206, spoke in support of the Wichita Ice Rink. Users are aware that an RFP has been issued by the City for management of the Ice Center. Adult Hockey players, figure skaters and youth skaters wish to be helpful to improve the Ice Center. Users have been contacting City Council members to offer support to improve the center for increased use and improved revenue.

Gene Mudd, 1414 N. Doris Circle, spoke to support Special Olympic activities for youth. Special Olympics is very active in the area and hopes to continue ice skating activities at the Ice Rink for handicap youth.

REGULAR AGENDA

Item 1: Approval of Minutes

Motion by Solter, second by Claycomb, IT WAS UNANIMOUSLY VOTED TO APPROVE the December 20, 2010 regular meeting minutes of the Board of Park Commissioners.

Item 2A: Request for additional easement in West Millbrook Park along 119th for gas line improvements

Kupper stated 199th street west between Maple and Kellogg is going to be improved and expanded. Initial design did not consider how much easement would be required to complete the gas line improvements. The contractor realized more space would be required along West Millbrook Park.

Matt Fulghum, Kansas Gas Service, provided maps to the Park Board. Fulghum stated a running line has been established 60 ft east of the central line on 119th street; the park right of way is 40 ft east of the running line. An additional 20 ft easement is needed. The running line goes through 6 mature locust trees in the park. The trees will either have to be removed, the contractor can dig alongside the trees and risk damaging the root systems or the easement can be moved further east in order to avoid the trees. Ron Duling representing Duling Construction, who will do the trenching, is present to answer any questions.

Stevens stated it appears the construction is already in progress.

Fulghum stated the construction is in progress where sufficient easement has been established. Duling is currently installing pipe. The city has a pre-construction meeting this week with contractors to plan widening the street starting the first of February.

Stevens asked if easements are generally secured in advance.

Fulghum stated easements were secured. However, after discovering an existing city sewer line in the area, an additional easement is necessary.

Frye asked the size of the trees.

Kupper stated the trees are 8" – 12" diameter. If an additional easement is provided, the trees can be saved or the trees can be replaced if they are removed.

Claycomb asked the variety of the trees.

Fulghum stated they are all Catalpa.

Solter said he would prefer an additional easement to protect the trees. If an easement is given, is that a permanent transfer of land.

Kupper stated it is a temporary easement for construction purposes.

Frye asked if an additional 10 ft easement in addition to the 20 ft requested easement were provided, would the trenching be out of the drip line of the trees.

Duling stated an additional 10 ft easement would move the trenching beyond the drip line.

Claycomb asked what line is being buried.

Kupper stated it is a gas line.

Frye asked for public comment.

Linda Tyler, 11509 Valley High Drive, asked how the residential areas will be avoided.

Fulghum stated the 8 foot existing utility easement is sufficient at the residential areas.

There being no further public comment, Frye brought the discussion back to the Board.

Frye asked for Kupper's recommendation.

Kupper stated he supported the additional easement to avoid the existing Catalpa trees.

Motion by Frye, second by Solter, IT WAS UNANIMOUSLY VOTED TO APPROVE granting an additional 30' easement in West Millbrook Park as specified in the legal description for Kansas Gas Service utility improvements along 119th street, the existing Catalpa Trees will not be removed.

Item 3A: Request for placement of communication tower in West Millbrook Park

Dennis McHugh and Mike Mayta represented IT's request for placement of a communication tower in West Millbrook Park.

McHugh stated the original request was for placement of a communication tower at the fire station at Maple and Maize. Through citizen input at the Maple and Maize area, the placement was changed to West Millbrook Park. Changes from the December 20, 2010 presentation to the Park Board are the power lines will now be installed underground along the access road coming from 119th street.

An alternative location would be at the south end of the park along 119th street. The area is not ideal as it floods frequently, but it is at the edge of the park along the roadway. A new application process would have to be started. MAPD and FEMA approval would have to be obtained since the area is in a flood plain.

Claycomb asked if the tower height would be the same.

McHugh stated the tower would be built 110', but the structure could support an additional 10' for co-located services.

Claycomb stated the original request at the fire station indicates a need for security. The MAPD minutes state a cabinet will have to be placed near the tower at the park to keep control systems secure. Claycomb asked where this will be placed.

McHugh stated the cabinet will be heated and air conditioned and safeguarded.

Mayta stated this is also done at the Stryker tower location.

Kupper asked if an additional building or structure will be required along with the tower and would co-located service require an additional structure for their control systems.

McHugh stated due to the flooding, the cabinet will be placed on a tower 6' above the ground next to the tower. No additional structure would be required.

Solter asked what the shift from fire station to park location cost.

McHugh stated the major issues are the power and road access and the safety and climate control issues. Additional cost will be approximately \$70,000.

Frye stated there will also be co-locate opportunities at the park that do not exist at the fire station.

Mayta stated co-location is part of the initiative for placement at the park to adhere to the city's master plan for communication towers.

Solter asked if the communication information is primarily for the fire station.

Mayta stated the communication is a network for traffic signals supplemented by public safety communication.

Claycomb asked why services cannot be co-located at the fire station.

McHugh stated there is already service provided in that area. The possibility to co-locate exists, but there is no demand.

Stevens asked if there are guide wires on the tower.

Mayta said the tower is self supporting and no guide wires are required.

Stevens asked why co-locate services are not negotiated with USD 259.

Mayta stated the school district did not build their communication tower to support co-location.

Claycomb asked if a new communication tower could be built to replace USD 259's tower that would support both services.

Mayta said that would be a negotiation with the school district.

Roth noted West Millbrook Park is owned by the Park Board. Roth asked the distinction between Park Board Owned property and City Owned park property.

Kupper stated there are three types of land ownerships and oversight. Land owned prior to 1990 the City can do what they want basically without Board review or approval, land acquired by the city after 1990, Council has to seek the approval of the Board for any action related to that land, but City can move forward after Public discussion even if the Board votes no. Land deeded to the Board prior to 1990, only the Board can make a decision involving these lands. So if in West Millbrook Park there are lands owned by the City and not the Board, the City could go against the Board and build the tower.

Frye asked for public comment.

Craig Gable, 150 East 44th Street South, stated public park land should stop being a land bank for the city. An example is the land given away at Linwood Park for a school. The park used to thrive but that changed when so much of the land was given away. The city budget shortfalls should not take so much of the park and recreation budget. And now a communication tower put in the middle of the park will

inhibit kite flying and radio control airplanes. This is a beautiful park with significant wildlife that does not need a tower put in the middle of it.

Lynda Tyler, 11509 Valley High Drive, stated she opposes the cell tower in the park. The park has a playground and open space which is valued by the citizens. Quality of Life is affected by the opportunity to have open space. As the city grows, those spaces will be extremely valuable. The park floods, has wildlife, and offers children a space to enjoy. The Park Board is stewards of the land and they should protect it. The fire station location is largely a business location; the park is residential. Tyler urged the Board to protect the land for future generations.

Kristy McFarland, 11304 West Valley High Drive, said the proposed tower location will be directly out her window. The areas are currently pristine, filled with frogs and other wildlife. Deer, quail, turkey and other wildlife inhabit the park. No child wants to have a picnic under a cell tower. The tower needs to be in a commercial area. McFarland stated she was sympathetic to revenue production, but she encouraged staff to find an alternate location instead of the park.

Greg Ferris, 144 South Bay Country Court, stated he supports the tower in West Millbrook Park. Ferris stated his involvement in the Cricket Cell Tower proposal for West Millbrook Park which was approved by a previous Park Board in 2008 and was abandoned for financial reasons. Ferris stated T-Mobile is interested in co-location at the park, but not at the fire station. Ferris stated the playground is located at the north end of the park and is not near the tower location. He also stated the south proposal will not be approved since it is in the flood plain.

Frye stated only two current Park Board members were involved in the Cricket Cell Tower proposal. All other members were appointed after that time.

Stevens asked if any clients would negotiate for co-location at the park.

Ferris said clients would pay for the additional 10 foot tower and any equipment. A riser would be placed inside a wooden fence compound to keep it out of water and fenced high enough to cover.

McHugh stated he would like a fence around the tower but the Army Core of Engineers would determine if that could be done due to the flooding. The fence could not inhibit water flow. The footprint would be approximately 15' x 15'.

Robert Tyler, 11509 Valley High Drive, 67209, the 2008 proposal is not something he was ever aware of. The proposal was not well advertised for citizen input. A few people will have financial gain by this proposal but the park, which is underdeveloped, should be kept for kids. Tyler opposed the tower in West Millbrook Park.

Kupper stated all Park Board meetings are public and published through the website and the newspaper. In 2008, three meetings were held to discuss cell towers in parks. All District Advisory Board meetings are publicly advertised and all citizens are invited. After the 2008 decision, the Park Board made it policy that any time a cell tower was proposed in a park, the adjacent home owners would be contacted for their input. A letter was sent from the Park Department to home owners around West Millbrook Park so they would have their wishes heard by the Board. The main base communication tower will be solely owned by the City of Wichita funded by taxpayers and not for private gain. Additional segments may be added for co-location.

Stevens asked what happens to the revenue from co-location and if the Park Department gets to keep the funds, possibly for improvements to West Millbrook Park.

Kupper stated it goes into the General Fund, but it is credited to the Department as revenue generated. An argument can be made for additional improvement dollars for the park.

Stevens stated the Park Board owns the land. He asked if the Board could direct the funds generated from the park.

Kupper stated the Department can account for the funds generated, but the funds cannot be directed.

Solter stated he was on the Board during the 2008 cell tower discussions. The Park Board is very aware of their charge to protect the land and also serve the citizens of Wichita. A cell tower policy was established during those discussions. The land must be balanced for the needs of the community and the need to protect the land.

Jo Oliver, 326 South Fieldcrest, representing the Cambridge/Lexington Neighborhood Association which is located around the fire station at Maple and Maize. The neighbors recommended the park site because of the previous Board approval. The Maple and Maize area is saturated with towers. Oliver stated the area is not completely commercial, there is also residential in the area which does not support the fire station tower placement. Eight homes are within 200 ft of the fire station and the tower will be in their backyards. The trees in the park make a natural screen for the tower and it is more of a hidden location.

There being no further public comment, Frye brought the discussion back to the Board.

Roth clarified the 2008 proposal was a monopole construction and this proposal is lattice construction.

Mayta affirmed.

Frye asked if the south location near 119th street is a viable option.

Mayta stated it will be right by the road without screening. Water runs through on a regular basis. The Army Core of Engineers will have to give approval.

Frye asked what will happen if they say no.

McHugh stated a new location will have to be found.

Stevens asked if there were options in vacant land west of 119th street.

McHugh stated every location will have flood problems.

Stevens stated there were no flooding problems at the fire station.

Mayta stated any alternate location will have to fit into the network.

Stevens asked if the park was selected because it scientifically fit into the network.

Mayta said it was chosen because of the recommendation from citizens and co-location opportunities.

Stevens asked what will happen if the Board votes no.

Mayta said research will have to start over.

Frye stated no-one wants a tower in their backyard. He stated he does not want a tower placed in the middle of the park. But co-location services will reduce towers in the city and provide additional revenue for the city.

Solter questioned that all electrical will be placed underground.

McHugh affirmed.

Roth asked what happens if the tower is no longer used.

Mayta stated any unused towers must be removed in a stated time frame.

Motion by Frye, second by Solter, to accept placement of a communications tower in West Millbrook Park. MOTION FAILED 2 to 3. Frye, Solter approve, Stevens, Claycomb, Roth dissent.

Motion by Frye, second by Stevens, IT WAS UNANIMOUSLY VOTED TO APPROVE a recommendation for staff to seek another location.

Item 4: Updates from the Director and President

Kupper stated the memorial donations to Veteran's Park accepted at the December Park Board meeting will be on the February 1, 2011 City Council agenda. The Independent School is not ready to finish the donation to Harrison Park. Staff will continue to work with them to complete the donation.

Kupper requested a sub-committee be formed from the Park Board to help form the recreation policies and needs in the recreation department.

Solter offered to serve.

Stevens offered to serve.

Frye offered to serve.

Claycomb offered to serve.

Kupper stated the sub-committee will be Solter, Stevens and Frye. Claycomb will serve as an alternate.

Stevens stated he would like the Park Board to be involved in finding the Development Coordinator for the Department.

Kupper stated he would like the Board involved in finding the best person.

Kupper stated the TOP project is underway and they will have a ground breaking soon.

Stevens asked for an update on the RFP concerning the Ice Center.

Kupper said the Ice Center has two sheets of ice and will continue to have two sheets of ice. The building is designed for three sheets of ice. An RFP has been issued and does refer to other activities besides ice. It is not the intent to shut down ice. There is a lot of unused space on the second floor which needs a positive alternative. One of the performance goals of any management company is to obtain an advisory committee from active users. The Ice Center is a public facility and will not be restricted. Long term customers will be taken care of and new customers will be found.

Claycomb asked what relationship the Board has with the Ice Center.

Kupper stated the negotiations will be between the respondents and the city.

Stevens stated his appreciation for meeting at the Ice Center to see how nice the facility is.

Kupper stated he will conduct a tour of the facility for the Park Board at the conclusion of the meeting.

Item 5: Issues on the Horizon

Frye reminded the Board that February's meeting will be held at Boston Recreation Center.

Frye asked if an RFP has been issued for outsourcing Boston.

Stevens asked what ideas are planned for Boston Recreation Center.

Kupper said no RFP has been issued. Kupper stated a good partnership will provide recreation educational opportunities to increase usage at the facility. SOD and Young Champions along with the Golden Age Club have been successful at Boston and hopefully those activities will continue in some fashion.

Item 6: Adjourn

There being no further business, the meeting was adjourned at approximately 4:45 p.m.

Bryan Frye, President

Lee Ann Sack, Clerk