

**District VI Advisory Board  
Minutes**  
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Monday  
December 3, 2007  
6:30 p.m.

Evergreen Recreation Center  
2700 N. Woodland  
Lounge/Clubroom

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The District VI Advisory Board meeting was held at 6:30 p.m. at the Evergreen Recreation Center Lounge Clubroom 2700 N. Woodland. District VI councilwoman led the meeting with eleven (11) District Advisory Board members in attendance, thirteen (13) city staff and twelve (12) members of the public who signed in.

**Members Present**

Marsha Carr  
Janet Miller  
Bob Schreck  
Pat Randleas  
C. Bickley Foster  
Bob Aldrich  
Carol Skaff  
Charlie Claycomb  
John VanWalleghen  
Stacie Longwell  
Sandra Whittington

**Members Absent**

Jaya Escobar

**Staff Present**

Derrick Slocum, Planning  
Officer Sharp, Patrol North  
Officer Carlson, Patrol South  
Jade Dundas, Water Utilities  
Jim Armour, City Engineer  
Kelli Glassman, Neighborhood Assistant  
Officer Davidson, Patrol West  
Officer Mallard, Patrol North  
Sgt. Hungria, Patrol North  
Mike Jacobs, Public Works  
Officer Reynolds, Patrol North  
Officer Aguiniga, Patrol North  
Scott Lindebak, Public Works

**Guests**

Listed at end

**Council Member Fearey** called the meeting to order at 6:30 p.m. welcoming everyone and asked members to introduce themselves and state their representation on the board.

**Approval of Minutes**

The minutes for November 5, 2007 were approved with amendments. (**Foster/Aldrich 11-0**)

**Approval of Agenda**

The agenda was approved with amendments. (**Aldrich/Schreck 11-0**)

**Public Agenda**

**1. Scheduled items:**

*Jan Beemer* addressed the Board regarding Sexually Oriented Businesses (SOB's). She provided information on the mission and activities of a group called *Operation Southwind*, which is dedicated to addressing the growing problem of pornography and obscenity in the city. *Operation Southwind* would like to make sure that the city would secure the move of SOB's by December 31 that are not within proper zoning districts; as well as, revisit the definition of an SOB as defined by city code, due to increasing sale of explicit material.

*Ted Sanders* addressed the Board regarding the closure of the 13<sup>th</sup> Street Minisa Bridge. He is concerned over the effect that this closure will have on his and area businesses. City staff stated that they are looking to offer an incentive if the contractor can finish early in addition to shortening the overall timeframe for completion of the project. *Mr. Sanders* was assured that the public has been notified and has had the opportunity to discuss this project and that staff will continue to inform the public of new developments and progress.

2. **Off-agenda items:** None at this time

\*\*\*\*\***Action:** Provide comments/take appropriate action.

### **Staff Presentations**

#### 3. **Community Police Report**

*Officer Davidson, Patrol West, 11 beat* - Stated that there has been an increase in auto larcenies over the holiday season and encouraged citizens to keep their car doors locked and gifts out of sight. There have been residential burglaries in the area bounded by Elder, Tracy Central and Murdock, so police are attempting to prevent this through foot patrol, informational flyers and special assignments.

*Officer Carlson, Patrol South, 21 beat*– Reported that they are working to distribute resource information to assist homeless. There have been office supply burglaries on the east side of Douglas and the east side of Washington, but no suspect has been identified. Larcenies have decreased in the area by 75%.

*Officer Mallard, Patrol North, beat 41* – Informed the group that there was a drug robbery homicide at 104 E 8<sup>th</sup> and that they have suspects, but are looking for them. Police are also going door to door to hotels making sure they are in compliance with various codes. He also gave annual statistics for homicides, aggravated assault and sex crimes.

*Sgt. Hungria* stated he is needing volunteers to hand out *Celebrate Safely* flyers to encourage citizens not to discharge firearms during the holiday season. **Janet Miller** expressed thanks to him for keeping this program going.

**Schreck** expressed thanks to *Officer Lenzie*. He had turned in a car with stolen tags that got taken care of quickly and there have been no thefts in the neighborhood lately when usually there are 2-3 a month. Police reminded everyone to let them know if you observe suspicious activity.

\*\*\*\*\* **Action:** Receive and file

### **New Business**

#### 4. **CON2007-00042**

*Derrick Slocum, Planning, and Jade Dundas, Water Utilities*, presented this item. The City of Wichita Water Utilities Department is seeking a Conditional Use to permit the construction of a “utility, major,” in this case a wastewater treatment plant, as defined per Section II-B, #13(h) of the Unified Zoning Code (UZC.) A “utility, major” is a Conditional Use in all zoning districts.

The applicant has stated that a future plant will be situated on an approximately 21-acre unplatted site located midway between 45th St. N. and 53rd St. N, along the east side of Hoover Road, on property owned by the City of Wichita. The site has been previously approved for sand and gravel extraction (CON2004-45), and is part of a buffer area located northwest of the city’s closed landfill. The application area is enclosed within a fence that also encloses the entire retired landfill site and sand extraction location. A landscape buffer consisting of a double-row of pine trees also exists along the north and west property lines of the application area. Access to the site from Hoover Street is proposed at the northwest corner of the site. The site is located just outside the Arkansas River 100-year flood boundary.

**Aldrich** asked if a portion of this site is in a flood plain. *Slocum* responded that this site is located above the flood plain. **Aldrich** also asked if there would be a pond for fishing at this facility. *Staff responded that this site is slated for future park development, but is not sure exactly which amenities will be included at this time.*

**Carr** asked about the conformance of plans to use this site in relation to parkland planning and using land for other use other than development. **Miller** stated that the Park Board was involved in the Kingsbury site selection and they knew that this project would be coming, so they felt this is the best location.

**Foster** asked when this will be included in the CIP? *Slocum* responded that this could take up to 15 years, as the project will not be completed until development around the area necessitates the use of this facility.

A resident present inquired about the noise that will be produced at this facility. *Dundas* stated that besides a back up generator running once a week, there would be little noise. Residences close to a similar site in another part of town have not complained of noise. Another resident asked a follow-up question regarding screening the facility with trees. *Dundas* informed the group that staff would work together to plant trees that were conducive to the environment for screening.

**Schreck** commented that this is a perfect location for this facility, people who live here or that may move into the area have been given ample notification that this is coming and that he has visited a similar facility in the city and was impressed that there was no odor.

**Foster** stated that the community is aware this will be coming, it is a big enough area for the facility and that it is hard to pick a site for such a facility with the river and flood area.

\*\*\*\*\***Action:** The District VI Advisory Board made a motion to recommended Approval (**Schreck/Miller 11-0**) of the zoning request.

##### 5. West 9<sup>th</sup> Street Outfall

*Scott Lindebak, Public Works*, and other project consultants introduced the item. The 2007-2016 Capital Improvement Program adopted by the City Council includes funding for improving the storm water conveyance in 9th Street, west of West Street. This area has inadequate storm water sewer capacity causing frequent street flooding following minor rain event. The City Council awarded MKEC the concept and final design for this project on June 13, 2006 and they have completed their concept study this fall. The 9th Street Outfall will extend a storm water sewer line from the Arkansas River to Orchard Park. MKEC investigated seven preliminary routes with two additional alternatives. In order to provide greater storm water sewer capacity and flood protection, MKEC has proposed that the project includes a dry detention basin located northwest of the intersection of 9th Street and Dougherty on School and Park property. This facility would be a multi-purpose facility for storm water needs and still providing recreation sport fields. Investigating the seven preliminary routes, only one provides a reasonable certainty that the system could be constructed on time and within budget. The other routes would require homes to be purchased, higher pavement replacement costs, and potentially conflicts with the 66-inch raw water line located in 9th Street. To avoid costly project delays and unknown underground utility conflicts the proposed Murdock Street route is the recommended choice. The 2007-20016 has budgeted this project to be constructed in two phases.

The estimated total cost of construction for both phases is \$7,598,300. The funding source is through the Storm water Utility.

The DAB expressed the following concerns (*responses are in italics*)

- Concern over the cost of putting in a detention pond when the water drains fairly quickly already. *There will be other areas that will drain into the pond that will see a significant improvement in drainage. The detention pond also allows us to keep the pipe smaller to drain. However, there are a couple of other options that need to be assessed that may be as cost effective and productive. The pond is not the final design. However, the pond does provide a creative environmental benefit*

*to treat more of the water before it reaches the river. If no detention, even if the pipe size is increased, it will only allow to handle a 5-year flood.*

- Which portion of this will be in the park? *A piece of this will be in the City, but most is in the park.*
- How will the grass and seeding be refurbished and maintained? *Still trying to resolve this issue, but except for a 5-year event, there should be no real silting except in certain areas.*
- How will this affect traffic flow on 9<sup>th</sup> Street? *The storm sewer is under the street, so there will be disruption, but the project will be broken up and will block off only 3 blocks at a time.*
- How long should construction take? *9 to 12 months.*
- Is there a budget to replace the roads with concrete? *This is not in the budget and a petition would probably have to be signed to do this, but it may be more cost effective to do at this time.*
- Have neighborhood associations given input on this? *No. The Board recommended that Orchard Park be involved in future discussions for this project.*
- How will you handle the railroad tracks? *We will open cut them and follow appropriate right of way rules.*
- How will these impact areas with cul-de-sacs and no outlets? *Where the sewer lines will be placed, there will be no problem with these areas.*
- What would be approved if action is taken today? *Alternative #4 in phase 1 of the project.*
- The Board recommended that staff and consultants continue to look at retention area and cost effectiveness for phase #2 of the project.

\*\*\*\*\* **Action:** The District VI Advisory Board made a motion to recommended Approval (Foster/Miller 11-0) of alternative #4 of Phase 1 of the Preliminary Engineering Study for the 9th Street Outfall Improvement Project as the final design.

#### **6. Improvement to the Intersection of Central and I-235**

*Mike Jacobs, Public Works and Penny Jost, PEC, presented the project. The 2007-2016 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of Central and the I-235 Freeway. The project will increase Central Street capacity by adding left turn lane storage under the I-235 bridges. The northbound I-235 off-ramp will be reconstructed to provide dual left turn lanes and an eastbound right turn lane will be constructed on Central at Gilda. Construction is planned to begin in 2008. The estimated project cost is \$3,760,000 with \$2,420,000 paid by State/Federal transportation grants and \$1,340,000 paid by Wichita local sales tax funds.*

**Schreck** commented on the expense of the project. Staff responded that this is a very important intersection and that a good portion of the project cost is acquiring right of way and added that this is a fast-paced project with stiff incentives and penalties for the contractor.

\*\*\*\*\* **Action:** The District VI Advisory Board made a motion to recommended Approval (Aldrich/Carr 11-0) of this project.

#### **7. Smoking Ordinance discussion**

*Brian McLeod, Law, reviewed the smoking ordinance that the City of Lawrence has adopted. According to the ordinance, smoking is allowed in vehicles, residences, some hotel rooms, smoking and tobacco shops, if there is a meeting with no food and drink served and there are certain places of employment with smoke break rooms, but this is regulated strictly.*

DAB members had the following comments:

- Should apartments be included in this ordinance if adopted?
- Businesses should be able to decide if they want a smoke free business based on customer desire
- The survey concluding that most Wichitans want a smoke free city is skewed
- Other cities who have passed similar measures has seen an increase in work productivity (no

- smoking breaks, fewer health issues.)
- This should go to a vote of the public
  - We need to protect the health of citizens
  - This survey was conducted by a reliable source and its results are valid

Citizens present had the following comments:

- There are still the effects of secondhand smoke harming people even if they are in places with good ventilation
- Workers in smoking environments are unfairly exposed to secondhand smoke in the workplace and are underinsured and taxpayers are paying for trips to the ER for related conditions.
- Public health is more important than business revenue
- There is a reduced heart attack and stroke rate in smoke free states
- Businesses should have a choice whether their establishment is smoke free or not
- There is no safe level of secondhand smoke. If businesses would be smoke free, they would see an increase in patronage

\*\*\*\*\* **Action:** The District VI Advisory Board made a motion to support a smoke free ordinance excluding bars and private functions (**Aldrich**). Motion died for lack of second. The District VI Advisory Board made another motion to support a smoke free ordinance (**Miller/Longwell 9-2 (Randleas, Aldrich)**).

8. **DER 2007-13 zoning code dealing with off-site signs**

\*\*\*\*\* **Action:** The District VI Advisory Board made a motion to postpone this item until the January meeting (**Schreck/Miller 11-0**).

**Board Agenda**

9. **Problem Properties**

- **Council Member Fearey** asked the Board to e-mail Terri Dozal with any problem properties.

\*\*\*\*\***Action:** Receive and propose appropriate action.

10. **Neighborhood Reports**

- No reports were given.

\*\*\*\*\* **Action:** Receive and file.

**Updates from the Council Member**

- No updates were given

**Announcements**

- Next DAB meeting will be held on Monday, January 7, 2007

With no further business to discuss the meeting adjourned at 9:10 p.m.

**Guests**

Christine Eberle, 1814 Joann  
Roger Smith, 132 S Edwards  
Vickie Jones, 721 W 9th  
B. Simkins, 501 W 47th N  
Louis & Anna Seidl, 4204 W 9th St  
Jan Beemer, 1914 Ellis  
Richard & Charlene Manning, 500 Longlane Rd  
Shellee Morrison

Jerry Prichard 1607 N Clarence  
John Todd, 1559 Payne  
Rick L Hartwelling, 1821 W Harborlight

Respectfully Submitted,

Kelli Glassman, Neighborhood Assistant