



District 2 Citizens Advisory Board Meeting Minutes

Tuesday, Jan. 2, 2024 | 6 p.m.
Haysville Community Library
210 S. Hays Ave. Haysville, KS 67060

Board Members in Attendance: Martha Pint, Tabitha Lehman, Ashlie Brockleman, Jessica Atherton, Tony Martinez, Gage Hunt, Lupe Montes, Jeff Hersh, Cheryl Hill, Dr. Susan Norton, Spencer Dean Jr.

County Representatives: Commissioner Sarah Lopez, Brad Eatherly, Senior Planner at MAPD

1. Call to Order:
 - a. Martha Pints called the meeting to order at 6:06 pm.
2. Roll Call Vote:
 - a. Board members identified themselves by saying, "Here."
3. Approval of Minutes:
 - a. Gage Hunt made a motion to approve the Oct. 3 meeting minutes. Spencer Dean seconded the motion. It carried unanimously.
4. Public Agenda:
 - a. No public comment here.
5. New Business:
 - a. Zoning case ZON2023-00053 hearing by Brad Eatherly, MAPD
 1. Applicant Rick Veach and Agent Victor McAllister are requesting a Conditional Use permit to allow placement of a 140-foot tall cell tower for T-Mobile on property one-half mile west of South Maize Road on the south side of West 31st St. South.
 2. Because the proposed tower is 20 feet taller than what can be authorized through administrative approval, the Sedgwick County Board of County Commissioners (BoCC) must ultimately decide this zoning case.
 3. The applicant submitted a site plan indicating the tower is 154 feet, 9 inches from the nearest property line to the east.
 4. The Metropolitan Area Planning Commission (MAPC) held a hearing Nov. 30 and recommended approval of this zoning request.
 5. Jessica Atherton asked what the distance is from the proposed cell tower site to the two closest homes. Brad Eatherly did not know the exact distance but said it's more than the required 100 feet.
 6. Spencer Dean asked Brad Eatherly to explain the administrative permit process more. Brad explained that two conditions must be met for an administrative permit to be authorized. This zoning case met one condition but not the other – the height of the tower cannot exceed 120-feet or the zoning case must be decided by the BoCC.
 7. Sarah Lopez asked Brad to explain the factors that commissioners are not allowed to consider. Brad explained that by law, commissioners cannot take into account several factors including possible health issues and the availability of other possible locations for a cell tower.
 8. Lupe Montes asked where the other closest cell tower is and the closest school. Brad Eatherly did not know.

9. Lupe Montes asked for some clarification on different properties on the maps/photos in the MAPD staff report. Likewise, Jeff Hersh asked what IP stands for. Brad Eatherly said it's Industrial Park zoning.
10. Tony Martinez asked if MAPD had verified the proposed cell tower site was 154 feet from the property line. Brad Eatherly said no, that would be part of the MABCD's inspection and building licensing process.
11. Gage Hunt asked if 154-feet is measured from the cell tower pole or the edge of the plot. Brad Eatherly said he believes it's measured from the center of the cell tower pole.
12. Gage Hunt asked how the CAB members could stipulate the cell tower could only be 120-feet high, instead of 140-feet? Brad Eatherly said a CAB member would have to make a motion with that condition. If it was approved by the CAB, the BoCC would then have to decide whether to go with the recommendation of the MAPD or the CAB.
13. Tabitha Lehman asked how long the area had been zoned industrial. Brad Eatherly did not know.
14. Agent Victor McAllister gave a brief presentation on behalf of the applicant. He said the center of the cell tower pole is 400-feet to the west property line, which is twice the required distance for zoning approval.
15. Victor McAllister said the proposed cell tower site is out of the floodway, and the two closest cell towers are 1.5 miles north on Maize and off Highway 64 to the south. Victor said those towers are 130- or 140-feet tall.
16. Victor McAllister said the site was chosen because a cell tower is needed in that area as it becomes more residential.
17. Resident Ed Edison, who lives at 11201 W. 31st St. South, is protesting the proposed cell tower location. He said the tower will aggravate flooding problems and lower the value of his land, which used to be swamp land before he made major improvements.
18. Ed Edison said the Goddard school district may build a school at Pawnee and 119th St., and developer Jay Russell will likely build many homes in the area, making this a poor place to build a cell tower. Ed Edison worries about the health effects on his family and others.
19. Ed Edison wants the applicant to move the proposed cell tower site to the back of his property, farther from Edison's home, about 900-feet.
20. Lupe Montes asked Ed Edison to describe the flooding problem in the area. Ed Edison said a recent rain of just three inches swamped his property, and a cell tower would back up the water even more and keep it from running off the farm field.
21. Gage Hunt asked Ed Edison how he knows a cell tower would lower his property value. Ed Edison said his realtor told him.
22. Victor McAllister said the site was chosen so the cell tower would not get in the way of large tracts of land meant for development. The tower could not be moved back from Ed Edison's house because then it would not meet the setbacks from other developers.
23. Martha Pint asked if the cell tower company would be responsible for flooding damage? Brad Eatherly said that risk would be addressed in the building licensing process. If the cell tower company did in fact increase the flooding risk, they could be held responsible for damage.

24. Tony Martinez asked if the applicant discussed other possible locations with planners? Victor McAllister said yes, and they were told this proposed site was the best option.
 25. Tabitha Lehman asked if the proposed cell tower was 120-feet instead of 140-feet, would there have been any cause to deny an administrative permit? Brad Eatherly did not know.
 26. Martha Pint asked if the CAB differs from the MAPC recommendation, what happens? Brad Eatherly said the BoCC would have to decide which recommendation to follow. It would take a super-majority vote – four out of five commissioners, instead of a simple majority of three out of five.
 27. Jeff Hersh asked if cell tower performance is much different at 140-feet than 120-feet? Victor McAllister said yes, the 20-foot difference helps the cell signal clear tree canopies and house rooftops.
 28. Spencer Dean made a motion to approve the zoning request under the condition the cell tower not exceed 120-feet. It was not seconded.
 29. Jessica Atherton made a motion to deny the zoning request. Dr. Susan Norton seconded it. The motion passed 8-3.
- b. Haysville Education Foundation presentation by Tim and Dr. Susan Norton
1. HEF was established years ago, but had gone dormant until the Nortons revived it. Tim became president and turned it into a non-profit with a board of directors that is independent of the school district.
 2. The school system is the #1 employer in Haysville and the district.
 3. HEF's mission is to enhance educational experiences that low-income and/or at-risk students might not have otherwise and to fund innovative practices in the classroom.
 4. In 2022-23, HEF gave 13 teacher grants for a total of \$9,800. It also provided \$5,000 to send 72 middle school choir students to New York City to perform at Carnegie Hall.
 5. HEF has funded several other projects, including a boys club called DUDES, a hydroponic growing operation, a bug catching and classification display, and special balls with microphones inside to encourage kids to speak out in class.
 6. HEF's signature event is the Barn Bash, held Nov. 17, 2023. It raised over \$50,000, with 250 people in attendance.
 7. Lupe Montes asked if HEF has supported trap shooting, fishing or hunting programs? Dr. Norton said not yet, but they are open to any creative ideas for learning.
 8. Gage Hunt asked if grants could be used to start clubs like FFA? Again, the Nortons said HEF is open to any ideas.
 9. Spencer Dean asked when Barn Bash will be held in 2024? Dr. Norton said a date has not been chosen, but it will be in early November.
 10. The Nortons encouraged anyone interested in volunteering to join HEF.
- c. Discussion of District 2 Citizens Advisory Board bylaws by Stephanie Birmingham, Strategic Communications
1. CAB members reviewed the amended bylaws. Lupe Montes made a motion to accept the bylaws. Cheryl Hill seconded, and it carried unanimously.
- d. Discussion of Future Agenda Items by Stephanie Birmingham, Strategic Communications

1. The Feb. 6 meeting will be held at Ark Valley Conference Room at CDDO, 615 N. Main St., where Jennifer Wilson of COMCARE will give a brief presentation. She will then lead us on a tour of COMCARE Community Crisis Center, 635 N. Main St.
2. Stephanie will invite Susan Erlenwein of Environmental Resources to speak at the March 5 meeting and Election Commissioner Laura Rainwater to speak at the April 2 meeting.

6. Other Business

- a. Commissioner Lopez discussed the purchase of property for the new COMCARE Crisis Center.
- b. Commissioner Lopez said possible locations for the state's new psychiatric hospital have been narrowed down to four. The site should be decided sometime in January. The advisory board conducted two surveys and a town hall meeting to gather public feedback.
- c. Commissioner Lopez addressed the recent controversy and media coverage involving 9-1-1's response to the fatal Brookhollow apartment fire. She said Sedgwick County is in the process of hiring a third party to do an independent investigation of the incident and audit of 9-1-1 dispatch. Commissioner Lopez hopes the audit will provide a more objective and comprehensive review, free of misinformation.
- d. The moratorium on solar energy projects will be lifted soon, and the BoCC will consider new projects, including one near Clearwater.
- e. The Wichita Police Department recently approved big pay raises, which might lure away Sedgwick County officers. Commissioner Lopez says H-R is working with Sheriff Easter and other department heads to make County compensation more competitive.
- f. Dr. Bill Hammers has resigned from the D2 CAB so Commissioner Lopez is looking for someone with an agricultural background to replace him. She is also looking for a junior or senior in high school to join her CAB.

7. Adjournment

- a. The meeting adjourned at 7:48 p.m.