

MANAGERS REPORT



DATE: October 13, 2022
TO: Mayor Benage and City Council
FROM: Ty Lasher, City Manager
RE: October 18, 2022 Agenda

Consent Agenda (Item VI)

The consent agenda contains only the October 4, 2022, City Council Minutes.

Appropriations Ordinance (Item VII)

This reporting period includes \$56,000 in bond cost of issuance fees, \$100,000 in infrastructure improvements and \$38,000 for monthly trash fees.

City Requested Appearances (Item VIII)

Patrick Herman with Garver will provide an update on Woodlawn Construction.

Resolution for Paving & Drainage, Aurora Park (Item A)

Over the last few years, City Council and staff have received numerous complaints regarding dust, drainage, street conditions and road materials on the gravel roads in Bel Aire. On July 30th of 2021, a public meeting was held at City Hall to discuss gravel roads. City Council heard suggestions of cleaning out the ditches, different grading techniques, asphalt millings, dust treatments and changing road materials. In the end, these ideas were addressing a particular issue for the short term that would not eliminate the underlying issues which are inherent of gravel roads. In addition, several items are tied together such as poor drainage causing erosion of the street, requiring more grading and materials. As a result, Council wanted to look at a long-term solution.

Garver Engineering was hired by the city to complete a drainage study to determine what needs done to improve drainage and repair the ditches. For Aurora Park, the total estimated cost came to \$2,950,000. This includes reconstruction of ditches, new culverts and a 5" asphalt street over a 5" reinforced base. This permanently solves all the issues that have been a concern. There is no question such an improvement will increase the value of the neighborhood making it more attractive and desirable.

The next question is how this gets funded. As one drives around town, everyone notices the new developments with new streets, curb and guttering. Each property in these subdivisions is subject to a special assessment for the cost

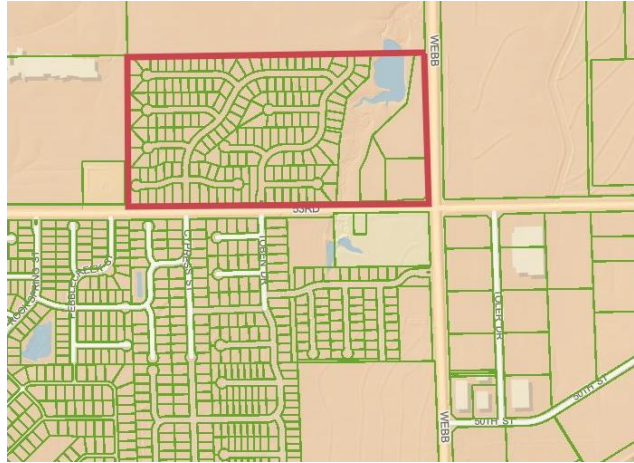
of those improvements. After installation, maintenance becomes the responsibility of the city. In an effort to be fair to all citizens, Council has decided that costs of the improvements in each gravel road subdivision should be assessed to benefiting property, but that the city would pay for the drainage improvements due to insufficient maintenance on the part of the city over the last number of years and deferred maintenance costs for the future by going to paved roads. This cost share reduces the total amount for Aurora Park residents to \$2,470,000 or a special assessment of roughly \$169.00 per lot per month for 20 years which is in line with costs we see in other developments in Bel Aire. The final actual numbers for these costs will be determined after the project is complete and will not appear on your property tax bill for 2 – 3 years.

A letter was sent on July 5, 2022 containing the details above and requesting property owners sign an enclosed petition or return a card opposing the special assessments. An open house was held on July 19, 2022 to share details and answer questions. A second follow up letter was sent on July 29, 2022 with a final follow up letter on August 16, 2022 requesting signed petitions or the returned opposition card. The city received 36 opposition votes and 27 signed petitions. A majority, 51%, of lot owners is 40. Since there was no majority direction and the yes verses no were close with 16 not responding, council has decided to move forward with paving the streets utilizing K.S.A 12-6a01 et seq.

The following outlines the process that will take place and that there is a protest option. At this meeting, Council will consider a resolution giving notice of the intent to move forward with paving the gravel streets in Aurora Park as detailed in the petitions circulated. The resolution will be published twice in the Ark Valley News and will set a public hearing at the November 1, 2022 City Council meeting. After the public hearing, the Council will be authorized by statute to adopt an authorizing resolution approving the street improvement project and special assessments with the cost of such project to be paid by property within an Improvement District established by such resolution. If approved by the Council, this authorizing resolution must then be published one time in the Ark Valley News. The improvements will not take place if, within twenty (20) days after publication of this authorizing resolution, written protests signed by both fifty-one (51%) or more of the resident owners of record of property within the Improvement District and the owners of record of more than half the total area of the Improvement District are filed with the City Clerk. K.S.A. 12-6a06 provides the genuineness of the signature and addresses of all signers of a protest petition shall be verified by some signer of such petition, and that the City Council shall be the judge of sufficiency of any protest petition and its decision shall be final and conclusive, except that names may be withdrawn from any protest petition by the signers at any time before the City Council shall convene its meeting to determine the sufficient thereof. The City Council also intends to apply the provision of K.S.A 25-3601 et seq. to any protest petition.

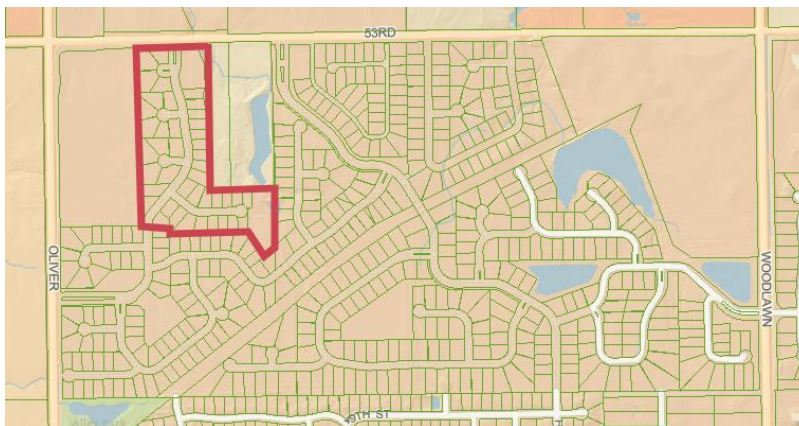
Bid for Cedar Pass, Sanitary Sewer Improvements, Phase 1 (Item B)

The Developer of Cedar Pass is ready to begin construction of Phase 1 infrastructure to support new homes in the subdivision. Garver has designed the sewer improvements for Phase 1 and solicited bids for the project. Four contractors provided bids, with Apex being the low bidder. The cost of the improvements will be financed through a bond and spread as special assessments against the benefiting lots. Staff recommends Council accept the low bid from APEX in the amount of \$374,540.00.



Bid for Chapel Landing, Phase 2 Paving (Item C)

The Developer of Chapel Landing Phase 2 is ready to proceed with paving improvements for the subdivision. Baughman worked with the Developer to design the Phase 2 Paving Improvements. The cost of the improvements will be financed through a bond and spread as special assessments against the benefiting lots. Five contractors submitted bids. There is a 24.3% difference between the low bid for concrete and the low bid for asphalt. Staff recommends that Council accept the low bid for concrete from Prado at \$607,372.50.



Change Order Request for Rock Spring 4th Paving (Item D)

The Developer has requested additional sidewalk be installed in the drainage reserve between Rock Spring 3rd and Rock Spring 4th. This Change Order also includes funds for additional fill dirt. In the Developer's other subdivisions, they are having difficulty keeping this area maintained because there is no homeowner to maintain this area. The Developer has had this additional sidewalk installed and it is helpful in reducing the maintenance and improving the aesthetics of the overall area. Additional fill dirt is necessary due to a miss-calculation regarding the amount of fill available on-site and the amount necessary to bring the site up to proposed grades. Fill dirt will be obtained from the City's stockpile in Sunflower Commerce Park west of FedEx. The additional cost will cover the transport, placement and stabilization of the stockpile following the removal of the soil. The cost of these improvements will be included in the overall project costs, which will be financed through a bond and spread as special assessments against the benefiting lots. Staff recommends that Council accept Change Order 1 from Pearson for \$22,668.00.

Quote for Webb Road (Item E)

During the construction of the Rock Spring 4th subdivision, the shoulder of Webb Road (near Rock Spring 4th) has been breaking up and is in need of repair. Webb Road is not scheduled for maintenance in the next five years. Anne felt it was better to wait until Rock Spring 4th was mostly complete before trying to repair any of the damage to the Webb Road shoulder. Now that the majority of the project has been completed, staff met on-site with the Contractor and Garver to determine the extent of damage and what needs to be replaced. The Contractor put together two prices – one for damage that must be repaired (undriveable conditions) and damage that should be repaired (heavily cracked and needs to be replaced, but not undriveable at this point). The price for replacing the “non-drivable” sections of Webb Road is \$25,346.00. The price for the additional replacement section is \$37,442.00. While not included in the bid, the Contractor can replace the edge marking for \$2,200. One might feel the contractor is responsible to repair the shoulder due to heavy equipment. Unfortunately, it is more an issue of the street condition rather than the traffic. For example, Central Park has concrete truck traffic daily that has not destroyed the pavement. The reason being is the pavement is newer and in better condition. However, on 53rd street, the road was not meant for large traffic volumes nor constructed for such uses. As a result, the road is deteriorating, and needs replaced. Shoulders are the same way. They are built for emergency uses and not traffic. Webb is an older build and construction traffic deteriorated the shoulder requiring the city to replace. To cover such expenses as well as staff time, each development pays a 5% administration fee to the general / CIP fund via bonding. Funds for this project will come from the CIP.

Your policy decision is whether to repair the “non-drivable” portion of Webb Road, or the entirety of the shoulder and part of the driving lane that has been damaged. Given that Webb Road is not in the 5-year maintenance plan, staff recommends that Council approve the repairs for the entirety of the damage identified including the replacement of the edge marking for a total of \$64,988.



Bids for 2022 Street Repairs (Items F-G)

2022 Street Repair Projects were discussed by Council, PEC and staff at an earlier workshop. PEC created a list of street repairs for 2022 with a \$1.4 million budget. The improvements included micro surfacing and pavement & curb repair. Staff contacted the City of Wichita for a list of street vendors they use. Three companies were contacted for bids with only two responding for the pavement and curb repair project. Only two contractors were available for the micro-surfacing project.

The bids for both micro-surfacing and pavement & curb repair came in above PEC estimates and the amount budgeted. Due to the increased costs, staff recommends the pavement and curb repair project be awarded to Kansas Paving in the amount of \$1,188,540.75. If Council wishes to get closer to the \$1.4 million that was originally budgeted for 2022 Street Repairs, Staff can work with PEC to develop a list of additional pavement and curb repairs that could be done via a change order. In regard to micro-surfacing, staff is recommending the bids be rejected. Staff can rebid the micro-surfacing after the first of the year for 2023 projects.

Executive Session (Item XII)

Staff has no need for an executive session