

MANAGERS REPORT

DATE: May 10, 2023
TO: Mayor Benage and City Council
FROM: Ty Lasher, City Manager
RE: May 16, 2023 Agenda



Proclamations (Item V)

Memorial Day - "Decoration Day" was changed to "Memorial Day" after World War II and declared the official name by Federal law in 1967. Memorial Day is an American holiday, observed on the last Monday of May, honoring the men and women who died while serving in the U.S. military.

National Public Works Week - Is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works. Since 1960, the American Public Works Association (APWA) has sponsored National Public Works Week. The goal is to use this week to energize and educate the public on the important contribution of public works to our daily lives: planning, building, managing and operating the heart of our local communities and building the quality of life.

Consent Agenda (Item VII)

The Consent Agenda contains the minutes of the May 3, 2023, City Council meeting. In addition, Bel Aire codes state that the City Manager, City Attorney, and Municipal Court Judge must be reappointed annually in May.



AP Ordinance (Item VIII)

This reporting period includes one payroll period. The payment of \$12,000 to Ruiz Concrete was for 2022 Sidewalk Grant projects approved in fourth quarter 2022. Capital improvement projects included \$197,000 for Cedar Pass, several approved public works projects and two debt service payments.

Retail Sale Fireworks Permit for Bellino Fireworks (Item A)

Three applications have been approved for permits to sell fireworks in 2023 to date. City codes allow for no more than four permits in one year. Bellino Fireworks sponsors the Bel Aire Lions Club and has submitted an application to be located on the northwest corner of 45th & Woodlawn, the same location as last year. They have all the needed agreements and would like to receive the fourth permit. Staff is fine with the location as it worked last year.

Waste Connections Request for 2% Increase in Fees (Item B)

The solid waste collection and recycling agreement with Waste Connections that was approved in 2016 allows for Waste Connections to request a 2% fee increase annually. Included in your packet is a letter requesting such an increase, as well as the agreement. Council approved a 1.5% increase in 2017, nothing in 2018, 2019 or 2020, 1% in 2021 and a 2% in 2022. Herschel West with Waste Connections will be at the meeting to explain the need and answer any questions.

Fee Schedule Resolution (Item C)

At the May 9th workshop, the Council discussed the pool, challenges finding staff as well as increased maintenance costs. As a result, the governing body instructed staff to review the current fees and how they compare to surrounding communities. Rec Director Brian Hayes conducted research to see what fees may need to be raised. Included in the packet are his recommendations. Ted has incorporated those into a revised fee schedule. You can approve the resolution if you support the recommendations. You can also make changes to the fees prior to adoption.

Conditional Use Ordinance for LED Sign at Resurrection School (Item D)

At their April meeting Planning Commission held a public hearing on a conditional use request from Resurrection Catholic School to add a LED backlit message board sign in a utility easement. The representative of the applicant was present and stood for questions from the Commissioners. Regarding concerns about the brightness of the sign at night and visibility for passing drivers, the representative stated that the sign can be dimmed. Following the hearing, the commission discussed the City Code standards for illuminated signs. They agreed with staff's recommendation for a 6-month probationary period, to determine if any problems

would result from the placement of the sign. Having thoroughly reviewed the issue, Planning Commission voted (by passing a 4-0 motion) to recommend that Council approve the sign proposed at Resurrection Catholic School in an R-6 zoning as presented with the condition for a six (6) month probation upon concerns from the general public. The Ordinance now comes before Council for final approval.

Vacation Order for Lot Setback at Villas at Prestwick (Item E)

Also at their April meeting, Planning Commission held a public hearing on a request to vacate a ten (10) foot back building setback to four (4) feet, for Lot 20, Block 1, The Villas at Prestwick. As the applicant explained, more space is needed in the front of the units to lessen the grade of the driveways and hopefully avoid falling hazards for the residents. Having thoroughly reviewed the request, Planning Commission voted (by passing a 4-0 motion) to recommend the Council vacate the back building setback from 10' to 4' at Villas at Prestwick as presented without changes. The Order of Vacation now comes before Council for final approval.

Bids for Water & Storm Sewer, Cedar Pass (Item F)

The Developer of Cedar Pass is ready to move forward with Water and Storm Sewer Improvements. The cost of the improvements will be financed through a bond and spread as special assessments against the benefiting lots. Three contractors submitted bids, with Nowak Construction being the low bidder. Staff recommends that the City Council accept the bid from Nowak in the amount of \$1,049,176.90.

Third Addendum to the RWD #1 Water Service Agreement (Item G)

Rural water districts (RWD) throughout the US have great protections under federal law. The reason is that RWD were set up to provide potable water to rural customers that have large stretches between homeowners. Often times the RWD would borrow federal dollars to install the infrastructure so the federal government wanted to ensure their investments were protected. As cities grow and annex land, the service boundaries change for both the municipality and RWD. In essence, the city is taking away potential revenue from the water district. Federal law requires the water district and city negotiate a purchase of rights and service.

When Bel Aire annexed nearly 2,000 acres in 2006, the RWD requested to be reimbursed for that territory. In 2013, after much negotiations, RWD#1 and the City of Bel Aire agreed to a cost that was paid over time. That obligation has been paid but Bel Aire recently annexed 160 acres into the city limits. As a result, staff and the RWD were able to negotiate a third amendment to take over rights to serve

those areas. The cost of this will be paid from the water fund and the added revenues from the customers will aid in the repayment of costs.

City Attorney Employment Agreement (Item H)

The previous City Attorney resigned to take the same position with the City of Derby. As a result, the City Council selected an Interview Committee consisting of Mayor Benage, Emily Hamburg, John Welch and myself to review applications and conduct interviews. The committee reviewed a number of applicants for both part-time and full-time consideration and then interviewed several candidates. After much consideration, the committee is recommending the council enter into an employment agreement with Maria Schrock as the new full-time city attorney. Maria has signed the agreement included in the packet and ready for council approval. Her start date will be June 12th if approved.

Flock Safety System (Item I)

Flock has created a camera system to identify license plates of those entering or exiting their view. If a violator drives past a camera, the system notifies the law enforcement agency where the camera is located. That vehicle then can be apprehended, and the case resolved. Most cities in Sedgwick County utilize his system so Chief Atteberry wanted to install a couple cameras to test the system. At the May 9th workshop, Chief Atteberry explained the system, benefits and costs. After much discussion, the City Council felt this type of a system is not something desired in Bel Aire. The five cameras were installed at no cost for a 45-day trial. Action on the agenda is to accept the Chief's proposal for five cameras at a cost of \$12,500 annually or end the trial period and request the company to remove the cameras at no cost.

Executive Session

Staff has no need for an executive session.