



## MANAGERS REPORT

**DATE:** November 2, 2023  
**TO:** Mayor Benage and City Council  
**FROM:** Ty Lasher, City Manager  
**RE:** November 7, 2023 Agenda

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### **Proclamation – Veterans Day (Item V)**

*Veterans Day, November 11th* - In 1954, the federal government declared November 11<sup>th</sup> as Veterans Day and designated it a federal legal holiday. Veterans Day is celebrated and commemorated in observance of those Americans serving or have served in the armed forces, for their honor, sacrifice, courage, and dedication.

### **Consent Agenda (Item VII)**

The consent agenda contains the October 17, 2023, Regular City Council Minutes, October 25, 2023 Special Council Meeting and October 30, 2023 Special Council Meeting.

### **Appropriations Ordinance (Item VIII)**

This reporting period encompasses 20 days and includes two payroll periods. Debt and O & M of CCUA totaled \$195,000. 53<sup>rd</sup> Street work from Oliver to Woodlawn came to \$56,800. Various engineering projects totaled \$288,000. Paving in Bristol Hollows amounted to \$318,000. Water purchased for the City of Wichita was \$136,300 with trash fees to Waste Connections equaling \$43,000. Aegion/Insituform received \$102,240 payment for sewer lining project, leaving a project balance of \$31K to be paid in November. Two Dodge Durango's and PD graphics were purchased for \$87,882 through the Equipment Reserve fund. Up-fitting will be invoiced when work is complete.

### **City Requested Appearances (Item IX)**

None

### **Ordinance and Resolution, GO Bonds, Series 2023A (Items A – B)**

On October 17<sup>th</sup>, Council authorized the sale of general obligation bonds. These bonds will retire temp notes for projects that were special assessed in September. Per state statute, a notice of public hearing was published in the Ark Valley News, and the hearing for the special assessments was held at the September 19<sup>th</sup> Council meeting. Bids are scheduled to be taken for the bonds on November 7<sup>th</sup>, before the Council meeting. The bond will be for 20 years and special assessments collected from the benefiting lots will cover the annual bond payments. Now the Ordinance and Resolution (Items A&B) come before Council for consideration. The Ordinance will finalize the sale to the chosen bidder, and the Resolution will determine further details, such as delivery of the Bonds. Below are the specific projects with dollar amounts being funded via the GO bond:

<b><u>Project Description</u></b>	<b><u>Res. No.</u></b>	<b><u>Authority (K.S.A.)</u></b>	<b><u>Amount*</u></b>
<b><i>Bristol Hollows Phase 1</i></b>			
Drainage	R-20-01	K.S.A. 12-6a01 <i>et seq.</i>	\$685,034.35
Street	R-20-02	K.S.A. 12-6a01 <i>et seq.</i>	468,172.85
Sanitary Sewer	R-20-03	K.S.A. 12-6a01 <i>et seq.</i>	287,911.98
Water Distribution	R-20-04	K.S.A. 12-6a01 <i>et seq.</i>	133,528.49
<b><i>Central Park 3<sup>rd</sup> Addition Phase 2</i></b>			
Paving	R-20-05	K.S.A. 12-6a01 <i>et seq.</i>	358,326.65
Sanitary Sewer	R-20-06	K.S.A. 12-6a01 <i>et seq.</i>	184,536.06
Water Distribution	R-20-07	K.S.A. 12-6a01 <i>et seq.</i>	95,035.52
<b><i>Rock Spring Addition Phase 7</i></b>			
Paving	R-20-12	K.S.A. 12-6a01 <i>et seq.</i>	334,377.11
Sanitary Sewer	R-20-13	K.S.A. 12-6a01 <i>et seq.</i>	66,839.54
Water	R-20-14	K.S.A. 12-6a01 <i>et seq.</i>	66,788.07
<b><i>Woodlawn Avenue Improvements</i></b>	R-17-20, R-20-16 and R-23-	Charter Ordinance No. 19	2,789,393.33

\*Excludes some finance and interest costs

Kevin Cowan will be at the meeting to answer any questions.

### **Resolution, GO Temporary Notes, Series 2023B (Item C)**

Also on October 17<sup>th</sup>, the Council authorized the sale of temp notes to fund new improvements petitioned by property owners. Now, Council will consider a Resolution finalizing the sale of the Temp Notes. Kevin Cowan can also answer any questions related to the Temp Notes.

The temp note is for a period of three years. After the improvements are completed with total costs determined, a GO bond will be issued to pay off the temp note and permanently finance the improvements for 20 years. Below is the list of projects being funded by the temp note:

<b><u>Project Description</u></b>	<b><u>Res. No.</u></b>	<b><u>Authority (K.S.A.)</u></b>	<b><u>Estimated Cost*</u></b>
<i>Homestead – Water Improvements</i>	R-22-49	K.S.A. 12-6a01 <i>et seq.</i>	\$236,000
<i>Cozy Drive – Paving Improvements</i>	R-23-01	K.S.A. 12-6a01 <i>et seq.</i>	465,000
<i>Aurora Park – Paving Improvements</i>	R-23-02	K.S.A. 12-6a01 <i>et seq.</i>	677,000
<i>Arthur Heights</i>			
Water	R-23-10	K.S.A. 12-6a01 <i>et seq.</i>	143,000
Sanitary Sewer	R-23-09	K.S.A. 12-6a01 <i>et seq.</i>	73,000
Paving	R-23-08	K.S.A. 12-6a01 <i>et seq.</i>	263,000
<i>Sunflower Commerce Park 3<sup>rd</sup> Addition</i>			
Water	R-2023-14	K.S.A. 12-6a01 <i>et seq.</i>	350,000
Sanitary Sewer	R-2023-12	K.S.A. 12-6a01 <i>et seq.</i>	450,000
Paving	R-2023-11	K.S.A. 12-6a01 <i>et seq.</i>	1,050,000
Drainage	R-2023-13	K.S.A. 12-6a01 <i>et seq.</i>	1,750,000
<i>Webb Road – Water Improvements</i>	R-23-18	K.S.A. 12-6a01 <i>et seq.</i>	625,000

\*Excluding temporary note interest and cost inflation factor

### **Gravel Roads Task Force Recommendations (Item D)**

At their last meeting, the Aurora Park Gravel Roads Task Force agreed to recommend the City complete the drainage improvements recommended by Garver in their drainage study. Specifically beginning with four intersections outlined in the report. In addition, they believe a slower speed will help reduce dust and issues with the gravel streets. Therefore, they are recommending the city survey residents to see if there is support to lower the speed limits on gravel roads. Staff would like to review the reports and discuss these items at a future workshop.

### **Owners Representative (Item E)**

Understanding Integra could be locating on the southeast corner of Rock and K-254 in Bel Aire, several public infrastructure improvements will need made. These include water, sewer, and street upgrades. All of which must be completed in two years to be ready for Integra's start date. This means

numerous projects occurring at once such as design engineering, construction, and inspections. Bel Aire does not have the staff to manage multiple projects at once. Therefore, a request for proposals was created to solicit companies who can handle the many projects occurring at once and represent the city. Included in the packet is a copy of the RFQ. Seven companies received the RFQ and two responded, PEC and Burns & McDonnell. Both proposals are included in the packet.

Mayor Benage created an interview committee consisting of him, Councilmember Welch, Ted Henry, and Anne Stephens. PEC was interviewed on October 17<sup>th</sup> and Burns & McDonnell on October 19<sup>th</sup>. The committee unanimously felt PEC had the best proposal, experience, and knowledge to represent the City. Action on the agenda is to accept the committee's recommendation and authorize staff to negotiate an agreement. The agreement will not be approved until Integra is ready to start construction or when the Governing Body feels it is in the best of the City to bring on an owner's representative. At that point, the agreement will come before the governing body for approval.

#### **Charter Ordinance #24 (Item F)**

Kansas Statutes require certain documents to be published in an official city newspaper. The Ark Valley News was designated as Bel Aire's official city newspaper many years ago. Ordinances, charter ordinances, IRB documents, budgets, hearings, etc. are all types of notices that require publication. The city has spent \$4,000 to date for publications, \$8,000 in 2021 and \$10,000 in 2022. On July 26, 2023, the Kansas Attorney General issued Opinion 2023-5 that states cities of the second and third class may utilize home rule to exempt themselves out of designating a print newspaper as its official city newspaper and instead designate the city website as its official city newspaper. The Governing Body approved Charter Ordinance #24 on August 15, 2023 which allows the city to name the Bel Aire website as the official city publication source for required public notices. As with any charter ordinance, a Petition for Referendum must be filed within 61 days after final publication. On October 16<sup>th</sup> a petition was received by the Sedgwick County Election office and validated. There were 1,524 ballots cast at the 2021 General Election on Nov. 2, 2021, therefore 151 signatures are required for a valid petition. 224 signatures were received, 211 accepted and 13 rejected. Ark Valley News then filed the validated petition with the City on October 19, 2023.

Per state statutes, once the petition is filed, the special election must be called within 60 days and held within 90 days. A special election cannot

be held in conjunction with the presidential primary on March 19, 2024 or within 60 days of a county wide election (March 19, 2024 and November 7, 2024). Very few elections are held on days other than a Tuesday, but it can be done. However, the state election director must approve dates if not on a Tuesday. At this point, there are only two dates that work and meet all statutory requirements: January 9, 2024 or January 16, 2024. Both dates present problems for election staff.

The Governing Boyd has three options. The first is to approve a special election. The second is to rescind the Charter Ordinance and continue publishing notices as required. The third is to rescind the Charter Ordinance and approve a new Charter Ordinance near the next general election and have the question included on that ballot which would be August 6, 2024.

#### **Quote for Backflow Devices (Item G)**

In October, Public Works contacted Fire Protection Services to perform the annual inspection of Bel Aire's water pump system. The annual inspection is required by the City of Wichita as a condition for connecting to Wichita's water system. The inspection revealed that the two backflow devices have reached the end of their life cycle, are not holding pressure, and need to be replaced. The current backflow devices are discontinued and were last manufactured in 1986. The backflow devices are an essential part of the water supply system. When the backflow device is not working correctly it is possible to have the city's drinking water contaminated due to pressure changes in the pipes. Staff contacted three companies requesting an inspection, however Fire Protection Services was the only company available to evaluate the backflow device before October 28<sup>th</sup>. It is common practice to have the company evaluate the device rebuild/repair or replace the device as recommended during the inspection. Staff recommends the Council accept the proposal from Fire Protection Systems to replace the two backflow devices in an amount not to exceed \$42,110.00.

#### **Axon Cameras for Police Department (Item H)**

The police department has used Axon Body Cameras since 2014 and currently maintains thirteen Body Worn Cameras (BWCs). The cameras have proven invaluable. The videos have been used to help officers accurately describe criminal and non-criminal events, to provide clear and compelling evidence for citizens with complaints, and as evidence in court cases. The police department last purchased BWCs in 2019 with the purchase spread over 60 months. The current contract is due to expire in

November of 2024. The Bel Aire Police Department was recently contacted by our Axon representative and advised that Axon products would see a 6% increase in price on Jan 1, 2024. The proposed new contract will include the cameras, docks, warranties, licenses, cables, equipment exchange, and storage. In addition, the proposed contract has several new benefits including:

- Three additional cameras
- The new BWCs will integrate with newly acquired vehicle cameras.
- Unlimited storage – The current contract only includes 2 Terabytes of storage. Under the current contract, it has been necessary for BAPD to purchase additional storage each year.
- Automatic equipment exchange every two years - Includes sixteen new upgraded cameras every two years. The cost is already in the new contract and will not have to be renegotiated if the price goes up later. If a camera is damaged or becomes unusable, the contract covers replacement and recovery of data.

The police department is budgeted through the Equipment Replacement Fund to purchase BWCs. Through negotiations with Axon the City would get a refund on the remainder of the current contract that would have ended in November 2024. The refund of \$7,422.80 will be spread over the 60-months of the contract. The City Attorney has reviewed the Axon contract and has approved to form. Staff recommend approval of the purchase of the Axon cameras, docks, cables, warranties, storage, and license at the cost of \$84,454 with the payment to be spread over 60 months.

### **Executive Session (Item XIII)**

One Executive Session is needed and is included on the agenda.

### **Discussion and Future Issues (Item XIV)**

November Workshop – As of this report, the following items are scheduled for the November workshop: Updates on 45<sup>th</sup> & 53<sup>rd</sup> Streets by Garver, proposed sanitary sewer and pretreatment ordinance by Burns & McDonnell, Comp Plan update and zoning map by PEC as well as code reviews by the City Attorney.

November 21<sup>st</sup> Regular Council Meeting – The second regular meeting of the governing body is scheduled for November 21st, which is the Tuesday before Thanksgiving. There may be some traveling and a quorum not

attainable. Would like to confirm a majority of the Council will be able to attend that meeting or if it should be moved.