

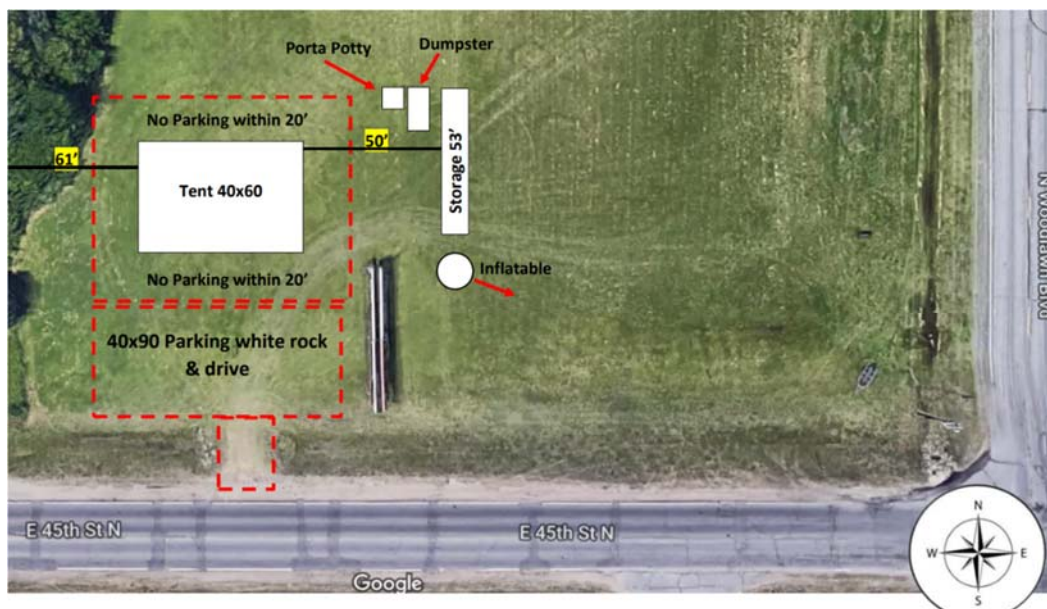


## MANAGERS REPORT

**DATE:** June 16, 2022  
**TO:** Mayor Benage and City Council  
**FROM:** Ty Lasher, City Manager  
**RE:** June 21, 2022 Agenda

### Consent Agenda (Item VI)

Contains the minutes of the June 7<sup>th</sup> regular City Council meeting and June 14<sup>th</sup> Special City Council Meeting. Also included are petitions signed by the developers of Chapel Landing 5<sup>th</sup> and Homestead Senior Landing for the installation of a sewer main and sewer lift station. This requires the approval via two advisability resolutions for financing. These resolutions follow the petitions on the Consent Agenda. Lastly, due to the construction of Woodlawn and the lot south of Dollar General being used as a staging area for the contractors, Bellino Fireworks is being required to move locations. Bellino partners with the Bel Aire Lions Club for fundraising. Bellino looked at several locations and was able to contract with the property owner on the northwest corner of 45<sup>th</sup> & Woodlawn. Staff is fine with the change but the approved permit was for their previous location south of Dollar General. As a result, council needs to approve the location change.



### **Appropriations Ordinance (Item VII)**

This reporting period includes one payroll period. On page 3, the \$248,707.81 expense to Aegion is for the sewer lining project in Pearson Addition. Bond Interest payments and bonded projects totaled \$168,696.29.

### **Tree Board Appointment (Item A)**

The Tree Board has one remaining position vacant. Jesse Miller recently moved to Bel Aire and is interested in serving on the Tree Board. Mayor Benage spoke with Jesse as well as Tree Board President Gary Northwall regarding the position. Mayor Benage would like to appoint Jesse to the Tree Board. His term will expire in June 2026.



### **Development Agreements (Items B – D)**

City Code requires that the Developer file a Development Agreement with the final plat. The Development Agreement outlines the Developer's responsibilities before and after construction. Three agreements now come before Council for approval.

***Prairie Preserve*** – This development is zoned Estate Residential with larger lots. Staff have worked with the Developer to make sure that two unique features, the private sewer system and the streets will meet requirements. The Developer will be responsible for the maintenance of the private sewer system. Sedgwick County Fire Department has commented that they are okay with the narrower than normal streets (24 feet in width instead of 29 feet) as long as no parking is allowed on either side of the street. With the larger lot size and longer drives, enough parking should be available off-street.

***Skyview at Block 49 3rd*** – Dedications on the final plat of Skyview 3<sup>rd</sup> were approved by Council on March 1<sup>st</sup>.

***Chapel Landing 5<sup>th</sup>*** – Dedications on the final plat for this development were approved by Council on April 5<sup>th</sup>.

### **Professional Services Agreement, Chapel Landing 5th Phase 1 (Item E)**

The Developer for Chapel Landing 5<sup>th</sup> is ready to move forward with the design phase of the project. He is requesting Garver be the engineers. The costs associated with the project will be financed through a bond and spread as special assessments against the benefiting lots. Staff recommends Council accept the Agreement for Professional Services with Garver in the amount of \$267,900.00.

### **Consent to Annex Agreement (Item F)**

This is the second annexation in the last month meaning Bel Aire is growing. The property owner is asking for the parcel to be annexed via a consent form. Below you will find the statute that deals with annexations as well as the portion of our water agreement with Wichita that states this site **does not** require their approval. Under state statutes, the highlighted sections allow for the annexation via simple vote. Bel Aire owns Webb Road from 45<sup>th</sup> to the half mile line between 53<sup>rd</sup> & K-254. State statutes are vague but it appears it is up to the county to notify the city of the need to take part of the ROW as outlined below. **If** the City was required to take half of Webb, the west half of the last half mile to K-254 would be the responsibility of Bel Aire, with Sedgwick County maintaining the east side. I have been working with Wichita, Kechi and Sedgwick County to address issues such as these which would help with costs for future road maintenance. Bel Aire City limits touch the tract on the south and west with Sedgwick County being on the north and east. There may be questions regarding the benefit of annexing this partial, so I have addressed several:

- A water main runs along the south boundary of this parcel.
- A new lift station was installed on the property that adjoins this land on the south. Meaning, this parcel can be served with sewer and will help pay for that lift station.
- Development on this parcel will add utility paying customers.
- Bel Aire will control planning and zoning. Any zoning and plating will go through the Bel Aire Planning Commission as well as City Council. If it remains in the county, zoning and plating go through the MAPD.
- This parcel will be very attractive for growth when an interchange at K-254 is constructed. The developers vision includes a hotel, fuel station, big box retail, warehouses and restaurants. If a mixture of these is built, property taxes along with a hotel bed tax could generate \$1.5 million in revenues annually. Creating a CID where sales taxes are collected could bring in additional revenues.



**2-520. Conditions which permit unilateral annexation; exceptions; ordinance; severability of ordinance where annexation invalid; limitations.** (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(e) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of the right-of-way of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

**12-520a. Resolution; hearing; notice; publication; sketch of area; criteria considered at hearing; consent, effect.**

(f) No resolution, notice and public hearing required under the provisions of this section shall be required as a prerequisite to the annexation of land owned by or held in trust for the city or any agency thereof or land all of the owners of which petition for or consent thereto in writing.

2. **AMENDMENT OF SERVICE AREAS.** Both parties agree to void restrictions in paragraph 6.5 requiring Bel Aire to submit an administrative application, parcels to have an unbroken boundary line, and to be within the jurisdictional boundary in order for Wichita to grant amendments of service areas. Wording preventing changes to the service area based solely on these requirements are repealed. Parties agree to amend the map of the service area. Paragraph 6.5 is hereby amended in the following manner:

a. **AMENDED PARAGRAPH 6.5:** The Bel Aire Service Area described herein may be augmented. The Bel Aire Service Area described herein may be augmented directly by the Governing Bodies of Bel Aire and Wichita, once each calendar year upon notice to the Wichita City Manager directly from the Bel Aire City Manager. Irrespective of the number of real estate tracts or parcels involved in the request, the cumulative area covered by such an annual request shall not exceed 320 acres. The Wichita City Manager shall not unreasonably withhold approval of such a request, but may accept, deny or place conditions on any such request as deemed reasonable.

b. **AMENDED SERVICE AREA:** The Bel Aire service area shall be the same as the Bel Aire urban growth area identified in 2035 Urban Growth Areas Map. No approval shall be required to expand service to areas within these parameters. See attached EXHIBIT 2.



### **Annexation Ordinance (Item G)**

If Council accepts the Consent to Annex, then you may consider the Annexation Ordinance which officially brings the parcel into the city limits. The Ordinance will require a roll call vote of the Councilmembers.

### **Drainage Cost Sharing for Gravel Road Reconstruction (Item H)**

The Governing Body and staff are keenly aware of the complaints from residents living on gravel roads. We have heard concerns related to road condition, drainage, and dust. Much discussion has occurred at workshops and council meetings over the last two years. Numerous ideas and suggestions were contemplated. Council members have given serious consideration for obtaining the best resolutions at the best value. This means, not taking the cheapest price to get the cheapest results. In fact, Council has approved bids for new neighborhoods requiring concrete with the understanding there is an additional upfront cost resulting in higher specials for the homeowners. However, the long-term maintenance costs are less for the city creating a benefit for all taxpayers. Treating dust using asphalt millings, and other suggestions that have been made do not create a long-term solution. Council concluded a paved road with new ditches solves all the problems. Council also acknowledged the lack of ditch maintenance by the city added to some of the poor conditions. Garver Engineering was hired to complete a preliminary redesign of the gravel road areas that would fix the ditches, improve drainage, and install paved roads. They also created petitions for property owners to sign that would approve the project and allow the costs to be spread as special assessments. In recognizing some of the drainage costs should be borne by the citizens at large, Council determined paying a total amount of \$700,000, divided between the three neighborhoods, would help reduce the overall costs as well as recognizing reduced future maintenance expenses. Included on the agenda is an action item that would approve funds for the projects, only if the property owners approve the petitions to reconstruct the streets with pavement.

### **2022 Sidewalk Replacement Program (Item I)**

City codes require property owners who have sidewalks on their land to maintain and replace the sidewalk at their own expense. Code enforcement annually identifies sidewalks that are in disrepair and need reworked to limit hazards. Council discussed this issue at the May 2021 workshop and the possibility of a cost share program. In June of 2021, Council adopted the 2021 Sidewalk Replacement Program contained in the packet. Staff believes the program was successful with several sidewalks being repaired and replaced. \$10,000, was budget for 2021 and 2022. Due to the interest and needs, we spent over the \$10,000 but funds were available in the general fund to cover the added grants. Staff recommends approving the program for 2022. We may want to look at increasing the grant amount in the 2023 budget.

### **Northfork Drainage Easement (Item J)**

The area north of the railroad tracks, east of Edgemoor, south of 45<sup>th</sup> and west of Woodlawn drains south through Trib 7, into Quail Ridge pond and then through the Northfork drainageway into Wichita. The creek is half owned by Heartland Animal Hospital and half by the Northfork HOA. When the drainageway is not maintained, trees are allowed to grow and debris accumulates, hindering proper drainage for this area. Neither owner maintains the drainageway, which could lead to flooding. Previous Councils have felt it important for the city to clean out the drainageway and they obtained temporary easements to conduct the work. Each cleanout runs around \$10,000 and will last for several years. Staff felt it would be appropriate to obtain a permanent easement to allow Public Works, or their contractors, to enter the property and ensure it stays clean and flowing. Jaci was able to obtain the needed signatures for a permanent easement. The action before council is considering accepting the easement. This is a permanent solution to being able to access the parcel when work is required to reduce the risk of flooding.



### **Discussion And Future Issues (XIII)**

#### *Lot Across from City Hall:*

Councilmember Welch asked that discussion occur on the city's intent for development for the lot across from City Hall. In 2002, the city hired an architectural firm to create a master plan for the development of Central Park which included the City Hall site, as well as a "downtown" to be located across from City Hall. In 2018, the city hired LK to gather public input on the desire for development of the lot across from City Hall. Those ideas changed from 2002 to what is included in your packet relating to that lot. As I work to find investors to take on such development based on the 2018 master plan, it is important that this Council is supporting that vision.

#### *TIF Policy:*

With interest gaining on the lot across from City Hall and Sedgwick County staff supporting the creation of a TIF district to improve that site for development, I have created a TIF policy that spells out what the developer requirements are to meet a TIF project. Discussion will center around the policy.