

# MANAGERS REPORT



**DATE:** November 30, 2023  
**TO:** Mayor Benage and City Council  
**FROM:** Ty Lasher, City Manager  
**RE:** December 5, 2023 Agenda

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## **Call to Order (Item I)**

Mayor Benage and all current council members will take their normal seats to open the meeting.

## **Consent Agenda (Item VI)**

*Minutes of the November 21<sup>st</sup> City Council meeting.*

*Reappointment of Jim Benage, Anne Stephens and Ted Henry to the WAMPO Policy Board.*

The Wichita Area Metropolitan Planning Organization (WAMPO) consists of member municipalities in the region. Bel Aire has one seat on the board and two alternates. Bylaws state a Governing Body member should be appointed to the WAMPO Policy Board. Mayor Benage currently serves in that role. City Engineer Anne Stephens and Ted Henry serve as Bel Aire's alternates on the Policy Board. Mayor Benage, Ted and Anne are happy to continue serving in their respective roles and on the agenda for reappointment.

## *Public Building Commission Appointments*

The Bel Aire Public Building Commission consists of three members. One is the Mayor, the second is a City Council member and the third is a Bel Aire resident. Gary O'Neal is the resident who sits on the commission and his term expires in 2023. Justin Smith is the Council representative, and his term expires in 2025. Mayor Benage will be one appointment since his term expires in 2023 and was reelected. Gary O'Neal would like to serve another three-year term.

### *Chisolm Creek Utility Authority (CCUA)*

The CCUA Board consists of three members from Bel Aire and three members from Park City. Terms are coterminous with office terms. Since Mayor Benage was reelected, he needs to be reappointed.

### *Petitions and Resolutions for Bel Aire Lakes and Skyview at Block 49 2<sup>nd</sup>*

The Developers for two residential subdivisions (Bel Aire Lakes and Skyview at Block 49 2<sup>nd</sup>) have submitted Petitions for Improvements to their developments. The Petitions set the not-to-exceed cost for the improvements and establish a fair division of costs among the lots. The associated Resolutions on the agenda will authorize the funding for the improvements. The costs for all improvements will eventually be bonded and spread as special assessments to the benefitting lots. Kevin Cowan will be at the meeting to answer any questions.

### **Appropriations Ordinance (Item VI)**

This appropriations ordinance encompasses expenses accrued over the past two weeks. Within this reporting period, total expenditures amount to \$971,455.72, encompassing a payroll cycle and bond payments totaling \$154,743.75. Notably, \$151,824.71 of the overall expenses are for infrastructure costs for new developments. These costs will be paid through special assessments.

### **Oath of Office, Seating of New Governing Body Members (Item VII)**

At this time, the City Clerk will ask for Mayor Jim Benage, Council Member Emily Hamburg and Council Member Tyler Dehn to join her at the podium. Melissa will swear in the Mayor and each council member. Pictures can be taken at this time. All reelected governing body members will take their seat at the bench.

### **Roll Call of New Council (Item VIII)**

Mayor Benage will gavel the meeting back into session and call roll for the newly seated Council.

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

None

### **Public Hearings (Item X)**

At the November 21<sup>st</sup> Council Meeting, City Council approved publication of notice for a public hearing related to a 2023 Budget Amendment.

Following the public hearing, Council will consider the budget amendment for formal action.

### **2023 City of Bel Aire Budget Amendment (A)**

Due to expenses approved by the Governing Body through 2023, expenses in the water, sewer and general funds will exceed the adopted and published amounts. Each fund has received revenues in excess of budgeted amounts and have substantial reserves. There are no financial concerns but simply needed to meet state requirements.

### **Selection of Council President (Item B)**

Each year the City Council selects a council member to serve as Council President. The Council President presides over meetings and represents the Governing Body when the Mayor is not available. Justin Smith has been Council President since 2021.

### **Resolution, Century Manufacturing IRB Bonds (Item C)**

In connection with original issuance of industrial revenue bonds, the City took a legal interest in real property and the facility financed by the bonds, and leases the real property and facility to Century Manufacturing, in exchange for rental payments that are used to make debt service payments on the bonds. The Company is opting to redeem and retire the bonds in full, to facilitate a sale and transfer of assets, including the bond financed facility. This resolution will authorize the City to deliver various documents in connection with the redemption of the bonds, including a warranty deed, bill of sale, and terminations of bond documents, to transfer the real property and facility back to Century Manufacturing, free and clear of any bond document encumbrances. Kevin Cowan will be at the meeting to answer any questions.

### **Quotes for Street Repairs on Webb Road & Patch Repair on 39<sup>th</sup> (Item D)**

In order to realize some cost savings, two projects have been bundled together and let out for bid: repairs to Webb Road and patch repair on 39th and Edgemoor from a previous water main break. Funding for this project will be taken from the Street Operations funds.

Webb Road has had a subgrade failure and needs repaired for safety concerns. The road repair is roughly 60' x 12'. The repairs will consist of 6" of subgrade replacement and 6" of concrete and 2" of asphalt to complete the repair. This type of repair will be consistent with other repairs that have been made in the past on Webb Road. Also included in this bid will be a patch repair on 39th and Edgemoor from a previous water main break. The

patch repair is approximately 45 square yards. This repair will be 100% asphalt, with no concrete included. Three companies submitted bids, with Pearson Construction being the low-bidder. Staff recommends that Council accept the bid from Pearson Construction in the amount of \$47,380.00.

**Bids for the 37th Street Valve Replacement (Item E)**

The water valve connecting the City's 18" water line connection to the City of Wichita has broken and is stuck closed. We are still getting water through a side feed, but not able to get our full amount or pressure of water needed. Wichita is aware of this situation and is requiring us to replace the valve. The cost for this project will come from the Water System Improvements line item. Staff recommends that the City Council accept the low bid from Dondlinger Construction in the amount of \$42,750.00.

**Ordinance, Uniform Requirements for Users of Sanitary Sewer (Item F)**

Council engaged Burns & McDonnell to revise and expand the city's wastewater pretreatment program. Representatives from Burns & McDonnell presented a proposed draft Ordinance at the November City Council workshop. They have incorporated the input from the workshop and now the final version comes before Council.

**Ordinance Changing Zoning Classification- Chaple Landing 8<sup>th</sup> (Item G)**

At their November meeting, the Planning Commission heard a request to rezone certain property from R-4 single-family to R-5 multi-family (Zoning Case # ZON-23-05). The subject property is located at the southwest corner of 53rd St N and Woodlawn Blvd and is commonly known as "Chapel Landing 8th Addition". At the same meeting, the Planning Commission held a public hearing regarding the request to rezone. One neighborhood resident spoke, stating he approves of the Developer's efforts to accommodate neighbors' concerns. A representative for the applicant also spoke. Following the public hearing the Planning Commission discussed some of the Golden Factors as they apply to the request, including the character of the neighborhood. Commissioners mentioned that the developer made an effort to meet with nearby homeowners and address their concerns, and the application does meet all requirements recommended by staff. Following discussion, the Planning Commission voted (6-0) to adopt the findings of fact of the staff as presented and recommend to the City Council approval to change the zoning district classification of the subject property from R-4 single-family district to an R-5 multi-family zoning district based on such findings of fact. The Ordinance to officially change the Zoning Classification now comes before City Council.

### **Resolution for Service, License And Permit Fees (Item H)**

Every year, the city staff examines fees to ensure they adequately cover the expenses associated with various services. Fees are tied to user engagement, presenting a more equitable method of assessing costs. It is imperative to consistently align our fees with the actual expenses incurred. Ted outlined the proposed modifications during the Council's recent workshop, and now the final version awaits Council approval.

### **City Manager Retirement Notification (Item I)**

Included in my 2022 Employment Agreement was a section to address retirement notification and benefits. One requirement was to give six months' notice. I submitted notification at the October 10, 2023 workshop establishing March 29, 2024 as my last day which meets the six-month notification requirement. Action tonight formally recognizes receipt of the notification on October 10, 2023 and allows for an action item with Ted Henry.

### **Employment Agreement with Ted Henry (Item J)**

With March 29, 2024 being my last day, Council was given six months to hire a replacement. There are no state or federal laws that require certain actions be taken when hiring a new city manager. Bel Aire's personnel policy allows for promotions from within or hiring from outside. The City has used several methods for hiring staff. One has been advertising, accepting applications, interviewing and offering a position. Another has been posting internally, holding interviews and selecting the right candidate. Lastly, we have simply promoted the assistant to a supervisor position. After much consideration, the Governing Body decided to interview Ted Henry, Assistant City Manager. The Governing Body has known Ted for 7 years and felt there was no need to spend the money on a national search with Ted being very capable and experienced to take on the role. An Employment Agreement was negotiated and is on the agenda for consideration. The Employment Agreement will take effect April 1, 2024. Ted will stay in the role of Assistant City Manager and work closely with me until March 29, 2024. On April 1, 2024, the agreement will take affect and Ted will become City Manager. At the April 2, 2024 Council Meeting, Ted will officially be appointed.

### **Executive Session (Item XVI)**

Staff would like to request an executive session at this meeting for attorney-client privilege.

## **Discussion and Future Issues (XVII):**

*Workshop December 12<sup>th</sup> at 6:30 p.m.?*

Council has established the second Tuesday of each month at 6:30 pm as the workshop day. Wanted to make sure this day and time works for everyone. The new software system will be the one item to cover. This is very important and a major investment so will need the entire workshop.

*December 19<sup>th</sup> City Council meeting?*

With the holidays approaching, Council will need to discuss if they want to have the regularly scheduled meeting on the 19<sup>th</sup>.