

MANAGERS REPORT

DATE: July 28, 2023
TO: Mayor Benage and City Council
FROM: Ty Lasher, City Manager
RE: August 1, 2023 Agenda



Consent Agenda (Item IV)

The Consent Agenda contains only the minutes of the July 18, 2023 regular City Council meeting.

AP Ordinance (Item VII)

This reporting period includes one payroll. Due to rainy weather and storms, some pool rentals were canceled or shortened, and refunds were issued to the renters. Utility Maintenance Contractors was paid \$30,800 for 22 new water service line installations. \$494,755 was paid to Nowak Construction for Cedar Pass water and sewer main installations and \$206,000 went to Bank of New York for CCUA expenses.

City Requested Appearances (Item VIII)

David Floyd will be recognized for his service on the Planning Commission.

Zoning Ordinance for case ZON-23-01 (Item A)

The property owner, Webb254, LLC, has requested a zone change from the current Agricultural District (AG) to the Planned Unit Development – Industrial District (M-1) on a parcel of land located on the southeast corner of Rock and K-254. The zone change process requires official notification, public hearing at the planning commission meeting and a recommendation from the planning commission for council to consider. At the July 13th planning commission meeting, this item was considered and a public hearing held. Following the public hearing, the Planning Commission voted unanimously (4-0) to recommend that the City Council approve the requested zone change. On July 24th, a protest petition was filed with the City Clerk and fell within the statutory 14-day protest period following the public hearing. The protest petition requires a super majority (5 of the 6) approval of the governing body for the zone change approval. Typically, it is a simple two-thirds majority (4 of the 6) vote of the governing body to take action on a zoning request. In accordance with State Law and Bel Aire City Code, the Council may take one of the following actions when considering adoption of the requested zone change:

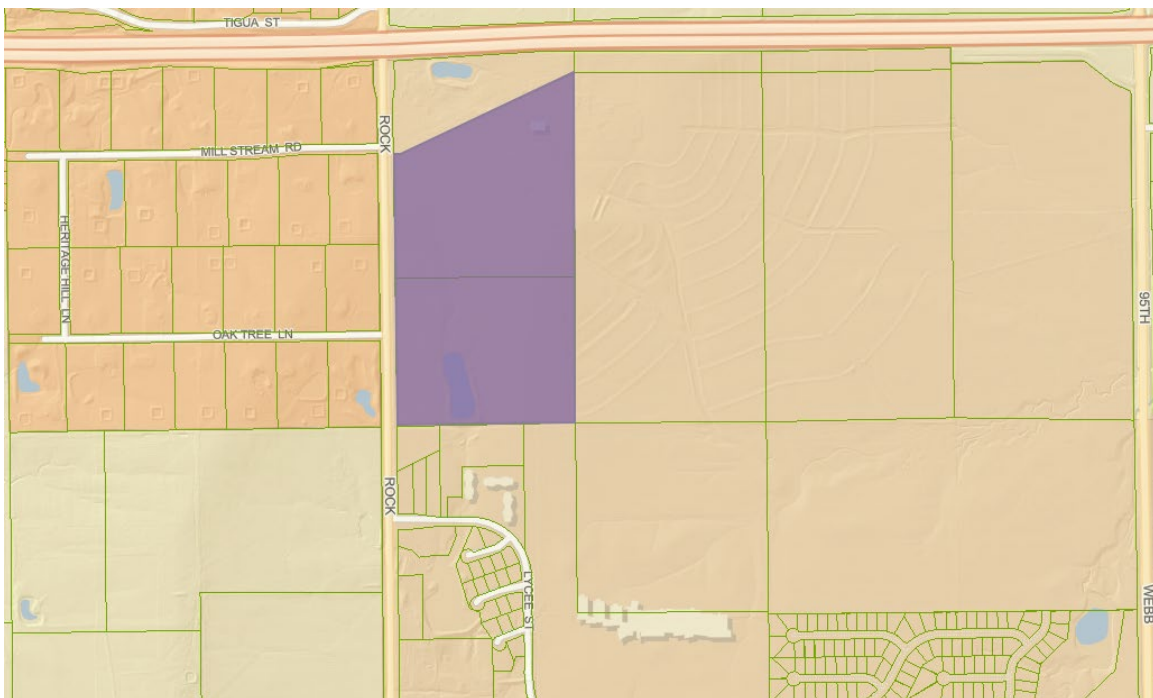
Adopt the findings and factors and recommendation of the Planning Commission on Case No. ZON-23-01 and to approve Ordinance No. 704. *[Requires 75% vote or 5 votes.]*

Override the Planning Commission's recommendation, disapprove Case No. ZON-23-01. *[Requires 2/3 vote or 4 votes.]*

Revise the findings and factors and recommendation of the Planning Commission on Case No. ZON-23-01; revise the ordinance to reflect those changes and approve the revised Ordinance. *[Requires 75% vote or 5 votes.]*

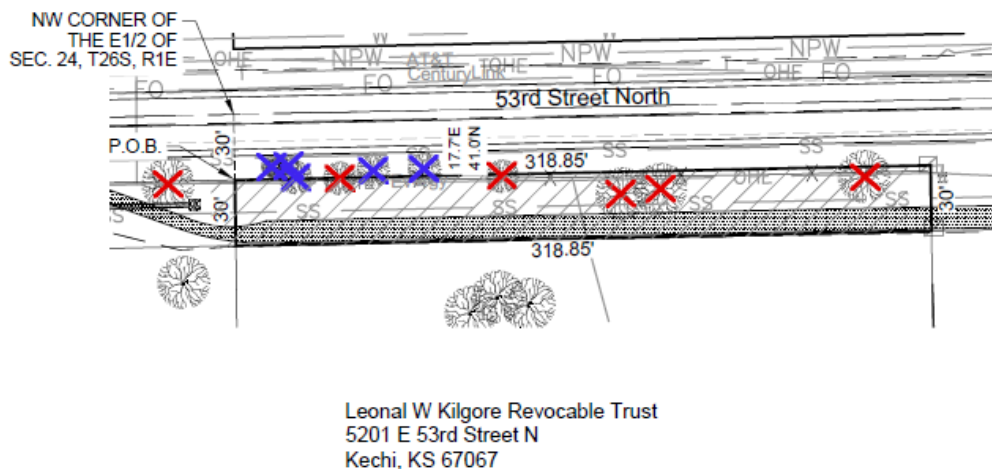
Return the recommendation to the Planning Commission on Case No. ZON-23-01 for further consideration at its next regular meeting because. *[Requires 2/3 vote or 4 votes.]*

Included in your packet are several documents and reports for you to read as you consider this zone change request. Staff will be making presentations at the meeting and there may be public comment as well. Staff is recommending that Council adopt the recommendation of the Planning Commission. The City Attorney, Director of Planning & Development and I will be at the meeting for questions.



Right of Way Agreements, 53rd Street (Items B & C)

During the design of the 53rd Street Reconstruction Project, Garver has identified 6 parcels of property where right-of-way or drainage easements are needed. The City hired Skeens Consultant Services to assist with obtaining the right-of-way and drainage easements. Negotiations are now completed with the owners of one property, the Kilgores. In addition to an agreement for Right-of-Way Dedication, City staff is preparing an agreement regarding fence removal/replacement for the property. In the interest of being responsive to the sellers, staff felt it was imperative to get these items on the agenda for the August 1st Council meeting. City staff is refining the agreements and they will be added to the packet on or before Tuesday morning.

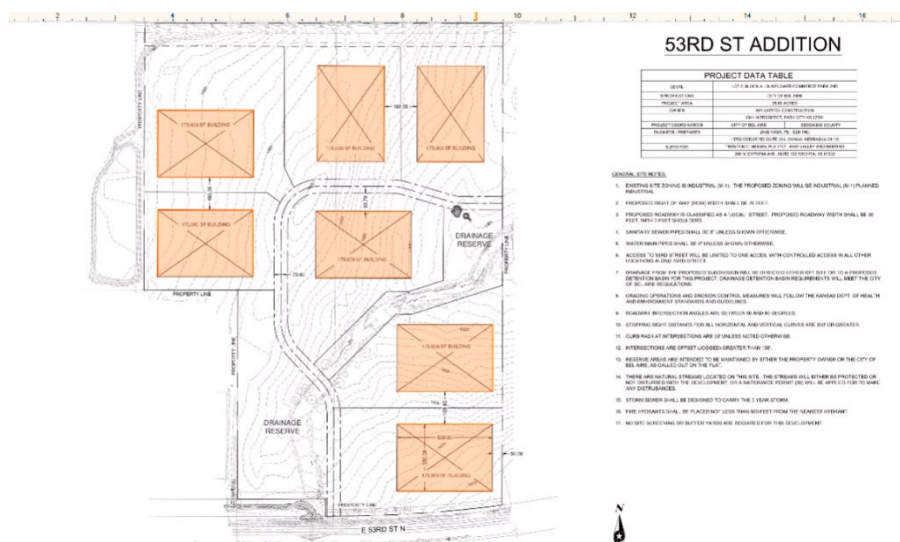


Appoint Voting Delegates & Alternates for LKM Meeting (Items D & E)

As members of the League of Kansas Municipalities, Bel Aire is entitled to three votes at the annual business meeting held during the annual conference. This year the conference will be in Wichita on October 7th – 9th. The annual business will be conducted at noon on October 9th. So far, Emily, Jim and I have registered. I and Jim can attend the annual business meeting and hoping Emily can as well. If any other governing body members are attending, they can take my place as a voting delegate. If Emily can't make it, maybe another governing body member can take her place or you can appoint a staff person.

Bel Aire, as a member city of the League of Kansas Municipalities, is allowed three alternates for the League Annual Business meeting. If there are any other governing body members who plan to attend, they can be alternates. If not, Ted Henry, Maria Schrock and Darrell Atteberry will be attending and can serve as alternate voting delegates.

The developer for Sunflower Commerce Park 3rd has provided a final plat to modify the current PUD. The tract is located in Sunflower Commerce Park 2nd Addition. The land was platted for Epic Sports and future growth of that business if the land options were exercised which were not. The remaining parcel was sold to the current developer who desires to subdivide the parcel for manufacturing and warehouses. On July 13th, the Planning Commission reviewed the final plat and voted (by a 4-0 motion) to approve the final plat as presented. Staff recommends Council accept the dedications within the Final Plat for Sunflower Commerce Park 3rd Addition (SD-23-04).



Executive Session (XII)

Staff has no need for an executive session.

Discussion and Future Issues – Workshop, July 8th

The regularly scheduled workshop for August will be on the 8th at 6:30 pm. Currently the agenda contains three items: Progress on the revised Bel Aire Wastewater Pretreatment Program by Burns & McDonnell, report on the current water and wastewater system for Bel Aire by PEC, and final review of the proposed 2023 budget.