



**AGENDA**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**July 19, 2022 7:00 PM**



**I. CALL TO ORDER:** Mayor Jim Benage

**II. ROLL CALL**

Greg Davied \_\_\_\_\_ Tyler Dehn \_\_\_\_\_ Emily Hamburg \_\_\_\_\_

Justin Smith \_\_\_\_\_ John Welch \_\_\_\_\_

**III. OPENING PRAYER:** Mark Posson

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

**V. DETERMINE AGENDA ADDITIONS**

**VI. CONSENT AGENDA**

**A.** **Minutes of the July 5, 2022 City Council meeting.**

**Action:** Motion to (approve / table / deny) the Consent Agenda as (listed / amended) and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**

**A.** **Consideration of Appropriations Ordinance 22-13 in the amount of \$298,485.47**

**Action:** Motion to (approve / deny / table) Appropriations Ordinance 22-13.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**VIII. CITY REQUESTED APPEARANCES:** None

**IX. CITIZEN CONCERNS:** *If you wish to speak, fill out a "Request to Speak" card at the podium and give it to the City Clerk before the meeting begins. When you are called on by the Mayor, please go to the podium, speak into the microphone, and state your name and address before giving your comments. Please limit your comments to 3 minutes in the interest of time. If more time is needed, you may request an extension from the Mayor.*

## **X. REPORTS**

- A. Council Member Reports**
- B. Mayor's Report**
- C. City Attorney Report**
- D. City Manager Report**

## **XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS**

### **A. Consideration of the Following Actions related to GO Bond Issuance and Special Assessments:**

- 1. Approval of the Assessment Roll Certification, Notice of Public Hearing and Form of Notice of Hearing and Statement of Cost Proposed to be Assessed;**
- 2. Establish August 2, 2022 at 7:00 p.m. to meet for the purpose of hearing any and all written or oral objections to the respective assessments set forth therein;**
- 3. Authorize the publication by the City Clerk of Exhibit C (Notice of Public Hearing) in the official City newspaper, not less than 10 days prior to such public meeting date;**
- 4. Mail Exhibit D (Notice of Public Hearing and Statement of Cost Proposed to be Assessed) to each and all owners of property affected by such assessments at their last known post office address on the same date as the publication of Exhibit C (Notice of Public Hearing); and**
- 5. File each of said documents of record in the office of the City Clerk and make the same available for public inspection.**

**Action:** Motion to (approve / deny / table)

1. Approval of the Assessment Roll Certification, Notice of Public Hearing and Form of Notice of Hearing and Statement of Cost Proposed to be Assessed;
2. Establish August 2, 2022 at 7:00 p.m. to meet for the purpose of hearing any and all written or oral objections to the respective assessments set forth therein;
3. Authorize the publication by the City Clerk of Exhibit C (Notice of Public Hearing) in the official City newspaper, not less than 10 days prior to such public meeting date;
4. Mail Exhibit D (Notice of Public Hearing and Statement of Cost Proposed to be Assessed) to each and all owners of property affected by such assessments at their last known post office address on the same date as the publication of Exhibit C (Notice of Public Hearing); and
5. File each of said documents of record in the office of the City Clerk and make the same available for public inspection.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**B. Consideration of a Letter of Intent to Issue (LOI) an Industrial Revenue Bond (IRB) for Block 49, LLC for Storage Units Located in Bel Aire.**

**Action:** Motion to (approve / deny / table) the LOI for an IRB with Block 49, LLC as (presented / amended) and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**C. Consideration of an Agreement for Professional Services with Baughman for Sanitary Sewer Improvements to serve Lot 1, Block A, Homestead Senior Landing and Lots 1 through 16, Block E and Lots 1 through 24, Block F, Chapel Landing in the amount of \$26,500.00.**

**Action:** Motion to (approve / deny / table) an Agreement for Professional Services with Baughman for Sanitary Sewer Improvements to serve Lot 1, Block A, Homestead Senior Landing and Lots 1 through 16, Block E and Lots 1 through 24, Block F, Chapel Landing in the amount of \$\_\_\_\_\_ and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**D. Consideration of An Ordinance establishing no parking along Prairie Court in the Prairie Preserve addition.**

**Action:** Motion to (approve / deny / table) An Ordinance Regulating Street Parking By Prohibiting The Parking Of Vehicles On Prairie Court In Bel Aire, Kansas And Providing Penalties For Violation Thereof and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote:

Greg Davied \_\_\_\_\_ Tyler Dehn \_\_\_\_\_ Emily Hamburg \_\_\_\_\_

Justin Smith \_\_\_\_\_ John Welch \_\_\_\_\_

**E. Consideration of An Ordinance Changing The Zoning Classification From AG Agricultural Zoning To R-5 Residential Use On Certain Property, Bel Aire Lakes Addition Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas.**

**Action:** Motion to (approve / deny / table) An Ordinance Changing The Zoning Classification From AG Agricultural Zoning To R-5 Residential Use On Certain Property, Bel Aire Lakes Addition Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas, and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote:

Jim Benage \_\_\_\_\_ Greg Davied \_\_\_\_\_ Tyler Dehn \_\_\_\_\_

Emily Hamburg \_\_\_\_\_ Justin Smith \_\_\_\_\_ John Welch \_\_\_\_\_

**F. Consideration of An Order Vacating A Portion Of A Platted Building Setback Line On Certain Property Located In The Lawn Terrace Addition Within The Corporate City Limits Of The City Of Bel Aire, Kansas.**

**Action:** Motion to (approve / deny / table) An Order Vacating A Portion Of A Platted Building Setback Line On Certain Property Located In The Lawn Terrace Addition Within The Corporate City Limits Of The City Of Bel Aire, Kansas.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**G. Consideration of a bid for installation of 4,602 linear feet of 8” Cured-In-Place-Pipe (CIPP) and 2,020 linear feet of 10” CIPP in Lawn Terrace. One of the three contractors that were contacted responded with a bid that met specifications:**

<u>Contractor</u>	<u>Total Bid</u>	<u>Protruding Tap Removal</u>
Insituform	\$228,196.80	\$220.00
UMC	No Bid	
Mayer Specialty Services	Could not meet specs	

**Action:** Motion to (accept/ deny / table) the bid from Insituform in the amount not to exceed \$228,196.80 and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**H. Consideration of the Revised Tax Increment Financing (TIF) Policy for the City of Bel Aire.**

**Action:** Motion to (approve / deny / table) the Revised Tax Increment Financing Policy for the City of Bel Aire and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**I. Consideration of appointing three voting delegates to the League of Kansas Municipalities 2022 Annual Business Meeting and Convention of Voting Delegates on October 10, 2022 at noon in Overland Park.**

**Action:** Motion to (appoint / deny / table) Ty Lasher, Tyler Dehn and Jim Benage as Bel Aire Voting Delegates to the 2022 League of Kansas Municipalities Annual Business Meeting.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_



**J. Consideration of appointing three alternate voting delegates to the League of Kansas Municipalities 2022 Annual Business Meeting and Convention of Voting Delegates on October 10, 2022 at noon in Overland Park.**

**Action:** Motion to (appoint / deny / table) \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ as Bel Aire Alternate Voting Delegates to the 2022 League of Kansas Municipalities Annual Business Meeting.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**XII. EXECUTIVE SESSION**

- A. Action:** Motion to go into executive session for the sole purpose of discussing the subject of: matters related to Council employees, pursuant to the KSA 75-4319 exception for: non-elected personnel and invite the (City Manager and / or City Attorney). The meeting will be for a period of (\_\_\_\_) minutes, and the open meeting will resume in City Council Chambers at (\_\_\_\_) PM.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**B. Consideration of the revised Employment Agreement with the City Manager.**

**Action:** Motion to (approve / deny / table) the Revised Employment Agreement with City Manager Lasher as (presented / amended) and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**XIII. DISCUSSION AND FUTURE ISSUES**

**XIV. ADJOURNMENT**

**Action:** Motion to adjourn.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

*Additional Attachments:*

- A.** Planning and Zoning Staff report- June 2022
- B.** Rec Activities - June 2022
- C.** Treasurer's Report - 2nd Quarter 2022
- D.** Manager's Report - July 19, 2022

**Notice**

*It is possible that sometime between 6:30 and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Cox Cable Channel 7 rebroadcasts of this meeting are scheduled daily or can be streamed on YouTube and at [www.belaireks.gov](http://www.belaireks.gov). Please make sure all cell phones and other electronics are turned off.*



**MINUTES**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**July 05, 2022 7:00 PM**



**I. CALL TO ORDER:** Mayor Jim Benage called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

Present were Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, City Engineer Anne Stephens, City Clerk Melissa Krehbiel and Bond Counsel Kevin Cowan of Gilmore and Bell, P.A.

**III. OPENING PRAYER:** Dr. Robert Lindsted provided the opening prayer.

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Mayor Benage led the pledge of allegiance.

**V. DETERMINE AGENDA ADDITIONS:** There were no additions.

**VI. CONSENT AGENDA**

- A. Approval of Minutes of the June 21, 2022 City Council meeting.**
- B. Accept Petitions for Sanitary Sewer and Water Distribution System Improvements to serve Chapel Landing 5<sup>th</sup> Phase 1.**
- C. Approve A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/Chapel Landing 5th Addition-Phase 1); And Amending, Restating And Repealing Resolution No. R-22-21.**
- D. Approve A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution Improvements/ Chapel Landing 5th Addition-Phase 1); And Amending, Restating And Repealing Resolution No. R-22-23.**

**MOTION:** Councilmember Smith moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

## **VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**

### **A. Consideration of Appropriations Ordinance 22-12 in the amount of \$642,372.25**

**MOTION:** Councilmember Smith moved to approve Appropriations Ordinance 22-12. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

## **VIII. CITY REQUESTED APPEARANCES**

### **A. Senator Ty Masterson**

### **B. Woodlawn Construction Update – Garver**

Senator Masterson reviewed legislative accomplishments and took questions from the Council.

Dakota Zimmerman, Garver, gave an update on Woodlawn construction progress.

## **IX. CITIZEN CONCERNS:**

Betty Martine, 4701 N Woodlawn, spoke to the Council. She spoke about the history and current activities of the Senior Club, Inc. Many of the members of this group were part of the petition process to incorporate Bel Aire as a City. She stated that the Senior Club, Inc. has found a new location to meet, outside of the City and they will not rely on City funding.

Gary O'Neil, President of the Bel Aire Lions Club, spoke to the Council regarding the fireworks ordinance. The Ordinance only allows four permits to be issued per year and does not make any distinction between for-profit and non-profit applicants. In the past, the City Code made this distinction. He would like for the Council to review the Ordinance. He is concerned that a non-profit may one day lose its traditional permit to a for-profit business.

## **X. REPORTS**

### **A. Council Member Reports**

Councilmember Dehn reported he attended the federal issues forum with the K-254 Corridor Association. He invited citizens and businesses to attend the Bel Aire Chamber's monthly lunch on the first Wednesday of each month. He thanked the Lions Club and the Rec Center for a great baseball season. Residents can attend a fishing clinic this weekend at the pond near Central Park pool. He will attend the Kansas Infrastructure summit next week.

Councilmember Smith gave a brief report on the latest CCUA meeting on June 23<sup>rd</sup>.

Councilmember Welch commented on illegal fireworks discharges. There seemed to be less problems this year than last year. He suggested a printed copy of the rules be given to fireworks customers with their receipt.

**B. Mayor's Report**

- Mayor Benage reported he attended the grand opening of the new KPTS public television headquarters
- He attended the most recent CCUA meeting.
- July 12<sup>th</sup> is the last day to register to vote in the Primary Election.
- August 2<sup>nd</sup> is the Primary Election. All registered voters may vote on the Kansas Constitutional amendment on the ballot.
- In October, the League of Kansas Municipalities will hold its annual conference. Mayor Benage will attend, and he encouraged the Councilmembers to attend as well.

**C. City Attorney Report**

City Attorney Kelly briefly reported on sidewalk regulations and the regulations on political signs in the right of way.

Mayor Benage took a question from James Schmidt. Mr. Schmidt asked who is responsible for wheelchair ramp installation and repair. Ms. Kelly said the wheelchair ramps are being installed gradually at intersections throughout the city. The City will repair and maintain the ramps.

**D. City Manager Report**

City Manager Lasher briefly reported on fireworks cleanup requirements and the paving petitions that will soon be mailed to certain neighborhoods. Garver, the engineering firm responsible for the project, will hold an open house on July 19<sup>th</sup> to explain the petitions and answer any questions about financing and costs.

**XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS**

**A. Consideration of a consulting contract with Burns & McDonnell Engineering Company, Inc. to complete a performance audit of CCUA.**

Brian Meier and Don Koci of Burns & McDonnell Engineering Company, Inc. spoke about their company's services and stood for questions from the Council.

**MOTION:** Councilmember Hamburg moved to approve the consulting agreement with Burns & McDonnell Engineering Company, Inc. and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

**B. Consideration of a consulting agreement with the Loyd Group, LLC for a financial audit of the CCUA.**

**MOTION:** Councilmember Smith moved to approve the consulting agreement with Loyd Group, LLC and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**MOTION:** Councilmember Smith moved to take a five-minute recess. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

The meeting was in recess from 9:00 p.m. to 9:10 p.m. At 9:10 p.m. Mayor Benage called the meeting back to order in open session.

- C. Consideration of approving a Notice of Revenue Neutral Rate (RNR) Intent form and setting the date of the Revenue Neutral Rate hearing for September 7, 2022 at 7:00 p.m. The County Clerk will then notify residents of the public hearing and their estimated tax rates. The form must be filed with the Sedgwick County Clerk by July 20, 2022.**

**MOTION:** Councilmember Davied moved to approve the Notice of Revenue Neutral Rate (RNR) Intent form, set the date of the Revenue Neutral Rate hearing for September 7, 2022 at 7:00 p.m., and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 5-0.*

Mayor Benage stated that Agenda Items XI D and E would be tabled until the next meeting, in the interest of time. Councilmembers must attend the Bel Aire Land Bank meeting directly after tonight's Council meeting.

- D. Consideration of An Ordinance establishing no parking along Prairie Court in the Prairie Preserve addition.**
- E. Consideration of the Revised Tax Increment Financing (TIF) Policy for the City of Bel Aire.**
- F. Consideration of appointing Emily Hamburg to the City of Bel Aire Kansas, Land Bank.**

**MOTION:** Councilmember Smith moved to appoint Emily Hamburg to the City of Bel Aire Kansas, Land Bank. Councilmember Welch seconded the motion. *Motion carried 5-0.*

- G. Consideration of appointing Tyler Dehn to the City of Bel Aire Kansas, Land Bank.**

**MOTION:** Councilmember Davied moved to appoint Tyler Dehn to the City of Bel Aire Kansas, Land Bank. Councilmember Smith seconded the motion. *Motion carried 5-0.*

## **XII. EXECUTIVE SESSION**

- A. Action:** Motion to go into executive session for the sole purpose of discussing the subject of: matters related to Council employees, pursuant to the KSA 75-4319 exception for: non-elected personnel and invite the (City Manager and / or City Attorney). The meeting will be for a period of (\_\_) minutes, and the open meeting will resume in City Council Chambers at (\_\_\_\_\_) PM.
- B. Consideration of the revised Employment Agreement with the City Manager.**

Mayor Benage stated that Agenda Items XII A and B would be tabled until the next meeting.

### **XIII. DISCUSSION AND FUTURE ISSUES**

#### **A. July workshop – July 12th at 6:30 pm?**

The Council briefly discussed the agenda for the next City Council workshop, which will be held on July 12, 2022 at 6:30 p.m.

### **XIV. ADJOURNMENT**

**MOTION:** Councilmember Smith moved to adjourn. Councilmember Davied seconded the motion. *Motion carried 5-0.*

The meeting adjourned at 9:17 p.m.

## AP ORD 22-13

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
GENERAL					
ADOBE SYSTEMS, INC	MONTHLY SUBSCRIPTION:PD		16.11	1280509	6/30/22
ALLEN, GIBBS & HOULIK, LC	2022 AUDIT PROGRESS		18,000.00	68050	7/07/22
AIR CAPITOL EXTERMINATING	RODENT/INSECT EXTERMINATION		19.50	68051	7/07/22
BEST BUY 00000513	POOL, REC COMPUTERS		2,299.98	1280509	6/30/22
BEST SUPPLY CO	CAN LOCK COUPLINGS		37.86	68052	7/07/22
BLUE CROSS & BLUE SHIELD OF KS	07/22 ID:0421210		34,433.04	1280513	7/01/22
BOTANICA, THE WICHITA GARDENS	SR CLUB TRIP		126.00	1280509	6/30/22
BRADY INDUSTRIES OF KS	GRAFFITTI REMOVER		49.54	68053	7/07/22
NATHAN W BRAINARD	YOUTH SPORTS OFFICIAL		630.00	68037	7/01/22
CHARLIES CAR WASH LLC	FLEET CAR WASH		100.00	1280509	6/30/22
CHRISTY ROEDL	REFUND:SUMMER CAMP WEEK 7		90.00	68055	7/07/22
CINTAS CORPORATION	PW MAINT SHOP TOWELS	41.93		1280515	7/05/22
CINTAS CORPORATION	PD MAT RENTAL	98.29		1280516	7/05/22
CINTAS CORPORATION	PD MAT RENTAL	98.29		1280517	7/05/22
CINTAS CORPORATION	PD MAT RENTAL	98.29		1280518	7/05/22
CINTAS CORPORATION	PD MAT RENTAL	98.29		1280519	7/05/22
CINTAS CORPORATION	PD MAT RENTAL	144.97	580.06	1280520	7/05/22
CINTAS CORPORATION NO. 2	PW:RESTOCK FIRST AID		48.54	1280514	7/05/22
WICHITA WATER CONDITIONING, INC	WATER SERVICE		97.40	68057	7/07/22
D & J SPORTS	LIFEGUARD UNIFORMS		424.95	1280509	6/30/22
DILLONS #0056	SR CLUB MEAL SUPPLIES		22.92	1280509	6/30/22
ECITY TRANSACTIONS, LLC	06/22 ONLINE PYT SERVICE		270.00	68058	7/07/22
MATTHEW J HERMES	CONTRACT MOWING:49TH RET POND		810.00	68059	7/07/22
EMPOWER RETIREMENT 457	EMP VLNTY 457		250.00	1280445	7/06/22
EPIC SPORTS, INC.	TBALLS		139.20	1280509	6/30/22
EVERGY KANSAS CENTRAL INC	ELEC SVC:PUBLIC AREAS		1,680.04	1280538	7/07/22
EVERGY KANSAS CENTRAL INC	ELEC SVC:CITY BLDGS		2,064.26	1280535	7/07/22
FICA/FEDERAL W/H	FED/FICA TAX		17,960.55	1280441	7/06/22
GALLS, LLC	UNIFORM/ACCESSORIES & SUPPLIES		230.24	68061	7/07/22
GOV'T FINANCE OFFICERS ASSOC	GFOA CONF:HENRY		475.00	1280509	6/30/22
WW GRAINGER, INC	PW:MATERIALS SUPPLIES		232.59	1280539	7/06/22
ANTHONY HARDWICK	YOUTH SPORTS OFFICIAL		375.00	68038	7/01/22
HAYDEN HARDWICK	YOUTH SPORTS OFFICIAL		165.00	68039	7/01/22
JEFFREY HARDWICK	YOUTH SPORTS OFFICIAL		315.00	68040	7/01/22
NICHALAS HARDWICK	YOUTH SPORTS OFFICIAL		216.00	68041	7/01/22
HASTY AWARDS	REC PROGRAM AWARDS		178.65	68062	7/07/22
MARTY A HESS	YOGA INSTRUCTOR		135.00	68042	7/01/22
HILTON INN	KACP CONF:ATTEBERRY		490.20	1280509	6/30/22
IDEATEK TELECOM	07/22 HOSTED PHONE SERV		564.98	1280541	7/07/22
THE IMA FINANCIAL GROUP, INC	HEALTH BENEFITS ADMIN AUG #11		833.00	1280542	7/06/22
IMAGINE IT INC	OFFICE 365 MONTHLY JULY'22	693.08		1280543	7/06/22
IMAGINE IT INC	SERVER MGT SOFTWARE	334.00	1,027.08	1280544	7/06/22
IPMA - HR KANSAS	IPMA CONF:TERHUNE		350.00	1280509	6/30/22
PJI PHTOGRAPHY	COUNCIL/EMPLOYEE PHOTOS		1,640.00	68063	7/07/22
JASONS DELI Q25	SENIOR CLUB MEAL		222.98	1280509	6/30/22
KANSAS GOLF & TURF, INC	EXMARK SERVICE/SUPPLIES		346.49	68064	7/07/22
KTA - TRANSA TEMP - RET	TOLLS		12.00	1280509	6/30/22
KANZA CO-OPERATIVE ASSOCIATION	BULK FUEL		873.73	68066	7/07/22
BRENNIA KIRBY	YOUTH SPORTS OFFICIAL		275.00	68043	7/01/22
KS PUBLIC TELECOMMUNICAITONS	BEL AIRE PARTNERSHIP		3,600.00	68068	7/07/22
KANSAS DEPT OF REVENUE	STATE TAX		2,974.21	1280444	7/06/22
K P E R S	KPERS 2		11,255.77	1280443	7/06/22

# CLAIMS REPORT

Vendor Checks: 6/29/2022- 7/11/2022

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
THE UNIVERSITY OF KANSAS	TRAINING:SCHELL INTERVW/SPANIS		165.00	68070	7/07/22
MICHAEL D FERGUSON	CPR:LAWRIE		70.00	68071	7/07/22
LOGMEIN USA, INC	REMOTE SOFTWARE:HENRY		44.00	1280509	6/30/22
MELCHER, ISSAC	OFFICATE YOUTH SPORTS		274.00	68044	7/01/22
MENARDS WICHITA EAST	CODE ENFORCEMENT PPE		104.40	1280509	6/30/22
NATIONAL SCREENING BUREAU	VENDOR BACKGROUND CHECK		10.00	68073	7/07/22
SPORTS ENGINE	BACKGROUND CHECKS		35.00	68074	7/07/22
ONESOURCE TECHNOLOGY, INC	MONTHLY I.T.SUPPORT SVC		650.00	1280545	7/05/22
O'REILLY AUTOMOTIVE, INC	AUTO REPAIRS/SUPPLIES		18.49	1280548	7/06/22
PAYLOCITY CORPORATION	FSA EMPLOYEE EXPENSE	421.13		1280549	7/01/22
PAYLOCITY CORPORATION	FSA EMPLOYEE EXPENSE	350.66	771.79	1280550	7/08/22
PIZZA HUT 029874	VOLUNTEER HELP MEAL		45.98	1280509	6/30/22
RESTREAM, INC.	LIVE STREAM SERVICE		15.20	1280509	6/30/22
SAMSLUB #6418	CONCESSIONS/DAY CAMP		510.87	1280509	6/30/22
SANNA RABEH	REFUND SUMMER CAMP WEEK 6		208.00	68077	7/07/22
SQUARESPACE INC.	BETTERONEDGE WEB SUBSCRIPTION		144.00	1280509	6/30/22
NJ CRIMINAL INTERDICTION, LLC	KS CASE LAW TRAINING:DAVIS		199.00	68079	7/07/22
SUMNER GROUP INC	COPIERS CONTRACTS/SUPPLIES		467.91	68080	7/07/22
SUN LIFE & HEALTH INS CO	JUN'22 VOLUNTARY LIFE PYMNT		899.62	68036	6/30/22
SURENCY LIFE & HEALTH INS CO	VISION INSURANCE		346.61	1280553	7/06/22
THE HOME DEPOT 2204	GRASS SEED/SUPPLIES		708.09	1280509	6/30/22
TREE TOP NURSERY & LANDSCAPE	CONTRACT MOWING		3,891.47	68081	7/07/22
TSYS MERCHANT SOLUTIONS	CREDIT CARD PROCESSING FEES		2,749.26	1280552	7/10/22
ICMA RETIREMENT 304804	CITY MGR 457		998.82	1280442	7/06/22
VERIZON	CELL PHONE SVC		705.87	1280558	7/05/22
VERIZON	TABLET/S:SVC		215.99	1280557	7/05/22
VERIZON	TABLET/S:SVC		71.02	1280556	7/05/22
VISTA PRINT	BUSINESS CARDS:PD		101.49	1280509	6/30/22
TERESA WADE	TAEKWONDO INSTRUCTOR		180.00	68045	7/01/22
WALL STREET JOURNAL	SUBSCRIPTION		116.97	1280509	6/30/22
WAL-MART #1507	DAY CAMP/REC SUPPLIES		777.70	1280509	6/30/22
WASTE CONNECTIONS OF KANSAS	TRASH DISPOSAL SVC:MAINT SHOP		63.67	1280555	7/05/22
LAFE T WILLIAMS & ASSOCIATES,	JANITORIAL SUPPLIES		102.75	68084	7/07/22
JOY K WILLIAMS, ATTY AT LAW	PROSECUTOR SVC		562.50	68085	7/07/22
	01 GENERAL TOTAL		123,163.34		
WATER UTILITY					
AIR CAPITOL EXTERMINATING	RODENT/INSECT EXTERMINATION		23.40	68051	7/07/22
ATWOODS-DISTRIBUTING L.P.	RUBBER BOOTS X6		139.93	1280509	6/30/22
BEST BUY 00000513	PW:MICROSOFT OFFICE		134.37	1280509	6/30/22
BLUE CROSS & BLUE SHIELD OF KS	07/22 ID:0421210		4,545.75	1280513	7/01/22
CHIPOTLE 0546	UB STAFF LUNCH		83.37	1280509	6/30/22
CINTAS CORPORATION	PW MAINT SHOP TOWELS		41.92	1280515	7/05/22
CINTAS CORPORATION NO. 2	PW:RESTOCK FIRST AID		48.54	1280514	7/05/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	165.00		1280521	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	3,525.00		1280522	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	2,030.07		1280523	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	2,171.34		1280524	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	1,650.00		1280525	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	363.96		1280526	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	625.00		1280527	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	24.00		1280528	7/06/22



VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	2,200.00		1280529	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	1,906.92	14,661.29	1280530	7/06/22
DITCH WITCH OF WEST TEXAS	PARTS/SUPPLIES		196.56	1280509	6/30/22
ECITY TRANSACTIONS, LLC	06/22 ONLINE PYT SERVICE		90.00	68058	7/07/22
EVERGY KANSAS CENTRAL INC	ELEC SVC:PUBLIC AREAS		284.09	1280538	7/07/22
EVERGY KANSAS CENTRAL INC	ELEC SVC:CITY BLDGS		388.72	1280535	7/07/22
FICA/FEDERAL W/H	FED/FICA TAX		2,671.76	1280441	7/06/22
WW GRAINGER, INC	PW:MATERIALS SUPPLIES		469.59	1280540	7/06/22
HARBOR FREIGHT TOOLS 882	AIR TANK		59.99	1280509	6/30/22
IDEATEK TELECOM	07/22 HOSTED PHONE SERV		32.04	1280541	7/07/22
KANSAS ONE-CALL SYSTEM, INC.	LOCATE FEES:680 FOR 06/22		408.00	68065	7/07/22
KANZA CO-OPERATIVE ASSOCIATION	BULK FUEL		703.95	68066	7/07/22
KANSAS DEPT OF REVENUE	STATE TAX		465.27	1280444	7/06/22
K P E R S	KPERS TIER 3		1,775.24	1280443	7/06/22
PIZZA HUT 029874	PW MEALS		99.96	1280509	6/30/22
RURAL WATER DISTRICT NO 1	06/22 WATER:WELL #66 & #67		24.00	68075	7/07/22
SHAYLA BEARD	WATER CONNECT REFUND		50.00	68078	7/07/22
SUN LIFE & HEALTH INS CO	JUN'22 VOLUNTARY LIFE PYMNT		30.72	68036	6/30/22
SURENCY LIFE & HEALTH INS CO	VISION INSURANCE		62.08	1280553	7/06/22
THE HOME DEPOT 2204	EQUIP/TOOLS/SUPPLIES		101.29	1280509	6/30/22
HD SUPPLY FACILITIES MAINTENAN	CHLORINATOR ASSEMBLY		817.68	68082	7/07/22
USPS PO 1946750085	MAIL SAMPLES		28.80	1280509	6/30/22
VERIZON	CELL PHONE SVC		88.32	1280558	7/05/22
VERIZON	TABLET/S:SVC		10.15	1280556	7/05/22
VISTA PRINT	BUSINESS CARDS:MCGEE		31.29	1280509	6/30/22
WASTE CONNECTIONS OF KANSAS	TRASH DISPOSAL SVC:MAINT SHOP		65.59	1280555	7/05/22
WICHITA WINWATER WORKS	WATER SVC MAINTENANCE SUPPLIES		431.06	68083	7/07/22
02 WATER UTILITY TOTAL			29,064.72		
SEWER UTILITY					
AIR CAPITOL EXTERMINATING	RODENT/INSECT EXTERMINATION		23.40	68051	7/07/22
BEST BUY 00000513	PW:MICROSOFT OFFICE		134.37	1280509	6/30/22
BLUE CROSS & BLUE SHIELD OF KS	07/22 ID:0421210		2,844.64	1280513	7/01/22
CINTAS CORPORATION	PW MAINT SHOP TOWELS		41.92	1280515	7/05/22
CINTAS CORPORATION NO. 2	PW:RESTOCK FIRST AID		48.54	1280514	7/05/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	3,525.00		1280522	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	2,030.07		1280523	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	363.96		1280526	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	625.00		1280527	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	2,240.00		1280529	7/06/22
CORE & MAIN LP	WATER SYS MAINT/REPAIR SUPPLIE	1,906.92	10,690.95	1280530	7/06/22
ECITY TRANSACTIONS, LLC	06/22 ONLINE PYT SERVICE		90.00	68058	7/07/22
EMPOWER RETIREMENT 457	EMP VLNTY 457		400.00	1280445	7/06/22
EVERGY KANSAS CENTRAL INC	ELEC SVC:PUBLIC AREAS		1,961.90	1280538	7/07/22
EVERGY KANSAS CENTRAL INC	ELEC SVC:CITY BLDGS		388.72	1280535	7/07/22
FICA/FEDERAL W/H	FED/FICA TAX		2,173.09	1280441	7/06/22
IDEATEK TELECOM	07/22 HOSTED PHONE SERV		32.04	1280541	7/07/22
KANSAS ONE-CALL SYSTEM, INC.	LOCATE FEES:680 FOR 06/22		408.00	68065	7/07/22
KANZA CO-OPERATIVE ASSOCIATION	BULK FUEL		426.05	68066	7/07/22
KANSAS DEPT OF REVENUE	STATE TAX		352.05	1280444	7/06/22
K P E R S	KPERS TIER 3		1,381.78	1280443	7/06/22
PUBLIC WORKS & UTILITIES	BULK SEWER 05/31-06/30		1,129.11	1280551	7/05/22

# CLAIMS REPORT

Vendor Checks: 6/29/2022- 7/11/2022

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
SURENCY LIFE & HEALTH INS CO	VISION INSURANCE		44.00	1280553	7/06/22
THE HOME DEPOT 2204	EQUIP/TOOLS/SUPPLIES		101.29	1280509	6/30/22
VERIZON	CELL PHONE SVC		88.32	1280558	7/05/22
VERIZON	TABLET/S:SVC		10.15	1280556	7/05/22
WASTE CONNECTIONS OF KANSAS	TRASH DISPOSAL SVC:MAINT SHOP		63.66	1280555	7/05/22
			-----		
03	SEWER UTILITY TOTAL		22,833.98		
SPECIAL STREET & HIWAY					
AIR CAPITOL EXTERMINATING	RODENT/INSECT EXTERMINATION		11.70	68051	7/07/22
BLUE CROSS & BLUE SHIELD OF KS	07/22 ID:0421210		2,083.06	1280513	7/01/22
CENTRAL PS&S HOLDINGS, LLC	CRACK SEALER REPAIR		617.50	68054	7/07/22
CINTAS CORPORATION	PW MAINT SHOP TOWELS		41.92	1280515	7/05/22
CINTAS CORPORATION NO. 2	PW:RESTOCK FIRST AID		48.54	1280514	7/05/22
CRAFCO, INC	STREET MATERIALS SUPPLIES		2,687.94	68056	7/07/22
EVERGY KANSAS CENTRAL INC	ELEC SVC:PUBLIC AREAS		113.76	1280538	7/07/22
EVERGY KANSAS CENTRAL INC	ELEC SVC:STREET LIGHTING		206.82	1280537	7/07/22
EVERGY KANSAS CENTRAL INC	ELEC SVC:CITY BLDGS		131.46	1280535	7/07/22
FASTENAL COMPANY	HARDWARE		81.53	68060	7/07/22
FICA/FEDERAL W/H	FED/FICA TAX		356.19	1280441	7/06/22
KANZA CO-OPERATIVE ASSOCIATION	BULK FUEL		1,624.12	68066	7/07/22
KEY EQUIPMENT & SUPPLY CO	RELIEF VALVE		210.72	68067	7/07/22
KANSAS DEPT OF REVENUE	STATE TAX		43.94	1280444	7/06/22
K P E R S	KPERS		292.56	1280443	7/06/22
INDUSTRIAL UNIFORM COMPANY LLC	EMPLOYEE UNIFORMS		160.00	68072	7/07/22
O'REILLY AUTOMOTIVE, INC	AUTO REPAIRS/SUPPLIES	37.72		1280546	7/06/22
O'REILLY AUTOMOTIVE, INC	AUTO REPAIRS/SUPPLIES	116.51	154.23	1280547	7/06/22
RUSTY ECK FORD	F550 DIAGNOSTIC AND AIR FILTER		65.20	68076	7/07/22
SUN LIFE & HEALTH INS CO	JUN'22 VOLUNTARY LIFE PYMNT		140.40	68036	6/30/22
SURENCY LIFE & HEALTH INS CO	VISION INSURANCE		17.23	1280553	7/06/22
THE HOME DEPOT 2204	EQUIP/TOOLS/SUPPLIES		101.29	1280509	6/30/22
VERIZON	CELL PHONE SVC		88.32	1280558	7/05/22
			-----		
04	SPECIAL STREET & HIWAY TOTAL		9,278.43		
CAPITAL PROJECTS					
KANSAS DEPT OF TRANSPORTATION	RAIL SPUR LOAN PYMNT #83		3,877.06	68069	7/07/22
			-----		
09	CAPITAL PROJECTS TOTAL		3,877.06		
SOLID WASTE UTILITY					
WASTE CONNECTIONS OF KANSAS	06/22 RECYCLE OR TRASH SVC		37,066.86	1280554	7/05/22
			-----		
12	SOLID WASTE UTILITY TOTAL		37,066.86		
STORMWATER UTILITY					

**CLAIMS REPORT**  
Vendor Checks: 6/29/2022- 7/11/2022

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
THE HOME DEPOT 2204	OLIVER/45TH DITCH REP SUPPLIES		47.97	1280509	6/30/22
	14 STORMWATER UTILITY TOTAL		47.97		
	Accounts Payable Total		225,332.36		
Payroll Checks					
	01 GENERAL		58,377.75		
	02 WATER UTILITY		7,801.50		
	03 SEWER UTILITY		5,727.89		
	04 SPECIAL STREET & HIWAY		1,245.97		
	Total Paid On: 7/06/22		73,153.11		
	Total Payroll Paid		73,153.11		
	Report Total		298,485.47		

Gilmore & Bell, P.C.  
07/11/2022

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF BEL AIRE, KANSAS  
HELD ON JULY 19, 2022**

The Governing Body met in regular session at the usual meeting place in the City of Bel Aire, Kansas (the "City"), at 7:00 p.m., the following Councilmembers being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

\* \* \* \* \*

(Other Proceedings)

Thereupon, and among other business, there were presented certain documents relating to the following described improvements heretofore authorized by the Governing Body:

**Project No. 1 – Villas at Prestwick Phase 1 - Drainage Improvements  
Authorized by Resolution No. R-18-05**

Construction of a drainage system to serve certain lots of Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas.

**Project No. 2 – Villas at Prestwick Phase 1 - Street Improvements  
Authorized by Resolution No. R-18-07**

Construction of pavement on Villa Place from the south edge of Prestwick Avenue at a point approximately 105 feet south of the intersection of Cambridge Street and Prestwick Avenue looping around approximately 1200 feet to the south edge of Prestwick Avenue at a point approximately 145 feet north to the intersection of Cambridge Street and Prestwick Avenue; Sidewalk from the south edge of Prestwick Avenue in Reserve B, along the inside loop of Villa Place crossing Lots 1 through 6, Block 2, to the south edge of Prestwick Avenue in Reserve B; Side walk crossing from Villa Place to Jasmine Street across the drainage way, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

**Project No. 3 – Villas at Prestwick Phase 1 – Sanitary Sewer Improvements  
Authorized by Resolution No. R-18-09**

Construction of a lateral sanitary sewer, to serve certain lots of Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

**Project No. 4 – Villas at Prestwick Phase 1 – Water Distribution System Improvements**  
**Authorized by Resolution No. R-18-11**

Construction of a water distribution system including necessary water mains, pipes, valves, hydrants, and appurtenances, to serve certain lots of Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

**Project No. 5 – Rock Spring Addition Phase 6 - Paving Improvements**  
**Authorized by Resolution No. R-19-04**

Construction of pavement on Pebblecreek from the west line of Lot 5, Block 2, Rock Spring Addition to the North line of said Addition including the cul-de-sac serving lots 7-9, Block 1.

**Project No. 6 – Rock Spring Addition Phase 6 – Water Improvements**  
**Authorized by Resolution No. R-19-05**

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve certain lots of Rock Spring Addition to the City of Bel Aire, Sedgwick County, Kansas, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Project No. 7 – Rock Spring 3<sup>rd</sup> Addition – Phase 1 Paving Improvements**  
**Authorized by Resolution No. R-21-26**

Construction of pavement on TOBEN from the South line of Lot 9, Block 3, Rock Spring 3<sup>rd</sup> Addition to the North line of said Addition; TOBEN COURT from the West line of Toben to and including the cul-de-sac; and TOBEN COURT from the West line of Toben to and including the cul-de-sac.

**Project No. 8 – Rock Spring 3<sup>rd</sup> Addition – Phase 1 Sewer Improvements**  
**Authorized by Resolution No. R-21-28**

Construction of a lateral sanitary sewer to serve certain lots of Rock Spring 3<sup>rd</sup> Addition to the City of Bel Aire, Kansas.

**Project No. 9 – Rock Spring 3<sup>rd</sup> Addition - Drainage Improvements**  
**Authorized by Resolution No. R-21-30**

Construction of a stormwater pond, swales and mass grading to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Project No. 10 – Rock Spring 3<sup>rd</sup> Addition – Phase 1 Water Improvements**  
**Authorized by Resolution No. R-21-31**

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Project No. 11 – Webb Road Gravity Sewer Main Improvements**  
**Authorized by Resolution No. R-20-10**

Construction of a sanitary sewer gravity trunk main line, and related improvements, with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Project No. 12 – Webb Road Lift Station Improvements**  
**Authorized by Resolution No. R-20-11**

Construction a sanitary sewer lift station, including force main, access drive and related improvements, with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

The documents presented are as follows:

- Exhibit A* - Statement of Final Costs
- Exhibit B* - Assessment Roll Certification
- Exhibit C* - Notice of Public Hearing
- Exhibit D* - Form of Notice of Hearing and Statement of Cost Proposed to be Assessed.

After full consideration thereof, Councilmember \_\_\_\_\_ moved to take the following action:

1. Approve each of said documents;
2. Establish August 2, 2022 at 7:00 p.m. to meet for the purpose of hearing any and all written or oral objections to the respective assessments set forth therein;
3. Authorize the publication by the City Clerk of *Exhibit C* in the official City newspaper, not less than 10 days prior to such public meeting date;
4. Mail *Exhibit D* to each and all owners of property affected by such assessments at their last known post office address on the same date as the publication of *Exhibit C*; and
5. File each of said documents of record in the office of the City Clerk and make the same available for public inspection.

The motion was seconded by Councilmember \_\_\_\_\_, and approved by the following roll call vote:

Yes: \_\_\_\_\_  
No: \_\_\_\_\_

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### **CERTIFICATE**

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Bel Aire, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

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Clerk

**EXHIBIT A****STATEMENTS OF FINAL COSTS**

**Project No. 1 – Villas at Prestwick Phase 1 - Drainage Improvements**  
**Authorized by Resolution No. R-18-05**

Construction Cost	\$ 158,996.76
Temporary Note Cost of Issuance	1,327.53
Temporary Note UW Discount	651.08
Bond Cost of Issuance	3,288.30
Bond UW Discount	1,264.73
Bond Capitalized Interest	6,576.60
Interest Payments	4,937.39
Final Interest Payment	623.96
5% Administration Fee	7,949.84
<b>Total</b>	<b>\$185,616.19</b>

**Project No. 2 – Villas at Prestwick Phase 1 - Street Improvements**  
**Authorized by Resolution No. R-18-07**

Construction Cost	\$357,529.64
Temporary Note Cost of Issuance	2,985.16
Temporary Note UW Discount	1,464.07
Bond Cost of Issuance	7,394.27
Bond UW Discount	2,843.95
Bond Capitalized Interest	14,788.55
Interest Payments	11,102.50
Final Interest Payment	1,403.06
5% Administration Fee	17,876.48
<b>Total</b>	<b>\$417,387.68</b>

**Project No. 3 – Villas at Prestwick Phase 1 – Sanitary Sewer Improvements**  
**Authorized by Resolution No. R-18-09**

Construction Cost	\$179,830.07
Temporary Note Cost of Issuance	1,501.47
Temporary Note UW Discount	736.40
Bond Cost of Issuance	3,719.17
Bond UW Discount	1,430.45
Bond Capitalized Interest	7,438.34
Interest Payments	5,584.33
Final Interest Payment	705.71
5% Administration Fee	8,991.50
<b>Total</b>	<b>\$209,937.43</b>



**Project No. 4 – Villas at Prestwick Phase 1 – Water Distribution System Improvements**  
**Authorized by Resolution No. R-18-11**

Construction Cost		\$102,114.32
Temporary Note Cost of Issuance		852.59
Temporary Note UW Discount		418.15
Bond Cost of Issuance		2,111.88
Bond UW Discount		812.26
Bond Capitalized Interest		4,223.77
Interest Payments		3,170.99
Final Interest Payment		400.73
5% Administration Fee		5,105.72
<b>Total</b>		<b>\$119,210.42</b>

**Project No. 5 – Rock Spring Addition Phase 6 - Paving Improvements**  
**Authorized by Resolution No. R-19-04**

Construction Cost		\$289,287.14
Temporary Note Cost of Issuance		2,415.37
Temporary Note UW Discount		1,184.62
Bond Cost of Issuance		5,982.91
Bond UW Discount		2,301.12
Bond Capitalized Interest		11,965.82
Interest Payments		8,983.34
Final Interest Payment		1,135.26
5% Administration Fee		14,464.36
<b>Total</b>		<b>\$337,719.94</b>

**Project No. 6 – Rock Spring Addition Phase 6 – Water Improvements**  
**Authorized by Resolution No. R-19-05**

Construction Cost		\$44,360.74
Temporary Note Cost of Issuance		370.39
Temporary Note UW Discount		181.66
Bond Cost of Issuance		917.45
Bond UW Discount		352.87
Bond Capitalized Interest		1,834.90
Interest Payments		1,377.55
Final Interest Payment		174.09
5% Administration Fee		2,218.04
<b>Total</b>		<b>\$51,787.67</b>
<b>Benefit Fee</b>		<b>\$6,000.00</b>

**Project No. 7 – Rock Spring 3<sup>rd</sup> Addition - Phase 1 Paving Improvements**  
**Authorized by Resolution No. R-21-26**

Construction Cost		\$530,867.62
Temporary Note Cost of Issuance		4,432.42
Temporary Note UW Discount		2,173.88
Bond Cost of Issuance		10,979.17
Bond UW Discount		4,222.76
Bond Capitalized Interest		21,958.35
Interest Payments		16,485.23
Final Interest Payment		2,083.30
5% Administration Fee		26,543.38
<b>Total</b>		<b>\$619,746.11</b>

**Project No. 8 – Rock Spring 3<sup>rd</sup> Addition – Phase 1 Sewer Improvements**  
**Authorized by Resolution No. R-21-28**

Construction Cost		\$155,301.40
Temporary Note Cost of Issuance		1,296.67
Temporary Note UW Discount		635.95
Bond Cost of Issuance		3,211.88
Bond UW Discount		1,235.34
Bond Capitalized Interest		6,423.75
Interest Payments		4,822.63
Final Interest Payment		609.45
5% Administration Fee		7,765.07
<b>Total</b>		<b>\$181,302.15</b>

**Project No. 9 – Rock Spring 3<sup>rd</sup> Addition - Drainage Improvements**  
**Authorized by Resolution No. R-21-30**

Construction Cost		\$198,801.02
Temporary Note Cost of Issuance		1,659.87
Temporary Note UW Discount		814.08
Bond Cost of Issuance		4,111.52
Bond UW Discount		1,581.35
Bond Capitalized Interest		8,223.03
Interest Payments		6,173.44
Final Interest Payment		780.16
5% Administration Fee		9,940.05
<b>Total</b>		<b>\$232,084.52</b>

**Project No. 10 – Rock Spring 3<sup>rd</sup> Addition – Phase 1 Water Improvements**  
**Authorized by Resolution No. R-21-31**

Construction Cost		\$95,816.12
Temporary Note Cost of Issuance		800.01
Temporary Note UW Discount		392.36
Bond Cost of Issuance		1,981.63
Bond UW Discount		762.16
Bond Capitalized Interest		3,963.26
Interest Payments		2,975.41
Final Interest Payment		376.01
5% Administration Fee		4,790.81
<b>Total</b>		<b>\$111,857.77</b>
<b>Benefit Fee</b>		<b>\$13,300.00</b>

**Project No. 11 – Webb Road Gravity Sewer Main Improvements**  
**Authorized by Resolution No. R-20-10**

Construction Cost		\$184,029.64
Temporary Note Cost of Issuance		1,536.54
Temporary Note UW Discount		753.59
Bond Cost of Issuance		3,806.02
Bond UW Discount		1,463.85
Bond Capitalized Interest		7,612.04
Interest Payments		5,714.74
Final Interest Payment		722.19
5% Administration Fee		9,201.48
<b>Total</b>		<b>\$214,840.10</b>

**Project No. 12 – Webb Road Lift Station Improvements**  
**Authorized by Resolution No. R-20-11**

Construction Cost		\$845,960.83
Temporary Note Cost of Issuance		7,063.26
Temporary Note UW Discount		3,464.17
Bond Cost of Issuance		17,495.80
Bond UW Discount		6,729.15
Bond Capitalized Interest		34,991.59
Interest Payments		26,269.94
Final Interest Payment		3,319.83
5% Administration Fee		42,298.04
<b>Total</b>		<b>\$987,592.60</b>

**EXHIBIT B****ASSESSMENT ROLL CERTIFICATION**

The undersigned having been designated by the City of Bel Aire, Kansas (the "City"), to determine the amounts of the respective assessments and to prepare the proposed Assessment Roll therefor in connection with certain internal improvements heretofore authorized by the Governing Body, hereby reports that each and all of said respective assessments have been determined to be as shown on the Schedule(s) attached hereto and made a part hereof by reference as though fully set out herein.

Dated July 19, 2022.

By \_\_\_\_\_  
Ted Henry, Finance Director

**SCHEDULE I**

<b>Legal Description (Villas at Prestwick Phase 1)</b>	<b>Drainage Res. R-18-05</b>	<b>Street Res. R-18-07</b>	<b>Sanitary Sewer Res. R-18-09</b>	<b>Water Res. R-18-11</b>
Block 1, Lot 1	\$14,278.17	\$32,106.74	\$16,149.03	\$9,170.03
Block 1, Lot 2	14,278.17	32,106.74	16,149.03	9,170.03
Block 1, Lot 3	14,278.17	32,106.74	16,149.03	9,170.03
Block 1, Lot 4	14,278.17	32,106.74	16,149.03	9,170.03
Block 1, Lot 5	14,278.17	32,106.74	16,149.03	9,170.03
Block 1, Lot 6	14,278.17	32,106.74	16,149.03	9,170.03
Block 1, Lot 7	14,278.17	32,106.74	16,149.03	9,170.03
Block 2, Lot 1	14,278.17	32,106.74	16,149.03	9,170.03
Block 2, Lot 2	14,278.17	32,106.74	16,149.03	9,170.03
Block 2, Lot 3	14,278.17	32,106.74	16,149.03	9,170.03
Block 2, Lot 4	14,278.17	32,106.74	16,149.03	9,170.03
Block 2, Lot 5	14,278.17	32,106.74	16,149.03	9,170.03
Block 2, Lot 6	14,278.17	32,106.74	16,149.03	9,170.03

<b>Legal Description (Rock Spring Addition Phase 6)</b>	<b>Paving Res. R-19-04_____</b>	<b>Water Res. R-19-05_____</b>
Block 1, Lot 1	\$21,107.50	\$3,611.73
Block 1, Lot 2	21,107.50	3,611.73
Block 1, Lot 3	21,107.50	3,611.73
Block 1, Lot 4	21,107.50	3,611.73
Block 1, Lot 5	21,107.50	3,611.73
Block 1, Lot 6	21,107.50	3,611.73
Block 1, Lot 7	21,107.50	3,611.73
Block 1, Lot 8	21,107.50	3,611.73
Block 1, Lot 9	21,107.50	3,611.73

Block 1, Lot 10	21,107.50	3,611.73
Block 1, Lot 11	21,107.50	3,611.73
Block 2, Lot 1	21,107.50	3,611.73
Block 2, Lot 2	21,107.50	3,611.73
Block 2, Lot 3	21,107.50	3,611.73
Block 2, Lot 4	21,107.50	3,611.73
Block 2, Lot 5	21,107.50	3,611.73

<b>Legal Description (Rock Spring 3<sup>rd</sup> Addition)</b>	<b>Ph. 1 Paving Res. R-21-26</b>	<b>Ph. 1 Sewer Res. R-21-28</b>	<b>Drainage Res. R-21-30</b>	<b>Ph. 1 Water Res. R-21-31</b>
Block 1, Lot 1	\$22,133.79	\$5,494.00	\$4,001.46	\$4,469.92
Block 1, Lot 2	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 3	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 4	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 5	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 6	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 7	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 8	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 9	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 10	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 11	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 12	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 13	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 14	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 15	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 16	22,133.79	5,494.00	4,001.46	4,469.92

Block 1, Lot 17	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 18	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 19	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 20	22,133.79	5,494.00	4,001.46	4,469.92
Block 1, Lot 21	0	5,494.00	4,001.46	0
Block 1, Lot 22	0	5,494.00	4,001.46	0
Block 1, Lot 23	0	5,494.00	4,001.46	0
Block 1, Lot 24	0	5,494.00	4,001.46	0
Block 1, Lot 25	0	5,494.00	4,001.46	0
Block 2, Lot 1	0	0	4,001.46	0
Block 2, Lot 2	0	0	4,001.46	0
Block 2, Lot 3	0	0	4,001.46	0
Block 2, Lot 4	0	0	4,001.46	0
Block 2, Lot 5	0	0	4,001.46	0
Block 2, Lot 6	0	0	4,001.46	0
Block 2, Lot 7	0	0	4,001.46	0
Block 2, Lot 8	0	0	4,001.46	0
Block 2, Lot 9	0	0	4,001.46	0
Block 2, Lot 10	0	0	4,001.46	0
Block 2, Lot 11	0	0	4,001.46	0
Block 2, Lot 12	0	0	4,001.46	0
Block 2, Lot 13	0	0	4,001.46	0
Block 2, Lot 14	0	0	4,001.46	0
Block 2, Lot 15	0	0	4,001.46	0
Block 2, Lot 17	0	0	4,001.46	0
Block 2, Lot 17	0	0	4,001.46	0

Block 2, Lot 18	0	0	4,001.46	0
Block 3, Lot 1	0	0	4,001.46	0
Block 3, Lot 2	0	0	4,001.46	0
Block 3, Lot 3	0	0	4,001.46	0
Block 3, Lot 4	0	0	4,001.46	0
Block 3, Lot 5	0	0	4,001.46	0
Block 3, Lot 6	0	0	4,001.46	0
Block 3, Lot 38, 4 <sup>th</sup> Add. (Replat of lots 7 and 8)	0	0	4,001.46	0
Block 3, Lot 9	22,133.79	5,494.00	4,001.46	4,469.92
Block 3, Lot 10	22,133.79	5,494.00	4,001.46	4,469.92
Block 3, Lot 11	22,133.79	5,494.00	4,001.46	4,469.92
Block 3, Lot 12	22,133.79	5,494.00	4,001.46	4,469.92
Block 3, Lot 13	22,133.79	5,494.00	4,001.46	4,469.92
Block 3, Lot 14	22,133.79	5,494.00	4,001.46	4,469.92
Block 3, Lot 15	22,133.79	5,494.00	4,001.46	4,469.92
Block 3, Lot 16	22,133.79	5,494.00	4,001.46	4,469.92

<b>Legal Description (Rock Spring 3<sup>rd</sup>)</b>	<b>Sewer Lift Station Res. R-21-11</b>	<b>Sewer Main Res. R-21-10</b>
Block 1, Lot 1	\$2,092.36	\$455.17
Block 1, Lot 2	2,092.36	455.17
Block 1, Lot 3	2,092.36	455.17
Block 1, Lot 4	2,092.36	455.17
Block 1, Lot 5	2,092.36	455.17
Block 1, Lot 6	2,092.36	455.17
Block 1, Lot 7	2,092.36	455.17



Block 1, Lot 8	2,092.36	455.17
Block 1, Lot 9	2,092.36	455.17
Block 1, Lot 10	2,092.36	455.17
Block 1, Lot 11	2,092.36	455.17
Block 1, Lot 12	2,092.36	455.17
Block 1, Lot 13	2,092.36	455.17
Block 1, Lot 14	2,092.36	455.17
Block 1, Lot 15	2,092.36	455.17
Block 1, Lot 16	2,092.36	455.17
Block 1, Lot 17	2,092.36	455.17
Block 1, Lot 18	2,092.36	455.17
Block 1, Lot 19	2,092.36	455.17
Block 1, Lot 20	2,092.36	455.17
Block 1, Lot 21	2,092.36	455.17
Block 1, Lot 22	2,092.36	455.17
Block 1, Lot 23	2,092.36	455.17
Block 1, Lot 24	2,092.36	455.17
Block 1, Lot 25	2,092.36	455.17
Block 2, Lot 1	2,092.36	455.17
Block 2, Lot 2	2,092.36	455.17
Block 2, Lot 3	2,092.36	455.17
Block 2, Lot 4	2,092.36	455.17
Block 2, Lot 5	2,092.36	455.17
Block 2, Lot 6	2,092.36	455.17
Block 2, Lot 7	2,092.36	455.17
Block 2, Lot 8	2,092.36	455.17
Block 2, Lot 9	2,092.36	455.17

Block 2, Lot 10	2,092.36	455.17
Block 2, Lot 11	2,092.36	455.17
Block 2, Lot 12	2,092.36	455.17
Block 2, Lot 13	2,092.36	455.17
Block 2, Lot 14	2,092.36	455.17
Block 2, Lot 15	2,092.36	455.17
Block 2, Lot 16	2,092.36	455.17
Block 2, Lot 17	2,092.36	455.17
Block 2, Lot 18	2,092.36	455.17
Block 3, Lot 1	2,092.36	455.17
Block 3, Lot 2	2,092.36	455.17
Block 3, Lot 3	2,092.36	455.17
Block 3, Lot 4	2,092.36	455.17
Block 3, Lot 5	2,092.36	455.17
Block 3, Lot 6	2,092.36	455.17
Block 3, Lot 9	2,092.36	455.17
Block 3, Lot 10	2,092.36	455.17
Block 3, Lot 11	2,092.36	455.17
Block 3, Lot 12	2,092.36	455.17
Block 3, Lot 13	2,092.36	455.17
Block 3, Lot 14	2,092.36	455.17
Block 3, Lot 15	2,092.36	455.17
Block 3, Lot 16	2,092.36	455.17
<b>Legal Description (Tract 2— Unplatted)</b>	<b>Sewer Lift Station Res. R-21-11</b>	<b>Sewer Main Res. R-21-10</b>
SE 1/4 EXC S 1/2 XC S 1/2 THEREOF & EXC E 70 FT FOR RD SEC 17-26-2E	\$383,106.88	\$83,340.76

<b>Legal Description (Tract 2-Cedar Pass Addition)</b>	<b>Sewer Lift Station Res. R-21-11</b>	<b>Sewer Main Res. R-21-10</b>
Block A, Lot 1	\$2,461.46	\$535.46
Block A, Lot 2	1,875.67	408.03
Block A, Lot 3	1,627.13	353.97
Block A, Lot 4	1,540.95	335.22
Block A, Lot 5	1,526.82	332.14
Block A, Lot 6	2,066.37	449.52
Block A, Lot 7	1,825.31	397.08
Block A, Lot 8	1,362.02	296.29
Block A, Lot 9	1,396.99	303.90
Block A, Lot 10	1,548.09	336.77
Block A, Lot 11	1,460.78	317.78
Block A, Lot 12	1,655.42	360.12
Block A, Lot 13	1,527.25	332.24
Block A, Lot 14	1,342.28	292.00
Block A, Lot 15	1,453.98	316.30
Block A, Lot 16	1,593.22	346.59
Block A, Lot 17	2,247.14	488.84
Block A, Lot 18	2,417.62	525.93
Block A, Lot 19	2,411.53	524.60
Block A, Lot 20	1,954.26	425.13
Block A, Lot 21	1,486.17	323.30
Block A, Lot 22	1,440.03	313.26
Block A, Lot 23	1,439.62	313.17
Block A, Lot 24	1,442.70	313.84
Block A, Lot 25	2,365.92	514.68
Block A, Lot 26	2,004.38	436.03

Block A, Lot 27	1,362.37	296.37
Block A, Lot 28	1,362.37	296.37
Block A, Lot 29	1,459.68	317.54
Block A, Lot 30	1,459.68	317.54
Block A, Lot 31	1,459.68	317.54
Block A, Lot 32	1,375.46	299.22
Block A, Lot 33	1,697.43	369.26
Block A, Lot 34	2,125.31	462.34
Block A, Lot 35	2,068.26	449.93
Block A, Lot 36	1,723.79	374.99
Block A, Lot 37	1,306.95	284.31
Block A, Lot 38	1,356.09	295.00
Block A, Lot 39	1,356.09	295.00
Block A, Lot 40	1,356.09	295.00
Block A, Lot 41	1,356.09	295.00
Block A, Lot 42	1,356.09	295.00
Block A, Lot 43	1,358.98	295.63
Block A, Lot 44	1,773.57	385.82
Block A, Lot 45	1,705.89	371.10
Block A, Lot 46	1,853.32	403.17
Block A, Lot 47	1,531.17	333.09
Block A, Lot 48	1,351.38	293.98
Block A, Lot 49	1,351.38	293.98
Block A, Lot 50	1,351.38	293.98
Block A, Lot 51	1,351.38	293.98
Block A, Lot 52	1,351.38	293.98
Block A, Lot 53	1,351.38	293.98

Block A, Lot 54	1,351.38	293.98
Block A, Lot 55	1,283.37	279.18
Block A, Lot 56	1,575.36	342.70
Block A, Lot 57	2,300.53	500.46
Block A, Lot 58	2,481.17	539.75
Block A, Lot 59	1,733.66	377.14
Block A, Lot 60	1,338.26	291.12
Block A, Lot 61	1,351.38	293.98
Block A, Lot 62	1,351.38	293.98
Block A, Lot 63	1,351.38	293.98
Block A, Lot 64	1,351.38	293.98
Block A, Lot 65	1,351.38	293.98
Block A, Lot 66	1,351.38	293.98
Block A, Lot 67	1,351.38	293.98
Block A, Lot 68	1,376.65	299.48
Block A, Lot 69	2,047.91	445.50
Block A, Lot 70	2,201.78	478.97
Block A, Lot 71	2,366.16	514.73
Block A, Lot 72	1,842.92	400.91
Block A, Lot 73	1,457.98	317.17
Block A, Lot 74	1,318.42	286.81
Block A, Lot 75	1,412.59	307.29
Block A, Lot 76	1,318.42	286.81
Block A, Lot 77	1,318.42	286.81
Block A, Lot 78	1,412.59	307.29
Block A, Lot 79	1,318.42	286.81
Block A, Lot 80	1,845.88	401.55

Block A, Lot 81	1,763.18	383.56
Block A, Lot 82	1,714.57	372.99
Block B, Lot 1	2,461.46	535.46
Block B, Lot 2	2,071.60	450.65
Block B, Lot 3	1,719.08	373.97
Block B, Lot 4	1,538.74	334.74
Block B, Lot 5	1,538.16	334.61
Block B, Lot 6	1,361.49	296.18
Block B, Lot 7	1,764.41	383.83
Block B, Lot 8	1,599.60	347.98
Block B, Lot 9	1,196.69	260.33
Block B, Lot 10	1,373.35	298.76
Block B, Lot 11	1,432.15	311.55
Block B, Lot 12	1,514.61	329.49
Block B, Lot 13	1,746.03	379.83
Block B, Lot 14	1,635.05	355.69
Block B, Lot 15	1,677.66	364.96
Block B, Lot 16	1,489.19	323.96
Block B, Lot 17	1,385.31	301.36
Block B, Lot 18	1,435.70	312.32
Block B, Lot 19	1,413.25	307.44
Block B, Lot 20	1,532.65	333.41
Block B, Lot 21	1,705.05	370.91
Block B, Lot 22	1,491.90	324.55
Block B, Lot 23	1,579.51	343.61
Block B, Lot 24	1,660.74	361.28
Block B, Lot 25	1,585.64	344.94

Block B, Lot 26	1,536.90	334.34
Block B, Lot 27	1,373.35	298.76
Block B, Lot 28	1,373.35	298.76
Block B, Lot 29	1,373.35	298.76
Block B, Lot 30	1,373.35	298.76
Block B, Lot 31	1,373.35	298.76
Block B, Lot 32	1,373.35	298.76
Block B, Lot 33	2,135.43	464.54
Block B, Lot 34	1,848.65	402.15
Block B, Lot 35	1,373.35	298.76
Block B, Lot 36	1,373.35	298.76
Block B, Lot 37	1,373.35	298.76
Block B, Lot 38	1,373.35	298.76
Block B, Lot 39	1,475.99	321.09
Block B, Lot 40	1,878.50	408.65
Block B, Lot 41	3,376.93	734.61
Block B, Lot 42	9,637.04	2,096.43
Block B, Lot 43	1,376.10	299.36
Block B, Lot 44	1,373.35	298.76
Block B, Lot 45	1,373.35	298.76
Block B, Lot 46	1,373.35	298.76
Block B, Lot 47	1,373.35	298.76
Block B, Lot 48	1,692.18	368.11
Block B, Lot 49	2,162.71	470.47
Block B, Lot 50	1,613.56	351.01
Block B, Lot 51	1,621.45	352.73
Block B, Lot 52	1,634.94	355.66

Block B, Lot 53	1,799.96	391.56
Block B, Lot 54	2,127.16	462.74
Block B, Lot 55	1,823.39	396.66
Block B, Lot 56	1,653.08	359.61
Block B, Lot 57	1,720.62	374.30
Block B, Lot 58	1,680.50	365.57
Block B, Lot 59	2,680.77	583.17
Block B, Lot 60	1,499.39	326.18
Block B, Lot 61	1,471.45	320.10
Block B, Lot 62	1,471.45	320.10
Block B, Lot 63	2,134.48	464.33
Block C, Lot 1	1,923.64	418.47
Block C, Lot 2	1,849.16	402.27
Block C, Lot 3	1,685.22	366.60
Block C, Lot 4	1,294.63	281.63
Block C, Lot 5	1,551.64	337.54
Block C, Lot 6	1,868.85	406.55
Block C, Lot 7	1,978.09	430.31
Block C, Lot 8	1,696.34	369.02
Block C, Lot 9	1,611.14	350.49
Block C, Lot 10	2,172.63	472.63
Block C, Lot 11	3,874.24	842.80
Block C, Lot 12	2,875.00	625.43
Block C, Lot 13	1,908.98	415.28
Block C, Lot 14	1,586.92	345.22
Block C, Lot 15	1,512.42	329.01
Block C, Lot 16	2,230.99	485.33



Block C, Lot 17	1,640.01	356.77
Block C, Lot 18	1,450.26	315.49
Block C, Lot 19	1,450.26	315.49
Block C, Lot 20	1,450.26	315.49
Block C, Lot 21	1,450.26	315.49
Block C, Lot 22	1,425.32	310.06
Block C, Lot 23	1,768.61	384.74
Block C, Lot 24	2,823.93	614.32
Block C, Lot 25	2,560.00	556.90
Block C, Lot 26	1,790.74	389.56
Block C, Lot 27	1,436.31	312.45
Block C, Lot 28	1,461.25	317.88
Block C, Lot 29	1,461.25	317.88
Block C, Lot 30	1,461.25	317.88
Block C, Lot 31	1,461.25	317.88
Block C, Lot 32	1,670.00	363.29
Block C, Lot 33	15,086.73	3,281.96
Block C, Lot 34	20,157.31	4,385.01
Block C, Lot 35	35,195.53	7,656.41
<b>Legal Description (Tract 3--Rock Spring 4th)</b>	<b>Sewer Lift Station Res. R-21-11</b>	<b>Sewer Main Res. R-21-10</b>
Block 1, Lot 1	\$2,461.96	\$535.57
Block 1, Lot 2	1,733.93	377.20
Block 1, Lot 3	1,504.04	327.19
Block 1, Lot 4	1,496.33	325.51
Block 1, Lot 5	1,589.89	345.86
Block 1, Lot 6	1,590.05	345.90

Block 1, Lot 7	1,496.65	325.58
Block 1, Lot 8	1,496.65	325.58
Block 1, Lot 9	1,457.18	316.99
Block 2, Lot 1	28,964.60	6,300.94
Block 2, Lot 2	1,592.88	346.51
Block 2, Lot 3	1,347.42	293.12
Block 2, Lot 4	1,347.42	293.12
Block 2, Lot 5	1,347.42	293.12
Block 2, Lot 6	1,422.27	309.40
Block 2, Lot 7	1,553.25	337.89
Block 2, Lot 8	1,486.42	323.36
Block 2, Lot 9	1,497.90	325.85
Block 3, Lot 1	1,448.69	315.15
Block 3, Lot 2	1,434.69	312.10
Block 3, Lot 3	1,614.11	351.13
Block 3, Lot 4	1,614.11	351.13
Block 3, Lot 5	1,542.40	335.53
Block 3, Lot 6	1,542.40	335.53
Block 3, Lot 7	1,869.94	406.79
Block 3, Lot 8	1,573.85	342.37
Block 3, Lot 9	1,384.06	301.09
Block 3, Lot 10	1,384.06	301.09
Block 3, Lot 11	1,384.06	301.09
Block 3, Lot 12	1,462.05	318.05
Block 3, Lot 13	1,637.54	356.23
Block 3, Lot 14	1,551.52	337.52
Block 3, Lot 15	1,472.74	320.38

Block 3, Lot 16	1,289.40	280.49
Block 3, Lot 17	1,411.73	307.11
Block 3, Lot 18	1,488.63	323.83
Block 3, Lot 19	1,685.81	366.73
Block 3, Lot 20	1,614.11	351.13
Block 3, Lot 21	1,614.11	351.13
Block 3, Lot 22	1,764.90	383.94
Block 3, Lot 23	1,609.55	350.14
Block 3, Lot 24	1,403.56	305.33
Block 3, Lot 25	1,403.56	305.33
Block 3, Lot 26	1,403.56	305.33
Block 3, Lot 27	1,481.55	322.30
Block 3, Lot 28	1,481.55	322.30
Block 3, Lot 29	1,403.40	305.29
Block 3, Lot 30	1,631.25	354.86
Block 3, Lot 31	1,138.29	247.62
Block 3, Lot 32	1,323.68	287.95
Block 3, Lot 33	1,406.70	306.01
Block 3, Lot 34	1,406.70	306.01
Block 3, Lot 35	1,337.99	291.06
Block 3, Lot 36	1,338.14	291.10
Block 3, Lot 37	1,452.77	316.04
Block 3, Lot 38	2,593.89	564.27

**EXHIBIT C**(Published in *The Ark Valley News*, on July 21, 2022)**NOTICE OF PUBLIC HEARING**

TO: RESIDENTS OF THE CITY OF BEL AIRE, KANSAS

You and each of you are hereby notified that the Governing Body of the City of Bel Aire, Kansas (the "City") will meet for the purpose of holding a public hearing, as provided by K.S.A. 12-6a01 *et seq.* at City Hall, 7651 E. Central Park Avenue, Bel Aire, Kansas 67226 in the City, on August 2, 2022, at 7:00 p.m., or as soon thereafter as may be heard. Said public hearing is for the purpose of hearing any and all oral or written objections to proposed assessments in connection with the following described improvements:

**Project No. 1 – Villas at Prestwick Phase 1 - Drainage Improvements**  
**Authorized by Resolution No. R-18-05**

Construction of a drainage system to serve certain lots of Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas.

**Property Description:**

Lots 1 through 7, Block 1; and Lots 1 through 6, Block 2; Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas.

**Cost of Improvements:**

\$185,616.19

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 2 – Villas at Prestwick Phase 1 - Street Improvements**  
**Authorized by Resolution No. R-18-07**

Construction of pavement on Villa Place from the south edge of Prestwick Avenue at a point approximately 105 feet south of the intersection of Cambridge Street and Prestwick Avenue looping around approximately 1200 feet to the south edge of Prestwick Avenue at a point approximately 145 feet north to the intersection of Cambridge Street and Prestwick Avenue; Sidewalk from the south edge of Prestwick Avenue in Reserve B, along the inside loop of Villa Place crossing Lots 1 through 6, Block 2, to the south edge of Prestwick Avenue in Reserve B; Side walk crossing from Villa Place to Jasmine Street across the drainage way, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

**Property Description:**

Lots 1 through 7, Block 1; and Lots 1 through 6, Block 2; Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas.

**Cost of Improvements:**

\$417,387.68

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 3 – Villas at Prestwick Phase 1 – Sanitary Sewer Improvements**  
**Authorized by Resolution No. R-18-09**

Construction of a lateral sanitary sewer, to serve certain lots of Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

**Property Description:**

Lots 1 through 7, Block 1; and Lots 1 through 6, Block 2; Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas.

**Cost of Improvements:**

\$209,937.43

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 4 – Villas at Prestwick Phase 1 – Water Distribution System Improvements**  
**Authorized by Resolution No. R-18-11**

Construction of a water distribution system including necessary water mains, pipes, valves, hydrants, and appurtenances, to serve certain lots of Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

**Property Description:**

Lots 1 through 7, Block 1; and Lots 1 through 6, Block 2; Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas.

**Cost of Improvements:**

\$119,210.42

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 5 – Rock Spring Addition Phase 6 - Paving Improvements**  
**Authorized by Resolution No. R-19-04**

Construction of pavement on Pebblecreek from the west line of Lot 5, Block 2, Rock Spring Addition to the North line of said Addition including the cul-de-sac serving lots 7-9, Block 1.

**Property Description:**

Lots 1 through 11, Block 1; and Lots 1 through 5, Block 2; Rock Spring Addition to the City of Bel Aire, Kansas.

**Cost of Improvements:**

\$337,719.94

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 6 – Rock Spring Addition Phase 6 – Water Improvements**  
**Authorized by Resolution No. R-19-05**

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve certain lots of Rock Spring Addition to the City of Bel Aire, Sedgwick

County, Kansas, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Property Description:**

Lots 1 through 11, Block 1; and Lots 1 through 5, Block 2; Rock Spring Addition to the City of Bel Aire, Kansas.

**Cost of Improvements:**

\$51,787.67 and \$6,000 in benefit fees

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 7 – Rock Spring 3<sup>rd</sup> Addition - Phase 1 Paving Improvements**

**Authorized by Resolution No. R-21-26**

Construction of pavement on TOBEN from the South line of Lot 9, Block 3, Rock Spring 3<sup>rd</sup> Addition to the North line of said Addition; TOBEN COURT from the West line of Toben to and including the cul-de-sac; and TOBEN COURT from the West line of Toben to and including the cul-de-sac.

**Property Description:**

Lots 1 through 20, Block 1; and Lots 9 through 16, Block 3, Rock Spring 3<sup>rd</sup> Addition to the City of Bel Aire, Sedgwick County, Kansas.

**Cost of Improvements:**

\$619,746.11

100% to be assessed against the Improvement District and 0% to be paid by the City-at large.

**Project No. 8 – Rock Spring 3<sup>rd</sup> Addition - Phase 1 Sewer Improvements**

**Authorized by Resolution No. R-21-28**

Construction of a lateral sanitary sewer to serve certain lots of Rock Spring 3<sup>rd</sup> Addition to the City of Bel Aire, Kansas.

**Property Description:**

Lots 1 through 25, Block 1; and Lots 9 through 16, Block 3, Rock Spring 3<sup>rd</sup> Addition to the City of Bel Aire, Sedgwick County, Kansas.

**Cost of Improvements:**

\$181,302.15

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 9 – Rock Spring 3<sup>rd</sup> Addition - Drainage Improvements**

**Authorized by Resolution No. R-21-30**

Construction of a stormwater pond, swales and mass grading to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Property Description:**

Lots 1 through 25, Block 1; Lots 1 through 18, Block 2; and Lots 1 through 6 and Lots 9 through 16 Block 3, Rock Spring 3<sup>rd</sup> Addition; and Lot 38, Block 3, Rock Spring 4<sup>th</sup> Addition, which lot is a replat of Lots 7 and 8, Rock Spring 3<sup>rd</sup> Addition; all in and to the City of Bel Aire, Kansas.

**Cost of Improvements:**

\$232,084.52

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 10 – Rock Spring 3<sup>rd</sup> Addition – Phase 1 Water Improvements****Authorized by Resolution No. R-21-31**

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Property Description:**

Lots 1 through 20, Block 1; and Lots 9 through 16, Block 3, Rock Spring 3<sup>rd</sup> Addition to the City of Bel Aire, Sedgwick County, Kansas.

**Cost of Improvements:**

\$111,857.77 and \$13,300 in benefit fees

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 11 – Webb Road Gravity Sewer Main Improvements****Authorized by Resolution No. R-20-10**

Construction of a sanitary sewer gravity trunk main line, and related improvements, with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Property Description:**

Tract 1 - Lots 1 through 25, Block 1; Lots 1 through 18, Block 2; and Lots 1 through 6 and Lots 9 through 16 Block 3, Rock Spring 3<sup>rd</sup> Addition; all in and to the City of Bel Aire, Kansas.

Tract 2: The Southeast Quarter of Section 17, Township 26 South, Range 2 East of the 6<sup>th</sup> Principal Meridian, Sedgwick County, Kansas (now partially platted as Lots 1 through 82, Block A; Lots 1 through 63, Block B; and Lots 1 through 35, Block C; Cedar Pass Addition to the City of Bel Aire, Kansas).

Tract 3: The North half of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6<sup>th</sup> Principal Meridian, Sedgwick County, Kansas, EXCEPT a tract of land commencing at the Northeast corner of said Northeast Quarter; thence South 485 feet along the East line of said Northeast Quarter; thence West 880 feet; thence North 495 feet to the North line of said Northeast Quarter; thence East 880 feet along said line to the point of beginning, EXCEPT Rock Spring 3<sup>rd</sup> Addition, including Reserve A, City of Bel Aire, Kansas (now platted as Lots 1 through 9, Block 1; Lots 1 through 9, Block 2; and Lots 1 through 38, Block 3; Rock Spring 4<sup>th</sup> Addition to the City of Bel Aire, Kansas, with Lot 38, Block 3 being a replat of Lots 7 and 8, Block 3, Rock Spring 3<sup>rd</sup> Addition).

**Cost of Improvements:**

\$214,840.10

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Project No. 12 – Webb Road Lift Station Improvements**  
**Authorized by Resolution No. R-20-11**

Construction a sanitary sewer lift station, including force main, access drive and related improvements, with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Property Description:**

Tract 1 - Lots 1 through 25, Block 1; Lots 1 through 18, Block 2; and Lots 1 through 6 and Lots 9 through 16 Block 3, Rock Spring 3<sup>rd</sup> Addition; all in and to the City of Bel Aire, Kansas.

Tract 2: The Southeast Quarter of Section 17, Township 26 South, Range 2 East of the 6<sup>th</sup> Principal Meridian, Sedgwick County, Kansas (now partially platted as Lots 1 through 82, Block A; Lots 1 through 63, Block B; and Lots 1 through 35, Block C; Cedar Pass Addition to the City of Bel Aire, Kansas).

Tract 3: The North half of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6<sup>th</sup> Principal Meridian, Sedgwick County, Kansas, EXCEPT a tract of land commencing at the Northeast corner of said Northeast Quarter; thence South 485 feet along the East line of said Northeast Quarter; thence West 880 feet; thence North 495 feet to the North line of said Northeast Quarter; thence East 880 feet along said line to the point of beginning, EXCEPT Rock Spring 3<sup>rd</sup> Addition, including Reserve A, City of Bel Aire, Kansas (now platted as Lots 1 through 9, Block 1; Lots 1 through 9, Block 2; and Lots 1 through 38, Block 3; Rock Spring 4<sup>th</sup> Addition to the City of Bel Aire, Kansas, with Lot 38, Block 3 being a replat of Lots 7 and 8, Block 3, Rock Spring 3<sup>rd</sup> Addition).

**Cost of Improvements:**

\$987,592.60

100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.



**EXHIBIT D**

**NOTICE OF HEARING  
AND  
STATEMENT OF COST PROPOSED TO BE ASSESSED**

July 19, 2022  
Bel Aire, Kansas

Property Owner:

You are hereby notified, as owner of record of the property described on ***Schedule I*** attached hereto, that there is proposed to be assessed against said property, certain amounts for the costs of certain internal improvements (the "Improvements") heretofore authorized by the Governing Body of the City of Bel Aire, Kansas (the "City"). The description of the Improvements, the resolution number authorizing the same and the proposed amount of assessment are set forth on ***Schedule I*** attached hereto.

You are hereby further notified that the Governing Body of the City will meet on August 2, 2022, at 7:00 p.m., at City Hall, 7651 E. Central Park Avenue, Bel Aire, Kansas 67226, in the City, for the purpose of considering the proposed assessments.

The proposed Assessment Roll is on file in my office for public inspection. ***WRITTEN OR ORAL OBJECTIONS TO THE PROPOSED ASSESSMENTS WILL BE CONSIDERED AT SAID PUBLIC HEARING.***

At the conclusion of the public hearing, the governing body of the City will consider an ordinance levying such special assessments. A subsequent Notice of Assessment will be mailed to affected property owners at that time indicating that each property owner may pay the assessment in whole or in part within fifteen (15) days of the date of such notice. Any amount not so paid within 15 days will be collected in 20 annual installments, together with interest thereon at the rate obtained by the City for its general obligation bonds issued to finance the costs of the Improvements.

Melissa Krehbiel, City Clerk

**CERTIFICATE OF MAILING**

STATE OF KANSAS                    )  
   ) ss:  
 COUNTY OF SEDGWICK            )

The undersigned, City Clerk of the City of Bel Aire, Kansas (the "City"), does hereby certify that on July 21, 2022, I caused to be mailed to each and all of the owners of property affected thereby, at their last known post office address, a Notice of Public Hearing and Statement of the Cost Proposed to be Assessed in connection with certain improvements in the City.

A sample copy of the form of such Notice of Hearing and Statement of Cost Proposed to be Assessed is attached hereto.

WITNESS my hand and seal as of July 21, 2022.

(Seal)

\_\_\_\_\_  
 Melissa Krehbiel, City Clerk

[attach sample copy of form]

July 19, 2022

Block 49, LLC  
5219 N Hampton  
Bel Aire, KS 67226

Re: Letter of Intent to Issue IRB's and Provide Other Incentives for Construction of a Storage Unit Facility.

Dear Mr. Reese,

Subject to formal IRB document approval by the City Council of Bel Aire, this Letter of Intent with Block 49, LLC is submitted in order to set forth the agreement of the parties concerning the principal elements of Block 49. LLC commitment to the City of Bel Aire and the City's intent to provide the incentives outlined herein, including the issuance of Industrial Revenue Bonds pursuant to K.S.A. 12-1740 et seq., to construct ten storage buildings and one office building totaling 67,000 square foot for storage at their location in Skyview at Block 49 3<sup>rd</sup> Addition. This letter of intent is subject in all respects to subsequent actions by the City Council to authorize specific incentives outlined herein and does not constitute a binding obligation of the parties, until such actions have been taken and all documents contemplated herein are executed. Absent subsequent rescission or extension by action of the governing body, this letter of intent to issue bonds and provide other incentives will remain in effect for six months, unless extended by the parties. This letter of intent is void if not signed and accepted within 30 days from the date of signing

#### **I. Industrial Revenue Bonds**

At the option of Block 49, LLC, the City intends to authorize the issuance of taxable Industrial Revenue Bonds ("bonds" or "IRB's") to finance the cost of acquiring land, equipping and constructing ten buildings totaling 67,000 square foot for storage in Bel Aire for an aggregate total not to exceed \$7,000,000.00

The Industrial Revenue Bonds will be privately placed by Block 49, LLC, its investors and its lenders.

#### **II. Other Incentives:**

The City will assess a 1% origination fee due at closing, total shall not exceed \$100,000.00.

The City Council hereby conditionally approves a 100% ad valorem property tax exemption on the bond-financed property for a 10 year term ad valorem property tax exemption, all subject to the tenant's ongoing compliance with the Industrial Revenue

Bond Policy as well as conditions included in this LOI. Under state law, no exemption may be granted from the ad valorem property tax levied by a school district for the capital outlay fund pursuant to the provisions of K.S.A. 72-8801, which levy may not exceed 8 mills.

Based on the assessed valuation of the current property tax which is payable for that year.

The City Council hereby conditionally approves a sales tax exemption in connection with the purchase of materials and equipment used in construction and equipping of the project based on IRB statues of the State of Kansas.

The following Payment in Lieu of Taxes (PILOT) shall be required:

Year 1	0%
Year 2	10%
Year 3	20%
Year 4	30%
Year 5	40%
Year 6	50%
Year 7	60%
Year 8	70%
Year 9	80%
Year 10	90%

**III. Other Conditions:**

Closing of the IRB and issuance is subject to negotiation of the IRB bond documents, compliance with state law and City ordinances and policies for the issuance of the IRB bonds, and receipt of commitments for the purchase of IRB bonds from lenders / equity holders.

Negotiation of a lease agreement.

Preparation of appropriate bond ordinance.

Execution of guarantees for payment of bonds to the extent required by the owner of the bonds.

The applicant will identify all owners of the Block 49, LLC and their portion of equity as well as officers. The applicant will notify the City of any changes in ownership or officers as long as the bonds are outstanding.

Provide the City with a copy of the current financial statements, business plan and financial projections for Block 49, LLC storage facilities.

Agreement to pay all costs incurred by the City for processing the application and issuance of the bonds.

Agreement to pay the City an Administrative fee of \$2,500.00 per year for the time period in which the bonds are outstanding.

An agreement that prior to the issuance of the bonds, the prospective tenant will obtain a suitable commitment for a policy of title insuring the title of any real property conveyed to the City in connection with the financing.

This agreement only covers the proposed buildings totaling 67,000 square foot for both.

Block 49, LLC will cooperate with any annual compliance procedures the City may require in compliance with the Lease Agreements and IRB’s including any annual reports required of the applicant as well as any inspections of the applicant’s premises or interviews with the applicant’s staff.

The City may revoke any ad valorem property tax abatement or impose a payment in lieu of taxes in the amount of any ad valorem property taxes abated in the event the City Council finds, upon the fourth year, that Block 49, LLC did not achieve its capital investment of \$6,000,000.00 and employment goal of 1 full time employee.

The applicant will continue using the property as a storage facility.

**IV. Assignment of Letter of Intent**

This Letter of Intent is not assignable by Block 49, LLC without the City’s expressed written approval.

Sincerely,

\_\_\_\_\_  
Jim Benage, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
City Manager

Accepted:

Block 49, LLC

\_\_\_\_\_  
Andrew Reese, Owner

\_\_\_\_\_  
Date



Center for Economic Development and Business Research  
 Wichita State University  
 1845 Fairmount St.  
 Wichita, Kansas 67260-0121  
 (316) 978-3225

DATE OF ANALYSIS  
 TIME OF ANALYSIS  
 VERSION OF ANALYSIS

7/6/2022  
 7:54 PM  
 V1

<b>PROJECT SUMMARY (no multipliers, no substitution)</b>	
Company Name	Block 49 LLC
Number of new jobs for 10-year period	1
Amount of payroll for 10-year period	\$441,061
Amount of capital investment for 10-year period	\$6,820,930
Land	\$240,000
Buildings	\$6,555,930
Machinery and Equipment	\$25,000

<b>INCENTIVE SUMMARY</b>	
<b>City Incentives - Bel Aire</b>	337,603
Tax abatement	337,603
Sales tax exemption	0
Forgivable loans	0
Infrastructure	0
Cash value all other incentives	0

<b>County Incentives - Sedgwick</b>	216,719
Tax abatement	216,719
Sales tax exemption	0
Forgivable loans	0
Infrastructure	0
Cash value all other incentives	0

<b>State Incentives</b>	158,572
Tax abatement	158,572
Sales tax exemption	0
Forgivable loans	0
Training dollars	0
Infrastructure	0
Cash value all other incentives	0

<b>School District Incentives - 375 Circle</b>	99,605
Tax abatement	99,605



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TAX ABATEMENT PARAMETERS	
<i>Real Property</i>	
Number of years	10
Percentage	0 YR1,10,20...90%
<i>Personal Property</i>	
Number of years	0
Percentage	0.0%

CONSTRUCTION IMPACTS	
Jobs Multiplier	1.7008
Earnings Multiplier	1.533

Direct jobs	29
Direct payroll earnings	\$1,520,000

Total jobs	50
Total payroll earnings	\$2,330,160

SUBSTITUTION	OVERRIDDEN
Firm NAICS code	493000 Warehousing and storage
Substitution percentage applied to firm operations	0.0%

FIRM MULTIPLIERS (On-going Operations)	
Jobs	1.8671
Earnings	1.8517

ECONOMIC IMPACT OF FIRM OPERATIONS	
<i>Number of jobs 10-year period</i>	
Direct	1
Total	2

<i>Payroll earnings for 10-year period</i>	
Direct	\$441,061
Total	\$816,713



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<b>FISCAL IMPACT</b>	
<b>City Fiscal Impacts. - Bel Aire</b>	<b>Discounted</b>
Present value of net benefits	\$361,295
<i>Rate of Return on Investment</i>	
Net public benefits 10-year period	\$361,295
Public costs 10-year period	\$263,098
ROI	137.3%
<i>Benefit-Cost Ratio</i>	
Public benefits 10-year period	\$624,392
Public costs 10-year period	\$263,098
Benefit-Cost Ratio	2.37

<b>County Fiscal Impacts. - Sedgwick</b>	<b>Discounted</b>
Present value of net benefits	\$241,707
<i>Rate of Return on Investment</i>	
Net public benefits 10-year period	\$241,707
Public costs 10-year period	\$168,892
ROI	143.1%
<i>Benefit-Cost Ratio</i>	
Public benefits 10-year period	\$410,600
Public costs 10-year period	\$168,892
Benefit-Cost Ratio	2.43

<b>State Fiscal Impacts</b>	<b>Discounted</b>
Present value of net benefits	\$597,989
<i>Rate of Return on Investment</i>	
Net public benefits 10-year period	\$597,989
Public costs 10-year period	\$123,577
ROI	483.9%
<i>Benefit-Cost Ratio</i>	
Public benefits 10-year period	\$721,565
Public costs 10-year period	\$123,577
Benefit-Cost Ratio	5.84

<b>School District Fiscal Impacts. - 375 Circle</b>	<b>Discounted</b>
Present value of net benefits	\$215,506
<i>Rate of Return on Investment</i>	
Net public benefits 10-year period	\$215,506
Public costs 10-year period	\$77,623
ROI	277.6%
<i>Benefit-Cost Ratio</i>	
Public benefits 10-year period	\$293,130
Public costs 10-year period	\$77,623
Benefit-Cost Ratio	3.78



*In the preparation of this report, the Center for Economic Development and Business Research assumed that all information and data provided by the applicant or others is accurate and reliable. CEDBR did not take extraordinary steps to verify or audit such information, but relied on such information and data as provided for purposes of the project.*

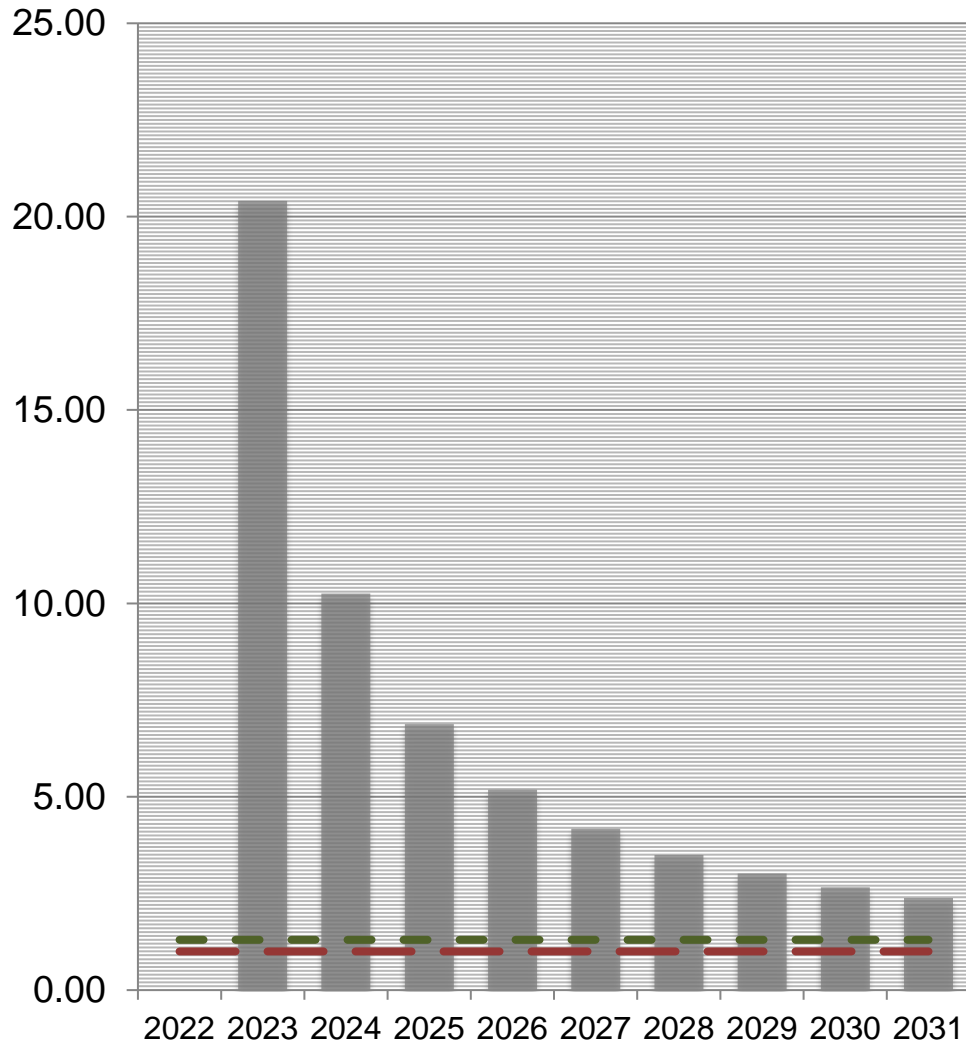
*This analysis requires CEDBR to make predictive forecasts, estimates and/or projections (hereinafter collectively referred to as "FORWARD-LOOKING STATEMENTS"). These FORWARD-LOOKING STATEMENTS are based on information and data provided by others and involve risks, uncertainties and assumptions that are difficult to predict. The FORWARD-LOOKING STATEMENTS should not be considered as guarantees or assurances that a certain level of performance will be achieved or that certain events will occur. While CEDBR believes that all FORWARD-LOOKING STATEMENTS it provides are reasonable based on the information and data available at the time of writing, actual outcomes and results are dependent on a variety of factors and may differ materially from what is expressed or forecast. CEDBR does not assume any responsibility for any and all decisions made or actions taken based upon the FORWARD-LOOKING STATEMENTS provided by CEDBR.*



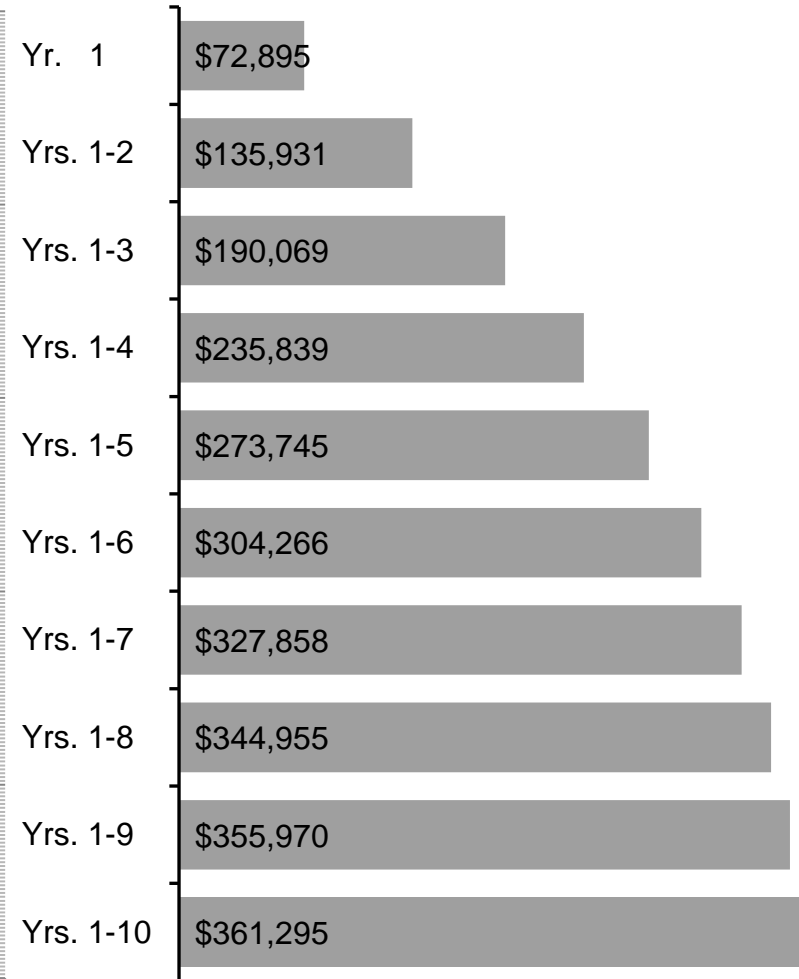
Center for Economic Development and Business Research  
Wichita State University  
1845 Fairmount St.  
Wichita, Kansas 67260-0121  
(316) 978-3225

Project or Company Name: Block 49 LLC  
Date of Analysis: 7/6/2022  
Version of Analysis: V1  
City Fiscal Impacts. - Bel Aire

### Benefit-Cost Ratio



### Present Value of Net Benefits

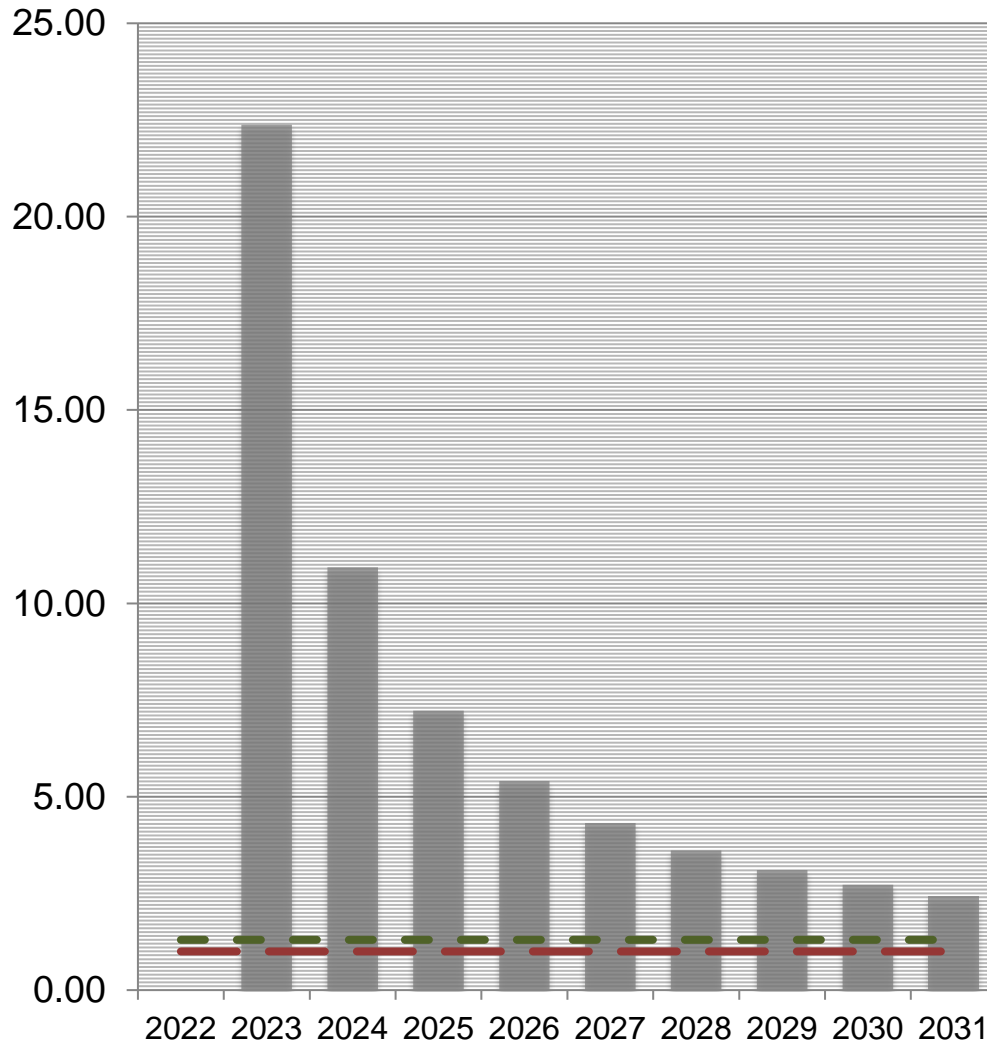




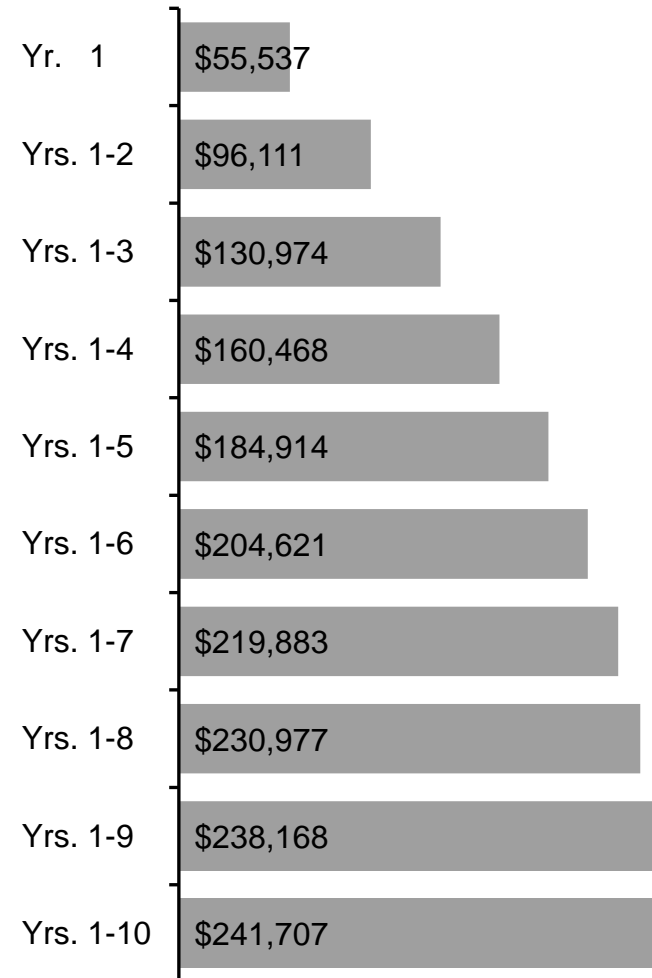
Center for Economic Development and Business Research  
Wichita State University  
1845 Fairmount St.  
Wichita, Kansas 67260-0121  
(316) 978-3225

Project or Company Name: Block 49 LLC  
Date of Analysis: 7/6/2022  
Version of Analysis: V1  
County Fiscal Impacts. - Sedgwick

### Benefit-Cost Ratio



### Present Value of Net Benefits

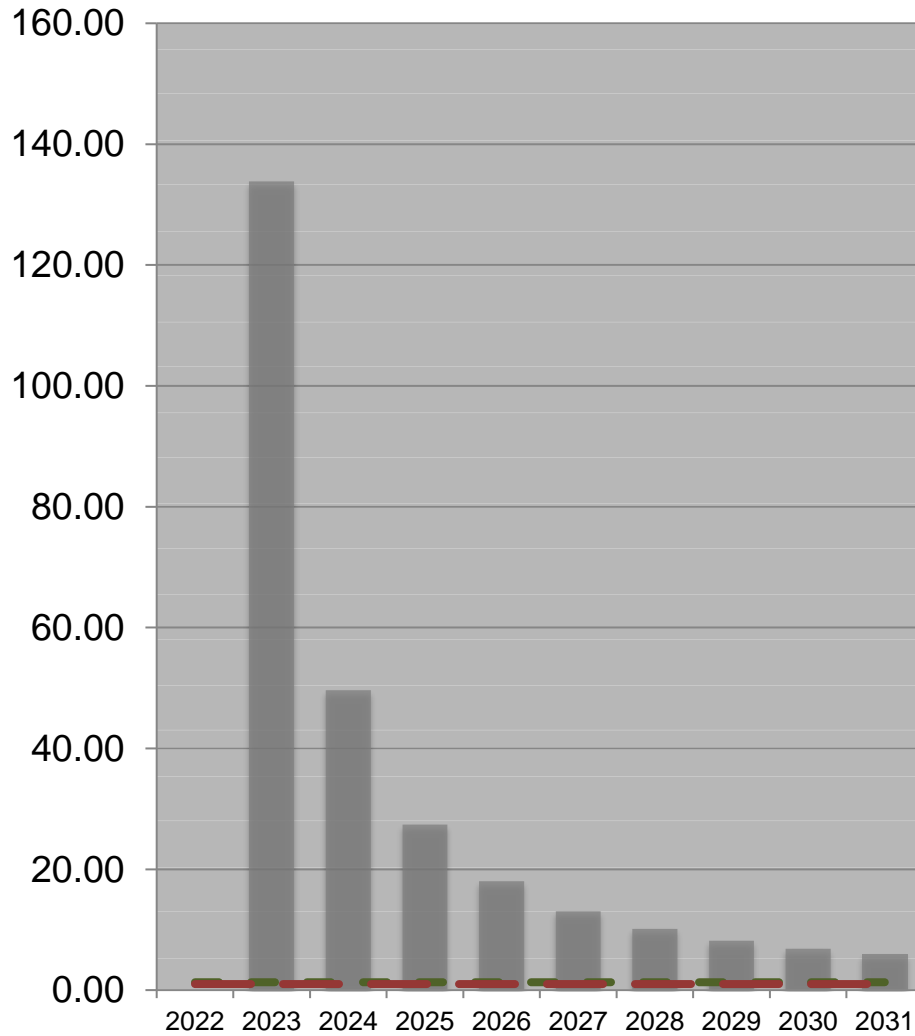




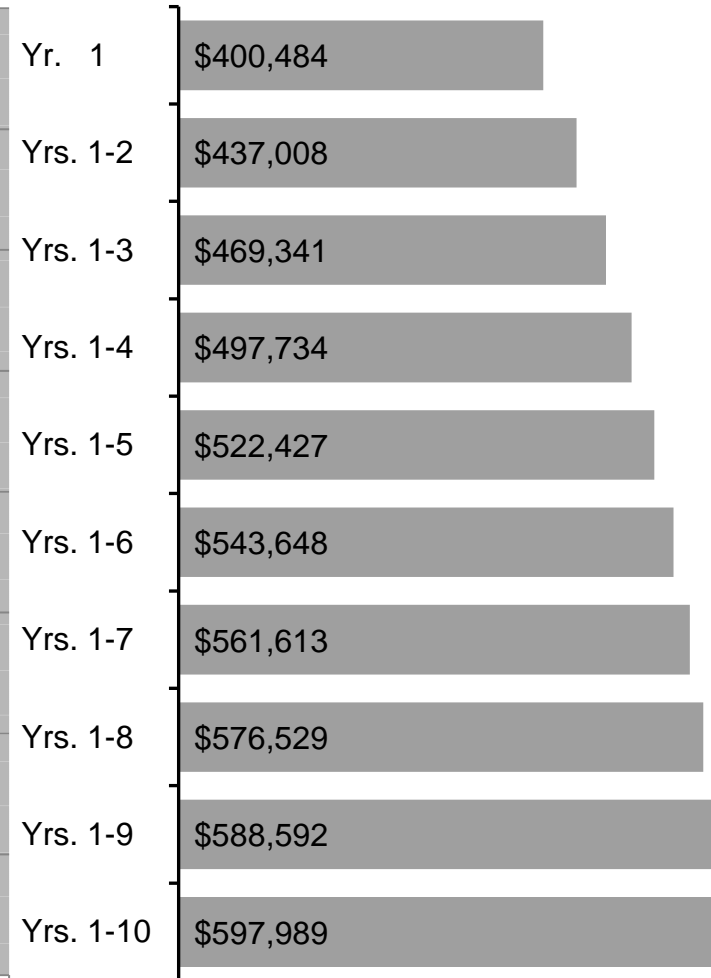
Center for Economic Development and Business Research  
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 Wichita, Kansas 67260-0121  
 (316) 978-3225

Project or Company Name: Block 49 LLC  
 Date of Analysis: 7/6/2022  
 Version of Analysis: V1  
 State Fiscal Impacts

**Benefit-Cost Ratio**



**Present Value of Net Benefits**

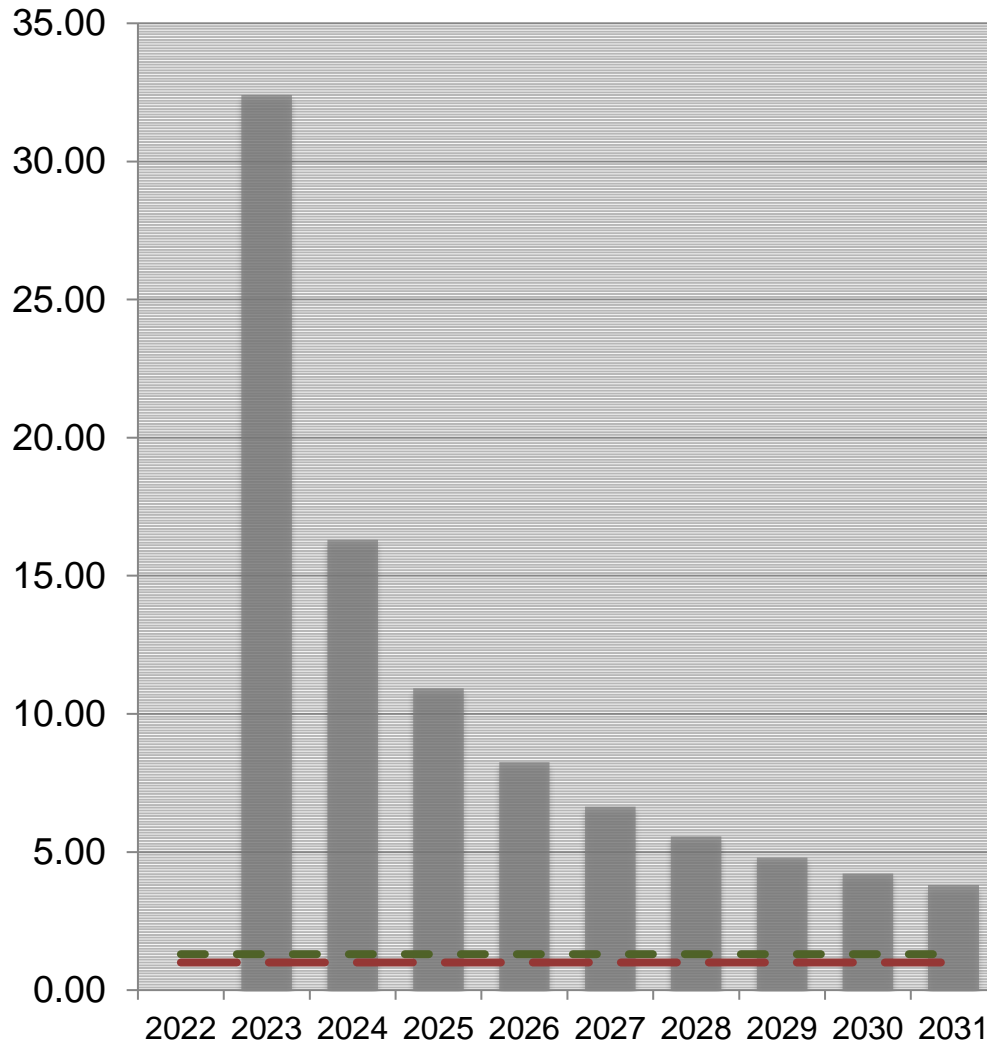




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Project or Company Name: Block 49 LLC  
Date of Analysis: 7/6/2022  
Version of Analysis: V1  
School District Fiscal Impacts. - 375 Circle

### Benefit-Cost Ratio



### Present Value of Net Benefits



**CEDBR-FISCAL IMPACT MODEL FIRM DATA SHEET****COMPANY INFORMATION**

Company name or project name	Block 49 LLC
Contact name	Andrew Reese
Contact telephone number	620-755-1619
Contact e-mail address	<a href="mailto:drew@banisterrealestate.com">drew@banisterrealestate.com</a>
Company NAICS Code - <i>Please select a NAICS code from the list provided. Model parameters are set based on the NAICS selected.</i>	493000 Warehousing and storage
Substitution Override	0.00%
Year of application	2022

**SITE LOCATION** - *If incentives are being requested for more than one physical location, and these locations are in different taxing jurisdictions, then a separate firm data sheet must be filled out for each location. If the property is located in a special taxing district or industrial zone, please contact CEDBR.*

Street Address	
City	Bel Aire
County	Sedgwick
School District	375 Circle

**REAL PROPERTY CONSTRUCTION AND IMPROVEMENTS** - *If construction is expected to significantly exceed 12-months allocate expenditures to multiple expansions.*

<b>Expansion #1</b>	
Year of expansion	2022
<i>Market value of firm's initial NEW OR ADDITIONAL investment in:</i>	
Land	\$240,000
Building and improvements	\$6,555,930
Furniture, fixtures and equipment (including machinery)	\$25,000
<i>Initial construction or expansion:</i>	
Cost of construction at the firm's new or expanded facility	\$4,400,000
<i>Amount of taxable construction materials purchased in:</i>	
City	
County (should include city amount)	\$1,820,000
State (should include city and county amounts)	\$2,600,000
<i>Amount of taxable furniture, fixtures and equipment purchased in:</i>	
City	
County (should include city amount)	\$25,000
State (should include city and county amounts)	\$25,000
Total construction salaries	\$1,520,000
<b>Expansion #2 (if applicable)</b>	
Year of expansion	
<i>Market value of firm's initial NEW OR ADDITIONAL investment in:</i>	
Land	
Building and improvements	
Furniture, fixtures and equipment (including machinery)	
<i>Initial construction or expansion:</i>	
Cost of construction at the firm's new or expanded facility	
<i>Amount of taxable construction materials purchased in:</i>	
City	
County (should include city amount)	
State (should include city and county amounts)	
<i>Amount of taxable furniture, fixtures and equipment purchased in:</i>	
City	
County (should include city amount)	
State (should include city and county amounts)	
Total construction salaries	

<b>Expansion #3 (if applicable)</b>	
Year of expansion	
<i>Market value of firm's initial NEW OR ADDITIONAL investment in:</i>	
Land	
Building and improvements	
Furniture, fixtures and equipment (including machinery)	
<i>Initial construction or expansion:</i>	
Cost of construction at the firm's new or expanded facility	
<i>Amount of taxable construction materials purchased in:</i>	
City	
County (should include city amount)	
State (should include city and county amounts)	
<i>Amount of taxable furniture, fixtures and equipment purchased in:</i>	
City	
County (should include city amount)	
State (should include city and county amounts)	
Total construction salaries	
<b>OPERATIONS</b>	
First Year of Full Operations As a Result of This Project	2022
<i>New or additional sales of the firm related to this project</i>	
Year 1	\$164,976
Year 2	\$282,864
Year 3	\$353,580
Year 4	\$424,296
Year 5	\$495,012
Year 6	\$565,728
Year 7	\$636,444
Year 8	\$636,444
Year 9	\$636,444
Year 10	\$636,444
<i>Percent of these sales subject to sales taxes in the:</i>	
City	0.0%
County	0.0%
State	0.0%
Annual net taxable income, as a percent of sales, on which state corporate income taxes will be computed:	0.0%

<i>New or additional purchases of the firm related to this project</i>	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
<i>Percent of these purchases subject to sales/compensating use taxes in the:</i>	
City	
County	
State	

<b>EMPLOYMENT</b>	
<i>Number of NEW employees to be hired each year as a result of this project</i>	
Year 1	0
Year 2	1
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	



<i>Number of these employees moving to county each year FROM OUT-OF-STATE</i>	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
<i>Number of these employees moving to county each year FROM OTHER KANSAS COUNTIES</i>	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

<i>Weighted average annual salary of all NEW employees, including all employees hired to date, related to this project</i>	
Year 1	
Year 2	\$40,000
Year 3	\$42,000
Year 4	\$44,100
Year 5	\$46,305
Year 6	\$48,620
Year 7	\$51,051
Year 8	\$53,603
Year 9	\$56,284
Year 10	\$59,098

<b>VISITORS</b> - <i>Include customers, vendors and company employees from other locations in the count of visitors</i>	
<i>Number of ADDITIONAL out-of-county visitors expected at the firm as a result of this project</i>	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Number of days that each visitor will stay in the area	1
Number of nights that a typical visitor will stay in a local hotel or motel	0
Percentage of visitors traveling on business	0%
Percentage of visitors traveling for leisure	100%
Percentage of visitor's expenditures spent in the same city as firm's location	25%
Percentage of visitor's expenditures spent in the same county as firm's location	50%
Percentage of visitor's expenditures spent in Kansas	100%

PAYMENT BY THE COMPANY TO TAXING JURISDICTIONS - <i>Such as payments in lieu of taxes</i>	
Firm payments to the City	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Firm payments to the County	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

Firm payments to the State of Kansas	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Firm payments to the School District	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

<b>CEDBR-FISCAL IMPACT MODEL INCENTIVE INFORMATION</b>	
<b>CONTACT INFORMATION FOR CEDBR REGARDING INCENTIVE AMOUNTS</b>	
Contact name	Ty Lasher
Contact telephone number	
Contact e-mail address	<a href="mailto:TLasher@belaireks.gov">TLasher@belaireks.gov</a>
<b>SALES TAX EXEMPTION ON CONSTRUCTION MATERIALS</b>	
Sales tax exemption <b>EXPANSION #1</b> (please enter yes or no)	No
Percent of construction material costs funded by IRB for <b>EXPANSION #1</b>	0.0%
Sales tax exemption <b>EXPANSION #2</b> (please enter yes or no)	No
Percent of construction material costs funded by IRB for <b>EXPANSION #2</b>	0.0%
Sales tax exemption <b>EXPANSION #3</b> (please enter yes or no)	No
Percent of construction material costs funded by IRB for <b>EXPANSION #3</b>	0.0%
<b>SALES TAX EXEMPTION FOR OPERATIONS</b>	
Value of sales tax exemption for OPERATIONS -- CITY	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

Value of sales tax exemption for OPERATIONS -- COUNTY	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Value of sales tax exemption for OPERATIONS -- STATE	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

PROPERTY TAX ABATEMENT		
Property tax abatement - Real property land and buildings		
Number of Years		10
Percentage	0 YR1,10,20...90%	
Property tax abatement - Machinery and equipment		
Number of Years		0
Percentage		0.0%

FORGIVABLE LOANS - Cash value		
Forgivable loans (cash value) -- CITY		
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		
Year 6		
Year 7		
Year 8		
Year 9		
Year 10		
Forgivable loans (cash value) -- COUNTY		
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		
Year 6		
Year 7		
Year 8		
Year 9		
Year 10		

Forgivable loans (cash value) -- <b>STATE</b>	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

<b>STATE TRAINING DOLLARS</b>	
Training dollars KIT/KER/IMPACT (cash value)	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

<b>INFRASTRUCTURE IMPROVEMENTS</b>	
Infrastructure improvements (cash value) -- <b>CITY</b>	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	



Infrastructure improvements (cash value) -- COUNTY	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Infrastructure improvements (cash value) -- STATE	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

OTHER INCENTIVES - Cash value	
Cash value of all other incentives -- CITY	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

Cash value of all other incentives -- COUNTY	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Cash value of all other incentives -- STATE	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

CITY OF BEL AIRE

INDUSTRIAL REVENUE BOND AND TAX EXEMPTION/ABATEMENT POLICY

Adopted: 11/2/2009

Revised: 7/16/2012; 6/7/2022

STATEMENT OF POLICY ON IRB's

The City Council's primary goal when considering the issuance of industrial revenue bonds (IRBs) or the granting of property tax abatements, exemptions and incentives or both shall be to encourage economic growth in the corporate City limits and the growth area of the City. Industrial revenue bonds are not considered a debt of the city; rather, they are debts of the business/organization that utilizes the bond proceeds. The city is merely a conduit for the business/organization to obtain tax-exempt financing for its project.

Industrial revenue bonds will not be utilized when it is determined that doing so would give the recipient an unfair advantage over a business or organization currently engaged in a similar venture within the city or its growth area.

When considering a request for IRBs, the city will evaluate the types of jobs proposed to be created, the amount of capital investment that will be made, and the ability of the business to meet a recognized need in Bel Aire's economic base. Upon review and consideration of these factors, the City Manager will make a recommendation to the City Council, which shall approve or deny the request. In the event the City Council approves the request to issue IRBs, the City Manager shall contact the City's bond counsel and begin the process of issuing the bonds. The applicant for the IRBs shall be responsible for any bond counsel, financial advisor, and any other fees incurred by the applicant that are associated with the issuance of the bonds.

STATEMENT OF POLICY ON TAX EXEMPTIONS AND/OR ABATEMENTS

Section

1. Purpose

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4. General Procedure

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8. Minimum Payment in Lieu of Taxes

9. Special Assessments

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12. Analysis of Costs and Benefits

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22. Annual Renewal Subject to Review

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24. Distribution of Revenue

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26. Exemption Forms

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28. Definitions

**Section 1. Purpose.** The purpose of this statement is to establish the official policy and procedures of the City of Bel Aire, for the issuance of IRBs or granting of property tax exemptions and tax incentives for real and personal property used for economic development purposes or both.



**Section 2. General Objective.** The securing of private economic growth and development and the addition of new jobs within the community are important current and long-term objectives of this City. The issuance of IRBs or granting of property tax exemptions and tax incentives or both are tools available under Kansas law to help secure these public objectives. This statement is intended to establish the procedure and policy standards to govern the fair, effective, and judicious use of the power to issue IRBs or grant such exemptions and tax incentives or both in this City.

**Section 3. Legal Authority.** The governing bodies of Kansas counties and cities may issue IRBs in accordance with the provision of K.S.A. 12-1740 *et seq.*, or exempt certain property used for economic development purposes from taxes for a maximum of 10 years, in accordance with the provisions of Section 13 of Article 11 of the Kansas Constitution, subject to the requirements of KSA 79-251 *et seq.* or both. This authority is discretionary with the City, and the City may issue IRBs or provide for tax exemptions-incentives in an amount and for purposes more restrictive than that authorized by the Constitution or state laws. Pursuant to its home rule powers, the City may (1) require the owners of any property for which IRB issuance is requested or an exemption is requested or both to provide certain information, (2) condition the issuance of IRBs or granting of an exemption or both to an agreement providing for the payment of in lieu charges or taxes under the provisions of 12-1740 *et seq.* or KSA 12-147 and 12-148, and (3) require the payment of initial application and annual renewal fees reasonably necessary to cover the costs of administration.

**Section 4. General Procedure.** The following basic procedure shall govern the issuance of IRBs or tax exemptions-incentives or both within Bel Aire:

1. The applicant business shall apply for IRB issuance or a tax exemption-incentive or both by filing a written application as provided in this policy.
2. If the City determines the requested IRB issuance or tax exemption-incentive or both (a) may be lawfully granted, and (b) the initial request is worthy of further consideration, the City shall, if applicable, prepare a cost-benefit analysis report of the requested tax exemption-incentive as provided in Section 12.
3. The City shall then determine whether the IRB issuance or proposed tax exemption-incentive or both should be granted, following, if required by statute, a public hearing after the required notice.
4. If it is determined that some tax exemption-incentive should be granted, a maximum of 100% exemption of that property of the business legally eligible for exemption may be provided, but may be subject to an agreement of the business to make an in lieu tax payment as may be required by the City. The City reserves the right to set the tax exemption at a rate less than 100% and for a timeframe of less than 10 years.
5. The amount of the tax incentive, which will be an amount less than the taxes otherwise payable if the property were not exempt, will then be determined in accordance with this Statement.
6. Upon the failure of the business to fully and timely pay the in lieu tax payments, as may be required as a condition of the granting of an exemption, or to provide reports or other information requested by the City and reasonably necessary for the implementation of this policy, the City may either deny, revoke, or not renew the authorization of such an exemption. All requests for a tax exemption-incentive for economic development purposes shall be considered and acted upon in accordance with this Statement.



**Section 5. “Tax Incentive” Defined.** Various words and terms used in this statement are defined in Section 28. The terms “tax incentive” or “tax exemption-incentive” shall both mean the difference between the amount of ad valorem property taxes the affected business would pay if there were no City-granted exemption and the amount required to be paid as in lieu taxes or charges. For example, if the taxes required with no exemption were \$5,000, and the required in lieu payments were \$3,000, the “tax incentive” or “tax exemption-incentive” would be \$2,000.

**Section 6. Jurisdiction.** The City shall issue IRBs or grant tax exemptions-incentives or both only for property located within the City.

**Section 7. Nominal Tax Determination.** All tangible property of a business receiving a tax exemption-incentive under this Statement shall be annually assessed by the county appraiser in the same manner as if it were not exempt, but the amount thereof shall not be placed on the assessment rolls. The amount of the property taxes which would be payable shall also be determined annually by the County Clerk and Treasurer, in the same manner as if the property were not exempt, but such shall not be placed on the tax rolls. Separate assessment and tax calculations shall be made for the land, for the improvements thereon, and for any taxable tangible personal property associated therewith, of the exempt business. The appropriate county officers are requested to provide the city with this information as early as possible, but not later than November 15 of each year.

**Section 8. Payment in Lieu of Taxes (PILOTs).** Applicants receiving a tax exemption-incentive pursuant to this statement may be required to make a minimum payment in lieu of taxes which will be determined by the Governing Body based on economic incentives and benefits.

**Section 9. Special Assessments.** Any tax exemption granted for real property under this statement shall not affect the liability of such property for any special assessments levied or to be levied against such property.

**Section 10. Pirating.** It shall be the policy of the City to discourage applications for IRB issuance or tax exemptions-incentives or both, or to grant such IRBs or tax incentives or both, which deliberately encourage and cause the pirating of business from another Kansas community to this community, or from this community to another Kansas community. It is the intent of the city to avoid participation in “bidding wars” between cities or areas competing for the location of new businesses or expansion of existing businesses through attempts to offer the largest tax incentive or other public inducement, which is detrimental to the state’s economy and the public interest. As provided in KSA 1991 Supp. 79-252, the City shall not exempt any tangible personal property of a business if such property is currently subject to ad valorem taxation within the State of Kansas or has been exempted from taxation pursuant to section 13 of article 11 of the Kansas Constitution, except if the governing body makes a factual determination that such an exemption is required to retain jobs in the state of Kansas, an exemption may be granted for such tangible personal property.

**Section 11. Application of “But-For” Principle.** Any tax exemption-incentive granted by the City shall be subject to the “but-for” principle, i.e., the tax incentive must make such a difference in determining the establishment of expansion of the business that the business would not otherwise be established or expanded in the City but for the availability of the tax incentive. It is the policy of the City Council that private businesses should not be subsidized with public funds,



the indirect consequence of tax exemptions-incentives, unless some public good results and the public subsidization can reasonably be expected to make a significant difference in achieving economic growth and development and the creation of new jobs within the City.

**Section 12. Analysis of Costs and Benefits.** The City will consider granting tax exemptions-incentives only upon a clear and factual showing of direct economic benefit to the City through advancement of its economic development goals, including the creation of additional jobs and the stimulation of additional private investment. Before a tax exemption-incentive is granted to an application, a cost-benefit analysis report which shall examine the costs and benefits to the public of the proposed tax exemption-incentive will be required. Analysis will be completed by a designated agent of the city and all associated costs will be the responsibility of the applicant. The cost-benefit analysis report shall consider but not be limited to the following factors, as applicable:

- (a) The appraised valuation of the property in relation to the economic benefit to the City of increased employment.
- (b) The gain in tax revenue which may result from the new or expanded business, including the increase in the property tax base upon the expiration of the exemption.
- (c) The contribution that the new or expanded business will make towards increased employment and earnings within the community.
- (d) The number of new jobs created directly by the business in relations to the amount of tax incentives granted.
- (e) The kinds of jobs created in relation to the type of skills available from the local labor market.
- (f) The utilization by the business of labor skills and abilities of unemployed persons in the community.
- (g) The degree to which the business improves the diversification of the economy of the city and its environs.
- (h) The degree to which the ultimate market for the manufactured products is outside the community, recognizing that outside markets bring in "new money" to the local economy.
- (i) The potential of the business for future expansion and additional job creation.
- (j) The beneficial impacts the business may have by creating other new jobs and businesses, including the utilization of local products or other materials and substances in manufacturing.
- (k) The beneficial economic impact the business will have on a particular area of the city, including designated enterprise zones and areas of needed revitalization or redevelopment.
- (l) The compatibility of the location of the business with land use and development plans of the city and the availability of the existing infrastructure facilities and essential public services.
- (m) The extent to which additional direct or indirect public costs to the city and to other local units would be necessary, such as the cost of the extension of public facilities.
- (n) The extent to which the economic and employment benefits of the tax incentive accrue to the residents and taxpayers of those taxing subdivisions which indirectly "subsidize" the business as a result of the forgone tax revenue.

**Section 13. No Exemptions.** (1) No tax exemption shall be granted if the exemption would create, in the judgment of the City Council, an unfair advantage for one business over another competing business within the City. (2) No tax exemption shall be granted to any business



which commenced operations prior to August 5, 1986, nor for the expansion of a business unless such expansion created new employment.

**Section 14. Amount of Tax Incentives.** The two primary objectives of the City in granting tax exemptions for economic development are to (1) provided needed jobs, and (2) expand the economic and tax base of the City. Property taxes may be abated for new improvements to real property and for newly acquired items of personal property used by an eligible business in connection with an expansion or relocation of the business' operations in Bel Aire. Land and existing buildings are not generally eligible for property tax-exemption incentive but may be considered for tax exemption-incentive. Motor vehicles are not eligible for property tax exemption-incentive under this policy.

An initial maximum term of ten (10) years can be granted subject to review and approval of the City Council. Recommended percentages of property tax exemption-incentives shall be based on new job creation and capital investment by the eligible business.

**Section 15. Application Required.** The City will not consider the issuance of IRBs or granting of any tax exemption-incentive or both unless the business submits a full and complete application and provides such additional information as may be requested by the City Council. The application is included in this policy, upon completion, will provide the City Council with adequate and sufficient information to determine whether IRB issuance or a tax incentive or both should be granted and the amount thereof. The accuracy of the information provided in the application shall be verified by the applicant. Any misstatement of or error in fact may render the application null and void and may be cause for the repeal of any ordinance or resolution adopted in reliance on said information.

**Section 16. Application and Renewal Fees.** Any business requesting IRB issuance or a tax exemption or both pursuant to this statement shall pay to the City an application fee of \$1,500, which shall cover administrative and professional costs by the City in processing this application, including any required cost-benefit analysis. The fee shall be submitted at the same time the application form required by Section 15 is submitted. In addition, any business which has been granted an IRB, or tax exemption or both, shall pay an annual, non-refundable administrative fee in the amount of \$2,500.

**Section 17. Initial Review Procedure.** On receipt of the completed application form and the required fee, the City Manager shall determine (a) whether the application is complete and sufficient for review, and (b) whether the applicant business is eligible for IRB issuance or an exemption, or both, under the Kansas Constitution, this statement, and any other applicable laws. If the application is incomplete, the City Manager shall immediately notify the applicant, noting the need for such changes or additions as deemed necessary. If questions arise as to whether the business is legally eligible for IRB issuance or an exemption or both, the matter shall be referred to the City Attorney, who shall consult with the applicant business. If the application is found complete and is for a purpose which appears to be authorized by law, the City Manager shall make a recommendation to the City Council for consideration.

**Section 18. Initial Governing Body Action.** Upon receiving the recommendations of the City Manager, the City Council shall first determine whether to reject the requested IRB issuance or exemption or both, or to further consider the request. Upon a favorable vote for further consideration, the City Council shall either (1) issue a letter of intent as provided by Section 20,



or (2) schedule any required public hearing to consider granting a tax exemption-incentive.

**Section 19. Notice and Hearing.** No tax exemption shall be granted by the City prior to notice and a public hearing as required by K.S.A. 12-1740 *et seq.* or KSA 1991 Supp. 79-251. Notice of the public hearing shall be published at least seven days prior to the hearing in the official City newspaper, giving the purpose, time and place, and the hearing may be held at a regular or special meeting of the City Council. The City Clerk shall thereupon notify in writing the Board of County Commissioners, the appropriate school district, and the clerk of any other taxing jurisdiction, excluding the state, which derives or could derive property taxes from the affected business, advising them of the scheduled public hearing and inviting their review and comment. Upon request, the City Clerk shall provide such public agency with a copy of the application. The applicant business shall be invited, but not required, to attend the public hearing.

**Section 20. Letters of Intent.** Upon receiving the recommendations of the City Manager, the City Council may issue a letter of intent, setting for in general terms its proposed plans for issuing IRBs or granting a tax exemption-incentive or both, and any conditions thereto. Such letters of intent shall be issued only with the approval of the City Council, and as an expression of good faith intent, but shall not in any way bind the City to IRB issuance or the granting of an exemption-incentive or both. Such letters of intent shall expire six months after issuance but may be renewed. A public hearing shall not be required prior to the issuance of letters of intent. No elected or appointed officer, employee or committee of the City, and no chamber of commerce, board, development council or other public or private body or individual, shall be authorized to speak for and commit the City Council to IRB issuance or the granting of a tax exemption-incentive or both.

**Section 21. Annual Renewal Subject to Review.** The extent and term of any tax exemption-incentive granted shall be subject to annual review by the City Council to ensure that the ownership and use of the property and any other qualifying criteria of the business for the tax exemption-incentive continue to exist. The review shall be completed by not later than February 1 of each year. The city may require an annual renewal application to be filed by the business. The annual renewal application shall include information from the business indicating compliance with any terms or conditions established by the City Council for the granting of the exemption, such as number, quality of jobs created, etc. Upon a finding that the property continues to meet all the terms and conditions established as a condition of granting the exemption, the City Clerk shall so certify to the owner for submission to the assessing officer, as provided by KSA 79-210a.

**Section 22. Transfer of Ownership or Use.** No exemption or tax incentives granted by the City shall be transferred as a result of a change in the majority ownership of the business. Any new owner shall file a new application for tax exemption-incentive. Further, the City shall be notified by the business of any substantive change in the use of tax-exempt property (see Section 26).

**Section 23. Distribution of Revenue.** The granting of tax exemptions-incentives by the City is hereby declared to be a contract under the provisions of K.S.A. 12-1740 *et seq.* and KSA 12-147. The in lieu of taxes payment which may be required of a business granted a tax exemption under this statement shall be paid to the County Treasurer, with notice of the amount and date paid provided to the City. The County Treasurer is directed to apportion the payment, under the provisions of subsection (3) of KSA 12-148, to the general fund of all taxing subdivisions, excluding the state, which levy taxes on property where the business is situated. The



apportionment shall be based on the relative amount of taxes levied, for any and all purposes, by each of the applicable taxing subdivisions.

**Section 24. Origination Fee.** The applicant for IRB issuance or tax exemption-incentive or both shall pay to the City an origination fee in an amount equal to 1% of the par value of the IRB, if applicable, or, if IRBs are not issued, 1% of the value of the property to be exempted. The origination fee shall apply equally to for-profit as well as not-for-profit issuances. The origination fee shall be capped at \$100,000 per IRB issuance or tax exemption-incentive.

As authorized by K.S.A. 12-1742, origination fees collected by the City shall be used by the City for the purpose of promoting and furthering local economic development activities.

The fee is due and payable at the time of IRB issuance, or, if IRBs are not issued, at the time of a Board of Tax Appeals order exempting property under a tax exemption-incentive. The City will, upon the request of the applicant, allow the applicant to pay the origination fee over a ten-year period of time. If payable over time, the fee shall be treated as a loan, amortized at the rate of 5%, and paid in 20 equal installments due on the first day of January and June of each year.

**Section 25. Exemption Ordinance.** The City Clerk shall provide a copy of the ordinance, as published in the official City newspaper, granting an exemption from taxation and any other necessary documents to the applicant for use in filing an initial request for tax exemption as required by KSA 79-213, and by KSA 79-210 for subsequent years.

**Section 26. Exemption Forms.** A copy of the exemption applications required by KSA 79-213 and by 79-210, and the statement required by KSA 79-214 for the cessation of an exempt use of property, shall be filed with the City Clerk by the property owner.

**Section 27. Waiver of Statement Requirements.** The City Council reserves the right to grant or not to issue IRBs or grant a tax exemption-incentive or both under the circumstances beyond the scope of this statement, or to waive any procedural requirement. However, no such action or waiver shall be taken or made except upon a finding by the City Council that a compelling or imperative reason or emergency exists, and that such action or waiver is found and declared to be in the public interest. The City Council shall not waive any procedural requirements required by state law.

**Section 28. Definitions.** For the purposes of this statement, in application to this City, the words or phrases as used in either the Constitution, applicable state law, or this statement shall have meaning or be construed as follows:

- (a) "Applicant" shall mean and include the business, property owner or owners, and their officers, employees, and agents.
- (b) "Associated therewith" as used with respect to tangible personal property shall mean being located within, upon or adjacent to buildings or added improvements to buildings.
- (c) "Commenced operations" shall mean the start of the business activity housed in the building for which a tax exemption-incentive is requested.
- (d) "Economic development purposes" shall mean the establishment of a new business or the expansion of an existing business, engage in manufacturing articles of commerce, conducting research and development, or storing goods or commodities which are sold or traded in interstate commerce, which results in additional employment.
- (e) "Expansion" shall mean the enlargement of a building or buildings, construction of a new

building, the addition of tangible personal property, or a combination thereof, which increases the employment capacity of a business eligible for a tax exemption-incentive and which results in the creation of new employment.

- (f) "Manufacturing articles of commerce" shall mean a business engaged in the mechanical or chemical transformation of materials or substances into new products, as defined in the North American Industry Classification System (NAICS) Manual.
- (g) "Research and development" shall mean the application of science or technology to the improvement of either the process of manufacturing or manufactured products or both.
- (h) "Storing goods or commodities which are sold or traded in interstate commerce" shall refer to the business or storing property which may be exempt from ad valorem taxation under the provisions of KSA 79-201f.
- (i) "Tangible personal property" shall mean machinery and equipment used during the term of the tax exemption which may be granted.
- (j) "Tax incentive" or "tax exemption-incentive", see Section 5.

**Section 29. Sliding Scale for Tax Exemption-Incentives.** New jobs and capital investment will be the main factors for tax exemption-incentives. New job creation will be based on Full-time Equivalent (FTE) jobs based on 2080 hours per year. A sliding scale system may be utilized as example below.

The City reserves the right to use whatever scale it deems appropriate to the development situation, but will generally follow the below schedule:

SLIDING SCALE OF ABATEMENT BY PERCENTAGE										
Year	1	2	3	4	5	6	7	8	9	10
Exemption (%)	100	90	80	70	60	50	40	30	20	10



APPLICATION FOR EXEMPTION

CITY OF BEL AIRE, KANSAS  
APPLICATION FOR IRB ISSUANCE OR PROPERTY TAX EXEMPTION OR  
BOTH FOR ECONOMIC DEVELOPMENT PURPOSES

Industrial Revenue Bond issuance, or abatement from Ad Valorem property taxation or both pursuant to K.S.A. 12-1740 *et seq.* or Article II, §13 of the Kansas Constitution is requested for all or any portion of facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes, with respect to issuance of industrial revenue bonds, or the appraised valuation of property used for the purpose of manufacturing articles of commerce, conducting research and development, or storing goods or commodities which are sold or traded in interstate commerce, with respect to other tax exemption-incentives, as described herein. This application is submitted in conformance with the applicable Statement of Policy and Procedures of the City and it is understood that the City may require in lieu of payments for property, which becomes tax-exempt. The attached sheets, if any, are submitted as a part of this application.

Part I. Applicant Identification

Name of Applicant firm: \_\_\_\_\_

Contact Person (Name and Title): \_\_\_\_\_

Address: \_\_\_\_\_

Street or P.O. Box

\_\_\_\_\_ City State Zip

Telephone Number: \_\_\_\_\_

Names and percent of ownership of all principal owners and officers of the Applicant

Firm: \_\_\_\_\_

Part II. Property Identification

List only taxable property for which IRB issuance or tax exemption-incentives or both is requested.

\_\_\_\_\_ Land. Attach legal description of property and plat showing location of buildings, added improvements to buildings, or both.

\_\_\_\_\_ Building(s). Attach description.

- \_\_\_\_\_ Added improvements to buildings. Attach description and estimated cost.
- \_\_\_\_\_ Tangible personal property. Attach list of each item with identifying nomenclature and cost. Proof of purchase after August 5, 1986 must be provided for each item on list.

### **Part III. Business Information**

Type of business organization: \_\_\_\_\_

(i.e. corporation, subsidiary, partnership, sole proprietorship, etc.)

Date and place business organized or incorporated: \_\_\_\_\_

Name and parent company, if applicable: \_\_\_\_\_

Type of business: \_\_\_\_\_

Line or lines or products manufactured or research and development conducted, or goods or commodities stored in buildings, for which IRB issuance or tax exemption or both is requested.

\_\_\_\_\_

Business is... (Please check one) ☐ New ☐ Existing

#### **If NEW Business:**

Date Operations will Commence: \_\_\_\_\_

If business is relocated to this City, give previous location(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If construction of a new building for a new business is involved, give anticipated date of completed construction: \_\_\_\_\_

#### **If EXISTING Business:**

Date expansion will be completed: \_\_\_\_\_

Purpose of expansion: \_\_\_\_\_

Does expansion involve?

\_\_\_\_\_ Acquisition of existing building

\_\_\_\_\_ Enlargement of existing building

\_\_\_\_\_ Construction of new building

Describe how property identified above facilitates the expansion of such existing business:

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#### **Part IV. Employment Data**

Existing Business: Describe how expansion has or will create new employment include wage for each new position:

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New Business: Describe how many new jobs will be created in total as well as over the 10 year period. Identify average wage for each new job:

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#### **Part V - Financial Responsibility**

Attach a description of the businesses' financial situation. This may include a financial statement, audit and other relevant information to assess the stability of the business. Indicate whether there is any pending or threatening litigation affecting the viability of the business.

#### **Part VI. Certification of Applicant**

I, \_\_\_\_\_, hereby certify that the foregoing attached information is true and correct to the best of my knowledge.

Further, it is understood that additional information may be requested by the City to assist the Governing Body in its consideration of this matter.

Date \_\_\_\_\_

Signed \_\_\_\_\_

Name

\_\_\_\_\_  
Title

#### **Part VII. Acknowledgment of Receipt**

Receipt of \$1,500.00 fee is hereby acknowledged:

Date: \_\_\_\_\_ City Manager: \_\_\_\_\_



## PROJECT APPLICATION (CITY OF BEL AIRE, KS)

Name of Corporation/Partnership \_\_\_\_\_

Date of Request \_\_\_\_\_

Address \_\_\_\_\_

Primary Contact \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

### A. APPLICANT INFORMATION

#### B. Name and addresses of all persons or corporations who would be obligated as either applicant or personal guarantors of subsidy:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

#### C. Name and addresses of the principal officers and directors of the applicant:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

#### D. Applicant's Attorney

Name \_\_\_\_\_

Phone Number \_\_\_\_\_

#### E. Applicant's Financial Advisor

Name \_\_\_\_\_

Phone Number \_\_\_\_\_

#### F. Applicant's Accountant

Name \_\_\_\_\_

Phone Number \_\_\_\_\_

G. Requested Subsidy:

Category:	Source/Type/Description:	Requested Amount:
Tax Increment Financing		\$
Tax Abatement		\$
Industrial Revenue Bonds		\$
Other – Land Write-Down		\$
Other – Special Assessments		\$
Other – Public Improvements		\$
TOTAL REQUEST		\$

H. Complete Project Sources and Uses:

Sources:

Private Bank Loan	\$
Private Equity	\$
State/Local Loan/Grant Funds	\$
Tax Increment/Tax Abatement	\$
Other (specify )	\$
Total Sources:	\$

Uses:

Land Acquisition	\$
Building Construction/Reconstruction	\$
Machinery/Equipment	\$
Site Improvements	\$
Installation of Public Utilities	\$
Parking Improvements	\$
Legal/Financial Costs	\$
Surveying/Platting/Permitting	\$
Other (specify )	\$
Total Uses:	\$

I. Use of Subsidy:

Amount requested for purchase of land:	\$
Amount requested for building:	\$
Amount requested for equipment:	\$
Amount requested for site improvements:	\$
Amount requested for public utilities:	\$
Working capital:	\$
Other (specify):	\$
TOTAL REQUEST	\$

**J. Project Details:**

1. Include the following project details on a separate sheet:
  - breakdown of commercial square footage, i.e., office, retail, manufacturing, industrial, hospitality, entertainment, etc
  - cost per square footage of construction of each type of housing unit and each type of commercial use
  - commencement and completion for each project component, include site improvements and public infrastructure
  - dates for sale or lease of units, occupancy start, and full occupancy, etc
  - estimated appraised value of project when complete, separated by use
  - describe how the property will be subdivided by uses
  - estimated taxable sales per s.f. of retail, hospitality, etc.

2. Name and address of Contractor \_\_\_\_\_

Name and address of Architect: \_\_\_\_\_

3. What type of equipment will be financed, if any? \_\_\_\_\_

**K. Proposed Location/Timing of Construction:**

1. Location of the project: \_\_\_\_\_
2. What percentage of the building will be occupied by the applicant? \_\_\_\_\_
3. Is the project properly zoned? \_\_\_\_\_
4. If a zoning change is pending, cite application number and present status. If application has not been made, briefly describe what change will be needed and plans for submitting application: \_\_\_\_\_

5. If unusual demands for water or sewer services or police or fire protection will be made, specify the demands: \_\_\_\_\_

**L. Ownership and Management:**

1. Describe the development company, ownership, affiliated/partner companies (identify membership entities): \_\_\_\_\_



2. What portion of the project is being financed from other affiliate or partner funds?

\$ \_\_\_\_\_

Please Explain \_\_\_\_\_

3. Will portions of the project be sold to other entities? If so, please explain

4. Describe all threatened or pending/outstanding litigation and legal claims or regulatory issues:

Disclosure items:

Has the applicant or any affiliated party defaulted on a real estate obligation? \_\_\_\_\_

Has the applicant or any affiliated party declared bankruptcy? \_\_\_\_\_

Has the applicant or any affiliated party had judgments recorded against them? \_\_\_\_\_

If the answer is yes to any of the above, please explain.

**M. Job Creation Detail:**

**Type of Job**

**No. of this Type**

**Average Annual Wage**

Professional

Technical

Clerical

General Labor

Other: (specify \_\_\_\_\_)

**What is the total Annual Payroll?** \_\_\_\_\_

**N. Financial Capacity:**

1. Provide copies of applicant's financial statements (balance sheets and income statements) for the past three years certified as correct by the owner or an authorized officer (or audited) and current (year to date)

2. Provide current (year to date) and three years historical financial statements (balance sheets and income statements) for the affiliated/partner entities, to demonstrate financial capacity

3. Provide last three years income tax returns for development principals, if applicable.

4. Audited financials are required, and if not available, provide an explanation.
5. Letter from the primary lender(s) stating the amount of conventional financing available for the project

**O. References and Relevant Experience:**

1. Provide names and locations of recent comparable projects
2. Provide private, public, and non-profit sector references from comparable projects. Please include names of government contacts with which the developer worked, if applicable.
3. Include three relevant experiences.

I, \_\_\_\_\_, hereby certify that the foregoing attached information is true and correct to the best of my knowledge.

Further, it is understood that additional information may be requested by the City to assist the Governing Body in its consideration of this matter. A non-refundable application fee of \$1,500.00 will be paid upon submission of application.

Date \_\_\_\_\_

Signed \_\_\_\_\_

Name

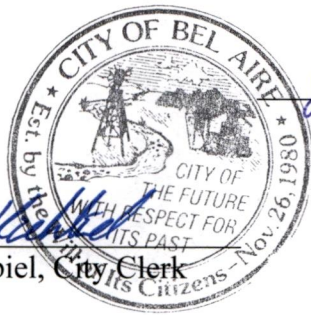
\_\_\_\_\_  
Title

Receipt is hereby acknowledged:

Date: \_\_\_\_\_

City Manager: \_\_\_\_\_

Adopted this 7<sup>th</sup> day of June, 2022 by the Bel Aire City Council.



Jim Benage

Jim Benage, Mayor

Melissa Krehbiel

Melissa Krehbiel, City Clerk

(Signature page to IRB Policy, revised 6/07/2022)

City of Bel Aire, Kansas



## STAFF REPORT

DATE: July 8, 2022  
 TO: Ty Lasher, City Manager  
 FROM: Anne Stephens, City Engineer  
 RE: Homestead/Chapel Landing Sanitary Sewer Engineering Services

### **Proposal Focus:**

#### Our Mission

- Attractive growth and safe living – Encourage attractive neighborhoods and new developments.

#### Our Values

- Working Together – Departments working together as one team. Staff working with residents, HOA's and neighborhoods. Citizens working with each other.

### **Current Situation:**

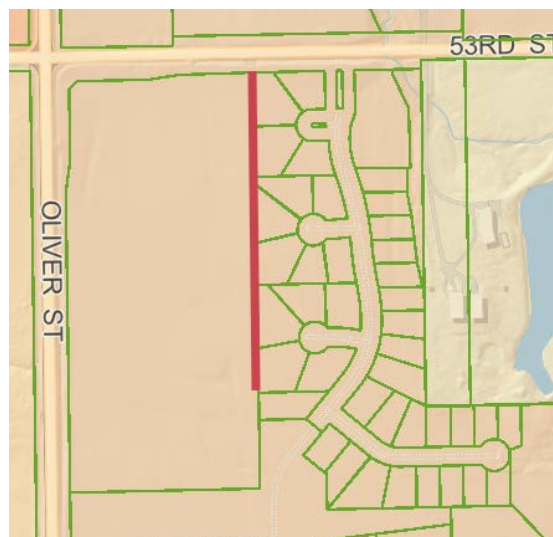
The Developers of Chapel Landing and Homestead Senior Living have coordinated to share the cost of the sanitary sewer that runs between their developments.

### **Goals:**

- To work with the Developers to grow the City in an attractive, safe manner that is consistent with City standards.

### **Discussion:**

The Developer have asked Baughman to prepare an agreement for Engineering Design and Construction services for the design and construction observation services for their development.



**Financials:**

The costs associated with the project will be financed through a bond and spread as special assessments against the benefiting lots.

**Recommendation:**

Staff recommends that the City Council accept the Agreement for Professional Services from Baughman in the amount of \$26,500.

**CONTRACT AGREEMENT FOR  
ENGINEERING SERVICES  
BETWEEN  
CITY OF BEL AIRE, KANSAS  
AND  
BAUGHMAN COMPANY, P. A.**

THIS IS AN AGREEMENT made as of \_\_\_\_\_ between The City of Bel Aire (OWNER) and Baughman Company, P.A. (ENGINEER). OWNER intends to retain the ENGINEER to provide PROFESSIONAL ENGINEERING SERVICES as required for the ENGINEERING DESIGN, BID SOLICITATION, and CONSTRUCTION STAKING, INSPECTION & ADMINISTRATION for the SANITARY SEWER MAIN IMPROVEMENTS to serve Lot 1, Block A, Homestead Senior Landing and Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect of performance of professional engineering services by ENGINEER and payment for those services by OWNER set forth below.

1. ENGINEER shall provide for OWNER professional engineering services in all design phases of the Project to which this agreement applies as hereinafter provided. These services will include serving as OWNER's professional engineering representative for the Project, including providing professional engineering construction documents, specifications, consultation, and furnishing customary civil engineering services, including bid solicitation, construction inspection and administration in assistance with the City of Bel Aire.
2. After written authorization to proceed, the ENGINEER shall:
  - A. Consult with OWNER to clarify and define OWNER's requirements for the project and review available data.
  - B. Identify and analyze requirements of governmental authorities having jurisdiction to approve the design of the Project and participate in consultations with such authorities.
  - C. Prepare schematic layouts, sketches, and conceptual design criteria with appropriate exhibits to indicate clearly the considerations involved including applicable requirements of governmental authorities having jurisdiction as aforesaid and the alternative solutions available to OWNER.
3. After written authorization to proceed with the Preliminary Design Phase, ENGINEER shall:
  - A. Prepare Preliminary Design documents prepared on standard 1/2 scale or PDF consisting of design criteria, preliminary drawings, and written descriptions of the Project in accordance with city specifications.

- B. Furnish copies of the Preliminary Design documents and present and review them with OWNER within 60 days after the notice to proceed is received by the ENGINEER.
4. After written authorization to proceed with the Final Design Phase, ENGINEER shall:
- A. On the basis of the accepted Preliminary Design documents and revised opinion of probable Total Project Costs prepare for incorporation in the Contract Documents final drawings to show the general scope, extent and character of the work to be furnished and performed by the contractor(s) (hereinafter called "Drawings") Furnish the above documents of the Final Design on 23" x 36" paper or PDF and present and review them in person with OWNER within 30 days after the written authorization to proceed with final plans is received.
  - B. Provide any type of field surveys for design purposes as necessary for the Project.
  - C. Prepare to serve as a consultant or witness for OWNER in any litigation, arbitration or other legal or administrative proceeding involving the Project.
5. To procure and maintain such insurance as will protect CONSULTANT from damages resulting from errors, omissions and negligent acts of the CONSULTANT, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this Contract and for which CONSULTANT is legally liable. Such policy of insurance shall be in an amount not less than \$1,000,000.00 subject to a deductible of not more than \$100,000.00. In addition, a workers' compensation and employer's liability policy shall be procured and maintained. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment which, for any reason, may not fall within the provisions of the workers' compensation law. The liability limit shall be not less than the statutory amount for workers' compensation and not less than \$500,000.00 for each occurrence for the employer's liability coverage. Further, a comprehensive general liability policy shall be procured and maintained by the CONSULTANT that shall be written in a comprehensive form and shall protect CONSULTANT against all claims arising from injuries to persons (other than CONSULTANT's employees) or damage to property of the CITY or others arising out of any negligent act or omission of CONSULTANT, its agents, officers, employees or subcontractors in the performance of CONSULTANT services under this Contract. The CITY shall be listed as an additional insured. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory certificates of insurance shall be filed with the CITY prior to the time CONSULTANT starts any work under this Contract. The CONSULTANT shall furnish the CITY copies of all insurance policies or certificates of insurance that relate to the insurance policies that must be maintained hereunder. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written

notice by the insurance company before such policy is substantially changed or cancelled.

6. ENGINEER shall prepare all supporting construction plans and shall assist the OWNER where necessary in the solicitation phase.
7. ENGINEER shall provide construction inspection and administrative services for the Project in a form which is acceptable to the OWNER and is a timely and reasonable manner as necessary to facilitate the contractor's construction operations including Final As-Builts & Certification to the City for their permanent files.
8. ENGINEER shall also obtain all necessary Local, State, Federal or C.O.E. Permit including prepare and submit all required applications to proceed with the timely process of plan approval.
9. OWNER shall do the following in a timely manner so as not to delay the services of ENGINEER:
  - A. Designate a person to act as OWNER'S Representative with respect to the services to be rendered under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to ENGINEER's services to the Project.
  - B. Provide all criteria and full information as to OWNER's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expand-debility, and any budgetary limitations; and furnish copies of all design and construction standards which OWNER will require to be included in the Drawings Specifications.
  - C. Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project.
  - D. Examine all studies, reports, sketches, drawings, specifications, proposals, and other documents presented by ENGINEER, obtain advice of an attorney, insurance counselor, and other consultants as OWNER deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of ENGINEER.
  - E. Assist to furnish approval and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from other may be necessary for completion of The Project.
  - F. Give prompt written notice to ENGINEER whenever OWNER observes or otherwise becomes aware of any development that affect the scope or timing of ENGINEER's services, or any defect or nonconformance in the work of any contractor.
10. The provisions of and the various rates of compensation for ENGINEER's services in this Agreement have been agreed to in anticipation of the orderly



and continuous progress of the Project from the design phase through completion of the construction administration and inspection phase.

- 11. If OWNER has requested significant modifications of changes in the general scope, extent or character of the Project, the time of the performance of the ENGINEER's services shall be adjusted equitably.
- 12. OWNER shall pay ENGINEER for Basic Engineering Services rendered under paragraph 1 on the basis of the following fees:

Sanitary Sewer Main Improvements	FEE
Engineering Design (Lump Sum)	\$ 13,800
Bid Solicitation (Lump Sum)	\$ 1,200
Construction Admin./Inspection (NTE)	\$ 11,500
TOTAL =	\$ 26,500

- 13. In the event of termination by OWNER upon the completion of any phase, payments due ENGINEER for services rendered through such phase shall constitute total payment for such services. In the event of such termination by OWNER during any phase, ENGINEER will be paid for services rendered based upon the percentage of completion of that phase and the amount established herein as compensation of that phase.
- 14. The obligation to provide future services under this Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.
- 15. This Agreement shall be governed by the law of the State of Kansas, and the parties agree and stipulate that any action regarding this agreement shall be brought in the District Court of Sedgwick County, Kansas, and no other Court.
- 16. OWNER and ENGINEER each is hereby bound. The partners, successors, executors, administrators, and legal representatives of ENGINEER are hereby bound to the OWNER, in respect of all covenants, agreements, and other obligations of this Agreement.
- 17. Neither OWNER nor ENGINEER shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent associates and consultants as ENGINEER may deem appropriate to assist in the performance of services thereunder.
- 18. Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than OWNER and ENGINEER, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of OWNER and ENGINEER and not for the benefit of any other party.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

THE CITY OF BEL AIRE, KANSAS

BAUGHMAN COMPANY P.A.

\_\_\_\_\_  
Jim Benage, Mayor

  
\_\_\_\_\_  
N. Brent Wooten, President

Address for giving notices:

Address for giving notices:

7651 E. Central Park Ave.  
Bel Aire, Kansas 67225

315 Ellis  
Wichita, KS 67211

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Michelle L. Miller, Accountant



Appendix 1

Engineer’s Standard Hourly Rates

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A. *Standard Hourly Rates:*

- 1. Standard Hourly Rates are set forth in this Appendix 1 and include salaries and wages paid to personnel plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin and profit.

B. *Schedule of Hourly Rates:*

- 1. Hourly Rates for services performed on or after the Effective Date are:

Company Officer	\$ 200.00 / Hour
Project Manager / Engineer	\$ 155.00 / Hour
Design Engineer	\$ 120.00 / Hour
Design CAD Technician	\$ 85.00 / Hour
Construction Inspector	\$ 110.00 / Hour
2-Man Construction Staking Crew	\$ 150.00 / Hour
Soil / AC Testing Technician	\$ 50.00 / Hour
Soil Testing Engineer	\$ 145.00 / Hour
Soil Lab Test	\$ 150.00 / Test
GSI Project Setup	\$ 750.00 / Each
GSI Project Management	\$ 100.00 / Each
Testing Trip Mileage	\$ .60 / Mile

**REVISED NON-DISCRIMINATION AND  
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM  
REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this agreement, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this agreement, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.
  
- B. Requirements of the State of Kansas:
  - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
  - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";
  - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
  - 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
  - 5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.
  
- C. Requirements of the City of Bel Aire, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:
  - 1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Bel Aire, Kansas, in accordance with the guidelines established for review and evaluation;
  - 2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or

subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;

3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;
4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, sub-purchase order or sub-agreement so that such provisions will be binding upon each subcontractor, sub-vendor or sub-supplier.
5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

(First published in the Ark Valley News  
on the \_\_\_\_ day of \_\_\_\_\_, 2022.)

## THE CITY OF BEL AIRE, KANSAS

### ORDINANCE NO. \_\_\_\_

#### **AN ORDINANCE REGULATING STREET PARKING BY PROHIBITING THE PARKING OF VEHICLES ON PRAIRIE COURT IN BEL AIRE, KANSAS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

**Whereas**, The Governing Body having determined based on advice from the Sedgwick County Fire Department that it is in the best interest of the health, safety, and welfare of the residents of Bel Aire, Kansas, that vehicle parking be prohibited in the following area: The entirety of Prairie Court, in the Prairie Preserve Development, within Bel Aire, Kansas.

#### Section 2. Definitions

"Vehicle" as used in this ordinance shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway.

"Parking" shall mean the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and actually engaged in loading and unloading passengers or property.

#### **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:**

**SECTION 1. Parking Prohibited:** Vehicle parking is prohibited throughout the entirety of Prairie Court, in the Prairie Preserve Development, within Bel Aire, Kansas.

**SECTION 2. Penalty:** Upon posting of signs prohibiting parking as provided herein, any owner or operator of a vehicle parked in violation of the provisions of this ordinance shall, upon being found guilty of violating the provisions of this ordinance, be subject to an appropriate fine proscribed for prohibited parking and court fees as listed in the current City of Bel Aire Fee Schedule.

**Section 3. Effective Date:** Ordinance shall take effect and be in force from and after its publication in the official city newspaper. Enforcement may commence upon the posting of signs prohibiting parking as declared herein.

Passed by the City Council this \_\_\_\_\_Day of \_\_\_\_\_, 2022.

Approved by the Mayor this \_\_\_\_\_Day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jim Benage, MAYOR

ATTEST:

\_\_\_\_\_  
Melissa Krehbiel, CITY CLERK

SEAL





(First Published in the Ark Valley News on July \_\_\_\_, 2022.)

THE CITY OF BEL AIRE, KANSAS

ORDINANCE NO. \_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM AG AGRICULTURAL ZONING TO R-5 RESIDENTIAL USE ON CERTAIN PROPERTY, **BEL AIRE LAKES ADDITION** LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS.

WHEREAS, the legal description of the tract of land is as follows:

**Legal Description**

*The North Half of the Southeast Quarter of Section 17, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.*

WHEREAS, A public hearing was convened on the matter of rezoning the afore described tract on JULY 7, 2022, by the Planning Commission for the City of Bel Aire, Kansas in conformance with the requirements set forth in Article Five of the Zoning Regulations of the City of Bel Aire, Kansas;

WHEREAS, Following the public hearing, the Planning Commission found that the evidence does support this requested zone change based upon the guidelines set forth in Article 5.02 of the Zoning Regulations of the City of Bel Aire, Kansas;

WHEREAS, The Planning Commission for the City of Bel Aire, Kansas recommends approval of the application by the property owner to change the tract of land, as described above, from AG AGRICULTURAL ZONING TO R-5 RESIDENTIAL USE;

WHEREAS, the Governing Body has considered the factors set forth in Article 5.01 and Article 5.02 of the Zoning Regulations of the City of Bel Aire, Kansas in relation to this tract;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

SECTION 1. The Governing Body supports the recommendation of the Bel Aire Planning Commission, and approves the rezoning of the tract of land from AG AGRICULTURAL ZONING TO R-5 RESIDENTIAL USE

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the City Council this \_\_\_\_ day of JULY, 2022.

Approved by the Mayor this \_\_\_\_ day of JULY, 2022.

/s/ JIM BENAGE, MAYOR

ATTEST:

/s/ MELISSA KREHBIEL, CITY CLERK

City of Bel Aire, Kansas

## STAFF REPORT

DATE: July 12, 2022

TO: Governing Body, City Manager

FROM: Planning Commission

RE: July 7<sup>th</sup> Planning Commission Meeting Report



### **ZON-22-03—Proposed rezoning from AG to an R-5 for single-family zoning use (Bel Aire Lakes-formerly Sham Way Estates)**

Planning Commission reviewed the applicants request to rezone property generally located at the Northwest corner of 53<sup>rd</sup> St and Webb Rd in accordance with Article 5 of the City of Bel Aire's Zoning Regulations. With diligence, the Planning Commission discussed and studied the material provided by the applicant, as well as the staff report on the various aspects of the zoning change and how it relates to the City's Master Growth Plan. The Commission conducted a public hearing on July 7<sup>th</sup>, 2022, regarding the application and allowed interested parties and citizens the opportunity to be heard. There were no public inquiries or response to the proposed zoning change.

A representative of Savoy Company, P.A. was present to receive questions and provide information to the Commission regarding the rezone and to answer questions relating to the preliminary plat of the proposed subdivision.

After the public hearing was closed, the Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in Section 5.02 (D) of the Zoning Regulation. Commissioners discussed the Golden Factors, below are notes of *some* of these factors:

#### **Character of the Neighborhood**

- The Commission discussed the proposed uses and how this coincides with the Master Growth Plan with the staff's report on the matter.

#### **Zoning and Uses of Nearby Properties**

- The surrounding properties are zoned AG, R-5, C-1, and M-1. Southwest of the property is Northeast High School. The property directly west of the applicant's property is unplatted AG, the property to the North was annexed by the City and is currently zoned M-1, and the property to the East is zone AG. There have been no improvements to the surrounding properties at this time.

#### **The Suitability of the Subject Property for the Proposed Uses**

- The Planning Commission found that there would be no detrimental affect to nearby properties and the zoning would be consistent with the City's Master Growth Plan.

Having reviewed all of the above-mentioned aspects of the rezoning, the Planning Commission voted (by passing a 5-0 motion) to **recommend approval of the request to rezone the property from AG to R-5 (Bel Aire Lakes) residential.**

**V-22-02 Vacation of a portion of platted building setback line, to allow a 15' setback line, in Replat of Lawn Terrace Addition**

Planning Commission reviewed a proposal from a resident to have the front setback of their property be amended from 30' to 15'. This was requested to build a garage addition to the front of his house for more first-floor living space in order to remain in their home as they age. There were no other citizens to protest the vacation and the Commission discussed the uses of nearby properties and the reasonableness of the request. According to the application completed by the homeowner, while a 15' setback was requested, the addition would keep the front of the house 25' from the road. The staff report stated that there would be no adverse effect on the vision triangle with the vacation.

Having reviewed the information provided to the Planning Commission and thorough discussion on the proposal, the Planning Commission voted (by passing a 5-0 motion) to **recommend vacation of a portion of the platted building setback line, to allow a 15' setback line, in Replat of Lawn Terrace Addition without changes.**

**Election of Planning Commission Chair and Vice-Chair**

The Planning Commission was required to elect the annual Chair and Vice Chair positions. James Schmidt was nominated for the position of Chair with a term ending in June 2023 and the Planning Commission voted (by passing a 5-0 motion) to appoint James Schmidt as Chair of the Planning Commission.

Phillip Jordan was nominated for the position of Vice-Chair with a term ending in June 2023 and the Planning Commission voted (by passing a 5-0 motion) to appoint Phillip Jordan as Vice-Chair of the Planning Commission.

(First published in The Ark Valley News on \_\_\_\_\_, 2022)

## **THE CITY OF BEL AIRE, KANSAS**

### **ORDER OF VACATION**

#### **AN ORDER VACATING A PORTION OF A PLATTED BUILDING SETBACK LINE ON CERTAIN PROPERTY LOCATED IN THE LAWN TERRACE ADDITION WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS.**

**WHEREAS**, Thomas L. Goodson, has applied for a vacation of platted building setback line to allow the setback to be reduced to a 15' setback line at 5125 E. 46<sup>th</sup> St N.

**WHEREAS**, Notice of the public hearing regarding vacation was published in the Ark Valley News on May 19, 2022.

**WHEREAS**, Written notice of the public hearing regarding the request for vacation was mailed more than 20 days prior to the date of the public hearing, by regular mail to all property owners living within 200' feet of the subject property, advising of the date and time of a public hearing to be held regarding vacation of a portion of a dedicated building setback line upon the subject property;

**WHEREAS**, A public hearing was held before the Bel Aire Planning Commission on July 7, 2022;

**WHEREAS**, Following the public hearing the Planning Commission determined that due and legal notice was given for the requested vacation, no private rights would be injured or endangered by the vacation, the public would suffer no loss or inconvenience due to the vacation, and in justice to the petitioner the vacation should be granted;

**WHEREAS**, In conformance with Section 10.04(B) of the Bel Aire Subdivision Code, the Planning Commission voted unanimously to recommend to the Governing Body approval of vacation of platted building setback line to allow the setback to be reduced to a 15' setback line upon the above described property in Lawn Terrace Addition.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:**

**SECTION 1.** The City Council, after being duly and fully informed as to the true nature of this petition and the propriety of granting the same, makes the following findings:

1. The owner, Thomas L. Goodson has applied for a vacation of a portion of the setback line at 5125 E. 46<sup>th</sup> St N.

2. That due and legal notice has been given by publication as required by law, by publication in The Ark Valley News on May 19, 2022, was at least 20 days prior to the public hearing, written notification was mailed at least 20 days prior to the public hearing to all neighboring properties located within 200' of the subject property, and a public hearing was held on this request before the Bel Aire Planning Commission on July 7, 2022.
3. That following a public hearing, the Bel Aire Planning Commission found that no private rights will be injured or endangered by the vacation, the public will suffer no loss or inconvenience thereby, no written objection to said vacation has been filed with the City Clerk or the Planning Commission by any other property owner notified of the proposed vacation, and in justice to the applicants, the application to vacate ought to be granted.
4. That the Bel Aire Planning Commission unanimously voted to recommend that the Governing Body of the City of Bel Aire approve the requested vacation of a portion of the setback line at 5125 E. 46<sup>th</sup> St N.

**SECTION 2.** The vacation of:

*A 15' portion of the 30' setback line along the east side of 46<sup>th</sup> N at 5125 E. 46<sup>th</sup> St N.*

**SECTION 3.** This copy of this Order shall be certified by the City Clerk and sent to the County Register of Deeds to be filed.

Passed by the City Council this \_\_\_\_<sup>th</sup> day of July, 2022.

Approved by the Mayor this \_\_\_\_<sup>th</sup> day of July, 2022

\_\_\_\_\_  
MAYOR JIM BENAGE

ATTEST:

\_\_\_\_\_  
MELLISSA KREHBIEL, CITY CLERK  
SEAL

City of Bel Aire, Kansas

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#### The Suitability of the Subject Property for the Proposed Uses

- The Planning Commission found that there would be no detrimental affect to nearby properties and the zoning would be consistent with the City's Master Growth Plan.

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17220 Bel Ray Place  
Belton, Missouri 64012

Tel: (816) 318-8477  
Fax: (816) 318-8495  
[www.insituform.com](http://www.insituform.com)

AAJA-ZVJL15

REVISED June 21, 2022  
April 14, 2022

Attention -

Public Works Director - Dave Leiker

Tim Aelmore - [taelmore@belaire.kscoxmail.com](mailto:taelmore@belaire.kscoxmail.com)



**Tim Aelmore**

*Equipment Operator III*

7651 E. Central Park Ave.

Bel Aire, KS 67226

P: (316) 744-2888

### Proposal

Project Name:  
City of Bel Aire KS 2022 CIPP

**NOTE - Due to Resin pricing fluctuations – pricing valid thirty [30] days from proposal date**

INSITUFORM TECHNOLOGIES herein proposes to furnish a Proposal for all labor, materials, equipment, and services necessary to reconstruct the above referenced project.

### ASSUMPTIONS AND QUALIFICATIONS

INSITUFORM has based this proposal on a **nominal wall thickness** for the Insitutube. This is based on the best available information at the time of this proposal. Existing pipe deterioration in excess of the conditions assumed, ground water loads in excess of those assumed, or other loads or conditions may increase the recommended thickness for all or portions of the work. Final recommendations may be submitted to you following the completion of the preliminary TV phase of the project. Stated prices are subject to adjustment if design changes are agreed upon.

Laterals: During TV inspection all side sewers are verified, using best practical efforts, to determine if each is an active hook up. Normal practice only reinstates those, which are active. You may direct us to reinstate all or specific laterals as you desire. This proposal, unless otherwise stated, assumes that all laterals will be reconnected, and all will be internally reconnected using the Insitucutter. Specific service connections will

not be reconnected only when written directions are received from the Owner. The Owner will indemnify and hold **INSITUFORM TECHNOLOGIES** harmless from all claims arising from backups and other effects of such actions or inaction's from services not opened at the owner's request. In the event that Insituform is unable to locate or reconnect a service lateral internally, the Prime Contractor will externally reconnect the service at no cost to **INSITUFORM TECHNOLOGIES**.

**The Prime Contractor shall provide access to both ends of the line [including approval of adjacent landowners], including ALL clearing/grubbing, access roads and ALL restoration scopes adjacent to structures by Prime Contractor, and point repairs if needed. Installation can be completed after point repairs and accesses to both ends are completed.**

**PROPOSAL PRICING [REV 6 21 2022] –**

**CIPP pricing INCLUDES bypass for CIPP scopes ONLY, Traffic control for CIPP scopes ONLY**

Description	Units	Bid Units	Unit Price	Total	
8" CIPP	L Ft	4602	\$ 34.45	\$ 158,538.90	
10" CIPP	L Ft	2022	\$ 34.45	\$ 69,657.90	
Protruding Tap Removal [robotic only], if required	Each	0	\$ 220.00	\$ -	
Pricing is TAX Exempt				\$ 228,196.80	
All lines are tied for pricing, Adjustment in quantities may require pricing modifications					
CIPP Pricing INCLUDES Clean / CCTV - CIPP scopes ONLY					

**Schedule –**

**Mutually agreed to schedule between City of Bel Aire, KS and ITUSA**

**Locations –**

MH A	MH B	Depth A	Depth B	Street	Diam.	Length	Services
4	3	7	8	4859 N GLENDALE	10.0	370	8
3	2	8	9	4819 N GLENDALE	10.0	350	6
2	1	9	9	4761 N GLENDALE	10.0	386	8
1	3	9	9	4731 N GLENDALE	10.0	364	0
3	2	9	9	4731 N GLENDALE	10.0	444	5
2	1	9	9	4924 E 45TH ST N	10.0	108	0

6	5	8	8	4859 N HARDING	8.0	285	8
5	4	8	9	4829 N HARDING	8.0	400	6
4	3	9	9	4761 KRUEGER ST	8.0	400	8
1	3	9	9	4930 E 46TH ST N	8.0	217	2
LH	2	8	8	4604 KRUEGER	8.0	71	1
2	1	8	9	4604 KRUEGER	8.0	250	1
1	1	9	9	5018 E 45TH ST N	8.0	229	2
LH	1	8	9	5018 E 45TH ST N	8.0	104	1
4	3	8	8	4859 N BATTIN	8.0	390	10
3	2	8	9	4819 N BATTIN	8.0	200	4
2	1	9	9	4801 N BATTIN	8.0	112	2
2	1	9	9	4729 N BATTIN	8.0	368	4
6	5	8	9	4862 N BATTIN	8.0	130	2
5	4	9	9	4846 N BATTIN	8.0	405	5
4	3	9	9	4800 N BATTIN	8.0	405	5
3	2	9	9	4740 N BATTIN	8.0	266	4
2	1	9	9	4730 N BATTIN	8.0	370	6

### Project NOTES -

Pricing excludes surface videos, clearing / grubbing / ROW, access / access roads, special permits and insurances, etc. – by Owner

**ITUSA is EXCLUDING ALL pipe preparation** - mandrelling of existing pipes, ALL excavation / point repairs, ALL required joint repairs, grout/fly ash scopes, etc. ITUSA's process does not require mandrelling and /or grouting – CIPP liner conforms to existing shape of host pipe – should any internal / joint repairs be required by Owner / Prime, ITUSA is EXCLUDING from our scope of work proposed.

Service reconnections by internal methods ONLY. Service reconnections that cannot be completed by internal methods may require excavation / reconnection by the Prime Contractor at no additional cost to ITUSA. Lateral launching of services, cleaning, lateral rehabilitation, etc. – Excluded.

The existence of the void(s) in and/or around the bottom of the existing pipe may indicate an unforeseen condition for both ITUSA and the Owner / Prime. Owner / Prime shall bear the responsibility for unforeseen conditions / subsurface conditions of the existing roadway, Pipe bedding, adjacent soil compaction, etc.

ITUSA shall not be contractually obligated to perform any investigation and / or repairs regarding the conditions beneath and / or around the existing culvert pipe. ITUSA's proposal to rehabilitate the culvert does not entail taking on the liability or cost of any unforeseen conditions that are pre-existing but unknown to all parties.

ITUSA's proposal to the Prime Contractor for CIPP rehabilitation does not entail ITUSA taking on the liability or cost to repair the unforeseen condition of the void[s] beneath/around the culvert. ITUSA's agreement to rehabilitate the culvert does not entail taking on the liability or cost of any unforeseen conditions that are pre-existing but unknown to all parties.

### PROPOSAL INCLUSIONS

The prices stated in this proposal include:

1. Mobilization and demobilization.
2. Bypass pumping if needed [CIPP scopes ONLY].

3. Internal service reconnections ONLY.
4. Pre-Video inspections and documentation of existing pipe prior to reconstruction with the Insituform process for pipe rehabilitated by CIPP.
5. Final video inspection following completion of the installation to document your new pipe rehabilitated by CIPP.
6. Insitutube wetout using 400,000 Flexural Modulus resin, inversion, curing, and finishing.
7. Confined space safe entry practices.
8. Certificate of insurance with a standard coverage.
9. One [1] year standard construction warranty included.

#### PROPOSAL EXCLUSIONS

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Not included in the prices stated in this estimate are costs associated with the items listed below. These items, if needed or found to be applicable, would be provided by **INSITUFORM TECHNOLOGIES** at your additional cost; or would be furnished by others, at your direction, at no cost to **INSITUFORM TECHNOLOGIES** :

- a) If preliminary video inspection of the pipe interior indicates excessive damage, or other extra-ordinary condition, which will require excavation, or other extraordinary remedy, to prepare the pipe for installation of the Insitutube, then those services shall be provided by the Prime Contractor or Owner. This may include excessive roots, excessive debris and protruding taps and point repairs / ALL Excavation and restoration scopes.
- b) Surface video documentation [Pre and Post] – Excluded.
- c) **Water for CIPP scopes [clean / CCTV + CIPP] – provided by Owner.**
- d) Additional cleaning and televising mobilizations and/or setups due to point repairs, obstruction removals, or delays out of our control will be an additional charge.
- e) Landscaping / shrub removal-replacement / ALL restoration scopes, etc.
- f) Manual operation of any pumping and/or metering stations.
- g) Legal dumpsite for debris resulting from pipes cleaning.
- h) *If any hazardous or toxic materials are encountered during the project, the Owner will be responsible for the removal and disposal of the materials.*
- i) Installation of cleanouts, or other ports, if required for special bypass pumping requirements for businesses.
- j) Manhole installation, rehabilitation, and/or replacement.
- k) Project permits and/or local licenses.
- l) State and local sales and/or use taxes on the value of the project. Tax Exempt pricing requires State and Project Tax Exempt Certificates.
- m) Additional premiums for special insurance coverage(s) demanded by you or other parties particular to this project [i.e.-railroad protective, etc.].
- n) **Performance and Payment Bond not included. This is available upon request, if required please add 1.5% to the total project cost.**
- o) **PE Stamped Design Calculations, if required, ADD \$2,500.**

#### PROPOSAL TERMS AND CONDITIONS

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- a) Limits of Liability. In consideration of **INSITUFORM TECHNOLOGIES**'s agreement to maintain no less than \$5,000,000 of comprehensive general liability insurance in the form required by the Contract, **INSITUFORM TECHNOLOGIES**'s liability to the Owner for any matter covered by such insurance will be limited to the extent of such insurance and the Owner will indemnify and hold **INSITUFORM TECHNOLOGIES** harmless from any third party claims covered by such insurance to the extent such claims exceed the limits of such insurance. Neither party shall be liable to the other for consequential damages relating to the contract. In case of conflict between this provision and any other provision in the Contract as ultimately executed, this provision shall govern and prevail.
- b) LIMITED WARRANTY. IN LIEU OF ALL OTHER EXPRESSED, IMPLIED AND/OR STATUTORY WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, CONTRACTOR AGREES TO CORRECT ANY DEFECTS IN THE MATERIALS OR SERVICES PROVIDED BY CONTRACTOR WHICH ARE BROUGHT TO THE ATTENTION OF CONTRACTOR WITHIN ONE YEAR FOLLOWING COMPLETION OF CONTRACTOR'S WORK, PROVIDED OWNER AFFORDS CONTRACTOR SUITABLE ACCESS AND WORKING CONDITIONS TO ACCOMPLISH SUCH CORRECTION.

- c) MUTUAL RELEASE OF CONSEQUENTIAL DAMAGES. Neither party shall be liable to the other for consequential damages relating to or arising out of the Contract.
- d) PROPOSAL SUBJECT TO NEGOTIATION OF OTHER STANDARD TERMS OF AGREEMENT. This proposal is subject to agreement of the parties on other terms and conditions as are customary in contracts of this nature.
- e) Quantities are estimated. Unit prices apply for actual invoice and payment.
- f) Payments are due at net within thirty days of invoice. Final payment is due within thirty days of completion of project.
- g) Monthly progress partial payments may be requested for the value of work in progress or completed, including materials secured and on site.
- h) Prices stated are in effect for thirty days from the date of this proposal. The acceptance period may be extended at the sole option of **INSITUFORM TECHNOLOGIES**.
- i) Conflicts. In case of conflict between the provision of the aforesaid paragraphs and any other provision in the Contract as ultimately executed the provisions as set forth above shall govern and prevail.
- j) **Insituform submits this bid based on the plans and specifications furnished to it. Insituform's bid is expressly conditioned upon the negotiation of terms and conditions fair to Insituform. Insituform shall have no obligation to perform and shall not be bound by its bid until the execution of a mutually agreeable written contract.**
- k) **Escalation Clause. If, during the performance of this contract, any cost price determining factor considered by Contractor in determining the contract price significantly increases, through no fault of Contractor, the price of this contract shall be equitably adjusted by an amount reasonably necessary to cover any such significant price increases. As used herein, a significant price increase shall mean any increase in price exceeding 5% experienced by Contractor from the date of the contract signing. Price increases resulting from increased costs of materials, labor, fuel, freight, and other cost inputs shall be verified, in writing, by Contractor's Vice President of Procurement. Due to the confidential nature of Contractor's pricing from Vendors, verification shall consist of a statement of percentage change in cost from the date of Contractor's estimate through the date of the change order request. Where the delivery of any material is delayed, through no fault of Contractor because of the shortage or unavailability of any raw materials, including resin, Contractor shall not be liable for any additional costs or damages associated with such delay(s). Nothing contained in this clause shall preclude Contractor from entitlement to more than one equitable adjustment if its costs continue to significantly (as defined above) rise during the duration of the project.**

Submitted by:  
**INSITUFORM TECHNOLOGIES USA, LLC**  
Brian T. McCrary P.E. - Business Development Manager  
Cellular 816 / 206 – 7703     [bmccrary@aegion.com](mailto:bmccrary@aegion.com)

Accepted

---

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name/Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

Company Phone / email: \_\_\_\_\_

Tax Exemption Number: \_\_\_\_\_

**This accepted proposal constitutes a formal agreement. If you initiate a purchase order or other document, it will not be acknowledged without this proposal as an attachment.**

---

Accepted By: ***INSITUFORM TECHNOLOGIES USA, LLC***

By: \_\_\_\_\_

Date: \_\_\_\_\_

City of Bel Aire, Kansas



STAFF REPORT

DATE:  
TO: Ty Lasher, City Manager  
FROM: Dave Leiker, Public Works Director  
RE: Cured-In-Place Pipe Project

BACKGROUND

Cured-in Place-Pipe (CIPP) is made of non-woven polyester felt coated with a polyurethane resin. After being inserted into the existing pipe it is then heated to 150 degrees using steam to cure the resin. After curing a remote controlled cutter is inserted into the new pipe and the house service connections are cut out.

The city has recently had CIPP installed in Pearson’s Addition and the next area due for this improvement is Lawn Terrace.

DISCUSSION

Staff reached out to three contractors requesting bids for the installation of 4,602 linear feet of 8” CIPP and 2,020 linear feet of 10” CIPP in Lawn Terrace. One of the three contractors that were contacted responded with a bid that met specifications.

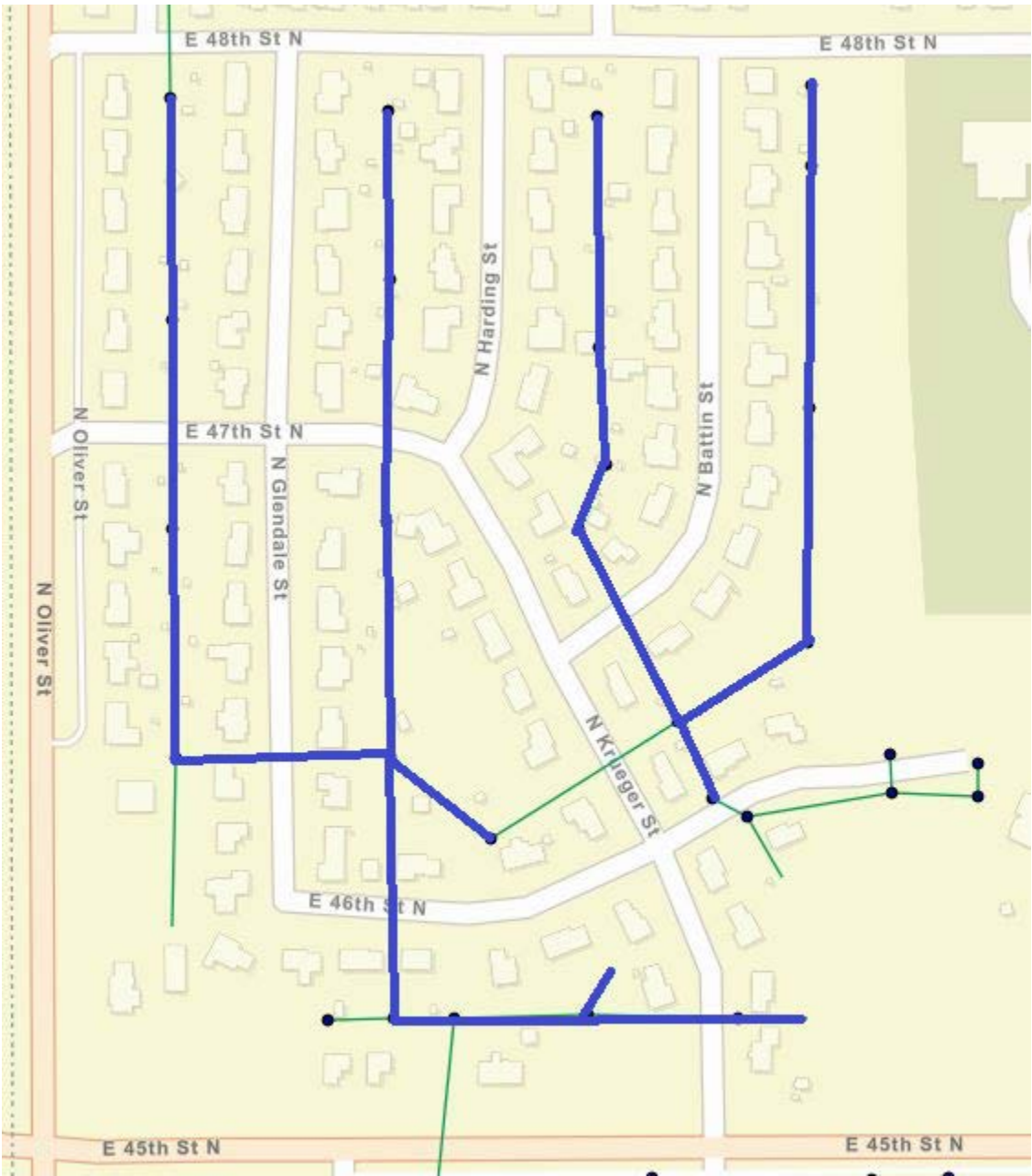
Contractor	Total Bid	Protruding Tap Removal
Insituform	\$228,196.80	\$220.00
UMC	No Bid	
Mayer Specialty Services	Could not meet specs.	

Additional costs may be incurred for any protruding tap removals and if any point repairs are necessary. Costs for protruding tap removals were bid on a per each basis and the unit costs are listed in the table above. Costs for any necessary point repairs will be determined once the contractor has had a chance to assess each individual situation. Point repairs are only necessary when the sewer line has failed to a point where lining is not possible.

RECOMMENDATION

Staff recommends that the City Council accept the bid from Insituform in the amount of \$228,196.80.

The map below indicates the sewer mains that will be lined with this project.





## TAX INCREMENT FINANCING POLICY

**Revised: 7/16/2012 & 7/5/2022**

The City of Bel Aire, under the authority conferred by KSA 12-1770 et. seq., will consider the use of tax increment financing (TIF) to encourage and facilitate the development and/or redevelopment of areas within its corporate City limits or within its growth area.

Background:

The Kansas Legislature first authorized Tax Increment Financing in 1976 via K.S.A. 12-1770 et seq.. The act allows for the issuance of special obligation or full faith and credit tax increment bonds, or pay-as-you-go tax increment financing, for qualified development or redevelopment projects.

Tax Increment Financing allows for the increase in property tax revenues within the district to pay for eligible development project costs. The “tax increment” is the increase in property tax revenue resulting from the difference between the assessed valuation of the property in the district after development or redevelopment compared with the value at the time of establishment of the district (Base Year). The tax increment is used to pay for the eligible project costs while revenues attributable to the Base Year valuation continue to go to all taxing districts. TIF revenues may be used to pay principal and interest on City bonds issued to finance the eligible project costs or reimburse the developers for such costs on a “pay-as-you-go” basis.

### Incentive Objectives:

The City will use tax increment financing to accomplish these major objectives:

- Eliminate blighted areas.
- Encourage redevelopment or development of underutilized commercial areas.
- Increase the city's property tax base by providing high quality development.
- Encourage additional private development.
- Support development efforts that enhance urban features and amenities.
- Facilitate development on sites that otherwise development has little potential without use of TIF.

Projects intending to use tax increment financing must provide a public purpose statement to identify the public benefit served by the development. Alternatives, such as “pay-as-you-go” financing and reimbursing front-end public development costs with TIF revenues, are preferable to bond financing and are to be consider and used when appropriate. Only those public improvement costs directly associated with the proposed development plan or project should be financed through TIF. Eligible expenses defined pursuant to K.S.A. 12-770a(o) include:

- Property acquisition
- Relocation costs
- Site preparation, including demolition and environmental soil remediation
- Sanitary and storm sewers and lift stations
- Utility relocations and extensions

- Landscaping, lighting, paving, including parking lots
- Public streets
- Drainage conduits, channels and levees
- Plazas, parks and public gathering spaces
- Parking facilities include multi-level structures
- Costs associated with above uses, such as design and financing.

Excluded uses are costs related to building construction, except for multi-level public parking structures and other uses specifically authorized by statute.

#### Project Requirements:

- Tax Increment Financing will be only used as a final effort for funding.
- Projects should provide the highest possible private financing investment ratio. For TIF projects, ratio shall be 3 – 1.
- TIF projects and development agreements will be prepared in a way to not place additional ongoing financial burden on the City.
- The developer must provide adequate financial guarantees to ensure completion of the project, including but not limited to, assessment agreements, letters of credit and personal guaranties, etc.
- Developer shall adequately demonstrate, to the City's satisfaction, an ability to complete the proposed project based on past development experience, general reputation, and credit history. City may request, at the developers' expense, a third-party analysis of the developer's capacity.
- An appropriate apportionment of the TIF proceeds should be used to pay for additional municipal facilities or public infrastructure beneficial to the TIF project. TIF funds will be prioritized for said improvements. The adequate portion will be negotiated per project.
- Construction will commence within one year of the City Council approval or development agreement will be void, unless extended by the City Council
- Any developer-controlled land will have deed restrictions placed to ensure any disposition of property cannot change without approval from the City.

#### Economic Analysis and Financial Requirements:

- All TIF projects will be analyzed to determine the need for financial assistance. TIF projects financed on a "pay-as-you-go" will be reviewed to determine the amount and level of assistance needed.
- Applicants will be required to provide City Staff with pro forma cash flow analysis and uses of funds in sufficient detail to demonstrate that reasonably available conventional debt and quality financial sources will not fund the entire cost of the project and still operate with reasonable market rate return on investment based on current market capitalization rates identified by a qualified third party.
- Financial Feasibility Analysis will be conducted by City staff to determine the capacity and need for TIF financing.
- Projects return on public investment will be reviewed by the Center for Economic Development and Business Research (CEDBR) fiscal impact model.

- TIF shall not be used to supplant cash equity. Developer cash equity contribution shall be at least 15%. Tax credits will be considered equity, but a minimum 5% equity must be developer cash. Deferred developer fees will not be considered.
- Developer will be required to personally guarantee 100% of the TIF annual debt service payments on the City bonds issued to finance the TIF project costs. Letters of credit, bond insurance, pledged collateral or other acceptable forms of credit will be required as additional security obligation.
- Developer agrees not to protest the value assessed by the County Appraiser's Office during the life of the Project, unless actual values exceeded project values used in the TIF analyses by at least 150%
- Developer shall be able to demonstrate a market demand for a project. TIF shall not be used to support purely speculative projects. City may require a third-party market study when appropriate.
- Maximum term shall be 20 years.
- In cases where bond issuance is requested, the City's staff will work with developer to calculate how much revenue will be raised for the TIF district and the principal amount of bonds that can be issued based on the tax revenue stream and a 1-3 debt service coverage ratio.
- The city will conduct a background check on all TIF applications and all partners. Applicants are required to [provide City staff with the personal and business information needed to carryout such a background check. Information for a background check will be treated as confidential information to the extend allowed by KORA.

Application Fee:

- \$5,000 – Non-Refundable
- \$2,500 for Amendments to TIF Districts – Non-Refundable

Project Application:

A developer interested in the use of Tax Increment Financing will prepare and submit a Project Application Packet to the City Manager, along with a \$5,000 application fee and \$10,000 deposit fee. An application will contain the following information:

- A preliminary plan that outlines the scope of the project.
- A description of the project including public purpose.
- Market study of the area that demonstrates the need and feasibility of the project.
- Listing of project milestones.
- Financial plan with costs, proposed funding sources and financial gap.
- Information regarding the proposed uses or changes of the land.
- Preliminary site plan of the proposed project.
- Proposed changes to current land use and infrastructure.
- Any known environmental concerns.
- Visual depictions of the proposed project, renderings and elevations.
- Project team, names, affiliations, rolls of each team member and responsibilities.
- Other information that will provide the city with a better understanding of the proposed development.

Fees:

The City shall require a \$10,000 deposit. The deposit shall be applied toward staff time, expenses for any mailing or publications, interna / external legal counsel. This fee shall be replenished by the applicant at any time the fund drops below \$5,000. The applicant shall replenish the fund to \$10,000 level within 10 days of notice that is has dropped below the \$5,000. Failure to replenish the deposit may result in the City staff ceasing the processing of the project. Amendments to the TIF district require a \$2,500 deposit that will require replenishing if the funds drip below \$1,000.

TIF Creation Process:

The first step required in the TIF process shall be the adoption of a resolution by the City Council. This resolution shall provide for the following:

1. Notify the public that a hearing will be held to consider the establishment of a district.  
The notification shall fix the time and place of the hearing.
2. Describe the proposed boundaries of the district.
3. Describe the district plan and that such plan includes a map, both of which are available for inspection at a designated time and place (i.e. City Hall, M-F, 8-5).
4. State that the City Council will consider findings necessary for the establishment of a development district.

Upon the completion of the public hearing, the City Council may pass an ordinance which shall:

1. Make findings that the district proposed to be developed is an eligible area and the development or redevelopment of the area is necessary to promote the general and economic welfare of the City.
2. Contain the district plan as approved, which will identify all of the proposed development project areas and identify in general only, all of the buildings and facilities that are proposed to be constructed or improved.
3. Contain the legal description of the district, legally establish the district, and identify the boundaries of the district. No area shall be included within the boundaries of the final development district that were not included in the original, published notice.

Under KSA 12-1771(d), the City may not acquire any privately owned property subject to ad valorem taxes in the event either the school board or the county commission finds that the impact of the proposed TIF district will have an “adverse effect” on their respective governmental entities. In the event either the school board or the county commission adopts a resolution finding their entities will experience an adverse effect, the City Council shall adopt an ordinance within 30 days of receiving said resolution from either governing body terminating the TIF district.

Provided that neither the school board nor the county commission finds an adverse effect of the proposed TIF district on their operations, the city will proceed to the development of the project plan. The project plan shall be delivered to the county commissioners and the school board. The project plan shall include:

1. A summary of the feasibility study done as defined in KSA 12-1770(a), and amendments thereto, which will be an open record.
2. A reference to the district plan established under KSA 12-1771 that identifies the development project are that is set forth in the project plan being considered.
3. A description and map of the development area.
4. The relocation assistance plan required by KSA 12-1777.
5. A detailed description of the buildings and facilities proposed to be constructed or improved in such area.
6. Any other information the City Council deems necessary to advise the public of the intent of the project plan.

The Bel Aire Planning Commission shall review the project plan to ensure it is consistent with the City's comprehensive plan. Provided the project plan is consistent with the City's comprehensive plan, the City Council shall adopt a resolution stating that the City is considering the adoption of the project plan. This resolution shall:

1. Notify the public that a public hearing will be held to consider the adoption of the project plan and fix the time and place of the hearing.
2. Describe the boundaries of the development district, the date of the district's establishment, and the project's boundaries.
3. State the project plan, including a summary of the feasibility study, relocation assistance plan, and financial guarantees of the developer and a description and map of the area to be developed are available for inspection during regular office hours at City Hall.
4. Notify, if necessary, that the City intends to issue debt backed by the full faith and credit of the City.

The City may choose to issue special obligation bonds to pay for the improvements in the district, pledging a variety of revenue sources authorized by KSA 12-1774(a)(1). If the City Council elects not to issue full faith and credit bonds to finance the improvements in the district and instead elects to issue special obligation bonds, then such special obligation bonds shall not be general obligations of the City and shall not, in any event, give rise to a charge against its general credit or taxing powers, or be payable out of any funds or properties, other than those so pledged.

The City may also issue industrial revenue bonds in accordance with 12-1740 et. seq. and amendments thereto, as well as the City of Bel Aire's Industrial Revenue Bond policy. IRB's may be used for the purchase, construction, reconstruction, equipping, maintenance and repair of buildings and facilities within a development district established under 12-1770 et. seq.

Following this second public hearing, the City Council may adopt the project plan by ordinance. A two-thirds supermajority vote is required under KSA 12-1772(e). The project must be completed within 20 years from the adoption of this project plan.

Once the project plan is adopted, the City may begin acquiring property and transfer, sell or lease this property to a developer in accordance with the development project plan and under such other conditions as may be agreed upon.

Development Agreement:

The development agreement will outline general obligations of the City and Developer in regards to TIF project and identify any additional requirements specific to the project. The agreement shall include:

1. Expiration term based on size and scope of the project, which may be extended by the City Council.
2. Shall be void if construction does not commence within one year of the City Council approval, unless extended by the Council
3. Developer shall provide shortfall guarantees that obligates the developer to make up the difference any year that a TIF revenue is not sufficient to pay bond obligations.
4. Developer will agree to not protest the value assessed by the County appraisal during life of the project unless actual values exceed 150% of the values projected in the TIF analysis.
5. City obligations are condition upon final approval of the TIF and other city funding.
6. Satisfactory evidence to the City that developer has secured the loan commitment and any other courses of financing
7. City satisfaction with costs associated with the project in accordance with City plans, drawings and specifications.

Periodic Reporting:

For the duration of construction and development period, a progress report shall be provided by the Developer, on a regular basis as determined by the size and scope of the project, giving a status on the project TIF plan and existing development to date.

Amendment of TIF:

For any amendments to the TIF project plan or related development agreement, the developer shall pay an amendment fee of \$2,500. The city will require a \$5,000 deposit well as to pay city costs related to the amendment. The deposit shall be applied toward staff time, expenses for any mailing or publications, internal legal counsel and third party consultants.

Waiver of Guidelines:

Should the Council determine the terms of these guidelines are inappropriate to evaluate a particular TIF application, it may, by a majority vote, waive the binding effect of one or more of these guidelines in regards to that application.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by the Bel Aire City Council.

Attest:

Jim Benage, Mayor

Melissa Krehbiel, City Clerk

APPLICATION FOR TAX INCREMENT FINANCING

CITY OF BEL AIRE, KANSAS  
APPLICATION FOR TAX INCREMENT FINANCING  
FOR ECONOMIC DEVELOPMENT PURPOSES

The attached sheets, if any, are submitted as a part of this application.

Part I. Applicant Identification

Name of Applicant firm: \_\_\_\_\_

Contact Person (Name and Title): \_\_\_\_\_

Address: \_\_\_\_\_

Street or P.O. Box

City State Zip

Telephone Number: \_\_\_\_\_

Names and percent of ownership of all principal owners and officers of the Applicant

Firm: \_\_\_\_\_

If applicant is a tenant, identify property owner(s):

Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street or P.O. Box

City State Zip

Telephone Number: \_\_\_\_\_

Part II. Property Identification

List only property for which will be include in the TIF district.

- Land. Attach legal description of property and plat showing location of buildings, added improvements to buildings, or both.
- Building(s). Attach description.
- Added improvements to buildings. Attach description and estimated cost.
- Tangible personal property. Attach list of each item with identifying nomenclature and cost. Proof of purchase after August 5, 1986 must be provided for each item on list.

Part III. Business Information

Type of business organization:   
(i.e. corporation, subsidiary, partnership, sole proprietorship, etc.)

Date and place business organized or incorporated:

Name and parent company, if applicable:

Type of business:

Line or lines or products manufactured or research and development conducted, or goods or commodities stored in buildings, for which tax exemption is requested.

Percentage of building occupied by applicant business qualifying for tax abatement: %

List principal competition of the business within the City.

Name and location of firms:

Describe nature of competition:

Business is... (Please check one) ☐ New ☐ Existing



\_\_\_\_\_

**Part V. Description of Public Benefits**

Please attach a narrative description, of not to exceed two pages of the public benefits which you believe will occur if the requested exemption is granted.

**Part VI - Financial Responsibility**

Attach a description of the businesses’ financial situation. This may include a financial statement, audit and other relevant information to assess the stability of the business. Indicate whether there is any pending or threatening litigation affecting the viability of the business.

**Part VII. Certification of Applicant**

I, \_\_\_\_\_, hereby certify that the foregoing attached information is true and correct to the best of my knowledge.

Further, it is understood that additional information may be requested by the City to assist the Governing Body in its consideration of this matter.

Date\_\_\_\_\_Signed\_\_\_\_\_

Name\_\_\_\_\_

Title\_\_\_\_\_

**Part VIII. Acknowledgment of Receipt**

Receipt of \$5,000.00 fee is hereby acknowledged:

Date: \_\_\_\_\_ City Manager:\_\_\_\_\_

## PROJECT APPLICATION (CITY OF BEL AIRE, KS)

Name of Corporation/Partnership \_\_\_\_\_

Date of Request \_\_\_\_\_

Address \_\_\_\_\_

Primary Contact \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

### A. APPLICANT INFORMATION

#### B. Name and addresses of all persons or corporations who would be obligated as either applicant or personal guarantors of subsidy:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

#### C. Name and addresses of the principal officers and directors of the applicant:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

#### D. Applicant's Attorney

Name \_\_\_\_\_

Phone Number \_\_\_\_\_

#### E. Applicant's Financial Advisor

Name \_\_\_\_\_

Phone Number \_\_\_\_\_

#### F. Applicant's Accountant

Name \_\_\_\_\_

Phone Number \_\_\_\_\_

**G. Requested Subsidy:**

<b>Category:</b>	<b>Source/Type/Description:</b>	<b>Requested Amount</b>
Tax Increment Financing		\$
Tax Abatement		\$
Industrial Revenue Bonds		\$
Other – Land Write-Down		\$
Other – Special Assessments		\$
Other – Public Improvements		\$
<b>TOTAL REQUEST</b>		\$

**H. Complete Project Sources and Uses:****Sources:**

Private Bank Loan	\$
Private Equity	\$
State/Local Loan/Grant Funds	\$
Tax Increment/Tax Abatement	\$
Other (specify_____)	\$
<b>Total Sources:</b>	\$

**Uses:**

Land Acquisition	\$
Building Construction/Reconstruction	\$
Machinery/Equipment	\$
Site Improvements	\$
Installation of Public Utilities	\$
Parking Improvements	\$
Legal/Financial Costs	\$
Surveying/Platting/Permitting	\$
Other (specify_____)	\$
<b>Total Uses:</b>	\$

**I. Use of Subsidy:**

Amount requested for purchase of land:	\$
Amount requested for building:	\$
Amount requested for equipment:	\$
Amount requested for site improvements:	\$
Amount requested for public utilities:	\$
Working capital:	\$
Other (specify):_____	\$

TOTAL REQUEST \$ \_\_\_\_\_

**J. Project Details:**

1. Include the following project details on a separate sheet:

- # of housing units, type of housing units, size of housing units, etc
- breakdown of commercial square footage, i.e., office, retail, manufacturing, industrial, hospitality, entertainment, etc
- cost per square footage of construction of each type of housing unit and each type of commercial use
- commencement and completion for each project component, include site improvements and public infrastructure
- dates for sale or lease of units, occupancy start, and full occupancy, etc
- estimated appraised value of project when complete, separated by use
- describe how the property will be subdivided by uses
- estimated taxable sales per s.f. of retail, hospitality, etc.

2. Name and address of Contractor \_\_\_\_\_

Name and address of Architect: \_\_\_\_\_

3. What type of equipment will be financed, if any? \_\_\_\_\_

4. If the applicant will be in direct competition with local firms,

(a) name of firms: \_\_\_\_\_

(b) describe nature of the competition: \_\_\_\_\_

**K. Project Operations:**

1. Provide the following operating assumptions on a separate sheet:
- For property to be leased, provide the estimated lease rates by type, lease type, lease term, etc. (separate commercial uses from residential uses)
  - For property to be sold, provide the estimated gross sales price (and per unit or per s.f. measure) and cost of sales (separate commercial from residential uses)
  - Include detail of annual operating expenditures, separate commercial from residential uses
  - Prepare pro-forma statements through ten (10) years of operation beginning from initial construction, including revenue projections, operating expense projections, and a debt amortization schedule. Include hypothetical sale in the 10<sup>th</sup> year.
  - Prepare pro-forma statements with and without the requested subsidy

**L. Subsidy Analysis:**

1. Detail the need for the subsidy, the benefit to the applicant of the subsidy \_\_\_\_\_
- \_\_\_\_\_
2. Has additional financing, whether internally generated or through other loans, been arranged? (If yes, explain on an attached sheet) \_\_\_\_\_
- \_\_\_\_\_
3. Has the applicant investigated conventional financing? What are the proposed terms? \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**M. Proposed Location/Timing of Construction:**

1. Location of the project: \_\_\_\_\_
2. What percentage of the building will be occupied by the applicant? \_\_\_\_\_
3. Is the project properly zoned? \_\_\_\_\_
4. If a zoning change is pending, cite application number and present status. If application has not been made, briefly describe what change will be needed and plans for submitting application: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
5. If unusual demands for water or sewer services or police or fire protection will be made, specify the demands: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**N. Ownership and Management:**

1. Describe the development company, ownership, affiliated/partner companies (identify membership entities):

2. What portion of the project is being financed from other affiliate or partner funds?

\$

Please Explain

3. Will portions of the project be sold to other entities? If so, please explain

4. Describe all threatened or pending/outstanding litigation and legal claims or regulatory issues:

Disclosure items:

Has the applicant or any affiliated party defaulted on a real estate obligation?

Has the applicant or any affiliated party declared bankruptcy?

Has the applicant or any affiliated party had judgments recorded against them?

If the answer is yes to any of the above, please explain.

**O. Job Creation Detail:**

Type of Job	No. of this Type	Average Annual Wage
Professional		
Technical		
Clerical		
General Labor		
Other: (specify_____)		
What is the total Annual Payroll?		

**P. Financial Capacity:**

1. Provide copies of applicant's financial statements (balance sheets and income statements) for the past three years certified as correct by the owner or an authorized officer (or audited) and current (year to date)
2. Provide current (year to date) and three years historical financial statements (balance sheets and income statements) for the affiliated/partner entities, to demonstrate financial capacity
3. Provide last three years income tax returns for development principals, if applicable.
4. Audited financials are required, and if not available, provide an explanation.
5. Letter from the primary lender(s) stating the amount of conventional financing available for the project

**Q. References and Relevant Experience:**

1. Provide names and locations of recent comparable projects
2. Provide private, public, and non-profit sector references from comparable projects. Please include names of government contacts with which the developer worked, if applicable.
3. Include three relevant experiences.

I, \_\_\_\_\_, hereby certify that the foregoing attached information is true and correct to the best of my knowledge.

Further, it is understood that additional information may be requested by the City to assist the Governing Body in its consideration of this matter. A non-refundable application fee of \$5,000.00 will be paid upon submission of application.

Date\_\_\_\_\_Signed\_\_\_\_\_

Name\_\_\_\_\_

Title\_\_\_\_\_

Receipt is hereby acknowledged:

Date: \_\_\_\_\_City Manager:\_\_\_\_\_

**CITY OF BEL AIRE**

**COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY**

**Adopted: November 2, 2009**

**Revised: July 16, 2012**

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**PURPOSE**

The appropriate purpose and use of incentives is to broaden and diversify the tax base, create new job opportunities for the citizens of Bel Aire, and promote the economic growth and welfare of the City of Bel Aire. This policy is a statement establishing the procedures for granting of economic development incentives in accordance with the provisions of Section 13 of Article 12 of the Constitution of the State of Kansas and K.S.A. 79-251 and amendments thereto.

Any business, developer or entity wishing to utilize any type of economic assistance from the City of Bel Aire must complete a project application form included in this policy and pay the appropriate fee. The intent of the fee is to reimburse the City for consulting costs associated with evaluating the feasibility, types of incentives and benefits of the project for the City of Bel Aire.

The evaluation of economic development proposals shall be conducted with consideration given to state statute(s) governing the general use of public funds applicable to Bel Aire. Consideration will also be given to any statutory requirements or authority afforded the City to use specific economic development tools as outlined herein to facilitate economic development.

Depending on the size and scope of a specific project, Sedgwick County may be requested (or required by state law or otherwise) to take certain actions on City initiated economic development proposals. In these instances, businesses seeking assistance from both entities should expect to provide additional information for review by Sedgwick County. Lastly, it is the responsibility of the developer and/or business seeking economic development assistance to ensure the project for which they are seeking assistance conforms to all applicable planning and zoning requirements prior to the finalization and submission of the economic development application.



All economic development proposals will first be reviewed by the City Manager based on the information provided. The goal of protecting public funds shall be considered primary. This goal will be balanced with the City’s objectives of retaining business, creating jobs, increasing the tax base, growing the population, and improving the general well-being of the citizens of Bel Aire. Provided these conditions are met, the City Manager will forward the request on to the City Council.

**TYPES OF ECONOMIC DEVELOPMENT TOOLS AVAILABLE**

Several economic development tools are available to Bel Aire. In addition, the state legislature may enact or authorize new tools which the City will evaluate and may utilize. Current assistance includes (authority cited in parentheses):

1. *Cash Incentives and Grant Programs (KSA 12-101);*
2. *Infrastructure development (KSA 12-6a01 et. seq.);*
3. *Tax exemptions and/or abatements (KSA 79-251, Kansas Constitution, Article 11 Section 13);*
4. *Community Development Districts (KSA 74-115 et seq.);*
5. *Transportation Development Districts (KSA 12-17,140 et seq.);*
6. *Tax Increment Finance Districts (KSA 12-1770 et. seq.)*
7. *Industrial Revenue Bonds (KSA 12-1740 et seq.);*

Additional details and guidance on the use of these tools follows. City staff will assist anyone interested in economic development in Bel Aire to understand the process and this policy. The City will develop an incentives package tailored to meet the needs of specific applicants.

**BASIC ECONOMIC DEVELOPMENT REQUIREMENTS**

To be eligible for any public incentives of any kind, a business must be engaged in one or more of the following activities:

- **Manufacturing:** Determined by the North American Industry Classification System (NAICS) and consistent with the stated policies concerning industrial restrictions within the commercial City limits of Bel Aire.
- **Service Sector:** Majority of revenues must be generated through transactions of service and must demonstrate revenue-generating potential from areas outside of Sedgwick County.
- **Research and Development:** The conducting of research, development, or testing for scientific, medical, food or industrial products.
- **Warehousing and Distribution:** Majority of goods stored/shipped must be destined for end users located outside of Sedgwick County.

- **Corporate Headquarters:** May include “back office” operations and customer service activities, but shall not include outbound call centers.
- **Transportation:** Freight or passenger transportation services. Majority of revenue must be derived from interstate commerce or travel.
- **Tourism:** Attractions and events to considered likely to attract at least 30% of attendees from outside of Sedgwick County.
- **Medical Services:** Regional medical centers and specialty hospitals considered likely to attract at least 30% of patients from outside of Sedgwick County.

The basic requirements for any economic development assistance request follows:

1. A demonstrated positive return on investment from the use of economic development assistance. All requests for local incentives will have an Economic Impact Analysis (EIA) and a Return on Investment (ROI) calculation prior to consideration. A designated agent of the City will conduct the analyses and any fees associated with this application are the responsibility of the applicant. Analyzing the EIA and ROI will include projections on job creation and wages paid, increases to the tax base, population growth, and improved quality of life to the citizens of Bel Aire.
2. The assistance shall not be deemed a “speculative use” of public funds. “Speculative use” shall be defined as any analysis requiring adjustments to estimates used to calculate a return on investment to encourage a positive recommendation by the City Manager to the City Council.
3. Any requests for assistance (from the City only) on projects within the corporate City limits of Bel Aire shall require approval by the City Council. Requests for assistance from the City and county within the City limits of Bel Aire (or any requests for assistance in the Bel Aire Growth Area) shall require approval by both governing bodies. Additionally, when requests are made to both governing bodies, all application materials provided to Bel Aire and analyses performed by the City for consideration of an economic development request shall also be provided to Sedgwick County.
4. Any request for the use of a specific tool listed previously shall also conform to that tool’s specific policy requirements listed below. Furthermore, the City may require the applicant to reimburse the City for any expenses incurred as a result of the application. The amount reimbursed shall be for actual expenses incurred by the City. These expense reimbursements are considered in addition to any fees that may be required by the following economic development programs and are subject to statutory limitations of the tools selected.

All economic incentives will be formalized, in a written agreement, between the City of Bel Aire and the recipient company. The recipient company will be required to meet all the performance criteria associated with the respective incentive.

The City of Bel Aire reserves the right to audit a company to assure compliance with the Economic Development Incentive Agreement. The City Council may discontinue any ongoing incentives and require the incentives already received to be repaid in full or in part, as set forth in the Economic Development Incentives Agreement, if agreed upon performance criteria are not met.

**POLICY ON CASH INCENTIVES AND GRANT PROGRAMS**

Bel Aire will not provide unrestricted cash incentives for any business to locate within the City. Furthermore, the City will not provide cash incentives to perform feasibility studies for proposed projects. These are deemed improper uses of tax dollars by the City Council and any request for such cash assistance will be rejected.

The City will consider submitting or endorsing an application to any federal or state grant program for which a request for assistance is eligible. The applicant will be required to submit all information under the relevant grant program and meet all of the requirements of the respective grant program in the event the application for grant assistance is successful. The business will be responsible for providing information that is accurate and truthful and shall be fully responsible and liable in all regards to the grant program that is providing the business with assistance.

Additionally, the City may consider the use of a “Conditional Economic Development Reimbursement Agreement.” A reimbursement agreement allows the City to pledge a prospective business’ City property tax payments to be returned to the taxpayer in return for certain conditions being met by the business. The business, upon providing evidence verified by the City Clerk that the conditions set forth in the contract have been met (i.e. number of jobs pledged are in fact created and at wages provided for in the contract) and upon providing a copy of its paid property tax receipt from the County Treasurer’s office, will receive a reimbursement from the City for the City’s portion of the property taxes. The amount of eligibility for a reimbursement agreement will vary based on the pledges made by the business and its ability to fulfill the City’s economic development goals.

## **POLICY ON INFRASTRUCTURE DEVELOPMENT**

Bel Aire may facilitate, when appropriate and or petitioned, the development of public infrastructures within the corporate limits of the City. Whenever the total costs of the public infrastructure can be tied to a fixed and known group of benefiting properties, special assessments may be levied and placed on the tax rolls for those properties.

Infrastructure shall mean for the purposes of this policy: streets, sidewalks, sewers and sewer systems, water production and distribution systems, and storm drainage and control systems.

Expenses that may be assessed to benefiting properties under this policy include the cost to prepare preliminary and final engineering plans/specifications, easement and right of way acquisition, supervision/inspection of the project, actual construction costs, and any administrative or finance costs the City shall incur as a result of the project, as permitted by law. Construction costs for improvements designed and constructed under this policy shall also include an administrative fee paid to the City in an amount equal to 5% of the special assessment bond principal issued.

Assurances are to be considered provided whenever the City has been furnished a financial guarantee (irrevocable letter of credit, corporate completion bond, cashiers check, escrow account or cash) on 35% of the estimated principal cost of the project (engineering design, construction, inspections, temp note interest and administration?). The letter of credit (LOC) or bond will be in a form approved by the City, and name the City of Bel Aire as beneficiary. The assurance will serve to protect the general taxpayers of Bel Aire from subsidizing the special assessment debt. The assurance shall be filed prior to any debt being issued by the City for any of the expenses mentioned above and be in an amount equal to 35% of these same costs. Provided there are no delinquent taxes owed by the developer, the financial guarantee will be released upon request of the developer when certificates of occupancy are issued for at least 35% of the development that received improvements.

Should special assessments on all or a portion of the properties not be paid, the financial guarantee will be applied to the annual certification of special assessments to the Sedgwick County Clerk to satisfy the cost of public improvements of such properties.

Any developer with delinquent special assessments on existing development will not be considered for a new development under this policy. All developers filing an application under this policy will be required to certify, under oath, that no person having a financial interest in the lands in the benefit district is delinquent in special assessments for any city special assessment project within or outside the city. In addition, all developers must provide a list of all properties in which they hold a substantial ownership interest.

The City Council may waive or alter certain portions of this policy for special assessments issued to finance improvements to new infrastructures within the corporate City limits of Bel Aire at the request of the benefiting property owners. However, a substantial public benefit must be identified to waive or alter the policy.

POLICY ON TAX EXEMPTIONS AND/OR ABATEMENTS

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**Section 1. Purpose.** The purpose of this statement is to establish the official policy and procedures of the City of Bel Aire, for the granting of property tax exemptions and tax incentives for real and personal property used for economic development purposes.

**Section 2. General Objective.** The securing of private economic growth and development and the addition of new jobs within the community are important current and long-term objectives of this City. The granting of property tax exemptions and tax incentives is one of the tools available under Kansas law to help secure these public objectives. This statement is intended to establish the procedure and policy standards to govern the fair, effective, and judicious use of the power to grant such exemptions and tax incentives in this City.

**Section 3. Legal Authority.** The governing bodies of Kansas counties and cities may exempt certain property used for economic development purposes from taxes for a maximum of 10 years, in accordance with the provisions of Section 13 of Article 11 of the Kansas Constitution, subject to the requirements of KSA 79-251 et. seq. This authority is discretionary with the City, and the City may provide for tax exemptions-incentives in an amount and for purposes more restrictive than that authorized by the Constitution or state laws. Pursuant to its home rule powers, the City may (1) require the owners of any property for which an exemption is requested to provide certain information, (2) condition the granting of an exemption to an agreement providing for the payment of in lieu charges or taxes under the provisions of KSA 12-147 and 12-148, and (3) require the payment of initial application and annual renewal fees reasonably necessary to cover the costs of administration.

**Section 4. General Procedure.** The following basic procedure shall govern the issuance of tax exemptions-incentives within this City:

1. The applicant business shall apply for a tax exemption-incentive by filing a written application as provided in this policy.

2. If the City determines the requested tax exemption-incentive (a) may be lawfully granted,

and (b) the initial request is worthy of further consideration, the City shall prepare a cost-benefit analysis report of the requested tax exemption-incentive as provided in Section 12.

3. The City shall then determine whether the proposed tax exemption-incentive should be granted, following public hearing after the required notice.
4. If it is determined that some tax exemption-incentive should be granted, a maximum of 100% exemption of that property of the business legally eligible for exemption may be provided, but may be subject to an agreement of the business to make an in lieu tax payment as may be required by the City. The City reserves the right to set the tax exemption at a rate less than 100% and for a timeframe of less than 10 years.
5. The amount of the tax incentive, which will be an amount less than the taxes otherwise payable if the property were not exempt, will then be determined in accordance with this Statement.
6. Upon the failure of the business to fully and timely pay the in lieu tax payments, as may be required as a condition of the granting of an exemption, or to provide reports or other information requested by the City and reasonably necessary for the implementation of this policy, the City may either deny, revoke, or not renew the authorization of such an exemption. All requests for a tax exemption-incentive for economic development purposes shall be considered and acted upon in accordance with this Statement.

**Section 5. “Tax Incentive” Defined.** Various words and terms used in this statement are defined in Section 28. The terms “tax incentive” or “tax exemption-incentive” shall both mean the difference between the amount of ad valorem property taxes the affected business would pay if there were no City-granted exemption and the amount required to be paid as in lieu taxes or charges. For example, if the taxes required with no exemption were \$5,000, and the required in lieu payments were \$3,000, the “tax incentive” or “tax exemption-incentive” would be \$2,000.

**Section 6. Jurisdiction.** The City shall grant tax exemptions-incentives only for property located within the City.

**Section 7. Nominal Tax Determination.** All tangible property of a business receiving a tax exemption-incentive under this Statement shall be annually assessed by the county appraiser in the same manner as if it were not exempt, but the amount thereof shall not be placed on the assessment rolls. The amount of the property taxes which would be payable shall also be determined annually by the County Clerk and Treasurer, in the same manner as if the property were not exempt, but such shall not be placed on the tax rolls. Separate assessment and tax calculations shall be made for the land, for the improvements thereon, and for any taxable tangible personal property associated therewith, of the exempt business. The appropriate county officers are requested to provide the City with this information as early as possible, but not later than November 15 of each year.

**Section 8. Minimum Payment in Lieu of Taxes (PILOTs).** Except for property located within a Premium Zone, any applicant receiving a tax exemption-incentive pursuant to this statement shall be required to make a minimum payment in lieu of taxes which equals the amount of property tax which was paid or was payable for the most recent year on the appraised valuation of the real estate, including either buildings together with land or land only, prior to the

construction of new buildings or added improvements to buildings on such property or prior to the acquisition of the property by the new business.

The purpose of requiring this minimum in lieu tax payment is to ensure that the City, county, school district and any other taxing jurisdictions affected by the exemption will not receive less tax revenue from the exempted property than was received prior to the exemption. For extraordinary reasons, such as when vacant buildings are acquired for a new business or when the market value of the property decreases, this requirement may be waived in part or in whole by the governing body, as provided in Section 27.

**Section 9. Special Assessments.** Any tax exemption granted for real property under this statement shall not affect the liability of such property for any special assessments levied or to be levied against such property.

**Section 10. Pirating.** It shall be the policy of the City to discourage applications for tax exemptions-incentives, or to grant such tax incentives, which deliberately encourage and cause the pirating of business from another Kansas community to this community, or from this community to another Kansas community. It is the intent of the City to avoid participation in “bidding wars” between cities or areas competing for the location of new businesses or expansion of existing businesses through attempts to offer the largest tax incentive or other public inducement, which is detrimental to the state’s economy and the public interest. As provided in KSA 1991 Supp. 79-252, the City shall not exempt any tangible personal property of a business if such property is currently subject to ad valorem taxation within the State of Kansas or has been exempted from taxation pursuant to section 13 of article 11 of the Kansas Constitution, except if the governing body makes a factual determination that such an exemption is required to retain jobs in the state of Kansas, an exemption may be granted for such tangible personal property.

**Section 11. Application of “But-For” Principle.** Any tax exemption-incentive granted by the City shall be subject to the “but-for” principle, i.e., the tax incentive must make such a difference in determining the establishment of expansion of the business that the business would not otherwise be established or expanded in the City but for the availability of the tax incentive. It is the policy of the City Council that private businesses should not be subsidized with public funds, the indirect consequence of tax exemptions-incentives, unless some public good results and the public subsidization can reasonably be expected to make a significant difference in achieving economic growth and development and the creation of new jobs within the City.

**Section 12. Analysis of Costs and Benefits.** The City will consider granting tax exemptions-incentives only upon a clear and factual showing of direct economic benefit to the City through advancement of its economic development goals, including the creation of additional jobs and the stimulation of additional private investment. Before a tax exemption-incentive is granted to an application, a cost-benefit analysis report which shall examine the costs and benefits to the public of the proposed tax exemption-incentive will be required. Analysis will be completed by a designated agent of the City and all associated costs will be the responsibility of the applicant. The cost-benefit analysis report shall consider but not be limited to the following factors, as applicable:

- (a) The appraised valuation of the property in relation to the economic benefit to the City of increased employment.
- (b) The gain in tax revenue which may result from the new or expanded business, including the increase in the property tax base upon the expiration of the exemption.
- (c) The contribution that the new or expanded business will make towards increased employment and earnings within the community.
- (d) The number of new jobs created directly by the business in relations to the amount of tax incentives granted.
- (e) The kinds of jobs created in relation to the type of skills available from the local labor market.
- (f) The utilization by the business of labor skills and abilities of unemployed persons in the community.
- (g) The degree to which the business improves the diversification of the economy of the City and its environs.
- (h) The degree to which the ultimate market for the manufactured products is outside the community, recognizing that outside markets bring in “new money” to the local economy.
- (i) The potential of the business for future expansion and additional job creation.
- (j) The beneficial impacts the business may have by creating other new jobs and businesses, including the utilization of local products or other materials and substances in manufacturing.
- (k) The beneficial economic impact the business will have on a particular area of the City, including designated enterprise zones and areas of needed revitalization or redevelopment.
- (l) The compatibility of the location of the business with land use and development plans of the City and the availability of the existing infrastructure facilities and essential public services.
- (m) The extent to which additional direct or indirect public costs to the City and to other local units would be necessary, such as the cost of the extension of public facilities.
- (n) The extent to which the economic and employment benefits of the tax incentive accrue to the residents and taxpayers of those taxing subdivisions which indirectly “subsidize” the business as a result of the forgone tax revenue.

**Section 13. No Exemptions.** (1) No tax exemption shall be granted if the exemption would create, in the judgment of the City Council, an unfair advantage for one business over another competing business within the City. (2) No tax exemption shall be granted to any business which commenced operations prior to August 5, 1986, nor for the expansion of a business unless such expansion created new employment.

**Section 14. Amount of Tax Incentives.** The two primary objectives of the City in granting tax exemptions for economic development are to (1) provide needed jobs, and (2) expand the economic and tax base of the City. Property taxes may be abated for new improvements to real property and for newly acquired items of personal property used by an eligible business in connection with an expansion or relocation of the business’ operations in Bel Aire. Land and existing building are not generally eligible for property tax abatement. Existing buildings within the City of Bel Aire will only be considered for tax abatement if the building has been vacant for



at least three years and is acquired by a party not related to the previous owner. Motor vehicles are not eligible for property tax abatement under this definition.

An initial maximum term of ten (10) years can be granted subject to review and approval of the City Council. Recommended percentages of property tax abatements shall be based on new job creation and capital investment by the eligible business. A sliding scale percentage system shall be used to determine abatement. Detailed scales are found in Section 29.

**Section 15. Application Required.** The City will not consider the granting of any tax exemption-incentive unless the business submits a full and complete application and provides such additional information as may be requested by the City Council. The application is included in this policy, upon completion, will provide the City Council with adequate and sufficient information to determine whether a tax incentive should be granted and the amount thereof. The accuracy of the information provided in the application shall be verified by the applicant. Any misstatement of or error in fact may render the application null and void and may be cause for the repeal of any ordinance adopted in reliance on said information.

**Section 16. Application and Renewal Fees.** Any business requesting a tax exemption pursuant to this statement shall pay to the City an application fee of \$1,000, which shall include a non-refundable fee of \$500 to cover administrative costs of the City and \$500 which will be applied to professional fees incurred on behalf of the City in processing this application, including a cost-benefit analysis. The fee shall be submitted at the same time the application form required by Section 15 is submitted. In addition, any business which has been granted a tax exemption shall pay an annual, non-refundable renewal fee in the amount of \$300.

**Section 17. Initial Review Procedure.** On receipt of the completed application form and the required fee, the City Manager shall determine (a) whether the application is complete and sufficient for review, and (b) whether the applicant business is eligible for an exemption under the Kansas Constitution, this statement, and any other applicable laws. If the application is incomplete, the City Manager shall immediately notify the applicant, noting the need for such changes or additions as deemed necessary. If questions arise as to whether the business is legally eligible for an exemption, the matter shall be referred to the City Attorney, who shall consult with the applicant business. If the application is found complete, and is for a purpose which appears to be authorized by law, the City Manager shall so notify the Administrative Review Committee.

**Section 18. Administrative Review Committee.** There is hereby created an Administrative Review Committee (ARC), which shall be composed of the mayor or other member of the City Council designated by the Mayor, who shall serve as chairman; the Assistant City Manager/Finance Director; and the City Manager. The ARC shall meet on call of the chairman. The purpose of the ARC shall be to receive and review requests and applications for tax exemptions-incentives, to gather and review such additional information as may be deemed necessary, to prepare or cause to be prepared a cost-benefit analysis report, to conduct preliminary negotiations with the applicant business, and to make such recommendations as deemed advisable to the City Council. The ARC records, including applications for tax exemptions, may be withheld from public disclosure under the Kansas Open Records Act as

provided for under subsections (20) and (31) and other subsections of KSA Supp. 45-221, but shall be available for public inspection when otherwise required by law. The committee is authorized to issue administrative letters of intent when requested by the applicant upon a finding that the public interest requires confidentiality in order to successfully negotiate the location of the prospective business within the City or the expansion of an existing business. Such administrative letters of intent shall not be binding on the City Council, and shall be superseded by any final action by the City Council or by any letter of intent issued by the City Council under Section 21.

**Section 19. Initial Governing Body Action.** Upon receiving the recommendations of the ARC, the City Council shall first determine whether to reject the requested exemption or to further consider the request. Upon a favorable vote for further consideration, the City Council shall either (1) issue a letter of intent as provided by Section 21, or (2) schedule a public hearing to consider granting a tax exemption-incentive.

**Section 20. Notice and Hearing.** No tax exemption shall be granted by the City prior to notice and a public hearing as required by KSA 1991 Supp. 79-251. Notice of the public hearing shall be published at least seven days prior to the hearing in the official City newspaper, giving the purpose, time and place, and the hearing may be held at a regular or special meeting of the City Council. The City Clerk shall thereupon notify in writing the Board of County Commissioners, the appropriate school district, and the clerk of any other taxing jurisdiction, excluding the state, which derives or could derive property taxes from the affected business, advising them of the scheduled public hearing and inviting their review and comment. Upon request, the City Clerk shall provide such public agency with a copy of the application. The applicant business shall be invited, but not required, to attend the public hearing.

**Section 21. Letters of Intent.** Upon receiving the recommendations of the ARC, the City Council may issue a letter of intent, setting for in general terms its proposed plans for granting a tax exemption-incentive and any conditions thereto. Such letters of intent shall be issued only with the approval of the City Council, and as an expression of good faith intent, but shall not in any way bind the City to the granting of an exemption-incentive. Such letters of intent shall expire six months after issuance, but may be renewed. A public hearing shall not be required prior to the issuance of letters of intent. No elected or appointed officer, employee or committee of the City, and no chamber of commerce, board, development council or other public or private body or individual, shall be authorized to speak for and commit the City Council to the granting of a tax exemption-incentive. Letters of intent issued by the City Council shall supersede any letters issued by the ARC.

**Section 22. Annual Renewal Subject to Review.** The extent and term of any tax exemption-incentive granted shall be subject to annual review by the City Council to ensure that the ownership and use of the property and any other qualifying criteria of the business for the tax exemption-incentive continue to exist. The review shall be completed by not later than February 1 of each year. The City shall require an annual renewal application to be filed by the business. The annual renewal application shall include information from the business indicating compliance with any terms or conditions established by the City Council for the granting of the exemption, such as number, quality of jobs created, etc. Upon a finding that the property

continues to meet all the terms and conditions established as a condition of granting the exemption, the City Clerk shall so certify to the owner for submission to the assessing officer, as provided by KSA 79-210a.

**Section 23. Transfer of Ownership or Use.** No exemption or tax incentives granted by the City shall be transferred as a result of a change in the majority ownership of the business. Any new owner shall file a new application for tax exemption-incentive. Further, the City shall be notified by the business of any substantive change in the use of tax exempt property (see Section 26).

**Section 24. Distribution of Revenue.** The granting of tax exemptions-incentives by the City is hereby declared to be a contract under the provisions of KSA 12-147. The in lieu of taxes payment which may be required of a business granted a tax exemption under this statement shall be paid to the County Treasurer, with notice of the amount and date paid provided to the City. The County Treasurer is directed to apportion the payment, under the provisions of subsection (3) of KSA 12-148, to the general fund of all taxing subdivisions, excluding the state, which levy taxes on property where the business is situated. The apportionment shall be based on the relative amount of taxes levied, for any and all purposes, by each of the applicable taxing subdivisions.

**Section 25. Origination Fee.** The applicant shall pay to the City an origination fee in an amount equal to 6% of the value of property to be abated. If the applicant is locating within a designated “Premium Zone”, the City may lower the origination fee at their discretion down to 2.5%.

As authorized by K.S.A. 12-1742, origination fees collected by the City shall be used by the City for the purpose of promoting and furthering local economic development activities.

The fee is due and payable at the time of industrial revenue bonds being issued. The City will, upon the request of the applicant, will allow the applicant to pay the origination fee over a ten-year period of time. The fee shall be treated as a loan, amortized at the rate of 5%, and paid in 20 equal installments due on the first day of January and June of each year.

**Section 25. Exemption Ordinance.** The City Clerk shall provide a copy of the ordinance, as published in the official City newspaper, granting an exemption from taxation to the applicant for use in filing an initial request for tax exemption as required by KSA 79-213, and by KSA 79-210 for subsequent years.

**Section 26. Exemption Forms.** A copy of the exemption applications required by KSA 79-213 and by 79-210, and the statement required by KSA 79-214 for the cessation of an exempt use of property, shall be filed with the City Clerk by the property owner.

**Section 27. Waiver of Statement Requirements.** The City Council reserves the right to grant or not to grant a tax exemption-incentive under the circumstances beyond the scope of this statement, or to waive any procedural requirement. However, no such action or waiver shall be taken or made except upon a finding by the City Council that a compelling or imperative reason

or emergency exists, and that such action or waiver is found and declared to be in the public interest. The City Council shall not waive any procedural requirements required by state law.

**Section 28. Definitions.** For the purposes of this statement, in application to this City, the words or phrases as used in either the Constitution, applicable state law, or this statement shall have meaning or be construed as follows:

- (a) “Applicant” shall mean and include the business, property owner or owners, and their officers, employees, and agents.
- (b) “Associated therewith” as used with respect to tangible personal property shall mean being located within, upon or adjacent to buildings or added improvements to buildings.
- (c) “Commenced operations” shall mean the start of the business activity housed in the building for which a tax exemption-incentive is requested.
- (d) “Economic development purposes” shall mean the establishment of a new business or the expansion of an existing business, engage in manufacturing articles of commerce, conducting research and development, or storing goods or commodities which are sold or traded in interstate commerce, which results in additional employment.
- (e) “Expansion” shall mean the enlargement of a building or buildings, construction of a new building, the addition of tangible personal property, or an combination thereof, which increases the employment capaCity of a business eligible for a tax exemption-incentive and which results in the creation of new employment.
- (f) “Manufacturing articles of commerce” shall mean a business engaged in the mechanical or chemical transformation of materials or substances into new products, as defined in the North American Industry Classification System (NAICS) Manual.
- (g) “Premium Zone” shall mean an area within the City, where the Council has selected as a special development area and wishes to give a premium incentive treatment to a company locating within. A Premium Zone selection must be determined by separate action of the governing body.
- (h) “Research and development” shall mean the application of science or technology to the improvement of either the process of manufacturing or manufactured products or both.
- (i) “Storing goods or commodities which are sold or traded in interstate commerce” shall refer to the business or storing property which may be exempt from ad valorem taxation under the provisions of KSA 79-201f.
- (j) “Tangible personal property” shall mean machinery and equipment used during the term of the tax exemption which may be granted.
- (k) “Tax incentive” or “tax exemption-incentive”, see Section 5.

**Section 29. Sliding Scale for Tax Abatements.** New job creation will be based on Full-time Equivalent (FTE) jobs based on 2080 hours per year. New job numbers will be adjusted by a factor based on the relationship between wages paid for the new jobs and the average wage for all jobs in the Wichita MSA. For example, if the area average wage is \$40,000 and the average wage for the created jobs is \$50,000, the factor for adjustment of FTEs would be 125%. If 60 FTEs are created at \$50,000, a total adjusted total of 75 FTEs would be used to compute tax abatement levels.

3% PER NEW JOB: 1-5					
New Jobs (#)	1	2	3	4	5
Exemption (%)	3%	6%	9%	12%	15%

2% PER NEW JOB: 6-10					
New Jobs (#)	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
Exemption (%)	17%	19%	21%	23%	25%

1.5% PER NEW JOB: 11-20										
New Jobs (#)	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
Exemption (%)	26.5%	28%	29.5%	31%	32.5%	34%	35.5%	37%	38%	40%

1% PER NEW JOB: 21-50							
New Jobs (#)	<b>21</b>	<b>25</b>	<b>30</b>	<b>35</b>	<b>40</b>	<b>45</b>	<b>50</b>
Exemption (%)	41%	45%	50%	55%	60%	65%	50%

.6% PER NEW JOB ABOVE 50					
New Jobs (#)	<b>60</b>	<b>70</b>	<b>80</b>	<b>90</b>	<b>100</b>
Exemption (%)	75%	82%	88%	94%	100%

Property tax abatements may also be granted for capital investment. Property tax abatement may be recommended for private investment in plant and equipment in \$50,000 increments. A sliding scale system will be utilized, reducing the percentage of abatement per \$50,000 at set benchmarks.

1% PER EACH \$50,000 INVESTED BETWEEN \$50,000 - \$500,000										
Expenditure (\$1,000s)	<b>50</b>	<b>100</b>	<b>150</b>	<b>200</b>	<b>250</b>	<b>300</b>	<b>350</b>	<b>400</b>	<b>450</b>	<b>500</b>
Exemption (%)	1	2	3	4	5	6	7	8	9	10

.75% PER EACH \$50,000 INVESTED BETWEEN \$550,000 - \$1,000,000											
Expenditure (\$1,000s)	<b>550</b>	<b>600</b>	<b>650</b>	<b>700</b>	<b>750</b>	<b>800</b>	<b>850</b>	<b>900</b>	<b>950</b>	<b>1000</b>	
Exemption (%)	10.75	11.5	12.25	13	13.75	14.5	15.25	16	16.75	17.5	

.5% PER EACH \$50,000 INVESTED BETWEEN \$1,000,000 - \$2,000,000											
Expenditure (\$1,000s)	<b>1050</b>	<b>1200</b>	<b>1300</b>	<b>1400</b>	<b>1500</b>	<b>1600</b>	<b>1700</b>	<b>1800</b>	<b>1900</b>	<b>2000</b>	
Exemption (%)	18	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	27.5	

.25% PER EACH \$50,000 INVESTED BETWEEN \$2,000,000 - \$5,000,000											
Expenditure (\$1,000s)	<b>2100</b>	<b>2200</b>	<b>2400</b>	<b>2600</b>	<b>2800</b>	<b>3000</b>	<b>3500</b>	<b>4000</b>	<b>4500</b>	<b>5000</b>	
Exemption (%)	28	28.5	29.5	30.5	31.5	32.5	35	37.5	40	42.5	

.1% PER EACH \$50,000 INVESTED ABOVE \$5,000,000									
Expenditure (\$1,000s)	<b>10000</b>	<b>15000</b>	<b>20000</b>	<b>25000</b>	<b>30000</b>	<b>33500</b>	<b>40000</b>	<b>50000</b>	
Exemption (%)	52.5	62.5	72.5	82.5	92.5	100	100	100	

Location premiums shall also be available to businesses who locate and/or expand within special development areas of the City. To foster such action, businesses may receive additional recommended tax abatement equal to **20%** (up to 100% abatement) for locating in premium zones. Discretion on premium zone selection remains with the City Council and must be determined by separate action of the governing body.

As part of the tax abatement agreement, the City Council may wish to use a sliding scale percentage of abatement. The City reserves the right to use whatever scale it deems appropriate to the development situation, but will generally follow the below schedule:

SLIDING SCALE OF ABATEMENT BY PERCENTAGE										
Year	1	2	3	4	5	6	7	8	9	10
Exemption (%)	100	90	80	70	60	50	40	30	20	10

**POLICY ON TRANSPORTATION DEVELOPMENT DISTRICTS**

A transportation development district (TDD, cited KSA 12-17,140 through 12-17,149) may be formed by the City Council for the purpose of constructing public infrastructure. The monies used to pay for this infrastructure are generated from a transportation development district sales tax which is in addition to any sales taxes authorized under KSA 12-187 through 12-197. Bonds issued in accordance with the TDD statutes are not general obligations of the City.

The City Council may establish a transportation development district (TDD) upon the receipt of a petition containing information on:

1. The general nature of the proposed project;
2. The maximum cost of the project;
3. The proposed method of financing the project;
4. The proposed amount and method of assessment;
5. The proposed amount of TDD sales tax;
6. A map or boundary description of the proposed district.
7. The legal description of the boundaries of the proposed district; and
8. A statement acknowledging that (1) The names of the signers may not be withdrawn from the petitions by the signers thereof after the City Council commences consideration of the petitions or later than seven days after the filing of such petition with the clerk of the City, whichever occurs first; and (2) the signers consent to any assessments to the extent described therein without regard to benefits conferred by the project.

All costs associated with the development and submission of a CID application and petition shall be borne by the petitioners.

This petition shall be signed by the owners of all of the land within the proposed district. Upon the receipt of this petition, the City Manager will review the proposal in its entirety to ensure that the proposal is fiscally sound and meets all public infrastructure standards. Staff will then provide its recommendation to the City Council which shall approve or deny the proposal.

Prior to consideration by the City Council, parties intending to request the creation of a TDD must submit a draft version of the intended petition to the City Manager and any other City Staff designated by the City Manager. Such draft petition need not be signed by any landowners within the proposed district until such time as it is formally submitted for consideration by the City Council. Within ten (10) days after the submission of any such draft petition, the City Manager and other City Staff designated by the City Manager shall hold a pre-petition meeting with the party submitting such petition to evaluate the sufficiency thereof and gather information needed to determine the eligibility of the project.

TDD projects financed with special obligation bonds will not be approved without a financial analysis that demonstrates that the project would not otherwise be possible without the use of TDD funding (“gap” analysis). TDD projects financed on a “pay-as-you-go” basis do not require a “gap” analysis. Any applicant requesting use of special obligation bonds will be required to provide, in addition to all other documents requested by City Staff, pro forma cash flow analyses and sources and uses of funds in sufficient detail to demonstrate that reasonably available conventional debt and equity financing sources will not fund the entire cost of the project and still provide the applicant a reasonable market rate of return on investment. “Gap” financing, including TDD and any other public financing, should not exceed 30% of the total project cost.

All TDD petitioners and their project partners are required to consent to background checks as part of their submittal of a petition. Petitioners and project partners are required to pay all costs associated with and to furnish City Staff the personal and business information needed to carry out such background checks. Such information will be treated as confidential information to the maximum extent permitted under state and federal law.

TDD funds may not be used to pay development fees. Project management fees may be financed through TDD revenues only if the need for such financing is established through analysis of financial information showing that private funding is not available to pay such costs based on a market rate of return on investment. If allowed, project management fees paid through TDD revenues must be documented as actual costs incurred.

In addition to any other TDD application and petition costs, the City shall be paid a non-refundable application fee of \$5,000 with the formal submittal of any TDD petition. For any approved TDD, the City shall be paid an on-going administrative service fee in an amount equal to 5% of the total TDD revenues received by the City.

All property improvements commenced under an approved TDD shall be subject to City regulations, standards, and policies, including, but not limited to: zoning and subdivision regulations, building codes, the City code, and any applicable design guidelines currently in place or hereafter approved. In addition, project plans and renderings shall be reviewed by the

City Inspector and any suggestions provided thereby shall be incorporated into the design of the project unless expressly overruled by the City Manager.

Developer will provide a certified annual accounting to the City on the amount and use of TDD funds used to pay TDD costs. City reserves the right to audit the use of TDD financing at its discretion and expense.

Subject to provisions contained in development agreements, the City shall take appropriate action to terminate TDDs when all eligible project costs have been fully paid, including the principal and interest on any special obligation TDD bonds, or, in the case of pay-as-you-go projects, the maximum TDD funding amount provided in the petition.

Should the City Council determine the terms of this policy inappropriate to evaluate a particular TDD application, it may, by majority vote, waive the binding effect of this policy in regard to that application.

**POLICY ON COMMUNITY IMPROVEMENT DISTRICTS**

In 2009, the Kansas Legislature enacted the Community Improvement District Act (the “CID Act”), pursuant to which municipalities may create districts in which certain special taxes imposed and the revenue used to fund certain public and private improvements and the payment of certain ongoing operating costs within the geographic bounds of the specified district. The creation of a Community Improvement District (“CID”) is a particularly useful tool of economic development in that it can help facilitate beneficial private development and redevelopment without negatively impacting the tax base of the approving municipality. It is the policy of the City of Bel Aire to utilize the provisions of the CID Act to assist private developers by providing financing for commercial, industrial and mixed-use projects that meet the local eligibility criteria outlined below, subject to certain special local policy limitations outlined below. A CID can exist for a maximum of 22 years.

**Purpose and Background**

**Local Eligibility Criteria**

It shall be the policy of the City to create a CID if, in the opinion of the City Council, the petition satisfies all statutory requirements of the CID Act and if creation of such CID would meet with the following criteria:

1. The CID will attract development which would enhance the economic climate of the City or otherwise benefit the City or its residents.
2. The CID will result in the construction or rehabilitation of public or private property improvements and infrastructure, or the provision of ongoing services, that would otherwise not be financially feasible.
3. The CID will promote development, redevelopment or rejuvenation of properties within the City which would otherwise be unlikely to happen.



4. The CID will be used to assist the development, redevelopment or rejuvenation of commercial, industrial and mixed-use projects.
5. The CID will not be used for projects that are incompatible or inconsistent with established local nuisance regulation, applicable land use regulations and the overall character of development in the surrounding area.

### **CID Petition Process**

A CID is formed by petition of the landowners within the proposed CID. A CID petition must contain:

1. The general nature of the proposed project;
2. The estimated cost of the proposed project;
3. The proposed method of financing the project including, if applicable, the issuance of full faith and credit bonds;
4. The proposed amount and method of assessment, if any;
5. The proposed amount of CID sales tax, if any;
6. A map of the proposed district;
7. The legal description of the boundaries of the proposed district; and
8. A statement acknowledging that (1) The names of the signers may not be withdrawn from the petitions by the signers thereof after the City Council commences consideration of the petitions or later than seven days after the filing of such petition with the clerk of the City, whichever occurs first; and (2) the signers consent to any assessments to the extent described therein without regard to benefits conferred by the project.

All costs associated with the development and submission of a CID application and petition shall be borne by the petitioners.

### **Sources of Funding for CID Improvements**

Petitioners seeking to form a CID may request to draw upon one of the following two revenue sources, or a combination of both, to fund eligible improvements:

1. Special property tax assessments on the property within the district AND/OR
2. A special sales tax of up to 2% on all taxable sales within the district.

Upon the creation of a CID by the City Council, revenue generated by these sources is available to pay for eligible improvements and costs. This can occur in one of two ways: a bond issuance or a pay-as-you-go dedicated account.

- **Bond Issuance** – In cases in which a bond issuance is requested, City staff will work with the landowners within the CID to calculate how much revenue will be raised from the CID revenues (the special assessments and/or special sales taxes levied within the CID) and the principal amount of bonds that can be issued based on the CID revenue stream and a minimum 1.2 debt service coverage ratio. To assist in this process, petitioners will be required to submit all documents requested by City staff relating to the proposed project, which shall include an acceptable cost-benefit analysis of the project. Prior to approval, petitioners may be required by the City to enter into a Development Agreement with the City. While the CID Act permits the issuance of either full-faith and credit general obligation bonds or special obligation bonds, payable solely from the CID

revenue, it is the policy of the City of Bel Aire to issue only special obligation CID bonds.

- **Pay-As-You-Go Account** – As an alternative to a bond issuance, the landowners within the CID may request the establishment of a pay-as-you-go account. This account will be a dedicated account into which the CID revenues will be deposited and will be available to be used as funds accrue to pay eligible costs. Funds used to pay eligible CID costs, whether from bond proceeds or a pay-as-you-go account, will be held by the City or a third-party trustee, and disbursed to pay actual costs pursuant to a Development Agreement. Preference will be given to projects that use pay-as-you-go financing.

**Eligible CID Costs**

The CID Act provides an exclusive list of eligible improvements and costs that may be paid for with CID funding. CID funds may be used to acquire, plan, design, engineer, improve, construct, demolish, remove, renovate, reconstruct, rehabilitate, maintain, restore, replace, renew, repair, install, relocate, furnish, equip, extend or finance:

1. Buildings, structures, and facilities;
2. Site improvements, including without limit sidewalks, streets, roads, interchanges, highway access roads, intersections, alleys, parking lots, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, pedestrian amenities, abandoned cemeteries, drainage systems, water systems, storm systems, sewer systems, lift stations, underground gas, heating and electrical services and connections located within or without the public right-of-way, and water mains and extensions;
3. Parking garages;
4. Streetscape, lighting, street light fixtures, street light connections, street light facilities, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
5. Parks, lawns, trees and other landscaping;
6. Communication and information booths, bus stops and other shelters, stations, terminals, hangars, rest rooms and kiosks;
7. Paintings, murals, display cases sculptures, fountains and other cultural amenities;
8. Airports, railroads, light rail and other mass transit facilities; and
9. Lakes, dams, docks, wharfs, lakes or river ports, channels and levies, waterways and drainage conduits.

The CID Act also permits the use of CID funds to pay ongoing operating expenses, including security, entertainment, public events, business promotion, employee training, and market studies; however, it is the policy of the City of Bel Aire that CID funds may only be used to pay eligible operating costs up to the maximum amount identified in the petition. Operating expenses may also include a “Business Development Fee”. CID funds may be used to reimburse capital costs incurred not earlier than one year prior to City Council action initiating the establishment of a CID, and City administrative costs and costs of issuance.

**Process for Creating a CID**

All CID projects will be subject to the statutorily-proscribed notice and hearing procedures found in K.S.A. 12-6a26 et seq. A summary of these procedures is set forth below.

1. Upon receipt of a valid petition, signed by the owners of all of the land area within the proposed district that is both (1) seeking financing only by special property tax assessments and (2) not seeking the issuance of full faith and credit bonds pursuant to the CID Act, the City Council may consider whether to approve the creation of the requested CID. The City Council may proceed, with or without notice or a hearing, to make findings by ordinance as to the nature, advisability and estimated cost of the project, the boundaries of the district and the amount and method of assessment. Upon making such findings, the City Council by majority vote may authorize the project and the creation of the CID in accordance with such findings as to the advisability of the project. The ordinance shall be effective upon publication once in the official city newspaper and shall also be submitted for recording in the office of the Sedgwick County Register of Deeds.
  
2. Upon receipt of a petition, signed by the owners of at least 55% of the total land area and total assessed property value within the proposed district, to create a CID seeking financing in whole or in part by a proposed CID sales tax (see K.S.A. 12-6a31) or seeking the issuance of full faith and credit bonds (see K.S.A. 12-6a36), the City Council shall adopt a resolution giving notice of a public hearing to consider the advisability of creating the CID.
  - (a) Such resolution shall be published once each week for two consecutive weeks in the City's official newspaper and shall be sent by certified mail to all owners of property within the proposed district. All costs associated with these publications shall be borne by the Petitioner(s) requesting the creation of the district.
  - (b) The second publication of such resolution shall occur at least seven (7) days prior to the date of the hearing and the certified mailed notice shall be sent at least ten (10) days prior to the hearing.
  - (c) Such resolution shall contain the following information:
    - i. Time and place of the hearing;
    - ii. General nature of the proposed project;
    - iii. Estimated cost of the project;
    - iv. Proposed method of financing the project;
    - v. The proposed amount of the CID sales tax, if any;
    - vi. The proposed amount and method of assessment, if any;
    - vii. A map of the proposed district; and
    - viii. A legal description of the proposed district.
  - (d) Following the hearing described above, the City Council may, by majority vote, adopt an ordinance approving the requested CID. Such ordinance shall:
    - i. Authorize the project;
    - ii. Approve the estimated costs of the project;
    - iii. Contain a legal description and map of the proposed district;
    - iv. Levy the CID sales tax, if any;
    - v. Approve the maximum amount and method of assessment, if any; and
    - vi. Approve the method of financing.
  - (e) Upon adoption by the City Council, such ordinance shall become effective upon publication once in the official city newspaper and shall also be submitted for recording in the office of the Sedgwick County Register of Deeds.

### **Preliminary Review Meeting**

Prior to consideration by the City Council, parties intending to request the creation of a CID must submit a draft version of the intended petition to the City Manager and any other City Staff designated by the City Manager. Such draft petition need not be signed by any landowners within the proposed district until such time as it is formally submitted for consideration by the City Council. Within ten (10) days after the submission of any such draft petition, the City Manager and other City Staff designated by the City Manager shall hold a pre-petition meeting with the party submitting such petition to evaluate the sufficiency thereof and gather information needed to determine the eligibility of the project.

**Development Agreement Required**

Concurrently with, or prior to, the creation of a CID by the City Council, the City and the petitioner shall enter into a Development Agreement governing the conduct of the respective parties in relation to the proposed CID. The Development Agreement will include a site plan and elevation drawings or renderings of the CID project, and a Sources and Uses of Funds table that identifies the various sources of public and private project funds and how they will be used. Among all other provisions, the Development Agreement shall set forth the method and manner for disbursement of CID funds by the City, including the proceeds of bonds funded by CID funds, to pay for eligible project costs pursuant to acceptable documentation that such costs have been incurred. In addition, the agreement shall provide for rapid repayment of any bonds issued with CID sales taxes and/or assessments and for the termination of any and all CID taxes and assessments. City administrative fees and costs of issuance shall be paid from CID funds. For “pay-as-you-go” CID projects, the Development Agreement shall set forth the method and manner of disbursement of CID funds and shall include provisions for the termination of any and all CID taxes and assessments when all eligible costs incurred by the CID that are contemplated in the Development Agreement have been satisfied.

**“Gap” Financing Requirement**

CID projects financed with special obligation bonds will not be approved without a financial analysis that demonstrates that the project would not otherwise be possible without the use of CID funding (“gap” analysis). CID projects financed on a “pay-as-you-go” basis do not require a “gap” analysis. Any applicant requesting use of special obligation bonds will be required to provide, in addition to all other documents requested by City Staff, pro forma cash flow analyses and sources and uses of funds in sufficient detail to demonstrate that reasonably available conventional debt and equity financing sources will not fund the entire cost of the project and still provide the applicant a reasonable market rate of return on investment. “Gap” financing, including CID and any other public financing, should not exceed 30% of the total project cost.

**Background Check**

All CID petitioners and their project partners are required to consent to background checks as part of their submittal of a petition. Petitioners and project partners are required to pay all costs associated with and to furnish City Staff the personal and business information needed to carry out such background checks. Such information will be treated as confidential information to the maximum extent permitted under state and federal law.

**Project Management and Development Fees**

CID funds may not be used to pay development fees. Project management fees may be financed through CID revenues only if the need for such financing is established through analysis of financial information showing that private funding is not available to pay such costs based on a market rate of return on investment. If allowed, project management fees paid through CID revenues must be documented as actual costs incurred.

### **City Administrative Fees**

In addition to any other CID application and petition costs, the City shall be paid a non-refundable application fee of \$5,000 with the formal submittal of any CID petition. For any approved CID, the City shall be paid an on-going administrative service fee in an amount equal to 5% of the total CID revenues received by the City. The Fee may be waived if the applicant locates within a “Premium Zone” and is subject to a “Business Development Fee.

### **Business Development Fee**

A “Business Development Fee” shall be established as part of a CID located within a “Premium Zone” as determined by the governing body. The Fee is an operational expenditure assessed against property located within the CID. The amount of the fee is 2.5% of the value of improvements as identified in the application.

### **Premium Zone**

The governing body may select a special development area and wishes to give a premium incentive treatment to a company locating within. A Premium Zone selection must be determined by separate action of the governing body.

### **Standard Design Guidelines Govern**

All property improvements commenced under an approved CID shall be subject to City regulations, standards, and policies, including, but not limited to: zoning and subdivision regulations, building codes, the City code, and any applicable design guidelines currently in place or hereafter approved. In addition, project plans and renderings shall be reviewed by the City Inspector and any suggestions provided thereby shall be incorporated into the design of the project unless expressly overruled by the City Manager.

### **Financial Reporting**

Developer will provide a certified annual accounting to the City on the amount and use of CID funds used to pay CID costs. City reserves the right to audit the use of CID financing at its discretion and expense.

### **Termination of CIDs**

Subject to provisions contained in development agreements, the City shall take appropriate action to terminate CIDs when all eligible project costs have been fully paid, including the principal and interest on any special obligation CID bonds, or, in the case of pay-as-you-go projects, the maximum CID funding amount provided in the petition.

### **Waiver of Policy**

Should the City Council determine the terms of this policy inappropriate to evaluate a particular CID application, it may, by majority vote, waive the binding effect of this policy in regard to that application.

### **POLICY ON TAX INCREMENT FINANCING DISTRICTS**

The City of Bel Aire, under the authority conferred by KSA 12-1770 et. seq., will consider the use of tax increment financing (TIF) to encourage and facilitate the development and/or redevelopment of areas within its corporate City limits or within its growth area.

The first step required in the TIF process shall be the adoption of a resolution by the City Council. This resolution shall provide for the following:

1. Notify the public that a hearing will be held to consider the establishment of a district.  
The notification shall fix the time and place of the hearing;
2. Describe the proposed boundaries of the district;
3. Describe the district plan and that such plan includes a map, both of which are available for inspection at a designated time and place (i.e. City Hall, M-F, 8-5);

4. State that the City Council will consider findings necessary for the establishment of a development district.

Upon the completion of the public hearing, the City Council may pass an ordinance which shall:

1. Make findings that the district proposed to be developed is an eligible area and the development or redevelopment of the area is necessary to promote the general and economic welfare of the City;
2. Contain the district plan as approved, which will identify all of the proposed development project areas and identify in general only, all of the buildings and facilities that are proposed to be constructed or improved;
3. Contain the legal description of the district, legally establish the district, and identify the boundaries of the district. No area shall be included within the boundaries of the final development district that were not included in the original, published notice.

Under KSA 12-1771(d), the City may not acquire any privately owned property subject to ad valorem taxes in the event either the school board or the county commission finds that the impact of the proposed TIF district will have an “adverse effect” on their respective governmental entities. In the event either the school board or the county commission adopts a resolution finding their entities will experience an adverse effect, the City Council shall adopt an ordinance within 30 days of receiving said resolution from either governing body terminating the TIF district.

Provided that neither the school board nor the county commission finds an adverse effect of the proposed TIF district on their operations, the City will proceed to the development of the project plan. The project plan shall be delivered to the county commissioners and the school board. The project plan shall include:

1. A summary of the feasibility study done as defined in KSA 12-1770(a), and amendments thereto, which will be an open record;
2. A reference to the district plan established under KSA 12-1771 that identifies the development project area that is set forth in the project plan being considered;
3. A description and map of the development area;
4. The relocation assistance plan required by KSA 12-1777;
5. A detailed description of the buildings and facilities proposed to be constructed or improved in such area;
6. Any other information the City Council deems necessary to advise the public of the intent of the project plan.

The Bel Aire Planning Commission shall review the project plan to ensure it is consistent with the City’s comprehensive plan. Provided the project plan is consistent with the City’s comprehensive plan, the City Council shall adopt a resolution stating that the City is considering the adoption of the project plan. This resolution shall:

1. Notify the public that a public hearing will be held to consider the adoption of the project plan and fix the time and place of the hearing;
2. Describe the boundaries of the development district, the date of the district’s establishment, and the project’s boundaries;

- 3. State the project plan, including a summary of the feasibility study, relocation assistance plan, and financial guarantees of the developer and a description and map of the area to be developed are available for inspection during regular office hours at City Hall;
- 4. Notify, if necessary, that the City intends to issue debt backed by the full faith and credit of the City.

The City may choose to issue special obligation bonds to pay for the improvements in the district, pledging a variety of revenue sources authorized by KSA 12-1774(a)(1). If the City Council elects not to issue full faith and credit bonds to finance the improvements in the district and instead elects to issue special obligation bonds, then such special obligation bonds shall not be general obligations of the City and shall not, in any event, give rise to a charge against its general credit or taxing powers, or be payable out of any funds or properties, other than those so pledged.

The City may also issue industrial revenue bonds in accordance with 12-1740 et. seq. and amendments thereto, as well as the City of Bel Aire’s Industrial Revenue Bond policy. IRB’s may be used for the purchase, construction, reconstruction, equipping, maintenance and repair of buildings and facilities within a development district established under 12-1770 et. seq.

Following this second public hearing, the City Council may adopt the project plan by ordinance. A two-thirds supermajority vote is required under KSA 12-1772(e). The project must be completed within 20 years from the adoption of this project plan.

Once the project plan is adopted, the City may begin acquiring property and transfer, sell or lease this property to a developer in accordance with the development project plan and under such other conditions as may be agreed upon.

**POLICY ON INDUSTRIAL REVENUE BONDS**

The City Council’s primary goal when considering the issuance of industrial revenue bonds (IRBs) shall be to encourage economic growth in the corporate City limits and the growth area of the City and fulfill the goals stated in the introduction to this Comprehensive Economic Development Policy. Industrial revenue bonds are not considered a debt of the City; rather, they are debts of the business/organization that utilizes the bond proceeds. The City is merely a conduit for the business/organization to obtain tax-exempt financing for its project.

Industrial revenue bonds will not be utilized when it is determined that doing so would give the recipient an unfair advantage over a business or organization currently engaged in a similar venture within the City or its growth area.



When considering a request for IRBs, the City will evaluate the types of jobs proposed to be created, the amount of capital investment that will be made, and the ability of the business to meet a recognized need in Bel Aire's economic base. Upon review and consideration of these factors, the City Manager will make a recommendation to the City Council, which shall approve or deny the request. In the event the City Council approves the request to issue IRBs, the City Manager shall contact the City's bond counsel and begin the process of issuing the bonds. The applicant for the IRBs shall be responsible for any bond counsel, financial advisor, and any other fees incurred for the applicant that are associated with the issuance of the bonds.

#### **APPLICATION REVIEW AND ASSESSMENT PROCESS**

When a request is made to the City Council to utilize one of these economic development tools, various City staff members will be involved in reviewing the applicant's materials as provided in the "General Economic Development Assistance Application." This application may be obtained from the City Manager. All requests for assistance must include this application as well as any specific requirements unique to the form of assistance being sought.

City staff will review (upon receipt of all required materials) the information and formulate a recommendation to the City Council as to the viability of the proposal based on the economic development goals of the City and any special considerations that are required to be given either in this policy or in state statute.

If the request requires county approval, all information submitted to the City will also be provided to the county.

In the event a favorable recommendation is made to the City Council and should the City Council agree “in principle” with the City Manager’s recommendation, an Economic Development Assistance Agreement will be drafted. This agreement will describe the obligations of both parties. It will also detail any performance measures that the applicant must meet. Every agreement will contain “clawback” provisions in the event these performance measures are not met. These clawback provisions are intended to indemnify the City in the event the recipient does not meet its obligations under the Economic Development Assistance Agreement. Clawback provisions can include (but not be limited to) a requirement to provide the City with a letter of credit, performance bond, or title to any asset that the City economic development assistance was used to purchase and/or construct.

## **APPLICATION FOR EXEMPTION**

### **CITY OF BEL AIRE, KANSAS APPLICATION FOR PROPERTY TAX EXEMPTION FOR ECONOMIC DEVELOPMENT PURPOSES**

Abatement from Ad Valorem property taxation pursuant to Article II, §13 of the Kansas Constitution is requested for all or any portion of the appraised valuation of property used for the purpose of manufacturing articles of commerce, conducting research and development, or storing goods or commodities which are sold or traded in interstate commerce, as described herein. This application is submitted in conformance with the applicable Statement of Policy and Procedures

of the City and it is understood that the City may require in lieu of payments for property, which becomes tax-exempt. The attached sheets, if any, are submitted as a part of this application.

Part I. Applicant Identification

Name of Applicant firm:\_\_\_\_\_

Contact Person (Name and Title):\_\_\_\_\_

Address:\_\_\_\_\_

Street or P.O. Box

CityStateZip

Telephone Number: \_\_\_\_\_

Names and percent of ownership of all principal owners and officers of the Applicant Firm:\_\_\_\_\_

\_\_\_\_\_

If applicant is a tenant, identify property owner(s):

Name(s):\_\_\_\_\_

Mailing Address:\_\_\_\_\_

Street or P.O. Box

CityStateZip

Telephone Number: \_\_\_\_\_

Part II. Property Identification

List only taxable property for which abatement is requested.

- \_\_\_\_\_ Land. Attach legal description of property and plat showing location of buildings, added improvements to buildings, or both.
- \_\_\_\_\_ Building(s). Attach description.
- \_\_\_\_\_ Added improvements to buildings. Attach description and estimated cost.
- \_\_\_\_\_ Tangible personal property. Attach list of each item with identifying nomenclature and cost. Proof of purchase after August 5, 1986 must be provided for each item on list.

Part III. Business Information

Type of business organization: \_\_\_\_\_  
(i.e. corporation, subsidiary, partnership, sole proprietorship, etc.)

Date and place business organized or incorporated: \_\_\_\_\_

Name and parent company, if applicable: \_\_\_\_\_

Type of business: \_\_\_\_\_  
Line or lines or products manufactured or research and development conducted, or goods or commodities stored in buildings, for which tax exemption is requested.

\_\_\_\_\_

Percentage of building occupied by applicant business qualifying for tax abatement: \_\_\_\_%

List principal competition of the business within the City.

Name and location of firms: \_\_\_\_\_  
\_\_\_\_\_

Describe nature of competition: \_\_\_\_\_

Business is... (Please check one)    ☐ New    ☐ Existing

**If NEW Business:**

Date Operations will Commence: \_\_\_\_\_

If business is relocated to this City, give previous location(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If construction of a new building for a new business is involved, give anticipated date of completed construction: \_\_\_\_\_

**If EXISTING Business:**

Date expansion will be completed:\_\_\_\_\_

Purpose of expansion:\_\_\_\_\_

Does expansion involve?

- \_\_\_\_\_Acquisition of existing building
- \_\_\_\_\_Enlargement of existing building
- \_\_\_\_\_Construction of new building

Describe how property identified above facilitates the expansion of such existing business:  
\_\_\_\_\_  
\_\_\_\_\_

**Part IV. Employment Data**

Existing Business: Describe how expansion has or will create new employment:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part V. Description of Public Benefits**

Please attach a narrative description, of not to exceed two pages, of the public benefits which you believe will occur if the requested exemption is granted.

**Part VI - Financial Responsibility**

Attach a description of the businesses’ financial situation. This may include a financial statement, audit and other relevant information to assess the stability of the business. Indicate whether there is any pending or threatening litigation affecting the viability of the business.

**Part VII. Certification of Applicant**

I, \_\_\_\_\_, hereby certify that the foregoing attached information is true and correct to the best of my knowledge.

Further, it is understood that additional information may be requested by the City to assist the Governing Body in its consideration of this matter.

Date\_\_\_\_\_

Signed \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

Part VIII. Acknowledgment of Receipt

Receipt of \$1,000.00 fee is hereby acknowledged:

Date: \_\_\_\_\_

City Manager:\_\_\_\_\_

PROJECT APPLICATION (CITY OF BEL AIRE, KS)

Name of Corporation/Partnership \_\_\_\_\_

Date of Request \_\_\_\_\_

Address \_\_\_\_\_

Primary Contact \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

A. APPLICANT INFORMATION

**B. Name and addresses of all persons or corporations who would be obligated as either applicant or personal guarantors of subsidy:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**C. Name and addresses of the principal officers and directors of the applicant:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**D. Applicant's Attorney**

Name \_\_\_\_\_  
Phone Number \_\_\_\_\_

**E. Applicant's Financial Advisor**

Name \_\_\_\_\_  
Phone Number \_\_\_\_\_

**F. Applicant's Accountant**

Name \_\_\_\_\_  
Phone Number \_\_\_\_\_

G. Requested Subsidy:

Category:	Source/Type/Description:	Requested Amount
Tax Increment Financing		\$
Tax Abatement		\$
Industrial Revenue Bonds		\$
Other – Land Write-Down		\$
Other – Special Assessments		\$
Other – Public Improvements		\$
TOTAL REQUEST		\$

H. Complete Project Sources and Uses:

Sources:

Private Bank Loan	\$
Private Equity	\$
State/Local Loan/Grant Funds	\$
Tax Increment/Tax Abatement	\$
Other (specify_____)	\$
Total Sources:	\$

Uses:

Land Acquisition	\$
Building Construction/Reconstruction	\$
Machinery/Equipment	\$
Site Improvements	\$
Installation of Public Utilities	\$
Parking Improvements	\$
Legal/Financial Costs	\$
Surveying/Platting/Permitting	\$
Other (specify_____)	\$
Total Uses:	\$

I. Use of Subsidy:

Amount requested for purchase of land:	\$
Amount requested for building:	\$
Amount requested for equipment:	\$
Amount requested for site improvements:	\$
Amount requested for public utilities:	\$
Working capital:	\$
Other (specify):_____	\$



TOTAL REQUEST \$ \_\_\_\_\_

**J. Project Details:**

1. Include the following project details on a separate sheet:

- # of housing units, type of housing units, size of housing units, etc
- breakdown of commercial square footage, i.e., office, retail, manufacturing, industrial, hospitality, entertainment, etc
- cost per square footage of construction of each type of housing unit and each type of commercial use
- commencement and completion for each project component, include site improvements and public infrastructure
- dates for sale or lease of units, occupancy start, and full occupancy, etc
- estimated appraised value of project when complete, separated by use
- describe how the property will be subdivided by uses
- estimated taxable sales per s.f. of retail, hospitality, etc.

2. Name and address of Contractor \_\_\_\_\_

Name and address of Architect: \_\_\_\_\_

3. What type of equipment will be financed, if any? \_\_\_\_\_

4. If the applicant will be in direct competition with local firms,

(a) name of firms: \_\_\_\_\_

(b) describe nature of the competition: \_\_\_\_\_

**K. Project Operations:**

1. Provide the following operating assumptions on a separate sheet:
- For property to be leased, provide the estimated lease rates by type, lease type, lease term, etc. (separate commercial uses from residential uses)
  - For property to be sold, provide the estimated gross sales price (and per unit or per s.f. measure) and cost of sales (separate commercial from residential uses)
  - Include detail of annual operating expenditures, separate commercial from residential uses
  - Prepare pro-forma statements through ten (10) years of operation beginning from initial construction, including revenue projections, operating expense projections, and a debt amortization schedule. Include hypothetical sale in the 10<sup>th</sup> year.
  - Prepare pro-forma statements with and without the requested subsidy

**L. Subsidy Analysis:**

1. Detail the need for the subsidy, the benefit to the applicant of the subsidy \_\_\_\_\_
- \_\_\_\_\_
2. Has additional financing, whether internally generated or through other loans, been arranged? (If yes, explain on an attached sheet) \_\_\_\_\_
3. Has the applicant investigated conventional financing? What are the proposed terms? \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**M. Proposed Location/Timing of Construction:**

1. Location of the project: \_\_\_\_\_
2. What percentage of the building will be occupied by the applicant? \_\_\_\_\_
3. Is the project properly zoned? \_\_\_\_\_
4. If a zoning change is pending, cite application number and present status. If application has not been made, briefly describe what change will be needed and plans for submitting application: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
5. If unusual demands for water or sewer services or police or fire protection will be made, specify the demands: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**N. Ownership and Management:**

1. Describe the development company, ownership, affiliated/partner companies (identify membership entities):

2. What portion of the project is being financed from other affiliate or partner funds?

\$

Please Explain

3. Will portions of the project be sold to other entities? If so, please explain

4. Describe all threatened or pending/outstanding litigation and legal claims or regulatory issues:

Disclosure items:

Has the applicant or any affiliated party defaulted on a real estate obligation?

Has the applicant or any affiliated party declared bankruptcy?

Has the applicant or any affiliated party had judgments recorded against them?

If the answer is yes to any of the above, please explain.

**O. Job Creation Detail:**

Type of Job	No. of this Type	Average Annual Wage
Professional		
Technical		
Clerical		
General Labor		
Other: (specify_____)		

What is the total Annual Payroll? \_\_\_\_\_

**P. Financial Capacity:**

1. Provide copies of applicant’s financial statements (balance sheets and income statements) for the past three years certified as correct by the owner or an authorized officer (or audited) and current (year to date)
2. Provide current (year to date) and three years historical financial statements (balance sheets and income statements) for the affiliated/partner entities, to demonstrate financial capacity
3. Provide last three years income tax returns for development principals, if applicable.
4. Audited financials are required, and if not available, provide an explanation.
5. Letter from the primary lender(s) stating the amount of conventional financing available for the project

**Q. References and Relevant Experience:**

1. Provide names and locations of recent comparable projects
2. Provide private, public, and non-profit sector references from comparable projects. Please include names of government contacts with which the developer worked, if applicable.
3. Include three relevant experiences.

I, \_\_\_\_\_, hereby certify that the foregoing attached information is true and correct to the best of my knowledge.

Further, it is understood that additional information may be requested by the City to assist the Governing Body in its consideration of this matter. A non-refundable application fee of \$5,000.00 will be paid upon submission of application.

Date\_\_\_\_\_Signed \_\_\_\_\_

Name

\_\_\_\_\_

Title

Receipt is hereby acknowledged:

Date: \_\_\_\_\_

City Manager:\_\_\_\_\_

# The League of Kansas Municipalities Annual Conference

October 8-10, 2022  
Overland Park, Kansas

Registration opens July 1



## Plan Now to Attend

The League Annual Conference is the largest municipal gathering of the year in Kansas, and the one event city officials cannot afford to miss!

This event will allow you to engage with other leaders to share and brainstorm ideas to implement in your community, and think creatively to use problem solving tactics and address common municipal challenges.

## Session Topics\*

- Dealing with First Amendment Auditors
- Fair Housing Act Training
- Grant Writing Workshop
- Census Data for Your Community
- Building a Vibrant Downtown - "Streeteries"
- Emergency Response: KDEM
- Train & Retain Employees
- Cybersecurity Best Practices
- Local Government 101: Records Retention
- Rapid Fire Discussions:
  - KMIT Association Health Plan
  - KS PRIDE Program
- And more

\*tentative and subject to change

## Venue

Overland Park Convention Center +  
Sheraton Overland Park Hotel

## Preliminary Agenda<sup>^</sup>

### Saturday, October 8

Legislative Policy Committee  
Pre-Conference MTI Workshops  
Governing Body Meeting  
KMIT Annual Meeting & Reception

### Sunday, October 9

Nominating Committee Meeting  
New Attendee Orientation  
Rapid Fire Discussions  
Opening General Session / Keynote  
Concurrent Workshops  
League Dinner / Social Event  
Trade Show [Sunday only 12:30 - 5:30]

### Monday, October 10

Breakfast / General Session  
Concurrent Workshops  
Affiliate Association Concurrent Workshops  
Public Service Awards Luncheon + Business Meeting  
Mobile Workshop

<sup>^</sup>A more detailed schedule of events available online



[www.lkm.org/annualconference](http://www.lkm.org/annualconference)

## STAFF REPORT

DATE: 7/13/22

TO: City Council and City Manager

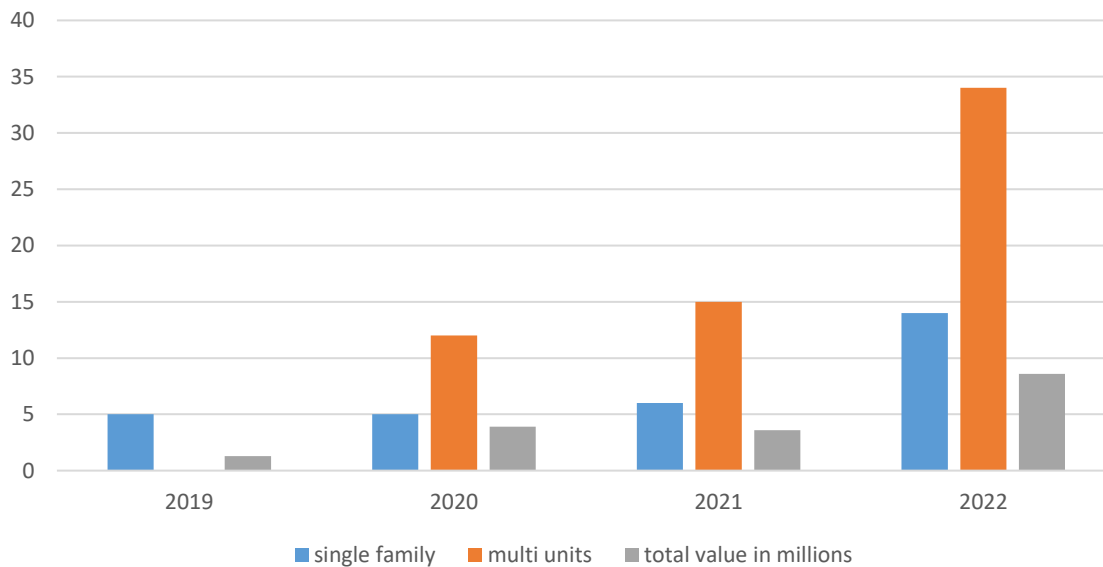
FROM: P&Z Department

RE: May Monthly report



### Residential Construction update

June Housing Permits



There is a labor shortage for all types of construction workers, in addition materials shortages is still plaguing the productivity of the builders in the area. Example, a window manufacturer cancelled all orders placed in 2021 for 2022 that were placed for high end windows at the beginning of the year 2022. The house construction is behind four months now.

USA today reported-

Many Americans seeking to buy a newly constructed home are now playing the waiting game as supply-chain slowdowns and a lack of labor are adding more months before buyers can move in.

It now takes about eight months or longer to build a new home, compared with about four to six and a half months before the COVID-19 pandemic, said Robert Dietz, chief economist for the National Association of Home Builders.

### Elevator code

The Elevator Safety Act (HB 2005) passed this legislative session and went into effect on July 1. This program is administered by the State Fire Marshal's office. Cities are able to adopt or keep and implement standards that meet or exceed what is required by the Act. If your city does, the State Fire Marshal's office must be notified each year. If your city does not have any standards for elevator safety, you will fall under the state requirements and within the jurisdiction of the State Fire Marshal.

Bel Aire does have a code cycle adopted that included MABDC's amendments to the codes Bel Aire hasn't adopted yet. The planning and zoning department will follow up with the state requirements.

## **Violation**



Wires are reversed can cause bad effects.

## STAFF REPORT

DATE: July 12, 2022

TO: Ty Lasher, City Manager  
Bel Aire City Council

FROM: Brian Hayes, Recreation Director

RE: **June Activities**

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### Recreation

- Pickleball participation was up with 273 compared to 244 participants last month.
- Taekwondo participation was down slightly with 15 students compared to 18 in May. TKD participation is typically down in the summer.
- Exercise classes were steady with 19 participants compared to the same in May.
- Tippi Toes Dance started a small summer session with 8 participants.
- Happy Feet Soccer was near capacity with 18 participants compared to 10 last summer.
- Summer Day camp started off with a bang but averaged just 15 kids per week. We were inspected by KDHE on June 28<sup>th</sup> with no violations and therefore received the permanent license. We are a little disappointed in the registration but could be attributed to KDHE issuing the temporary license only the week before the camp was scheduled to start. On the bright side it allowed staff to get acclimated in delivering our own camp and becoming compliant to strict KDHE regulations.
- T-Ball and Machine Pitch Baseball completed another successful season on June 30<sup>th</sup>.
- Wichita Heights Junior Baseball/Softball League games run through the second week in July.
- June daily use was steady with 540 compared to 545 last month.
- Routine mowing continued with the Bermuda turf beginning its typical summer growth. The Bermuda began requiring mowing 2-3 times a week by the end of June. July plans are to treat for grubs, Bermuda aeration and fertilizing approximately 3 acres that were damaged or killed this past winter and spring. Additionally, some brown patch disease began showing up in the fescue yard around the building.
- Upcoming programs include Basketball Mini Camp, Bel Aire Ball, Outdoor Soccer & Flag Football.

### Seniors

- 640 seniors participated in bridge, line dance, exercise, sewing, walking, book club, educational, and special activities compared to 645 last month.

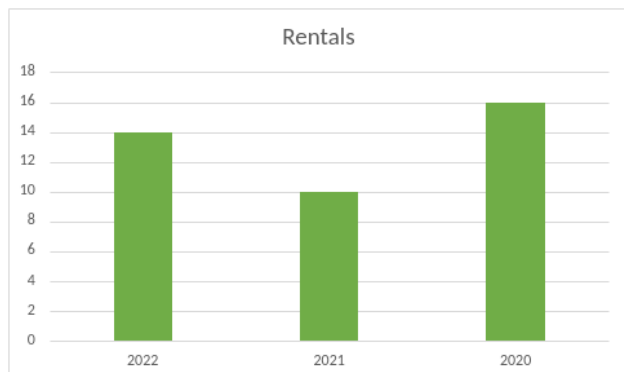
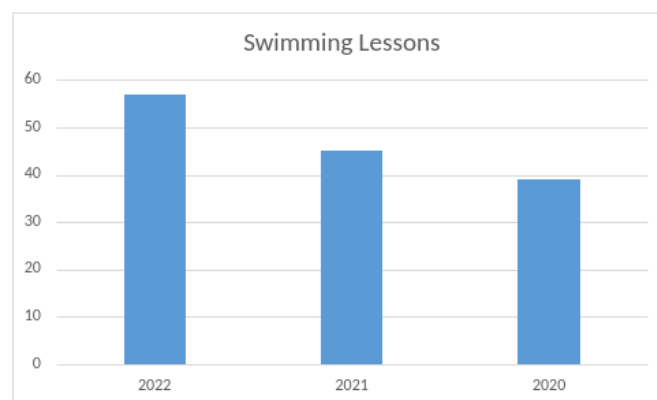
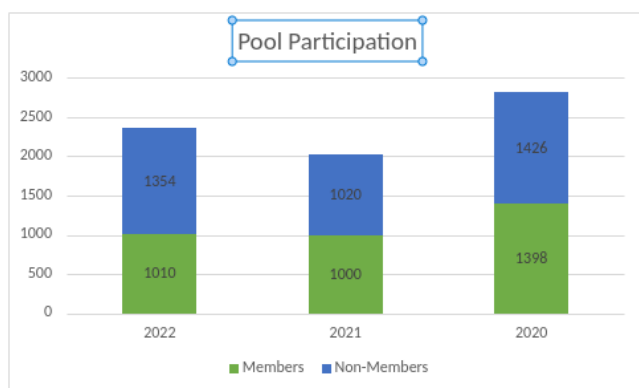


## Seniors continued

- Over 30 folks attended a cookout held in the pavilion at the Rec Center on June 27<sup>th</sup>. Staff manned the grill and everyone enjoyed a mild outdoor day of food, stories and fellowship.
- Staff continues to engage Bel Aire Seniors by phone, newsletters, and e-mail. Every week virtual tours of interesting venues, fun activities, and useful information are presented.
- Upcoming Senior activities include a semi-annual planning committee meeting, several craft activities, Tai Chi, movie night, a Veterans presentation as well as the many ongoing programs.

## Swimming Pool

- June weather was not very conducive for pool activities. The first few weeks were cool and the excessive rainfall affected attendance. Staff is hopeful that the remaining season will improve.
- Open Swim attendance was still up with 2364 compared to 2000 last year.
- Membership sales were up a bit with 60 compared to 58 last year.
- Pool Rentals were up with 14 compared to 10 last year.
- Swim lessons were up with 57 compared to 45 last year although the first session was cancelled due to cool water & air temperatures
- The Hot Dogs Pool Party will again be held to close out the season on August 8<sup>th</sup>. The last day for Open Swim is August 7<sup>th</sup>.



**City of Bel Aire, Kansas**  
**Treasurer's Quarterly Financial Report**  
**For the Second Quarter, Ending June 30, 2022**

*\*Revenue receipts and expenses include fund transfers.*


Section XIV, Item C.

<b>Fund Description</b>	<b>Beginning Balance 04/01/2022</b>	<b>Revenue Receipts</b>	<b>Expenses</b>	<b>Ending Balance 06/30/2022</b>
General Fund	3,315,465.51	2,441,399.42	851,022.50	4,905,842.43
Water Utility Fund	2,439,063.92	730,974.48	652,857.99	2,517,180.41
Sewer Utility Fund	3,084,681.91	785,262.50	663,703.74	3,206,240.67
Special Street & Highway Fund	315,901.07	80,161.24	90,988.74	305,073.57
Capital Improvement Reserve Fund	1,356,050.54	636,499.03	91,485.00	1,901,064.57
Equipment Reserve Fund	853,649.05	597.50	17,575.00	836,671.55
Bond & Interest Fund	2,814,175.43	821,988.25	474,451.68	3,161,712.00
Capital Projects Fund	11,500.41	0.00	15,508.24	-4,007.83
Land Bank Fund	3,941,611.67	1,288,596.82	65,425.30	5,164,783.19
Solid Waste Utility Fund	222,298.07	147,156.67	110,253.22	259,201.52
Stormwater Utility Fund	331,574.45	21,690.62	2,863.46	350,401.61
Trustee Fund (COP & PBC)	1,028,132.63	23,283.45	1,028,132.63	23,283.45
Drug Forfeiture Funds	3,653.46	0.00	0.00	3,653.46
Capital Projects #2 Fund	2,670,660.68	8,880.00	1,307,807.46	1,371,733.22
<b>Total Cash on Hand</b>	<b>22,388,418.80</b>	<b>6,986,489.98</b>	<b>5,372,074.96</b>	<b>24,002,833.82</b>

Temporary Notes (Outstanding)	17,890,000.00
General Obligation Bonds (Outstanding)	31,495,000.00
PBC Revenue Bonds (Outstanding)	14,755,000.00
<b>Total Outstanding Debt</b>	<b><u>64,140,000.00</u></b>

I do hereby certify the above statement to be correct, to the best of my knowledge.

Deborah Appel, City Treasurer





## MANAGERS REPORT

**DATE:** July 14, 2022  
**TO:** Mayor Benage and City Council  
**FROM:** Ty Lasher, City Manager  
**RE:** July 19, 2022 Agenda

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

Contains only the minutes of the July 5<sup>th</sup> City Council meeting.

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

This reporting period includes one payroll period. The first bonded development expenses for Cedar Pass-Phase 1 are also included in the bonded capitol project expenses totaling \$100,458.20.

### **Special Assessment and GO Bond Issuance (Item A)**

The following projects are complete and ready for permanent financing. In addition, all of the improvements will be special assessed. As such, mailing notices, public hearing and formal adoption will be taking place over the next few weeks. These actions start the process. Staff as well as Gilmore & Bell will be at the meeting to explain the process and answer questions.

#### **Project No. 1 – Villas at Prestwick Phase 1 - Drainage Improvements Authorized by Resolution No. R-18-05**

Construction of a drainage system to serve certain lots of Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas.

#### **Project No. 2 – Villas at Prestwick Phase 1 - Street Improvements Authorized by Resolution No. R-18-07**

Construction of pavement on Villa Place from the south edge of Prestwick Avenue at a point approximately 105 feet south of the intersection of Cambridge Street and Prestwick Avenue looping around approximately 1200 feet to the south edge of Prestwick Avenue at a point approximately 145 feet north to the intersection of Cambridge Street and Prestwick Avenue; Sidewalk from the south edge of Prestwick Avenue in Reserve B, along the inside loop of Villa Place crossing Lots 1 through 6, Block 2, to the south edge of Prestwick Avenue in Reserve B; Side walk crossing from Villa Place to Jasmine Street across the drainage way, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

**Project No. 3 – Villas at Prestwick Phase 1 – Sanitary Sewer Improvements  
Authorized by Resolution No. R-18-09**

Construction of a lateral sanitary sewer, to serve certain lots of Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

**Project No. 4 – Villas at Prestwick Phase 1 – Water Distribution System Improvements  
Authorized by Resolution No. R-18-11**

Construction of a water distribution system including necessary water mains, pipes, valves, hydrants, and appurtenances, to serve certain lots of Villas at Prestwick Addition, an addition to the City of Bel Aire, Sedgwick County, Kansas, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

**Project No. 5 – Rock Spring Addition Phase 6 - Paving Improvements  
Authorized by Resolution No. R-19-04**

Construction of pavement on Pebblecreek from the west line of Lot 5, Block 2, Rock Spring Addition to the North line of said Addition including the cul-de-sac serving lots 7-9, Block 1.

**Project No. 6 – Rock Spring Addition Phase 6 – Water Improvements  
Authorized by Resolution No. R-19-05**

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve certain lots of Rock Spring Addition to the City of Bel Aire, Sedgwick County, Kansas, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Project No. 7 – Rock Spring 3<sup>rd</sup> Addition – Phase 1 Paving Improvements  
Authorized by Resolution No. R-21-26**

Construction of pavement on TOBEN from the South line of Lot 9, Block 3, Rock Spring 3<sup>rd</sup> Addition to the North line of said Addition; TOBEN COURT from the West line of Toben to and including the cul-de-sac; and TOBEN COURT from the West line of Toben to and including the cul-de-sac.

**Project No. 8 – Rock Spring 3<sup>rd</sup> Addition – Phase 1 Sewer Improvements  
Authorized by Resolution No. R-21-28**

Construction of a lateral sanitary sewer to serve certain lots of Rock Spring 3<sup>rd</sup> Addition to the City of Bel Aire, Kansas.

**Project No. 9 – Rock Spring 3<sup>rd</sup> Addition - Drainage Improvements**  
**Authorized by Resolution No. R-21-30**

Construction of a stormwater pond, swales and mass grading to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Project No. 10 – Rock Spring 3<sup>rd</sup> Addition – Phase 1 Water Improvements**  
**Authorized by Resolution No. R-21-31**

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Project No. 11 – Webb Road Gravity Sewer Main Improvements**  
**Authorized by Resolution No. R-20-10**

Construction of a sanitary sewer gravity trunk main line, and related improvements, with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.

**Project No. 12 – Webb Road Lift Station Improvements**  
**Authorized by Resolution No. R-20-11**

**Letter of Intent, Block 49, LLC (Item B):**

Block 49, LLC is developing 80 acres on the west side of Webb north of Tierra Verde. Part of their development includes a storage facility. They plan to construct ten storage buildings and one office building totaling 67,000 square foot of storage. The valuation of the facility will be roughly \$7 million dollars and employ one full time manager. Based on the value of the building, number of employees and IRB policy, staff has determined a 100% property tax exemption for 10 years with the following PILOT payments:

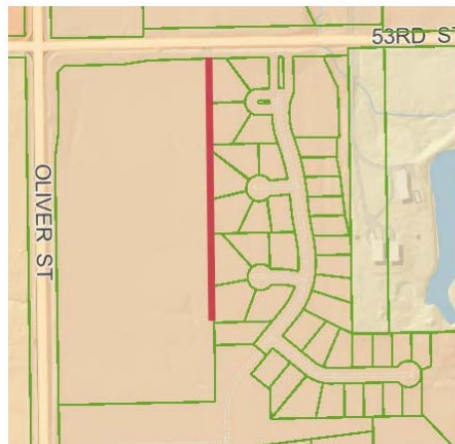
Year 1	0%
Year 2	10%
Year 3	20%
Year 4	30%
Year 5	40%
Year 6	50%
Year 7	60%
Year 8	70%
Year 9	80%
Year 10	90%

A cost benefit analysis was completed by Wichita State University and required by the State of Kansas before any tax abatements can be issued. We focus on page 3 to see the ratio of benefit for each taxing entity. You will see Bel Aire is at 2.3, Sedgwick County is 2.4, State of Kansas is 5.8 and USD 375 is 3.7. Our goal is to be above 1 meaning for every dollar in lost taxes we receive a dollar in benefit. In this case, every entity receives

more than a dollar in return for each dollar given up. Staff recommends approving the LOI.

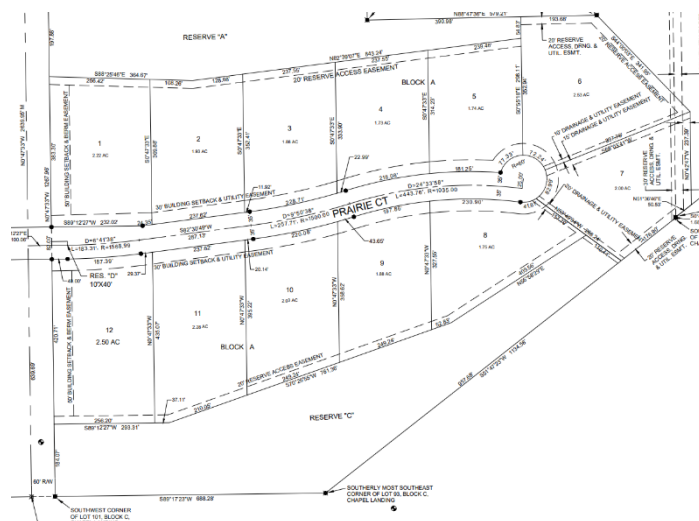
### **Profession Services Agreement with Baughman Engineering (Item C)**

The Developers of Chapel Landing and Homestead Senior Living have coordinated to share the cost of the sanitary sewer line that runs between their developments. The Developers have asked Baughman to prepare an agreement for Engineering Design and Construction Services for the design and construction observation for their development. The cost of this work will be charged toward the project and spread as special assessments. Staff recommend approving the agreement.



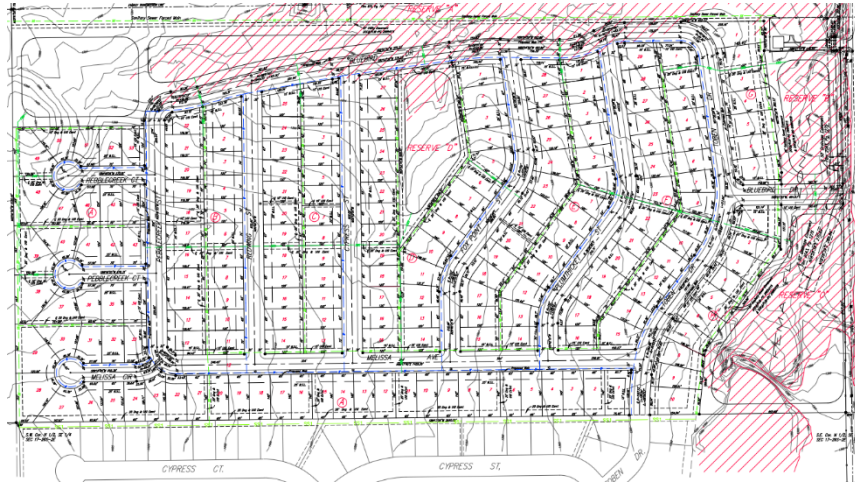
### **No parking Ordinance (Item D)**

The Developer of Prairie Preserve requested Prairie Court be 24' wide instead of 29' as codes require. The reason being these are large lots and the cost for such a road can get too expensive for special assessments. In addition, the large lots have longer driveways and there would be no need for on street parking. When the Development Agreement was approved by Council, the request was made to not allow parking along Prairie Court. City Attorney Kelly drafted an ordinance that prohibits on street parking along Prairie Court and allows Bel Aire Police to enforce.



### **Bel Aire Lakes Zone Change Ordinance (Item E)**

The Developer of Bel Aire Lakes, formerly known as Sham Way Estates, requested a zone change from AG- Agriculture to R5 – Residential. Planning Commission reviewed the applicants request to rezone the parcel and held a public hearing at their July 7th meeting. There were no public comments regarding the proposed zoning change. Planning Commission considered the evidence and discussed a number of factors and voted 5-0 to recommend approval of the rezone request. Final consideration is now with the City Council. Staff supports the Planning Commission's recommendation.



### **Set Back Vacation in Lawn Terrace (Item F)**

Thomas Goodson, owner of 5125 E. 46<sup>th</sup>, requested the front setback for his lot be reduced from 30' to 15'. The request was to allow him to build a garage addition to the front of his house as well as to add more first-floor living space in order to remain in their home as they age. Public notice was given, and a public hearing was held at the July 7<sup>th</sup> Planning Commission meeting. There were no citizens in attendance that protested the vacation. The Planning Commission considered the front of the house would still be 25' from the road and there was no adverse effect on the vision triangle and as such voted 5-0 to approve the vacation. Final action now comes to the City Council for approval. Staff supports the Planning Commission recommendation.





**Revised TIF Policy (Item G)**

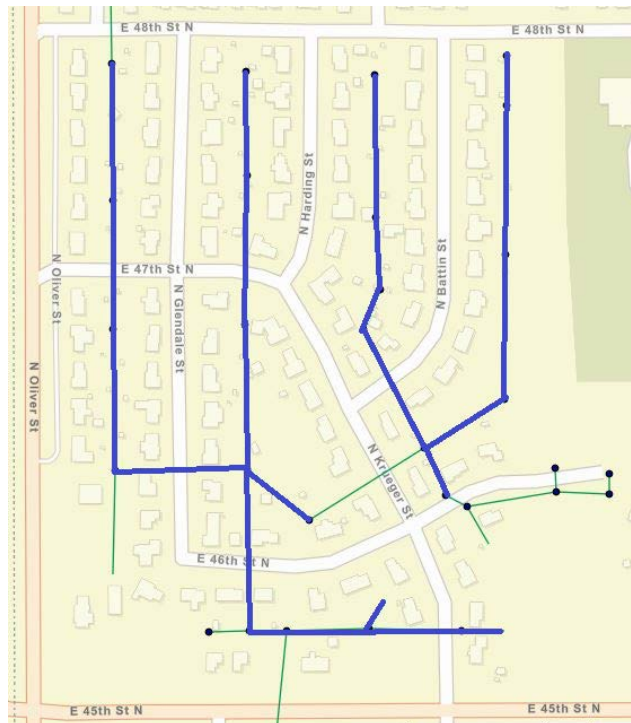
Included in your packet is a copy of the current Comprehensive Economic Development Policy approved in 2009 and revised in 2012. Rather than tackle the entire policy at once, I pulled out the IRB section which was discussed at the June 21<sup>st</sup> Council Meeting. The revised TIF section is now ready for final consideration and adoption.

**Cured in Place Piping Quote (Item H)**

The 2023 Sewer Budget contains \$600,000 for sewer main improvements. The city completed CCIP in Pearson's Addition and the next area due for this improvement is Lawn Terrace. Staff contacted three contractors requesting quotes for 4,602 linear feet of 8" CIPP and 2,020 linear feet of 10" CIPP in Lawn Terrace.

Contractor	Total Bid	Protruding Tap Removal
Insituform	\$228,196.80	\$220.00
UMC	No Bid	
Mayer Specialty Services	Could not meet specs.	

Staff recommends accepting the quote from Insituform.





**Voting Delegates to the LKM Annual Business Meeting (Items I & J)**

As a member of the League of Kansas Municipalities (LKM), Bel Aire receives three votes at the annual business meeting that will be held during the LKM conference in Overland Park. In addition, the City may appoint up to three alternate voting delegates who fill in for a voting delegate should one not be able to make the meeting. The annual business meeting will be held on Monday, October 10<sup>th</sup> from noon to 1:30 pm. Mayor Benage, Tyler Dehn, Emily Hamburg and myself will be attending. I believe Jim, Tyler and I will be there on Monday and could be voting delegates. Emily could be an alternate in case someone can't make it as she may be able to stay.

**Executive Session (XIII)**

Will need an executive session. Following the executive session, Council may consider taking action on the Revised Employment Agreement for the City Manager.