



AGENDA
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
December 05, 2023 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. Approve Minutes of the November 21, 2023 City Council meeting.**
- B. Reappoint Mayor Jim Benage to the Wichita Area Metropolitan Planning Organization (WAMPO) Policy Board**
- C. Reappoint City Engineer Anne Stephens as an alternate official to the WAMPO Policy Board.**
- D. Reappoint Assistant City Manager Ted Henry as an alternate official to the WAMPO Policy Board.**
- E. Reappoint Mayor Jim Benage to the Bel Aire Public Building Commission (PBC). The Mayor is one member and serves a 4-year term co-terminus with his Mayoral term.**
- F. Reappoint Gary O'Neal to the Bel Aire Public Building Commission (PBC). His term will expire in 2027.**
- G. Reappoint Mayor Jim Benage to the Chisholm Creek Utility Authority Board.**
- H. Reappoint Greg Davied to the Chisholm Creek Utility Authority board for 2 years, term ending December 5, 2025.**

- I.** Accept Petitions for Phase 1 Paving, Sanitary Sewer, and Water Distribution System Improvements to serve Skyview at Block 49 2nd Addition Phase 2.
- J.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Skyview At Block 49 2nd Addition- Phase 2); And Amending, Restating And Repealing Resolution No. R-22-48.
- K.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/ Skyview At Block 49 2nd Addition - Phase 2).
- L.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution System Improvements/Skyview At Block 49 2nd Addition- Phase 2).
- M.** Accept Petitions for Phase 1 Paving and Drainage, Sanitary Sewer, and Water Distribution System Improvements to serve Bel Aire Lakes.
- N.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Bel Aire Lakes Addition—Phase 1).
- O.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/ Bel Aire Lakes - Phase 1).
- P.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution System Improvements/Bel Aire Lakes- Phase 1).

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 No. 23-22 in the amount of \$971,445.72

Action: Motion to (approve / deny / table) Appropriations Ordinance No. 23-22.

Motion _____ Second _____ Vote _____

VIII. SEATING OF NEWLY ELECTED GOVERNING BODY MEMBERS

A. Oath of Office by Mayor Jim Benage and Councilmembers Emily Hamburg and Tyler Dean.

IX. ROLL CALL OF NEW COUNCIL

Greg Davied ____ Tyler Dehn ____ Emily Hamburg ____
Justin Smith ____ John Welch ____

X. CITY REQUESTED APPEARANCES: None

XI. PUBLIC HEARING: *Anyone wishing to address the City Council related to the proposed 2023 Budget Amendments are asked to complete a "Request to Speak" card and present it to the City Clerk prior to the start of the meeting. When called on by the Mayor, please move to the podium and state your name & address so that you can be clearly heard by the viewing public as well as the Governing Body. Comments are limited to three (3) minutes unless additional time is granted by the Mayor.*

A. Public Hearing on the proposed 2023 City of Bel Aire Budget Amendments.

Action: Motion to close the public hearing.

Motion _____ Second _____ Vote _____

XII. CITIZEN CONCERNS: *If you wish to speak, please 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.)*

XIII. REPORTS

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

XIV. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Adopt 2023 City of Bel Aire Budget Amendments, as published.

Action: Motion to (adopt /deny / table) 2023 City of Bel Aire Budget Amendments, as published.

Motion _____ Second _____ Vote _____

B. Consideration of electing a Council President. The term is for one year and was previously held by Justin Smith.

Action: Motion to (elect / table) Council Member _____ as Council President for 2024.

Motion _____ Second _____ Vote _____

C. Consideration of Bids for Street Repairs on Webb Road from K-254 to 45th Street. Three bids were received:

Pearson Construction	\$47,380.00
Kansas Paving	\$33,040.00
APAC Construction	\$54,250.00

Action: Motion to (accept / deny / table) the bid from _____ in the amount not-to-exceed \$ _____ and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

D. Consideration of accepting a bid for the 37th Street Valve Replacement. Three bids were received:

<u>Contractor</u>	<u>Total Bid</u>
Dondlinger	\$42,750.00
McCullough	\$66,250.00
UMC	\$46,610.00

Action: Motion to (accept / deny / table) the bid from _____ in the amount of \$ _____ for the 37th Street Valve Replacement and authorize the Mayor to sign all related documents.

Motion _____ Second _____ Vote _____

E. Consideration of An Ordinance which sets forth uniform requirements for Users of the Sanitary Sewer Conveyance System for the City of Bel Aire and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et 15 seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations 16 [CFR] Part 403)

Action: Motion to (adopt / deny / table) An Ordinance which sets forth uniform requirements for Users of the Sanitary Sewer Conveyance System for the City of Bel Aire and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et 15 seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations 16 [CFR] Part 403) and authorize the Mayor to sign.

Motion _____ Second _____ Roll Call Vote:

Greg Davied _____ Tyler Dehn _____ Emily Hamburg _____

Justin Smith _____ John Welch _____

F. Consideration of An Ordinance changing the zoning classification from R-4 Single-Family District to R-5 Multi-Family on certain property located within the corporate city limits of the City of Bel Aire, Kansas (ZON-23-05 - Chapel Landing 8th).

Action: Motion to (approve / deny / table) An Ordinance changing the zoning classification from R-4 Single-Family District to R-5 Multi-Family on certain property located within the corporate city limits of the City of Bel Aire, Kansas and authorize the Mayor to sign.

Motion _____ Second _____ Roll Call Vote:

Greg Davied _____ Tyler Dehn _____ Emily Hamburg _____

Justin Smith _____ John Welch _____ Mayor Jim Benage _____

G. Consideration of A Resolution Concerning Service, License And Permit Fees Within The Corporate Limits Of The City Of Bel Aire, Kansas.

Action: Motion to (approve / deny / table) A Resolution Concerning Service, License And Permit Fees Within The Corporate Limits Of The City Of Bel Aire, Kansas as (presented / amended) and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

H. Consideration of Notification of Retirement from Ty Lasher as City Manager, submitted on October 10, 2023 (announced at the October 10th council workshop while written letters were simultaneously provided to all council members.)

Action: Motion to (approve / deny / table) Ty Lasher's Notification of Retirement as received on October 10, 2023, with his last day as City Manager being March 29, 2024.

Motion _____ Second _____ Vote _____

I. Consideration of an Employment Agreement with Ted Henry as City Manager, effective April 1, 2024.

Action: Motion to (approve / deny / table) an Employment Agreement with Ted Henry as City Manager with an effective date of April 1, 2024 and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

XV. EXECUTIVE SESSION

Action: Motion to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding contractual obligations pursuant to the KSA 75-4319

exception for attorney-client privilege. Invite the City Manager, Assistant City Manager, City Engineer, Attorney Neal Gosch and the City Attorney. The meeting will be for a period of ___ minutes, and the open meeting will resume in City Council Chambers at _____ p.m.

Motion _____ Second _____ Vote _____

Action: Motion to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding contractual obligations pursuant to the KSA 75-4319 exception for attorney-client privilege. Invite the City Manager and the City Attorney. The meeting will be for a period of ___ minutes, and the open meeting will resume in City Council Chambers at _____ p.m.

Motion _____ Second _____ Vote _____

XVI. DISCUSSION AND FUTURE ISSUES

- A. December Workshop – December 12th at 6:30 pm?**
- B. December 19th City Council Meeting?**

XVII. ADJOURNMENT

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____

Additional Attachments

- A.** Planning Commission Schedule 2024
- B.** Revised 2024 Court Schedule
- C.** Manager's Report - December 5, 2023

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. Video of this meeting can be streamed on YouTube and at www.belaireks.gov. Please make sure all cell phones and other electronics are turned off and put away.



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
November 21, 2023 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 Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch.

Also present were City Manager Ty Lasher, City Attorney Maria Schrock, Assistant City Manager Ted Henry, City Engineer Anne Stephens, Special Counsel J.T. Klaus, City Clerk Melissa Krehbiel.

III. OPENING PRAYER: Terry Hedrick 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. Minutes of the November 7, 2023 City Council meeting.

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

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance No. 23-21 in the amount of \$3,205,832.54.

MOTION: Councilmember Davied moved to approve Appropriations Ordinance No. 23-21. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

VIII. CITY REQUESTED APPEARANCES: Representatives from Garver were unable to attend. No one spoke.

IX. CITIZEN CONCERNS: No one spoke.

X. REPORTS

A. Council Member Reports

Councilmember Hamburg gave a brief report on the latest meeting of the Chisholm Creek Utility Authority (CCUA) on November 9th, at which she served as an alternate representative for Bel Aire.

Councilmember Welch thanked the Bel Aire representatives to CCUA for their service.

Councilmember Smith gave a brief report on the latest CCUA meeting. This morning, he attended a meeting with Kechi and Bel Aire officials hosted by PEC regarding development in the area and possible partnerships opportunities for water and sewer master planning.

Councilmember Hamburg briefly reported on the latest CCUA meeting.

Councilmember Dehn reported he attended the K-254 Corridor Management Plan meeting hosted by the Kansas Department of Transportation (KDOT) at Circle Middle School in Benton on November 8th. He thanked voters for their participation in the recent election.

B. Mayor's Report

Mayor Benage reported that the City has received a response letter from KDHE confirming that improvements are needed at the CCUA plant, but expansion of capacity is not a requirement. Mayor Benage attended the meeting with Kechi officials and PEC. He provided a brief report in the latest meeting of the Wichita Area Municipal Planning Organization (WAMPO). He asked citizens to continue to support the businesses along Woodlawn and wished everyone a blessed Thanksgiving.

C. City Attorney Report

City Attorney Maria Schrock gave a brief report on the decision by the Kansas Corporation Commission (KCC) regarding the electric rates for municipalities.

D. City Manager Report

City Manager Ty Lasher briefly reviewed notes from Garver engineering regarding the Woodlawn construction project. He also shared dates of upcoming holiday events: City offices will be closed this Thursday and Friday for Thanksgiving, the annual City holiday event will be on December 2nd at City Hall, and the Bel Aire Chamber of Commerce will hold a mixer at Shepherd's Crossing on December 4th.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of the request from Vance Brothers to allow the completion of the Micro-Surfacing Project in the Spring of 2024.

Shawn Brost, Vance Brothers, stood for questions from the Council. He said that Vance Brothers would be willing to pay half the cost of temporary stripping, if Council agreed to

the request to delay micro-surfacing until spring. There was consensus among the Council that temporary striping of the project areas should be completed before winter weather.

MOTION: Councilmember Hamburg moved to approve the request from Vance Brothers to complete the Micro-Surfacing project in the Spring of 2024 with the condition that temporary striping be completed and the cost of striping be split with Vance Brothers with the City’s portion of the cost not to exceed \$5,000. Councilmember Smith seconded the motion. *Motion carried 5-0.*

B. Consideration of a 2023 Budget Amendment to be published and schedule a public hearing for the December 5, 2023 City Council Meeting.

MOTION: Councilmember Davied moved to approve a 2023 Budget Amendment to be published and schedule a public hearing for the December 5, 2023 City Council Meeting. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

C. Consideration of An Ordinance changing the zoning classification from AG Agricultural to M-1 Planned Unit Development - Industrial District on certain property located within the corporate city limits of the City of Bel Aire, Kansas (Wichita Airport Authority, ZON-23-03).

MOTION: Councilmember Hamburg moved to approve An Ordinance changing the zoning classification from “AG agricultural” to “M-1 Planned Unit Development - Industrial District” on certain property located within the corporate city limits of the City of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Dehn seconded the motion.

Roll Call Vote:

Greg Davied – Aye Tyler Dehn – Aye Emily Hamburg – Aye
Justin Smith– Aye John Welch – Aye Mayor Jim Benage – Aye

Motion carried 6-0.

D. Consideration of An Ordinance changing the zoning classification from C-1 Commercial to R-1 Estate Residential on certain property located within the corporate city limits of the City of Bel Aire, Kansas (1/4 mile south of 53rd Street North on the east side of Rock Road - Hollenbeck Farm, ZON-23-04 (Part 1)).

MOTION: Councilmember Dehn moved to approve An Ordinance changing the zoning classification from “C-1 Commercial” to “R-1 Estate Residential” on certain property located within the corporate city limits of the City of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Davied seconded the motion.

Roll Call Vote:

Greg Davied – Aye Tyler Dehn – Aye Emily Hamburg – Aye
Justin Smith– Abstain John Welch – Aye Mayor Jim Benage – Aye

Motion carried 5-0-1 with Councilmember Smith abstaining from the vote.

E. Consideration of accepting the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Final Plat of Hollenbeck Farm (ZON-23-04 (Part 2)).

MOTION: Councilmember Davied moved to accept the dedications within the Final Plat for Hollenbeck Farm (ZON-23-04) and authorize all required signatures. Councilmember Hamburg seconded the motion.

Roll Call Vote:

Greg Davied – Aye Tyler Dehn – Aye Emily Hamburg – Aye
Justin Smith– Abstain John Welch – Aye Mayor Jim Benage – Aye

Motion carried 5-0-1 with Councilmember Smith abstaining from the vote.

XII. EXECUTIVE SESSION

A. EXECUTIVE SESSION

MOTION: Councilmember Hamburg moved to go into Executive Session for the sole purpose of discussing the subject of: non-elected personnel pursuant to K.S.A. 75-4319(b)(1) to discuss personnel matters related to non-elected personnel. The Executive Session will include the City Attorney and Special Counsel. The Executive Session will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 8:10 PM. Councilmember Dehn seconded the motion. **Motion carried 5-0.**

The Council then held an executive session. At 8:13 p.m. Mayor Benage called the meeting back to order in open session. He stated no binding action had been taken.

MOTION: Councilmember Hamburg moved to extend the executive session for 10 more minutes and resume the open meeting in Council Chambers at 8:24 p.m. Councilmember Davied seconded the motion. **Motion carried 5-0.**

The Council then returned to executive session. At 8:25 p.m. Mayor Benage called the meeting back to order in open session. He stated no binding action had been taken.

XIII. DISCUSSION AND FUTURE ISSUES

The Council briefly discussed agenda topics for the next regular City Council meeting, which will be held on December 5, 2023.

XIV. ADJOURNMENT

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

PHASE 2 PAVING PETITION

To the Mayor and City Council
Bel Aire, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

Skyview at Block 49 2nd Addition

- Lots 1-2, Block A
- Lots 1 - 27, Block B
- Lots 1 - 9, & 11 - 26, Block C
- Lots 1-5, Block D

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed pavement on; **TOBEN DRIVE** from the north line of Lot 6, Block C to north line of the Addition; **TOBEN COURT** from the west line of Lot 27, Block C to and including Cul-De-Sac; **JOSHUA STREET** from the west line of the Addition to the west line of Toben Drive; **FORBES STREET** from the east line of Toben Drive to the east line of the Addition; and **FORBES CIRCLE** from the west line of Toben Street to, and including the cul-de-sac.

That said pavement on Joshua Street, Forbes Street, and Toben Drive between aforesaid limits be constructed for a width of thirty (30) feet from gutter line to gutter line, and each gutter to be two and one-half (2-1/2) feet in width; making a total roadway width of thirty-five (35) feet. Said pavement on Toben Court and Forbes Circle between aforesaid limits shall be constructed for a width of twenty-four (24) feet from gutter line to gutter line, and each gutter to be two and one-half (2-1/2) feet in width; making a total roadway width of twenty-nine (29) feet with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas. Drainage to be installed where necessary. A 5' sidewalk shall be installed on one side of Toben Drive and Joshua adjacent to the new pavement.

- (b) That the estimated and probable cost of the foregoing improvement being One Million Dollars (\$1,000,000), with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata of 1 percent per month from and after November 1, 2023.

- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Bel Aire incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Bel Aire to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement or which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value:

Skyview at Block 49 2nd Addition

- Lots 1-2, Block A
- Lots 1 - 27, Block B
- Lots 1 - 9, & 11 - 26, Block C
- Lots 1-5, Block D

The above listed lots shall each pay 1/59 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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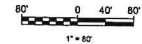
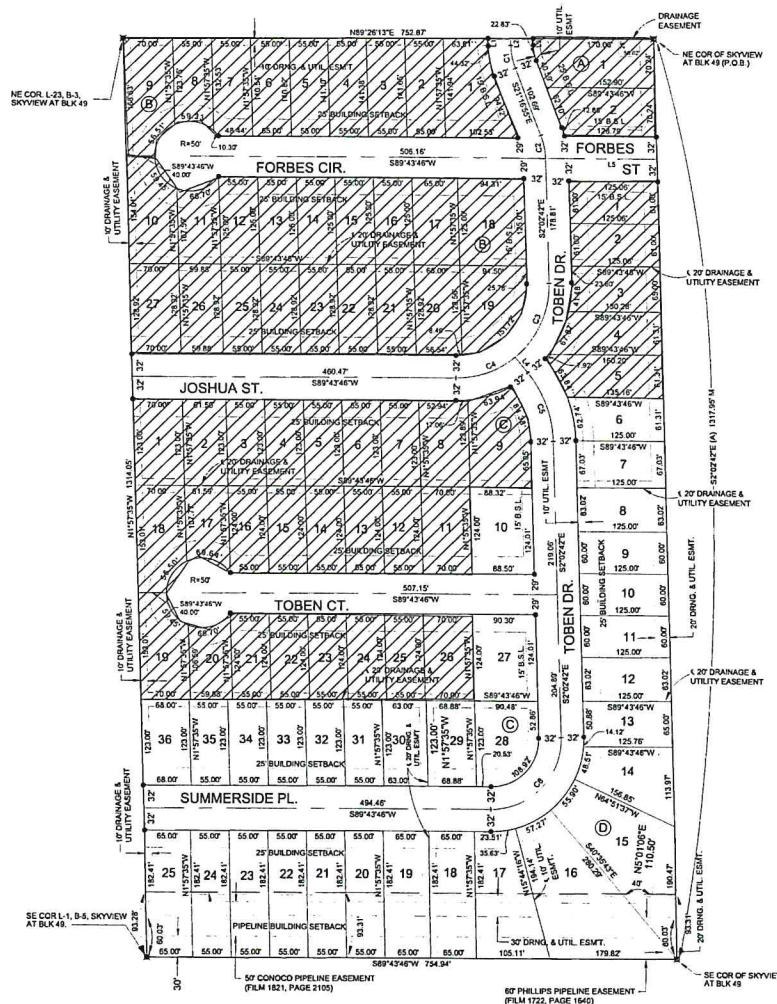
Skyview at Block 49 2nd Addition

- Lots 1-2, Block A
- Lots 1 - 27, Block B
- Lots 1 - 9, & 11 - 26, Block C
- Lots 1-5, Block D

By:  _____ 10/25/23
Basem Krichati, Owner
Superior Homes, LP

SKYVIEW AT BLOCK 49 2ND ADDITION

Part of the NE1/4 of Sec. 20, T26S, R2E
Bel Aire, Sedgwick County, Kansas



(A) = Assumed Kansas Zone South Grid Bearing
 (P) = Pinned (Block Spring 2nd Addition)
 M = Measured
 C = Calculated
 S = Survey
 B.S.L. = Building Setback Line

SURVEY MARKER LEGEND

- ⊕ 5/8" REBAR WIGWAGER CAP (FOUND - SET IN 2011)
- ⊕ 5/8" REBAR WIGWAGER CAP (SET)
- MONUMENT TO BE SET WITH STREET CONSTRUCTION PROJECT BY THE STREET DESIGNER

Parcel Line Table

Line #	Length	Direction
L1	10.83	S2° 02' 42.00"E
L2	10.00	S2° 02' 42.00"E
L3	9.17	S2° 02' 42.00"E
L4	28.85	S30° 49' 13.31"E
L5	157.08	S80° 47' 46.43"W

BENCHMARK #1:
 CHISELED SQUARE ON THE TOP OF CURB AT THE EAST CURB RETURN AT CYPRESS CIR. AND CHRIS ST.
 ELEVATION = 1417.95 (NAVD83, G125)

BENCHMARK #2:
 CHISELED SQUARE AT THE NORTHWEST CORNER OF A CONCRETE VAULT AT THE NORTHWEST CORNER OF THE CITY OF WICHITA CHLORINATION BUILDING, 702 WEST AND 76 SOUTH OF THE NORTHEAST QUARTER CORNER OF SEC. 20, T26S, R2E.
 ELEVATION = 1400.08 (NAVD83, G125)

Curve Table

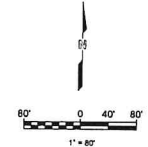
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	33.57	100.00	19.24	S11° 39' 48"W	33.42
C2	33.57	100.00	19.24	N11° 39' 48"W	33.42
C3	120.32	132.00	52.32	N24° 04' 02"E	118.19
C4	91.12	132.00	39.55	N60° 57' 17"E	89.32
C5	105.48	159.99	37.78	N20° 58' 58"W	103.58
C6	160.18	100.00	91.77	N43° 50' 32"E	143.59

Phase 2 - Paving Petition Exhibit
Skyview at Block 49 2nd Addition
 Lots 1-2, Block A
 Lots 1 - 27, Block B
 Lots 1 - 9, & 11 - 26, Block C
 Lots 1-5, Block D



SKYVIEW AT BLOCK 49 2ND ADDITION

Part of the NE1/4 of Sec. 20, T26S, R2E
Bel Aire, Sedgwick County, Kansas



- (A) = Assumed Kansas Zone South GND Bearing
 - P = Pinned (Black Spring 2nd Addition)
 - M = Measured
 - C = Calculated
 - D = Dismayed
 - B.S.L. = Building Setback Line
- SURVEY MARKER LEGEND**
- 5" REBAR W/ GARVER CAP (FOUND - SET IN 2021)
 - 5" REBAR W/ GARVER CAP (SET)
 - MONUMENT TO BE SET WITH STREET CONSTRUCTION PROJECT BY THE STREET DESIGNER

Parcel Line Table

Line #	Length	Direction
L1	10.83	S2° 02' 42.09"E
L2	10.00	S2° 02' 42.09"E
L3	9.17	S2° 02' 42.09"E
L4	28.85	S3° 49' 13.31"E
L5	157.08	S8° 43' 46.43"W

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	33.67	100.00	19.24	S11° 39' 48"W	33.42
C2	33.57	100.00	19.24	N11° 39' 48"W	33.42
C3	120.32	132.00	52.22	N24° 04' 02"E	116.19
C4	91.12	132.00	39.55	N69° 57' 17"E	89.32
C5	105.48	159.99	37.78	N20° 55' 58"W	103.58
C6	160.18	100.00	61.77	N43° 50' 32"E	143.59

BENCHMARK #1:
CHISELED SQUARE ON THE TOP OF CURB AT THE EAST CURB RETURN AT CYPRESS CIR. AND CHRIS ST.
ELEVATION = 1417.95 (NAVD83, G12B)

BENCHMARK #2:
CHISELED SQUARE AT THE NORTHWEST CORNER OF A CONCRETE VAULT AT THE NORTHWEST CORNER OF THE CITY OF WICHITA CHARITATION BUILDING, 702' WEST AND 78' SOUTH OF THE NORTHEAST QUARTER CORNER OF SEC. 20, T26S, R2E.
ELEVATION = 1400.08 (NAVD83, G12B)

Phase 2 - Paving Petition Exhibit
Skyview at Block 49 2nd Addition
Lots 1-2, Block A
Lots 1 - 27, Block B
Lots 1 - 9, & 11 - 26, Block C
Lots 1-5, Block D

PHASE 2 SANITARY SEWER PETITION

To the Mayor and City Council
Bel Aire, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

Skyview at Block 49 2nd Addition

- Lots 1-2, Block A
- Lots 11-26, Block B
- Lots 2-17, Block C
- Lots 1-5, Block D

do hereby petition pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed a lateral sanitary sewer 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.
- (b) That the estimated and probable cost of the foregoing improvements being Two Hundred Sixty-Four Thousand Dollars (\$264,000), with 100 percent payable by the improvement district. Said estimated cost as above setforth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata rate of 1 percent per month from and after November 1, 2023.
- (c) That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of an existing sanitary sewer main, such benefit fee to be in the amount of Nineteen Thousand Seven Hundred Dollars (\$19,700).
- (d) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Bel Aire incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is

necessary for the City of Bel Aire to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (e) That the method of assessment of all costs of the improvement or which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value:

Skyview at Block 49 2nd Addition

- Lots 1-2, Block A
- Lots 11-26, Block B
- Lots 2-17, Block C
- Lots 1-5, Block D

The above lots shall each pay 1/39 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis, or per the terms of a re-spread agreement submitted to the City of Bel Aire.

- 2. (a) It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.
- (b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 13-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by

either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use if and when such improvements are necessary to serve any building which may be constructed on the real property after the date on this petition.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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Skyview at Block 49 2nd Addition

Lots 1-2, Block A
Lots 11-26, Block B
Lots 2-17, Block C
Lots 1-5, Block D

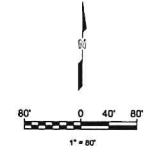
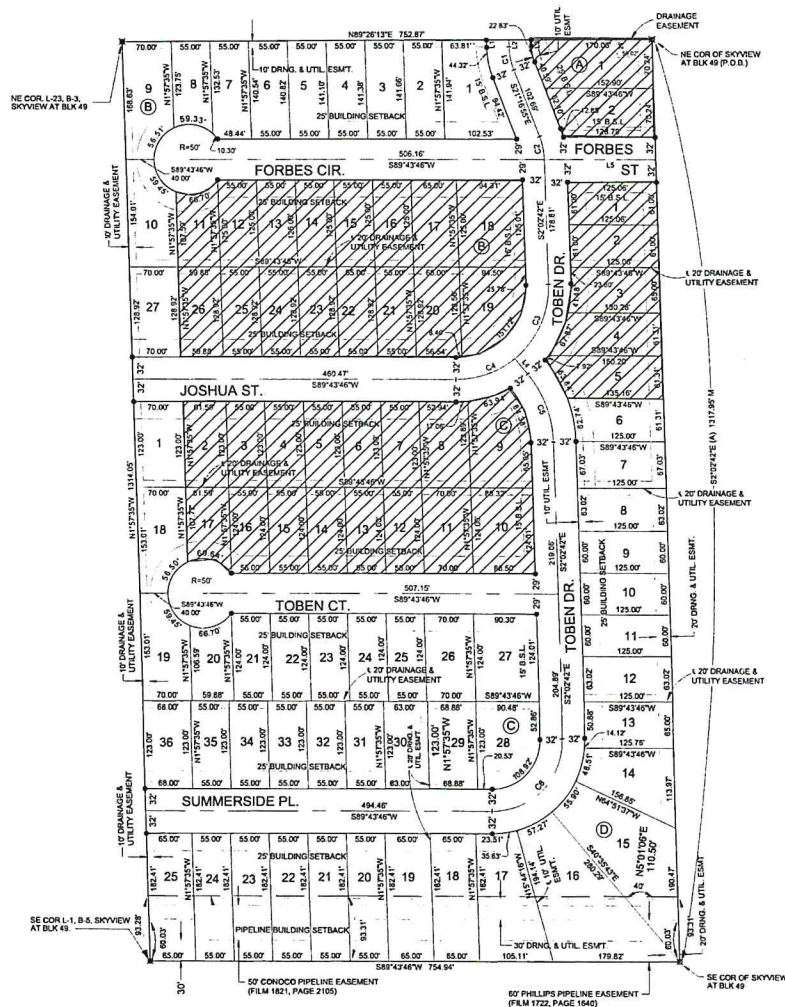
By: 

Basem Krichati, Owner
Superior Homes, LP

10/25/23

SKYVIEW AT BLOCK 49 2ND ADDITION

Part of the NE1/4 of Sec. 20, T26S, R2E
Bel Aire, Sedgwick County, Kansas



- (A) = Assumed Kansas Zone South Grid Bearing
 - P = Platted (Block Spring 2nd Addition)
 - M = Measure
 - C = Calculated
 - D = Description
 - B.S.L. = Building Setback Line
- SURVEY MARKER LEGEND**
- ⊗ 5" REBAR WIGARVER CAP (FOUND - SET IN 2021)
 - ⊗ 5" REBAR WIGARVER CAP (SET)
 - ⊗ MONUMENT TO BE SET WITH STREET CONSTRUCTION PROJECT BY THE STREET DESIGNER

Line #	Length	Direction
L1	10.83	S2° 02' 42.00"E
L2	10.00	S2° 02' 42.00"E
L3	9.17	S2° 47' 42.00"E
L4	28.85	S30° 49' 13.31"E
L5	157.08	S80° 47' 46.43"W

BENCHMARK #1:
CHISELED SQUARE ON THE TOP OF CURB AT THE EAST CURB RETURN AT CYPRESS CIR AND CHRIS ST.
ELEVATION = 1417.85 (NAVD83, G120)

BENCHMARK #2:
CHISELED SQUARE AT THE NORTHWEST CORNER OF A CONCRETE VAULT AT THE NORTHWEST CORNER OF THE CITY OF WICHITA CHLORINATION BUILDING, 702 WEST AND 7TH SOUTH OF THE NORTHEAST QUARTER CORNER OF SEC. 20, T26S, R2E.
ELEVATION = 1400.08 (NAVD83, G120)

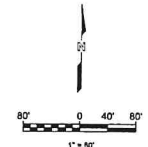
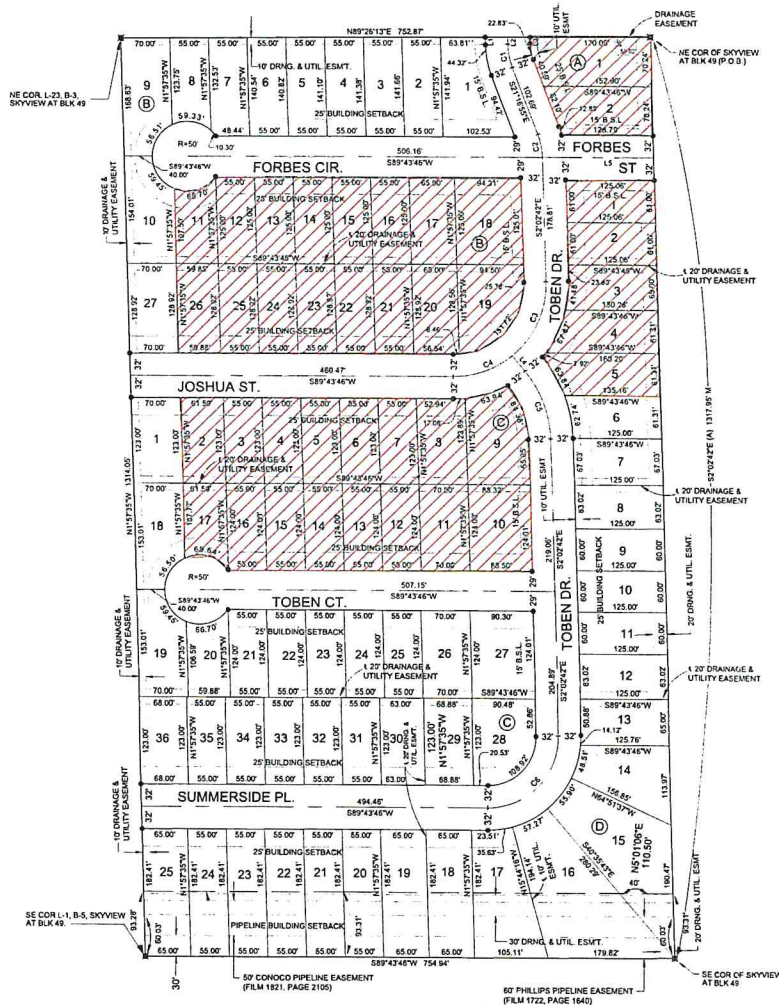
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	33.57	100.00	19.24	S11° 39' 48"E	33.42
C2	33.57	100.00	19.24	N11° 39' 48"W	33.42
C3	120.32	132.00	52.22	N24° 04' 02"E	116.19
C4	81.12	132.00	35.55	N69° 57' 17"E	80.32
C5	105.48	159.99	37.78	N20° 55' 58"W	103.58
C6	160.18	100.00	81.77	N43° 50' 32"E	143.58

Phase 2 - Sanitary Sewer Petition Exhibit
Skyview at Block 49 2nd Addition
Lots 1-2, Block A
Lots 11-26, Block B
Lots 2-17, Block C
Lots 1-5, Block D



SKYVIEW AT BLOCK 49 2ND ADDITION

Part of the NE1/4 of Sec. 20, T26S, R2E
Bel Aire, Sedgwick County, Kansas



(A) = Assumed Kansas Zone South Grid Bearing
P = Platted (Rock Spring 2nd Addition)
B = Bearings
C = Calculated
E = Easement
B.S.L. = Building Setback Line

SURVEY MARKER LEGEND

- 5" REBAR W/ GARVER CAP (FOUND - SET IN 2021)
- 5" REBAR W/ GARVER CAP (SET)
- ADJUSTMENT TO BE SET WITH STREET CONSTRUCTION PROJECT BY THE STREET DESIGNER

BENCHMARK #1:
CHISELED SQUARE ON THE TOP OF CURB AT THE EAST CURB RETURN AT CYPRESS CIR AND CHRIS ST.
ELEVATION = 1417.95 (NAVD83, 0128)

BENCHMARK #2:
CHISELED SQUARE AT THE NORTHWEST CORNER OF A CONCRETE WALL AT THE NORTHWEST CORNER OF THE CITY OF WICHITA CHLORINATION BUILDING, 702' WEST AND 76' SOUTH OF THE NORTHEAST QUARTER CORNER OF SEC. 20, T26S, R2E.
ELEVATION = 1400.08 (NAVD83, 0128)

Parcel Line Table

Line #	Length	Direction
L1	10.63	S2° 02' 42.00"E
L2	10.00	S2° 02' 42.00"E
L3	9.17	S2° 02' 42.00"E
L4	28.85	S39° 47' 13.31"E
L5	157.08	S89° 47' 46.43"W

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	33.57	100.00	19.24	S11° 39' 48"W	33.42
C2	33.57	100.00	19.24	N11° 39' 48"W	33.42
C3	120.32	132.00	52.22	N24° 04' 02"E	116.19
C4	91.12	132.00	39.55	N69° 57' 17"E	89.32
C5	105.48	159.99	37.78	N20° 55' 58"W	103.58
C6	160.18	100.00	51.77	N43° 50' 32"E	143.59

Phase 2 - Sanitary Sewer Petition Exhibit
Skyview at Block 49 2nd Addition
Lots 1-2, Block A
Lots 11-26, Block B
Lots 2-17, Block C
Lots 1-5, Block D



PHASE 2 WATER DISTRIBUTION SYSTEM PETITION

To the Mayor and City Council
Bel Aire, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

Skyview at Block 49 2nd Addition

Lots 1-2, Block A
Lots 1 - 27, Block B
Lots 1 - 9, & 11 - 26, Block C
Lots 1-5, Block D

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances 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.
- (b) That the estimated and probable cost of the foregoing improvement being Two Hundred and Eighty-Three Thousand Dollars (\$283,000), with 100 percent payable by the improvement district. Said estimated cost as above setforth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata of 1 percent per month from and after November 1, 2023.
- (c) That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of an existing water main, such benefit fee to be in the amount of Twenty-Four Thousand Two Hundred Dollars (\$24,200).
- (d) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Bel Aire incurs shall be assessed to the property described above in

accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Bel Aire to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement or which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value:

Skyview at Block 49 2nd Addition

- Lots 1-2, Block A
- Lots 1 - 27, Block B
- Lots 1 - 9, & 11 - 26, Block C
- Lots 1-5, Block D

The above listed lots shall each pay 1/59 of the total cost of improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.


4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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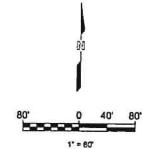
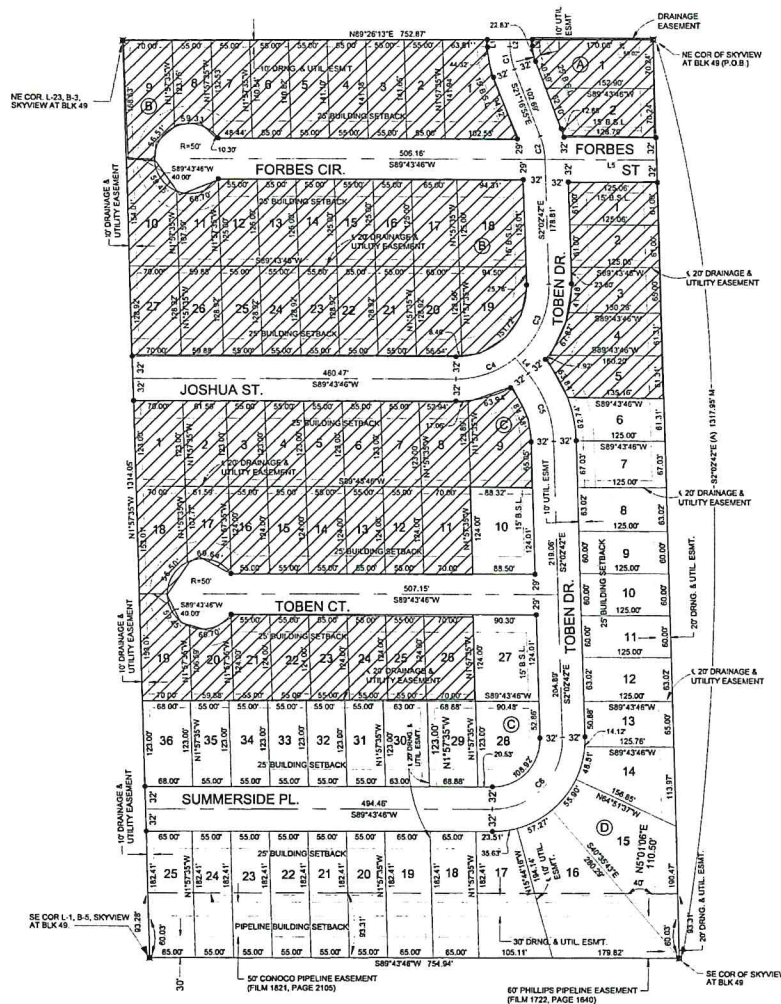
Skyview at Block 49 2nd Addition

- Lots 1-2, Block A
- Lots 1 - 27, Block B
- Lots 1 - 9, & 11 - 26, Block C
- Lots 1-5, Block D

By:  10/25/23
 Basem Krichati, Owner
 Superior Homes, LP

SKYVIEW AT BLOCK 49 2ND ADDITION

Part of the NE1/4 of Sec. 20, T26S, R2E
Bel Aire, Sedgwick County, Kansas



- (A) = Assumed Kansas Zone South Grid Bearing
 P = Plotted (Rock Spring 2nd Addition)
 M = Measured
 C = Calculated
 S = Surveyed
 B.S.L. = Building Setback Line
- SURVEY MARKER LEGEND**
- ⊗ 5" REBAR WIGWAGGER CAP (FOUND - SET IN 2021)
 - ⊙ 5" REBAR WIGWAGGER CAP (SET)
 - ⊠ MONUMENT TO BE SET WITH STREET CONSTRUCTION PROJECT BY THE STREET DESIGNER

Parcel Line Table

Line #	Length	Direction
L1	10.83	S2° 02' 42.00"E
L2	10.00	S2° 02' 42.00"E
L3	9.17	S2° 02' 42.00"E
L4	28.85	S39° 49' 13.31"E
L5	157.08	S89° 43' 46.43"W

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	33.57	100.00	18.24	S11° 39' 48"E	33.42
C2	33.57	100.00	18.24	N11° 39' 48"W	33.42
C3	120.32	132.00	52.22	N64° 04' 02"E	118.19
C4	91.12	132.00	39.55	N69° 57' 17"E	89.32
C5	105.48	159.99	37.76	N20° 55' 58"W	103.58
C6	160.18	100.00	91.77	N43° 50' 32"E	143.59

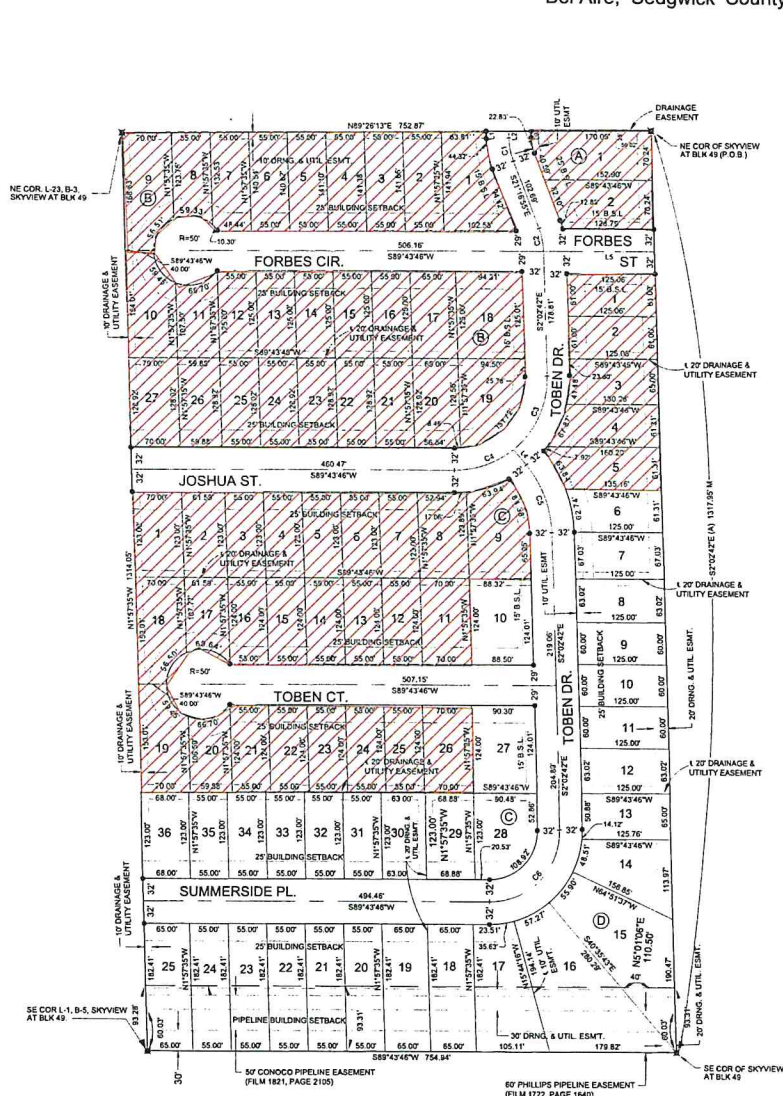
BENCHMARK #1:
 CHISELED SQUARE ON THE TOP OF CURB AT THE EAST CURB RETURN AT CYPRESS CIR. AND CHRIS ST.
 ELEVATION = 1417.95 (NAVD83, G128)

BENCHMARK #2:
 CHISELED SQUARE AT THE NORTHWEST CORNER OF A CONCRETE VAULT AT THE NORTHWEST CORNER OF THE CITY OF WICHITA CORPORATION BUILDING, 702 WEST AND 7TH SOUTH OF THE NORTHEAST QUARTER CORNER OF SEC. 20, T26S, R2E.
 ELEVATION = 1400.08 (NAVD83, G128)

Phase 2 - Water Petition Exhibit
Skyview at Block 49 2nd Addition
 Lots 1-2, Block A
 Lots 1 - 27, Block B
 Lots 1 - 9, & 11 - 26, Block C
 Lots 1-5, Block D

SKYVIEW AT BLOCK 49 2ND ADDITION

Part of the NE1/4 of Sec. 20, T26S, R2E
Bel Aire, Sedgwick County, Kansas



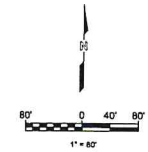
Parcel Line Table

Line #	Length	Direction
L1	10.83	S2° 07' 42.09"E
L2	10.00	S2° 07' 42.09"E
L3	9.17	S2° 07' 42.09"E
L4	28.85	S39° 42' 13.31"E
L5	157.08	S89° 43' 46.43"W

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	33.57	100.00	19.24	S11° 39' 48"E	33.42
C2	33.57	100.00	19.24	N11° 39' 48"W	33.42
C3	120.32	132.00	82.22	N04° 04' 02"E	116.19
C4	91.12	132.00	39.55	N69° 57' 17"E	89.32
C5	105.48	159.99	37.78	N02° 55' 58"W	103.58
C6	160.18	100.00	91.77	N43° 50' 32"E	143.59

Phase 2 - Water Petition Exhibit
Skymview at Block 49 2nd Addition
Lots 1-2, Block A
Lots 1 - 27, Block B
Lots 1 - 9, & 11 - 26, Block C
Lots 1-5, Block D



(A) = Assumed Kansas Zone South Grid Bearing
 (P) = Pinned Block Spring 2nd Addition
 (M) = Measurement
 (S) = Setback
 (B.S.L.) = Building Setback Line

SURVEY MARKER LEGEND

- ⊠ 5/8" REBAR WIGWAGGER CAP (FOUND - SET IN 2021)
- ⊠ 5/8" REBAR WIGWAGGER CAP (SET)
- MONUMENT TO BE SET WITH STREET CONSTRUCTION PROJECT BY THE STREET DESIGNER

BENCHMARK #1:
CHISELED SQUARE ON THE TOP OF CURB AT THE EAST CURB RETURN AT CYPRESS CIR. AND CHRIS ST.
ELEVATION = 1417.56 (NAVD88, G128)

BENCHMARK #2:
CHISELED SQUARE AT THE NORTHWEST CORNER OF A CONCRETE VAULT AT THE NORTHWEST CORNER OF THE CITY OF WICHITA COLORADO BUILDING, 702 WEST AND 76' SOUTH OF THE NORTHEAST QUARTER CORNER OF SEC. 20, T26S, R2E.
ELEVATION = 1400.09 (NAVD88, G128)

Gilmore & Bell, P.C.
11/28/2023

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BEL AIRE, KANSAS
HELD ON DECEMBER 5, 2023**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members 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 was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the making of certain internal improvements in the City pursuant to the authority of K.S.A. 12-6a01 *et seq.*

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING IMPROVEMENTS/SKYVIEW AT BLOCK 49 2ND ADDITION- PHASE 2); AND AMENDING, RESTATING AND REPEALING RESOLUTION NO. R-22-48.

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. [] and was signed by the Mayor and attested by the Clerk; and the Clerk was further directed to cause the publication of the Resolution one time in the official City newspaper and to record the Resolution in the Office of the Register of Deeds of Sedgwick County, Kansas, all as required by law.

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

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)

Clerk

Gilmore & Bell, P.C.
11/28/2023

(Published in the *Ark Valley News*, on December ____, 2023)

RESOLUTION NO. [__]

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING IMPROVEMENTS/SKYVIEW AT BLOCK 49 2ND ADDITION- PHASE 2); AND AMENDING, RESTATING AND REPEALING RESOLUTION NO. R-22-48.

WHEREAS, a new Petition was filed with the City Clerk of the City of Bel Aire, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(1) (the "Act"); and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by all owners of record of the property liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act; and

WHEREAS, the Petition will replace a petition previously submitted with respect to the Improvements, and it is therefore necessary to amend, restate and repeal Resolution No. R-22-48 of the City.

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

It is advisable to make the following improvements That there be constructed pavement on; TOBEN DRIVE from the north line of Lot 6, Block C to north line of the Addition; TOBEN COURT from the west line of Lot 27, Block C to and including cul-de-sac; JOSHUA STREET from the west line of the Addition to the west line of Toben Drive; FORBES STREET from the east line of Toben Drive to the east line of the Addition; and FORBES CIRCLE from the west line of Toben Drive to, and including the cul-de-sac.

That said pavement on Joshua Street, Forbes Street, and Toben Drive between aforesaid limits be constructed for a width of thirty (30) feet from gutter line to gutter line, and each gutter to be two and one-half (2-1/ 2) feet in width; making a total roadway width of thirty-five (35) feet. Said pavement on Toben Court and Forbes Circle between aforesaid limits shall be constructed for a width of twenty-four (24) feet from gutter line to gutter line, and each gutter to be two and one-half (2-1/2) feet in width; making a total roadway width of twenty-nine (29) feet with plans and

specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas. Drainage to be installed where necessary. A 5' sidewalk shall be installed on one side of Toben Drive and Joshua adjacent to the new pavement (the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$1,000,000. Said estimated cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the Improvements, and also may be increased at the pro rata rate of 1 percent per month from and after November 1, 2023.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Skyview at Block 49 2nd Addition

Lots 1-2, Block A

Lots 1 - 27, Block B

Lots 1 - 9, and 11 - 26, Block C

Lots 1-5, Block D

in the City of Bel Aire, Sedgwick County, Kansas.

(d) That the method of assessment of all costs of the Improvement or which the Improvement District shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1-2, Block A; Lots 1 - 27, Block B; Lots 1 - 9, and 11 - 26, Block C; and Lots 1-5, Block D, Skyview at Block 49 2nd Addition, shall each pay 1/59 of the total assessed cost of the Improvements.

In the event all or part of the lots or parcels in the Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be calculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other Improvements.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

If the Improvements are abandoned, altered and/or constructed privately in part or whole that precludes building the Improvements under the authority of this Resolution, any costs that the City incurs shall be assessed to the property described above in accordance with the terms of the Petition. In addition, if the Improvements are abandoned at any state during the design and/or construction of the Improvements or if it is necessary for the City to redesign, repair or reconstruct the Improvements after initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said Improvements shall be assessed to the property described above in accordance with the terms of this Resolution.

Section 2. Authorization of Improvements. The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of Resolution No. R-22-48, pursuant to Treasury Regulation 1.150-2.

Section 4. Repealer. The provisions of Resolution No. R-22-48 are hereby amended, restated and repealed.

Section 5. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

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ADOPTED by the governing body of the City on December 5, 2023.

(SEAL)

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on December 5, 2023 as the same appears of record in my office.

DATED: December 5, 2023.

Melissa Krehbiel, Clerk

Gilmore & Bell, P.C.
11/28/2023

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BEL AIRE, KANSAS
HELD ON DECEMBER 5, 2023**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members 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 was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the making of certain internal improvements in the City pursuant to the authority of K.S.A. 12-6a01 *et seq.*

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS/ SKYVIEW AT BLOCK 49 2ND ADDITION - PHASE 2).

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. [] and was signed by the Mayor and attested by the Clerk; and the Clerk was further directed to cause the publication of the Resolution one time in the official City newspaper and to record the Resolution in the Office of the Register of Deeds of Sedgwick County, Kansas, all as required by law.

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

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)

Clerk

Gilmore & Bell, P.C.
11/28/2023

(Published in the *Ark Valley News*, on December ____, 2023)

RESOLUTION NO. [____]

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS/ SKYVIEW AT BLOCK 49 2ND ADDITION - PHASE 2).

WHEREAS, a Petition was filed with the City Clerk of the City of Bel Aire, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(1) (the "Act"); and

WHEREAS, K.S.A. 12-6a19 provides that whenever the construction of any water, stormwater, sanitary sewer or arterial street improvement is initiated by petition pursuant to the Act, the City may require the imposition of a benefit fee on property which is benefitted by such improvements but was not included within the original improvement district established for the levy of special assessments for such improvements; and

WHEREAS, the Petition contains a provision that the City impose a benefit fee on the Improvement District described herein in connection with sewer line improvements authorized by Resolution Nos. R-09-28 and R-11-04 of the City, all pursuant to K.S.A. 12-6a19; and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by all the owners of record of the property liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a lateral sanitary sewer to serve the area described below, to be constructed with plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas (the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$264,000. Said estimated cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the Improvements, and also may be increased at the pro rata rate of 1 percent per month from and after November 1, 2023.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Skyview at Block 49 2nd Addition

- Lots 1-2, Block A
- Lots 11-26, Block B
- Lots 2-17, Block C
- Lots 1-5, Block D

in the City of Bel Aire, Sedgwick County, Kansas.

(d) That the method of assessment of all costs of the Improvement or which the Improvement District shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1-2, Block A, Lots 11-26, Block B, Lots 2-17, Block C, Lots 1-5, Block D, Skyview at Block 49 2nd Addition, shall each pay 1/39 of the total assessed cost of the Improvements.

In the event all or part of the lots or parcels in the Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be calculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) In accordance with the provisions of K.S.A. 12-6a19, a benefit fee shall be imposed against the Improvement District with respect to the cost of an existing sanitary sewer main, which has been authorized by Resolution Nos. R-09-28 and R-11-04 of the City, such benefit fee to be in the amount of \$19,700, and to be allocated within the Improvement District on a fractional basis, as described in paragraph (d) above.

(f) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

If the Improvements are abandoned, altered and/or constructed privately in part or whole that precludes building the Improvements under the authority of this Resolution, any costs that the City incurs shall be assessed to the property described above in accordance with the terms of the Petition. In addition, if the Improvements are abandoned at any state during the design and/or construction of the Improvements or if it is necessary for the City to redesign, repair or reconstruct the Improvements after initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said Improvements shall be assessed to the property described above in accordance with the terms of this Resolution.

Section 2. Authorization of Improvements. The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

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ADOPTED by the governing body of the City on December 5, 2023.

(SEAL)

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on December 5, 2023 as the same appears of record in my office.

DATED: December 5, 2023.

Melissa Krehbiel, Clerk

Gilmore & Bell, P.C.
11/28/2023

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BEL AIRE, KANSAS
HELD ON DECEMBER 5, 2023**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members 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 was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the making of certain internal improvements in the City pursuant to the authority of K.S.A. 12-6a01 *et seq.*

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER DISTRIBUTION SYSTEM IMPROVEMENTS/SKYVIEW AT BLOCK 49 2ND ADDITION- PHASE 2).

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. [] and was signed by the Mayor and attested by the Clerk; and the Clerk was further directed to cause the publication of the Resolution one time in the official City newspaper and to record the Resolution in the Office of the Register of Deeds of Sedgwick County, Kansas, all as required by law.

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

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)

Clerk

Gilmore & Bell, P.C.
11/28/2023

(Published in the *Ark Valley News*, on December ____, 2023)

RESOLUTION NO. [__]

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER DISTRIBUTION SYSTEM IMPROVEMENTS/SKYVIEW AT BLOCK 49 2ND ADDITION- PHASE 2).

WHEREAS, a Petition was filed with the City Clerk of the City of Bel Aire, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(1) (the "Act"); and

WHEREAS, K.S.A. 12-6a19 provides that whenever the construction of any water, stormwater, sanitary sewer or arterial street improvement is initiated by petition pursuant to the Act, the City may require the imposition of a benefit fee on property which is benefitted by such improvements but was not included within the original improvement district established for the levy of special assessments for such improvements; and

WHEREAS, the Petition contains a provision that the City impose a benefit fee on the Improvement District described herein in connection with water line improvements authorized by Resolution Nos. R-09-25 and R-11-05 of the City, all pursuant to K.S.A. 12-6a19; and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by all owners of record of the property liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements:

That there be constructed a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve the area described below, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas (the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$283,000. Said estimated cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the Improvements, and also may be increased at the pro rata rate of 1 percent per month from and after November 1, 2023.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Skyview at Block 49 2nd Addition
Lots 1-2, Block A
Lots 1 - 27, Block B
Lots 1 - 9, and 11 - 26, Block C
Lots 1-5, Block D

in the City of Bel Aire, Sedgwick County, Kansas.

(d) That the method of assessment of all costs of the Improvement or which the Improvement District shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1-2, Block A; Lots 1 - 27, Block B; Lots 1 - 9, and 11 - 26, Block C; and Lots 1-5, Block D, Skyview at Block 49 2nd Addition, shall each pay 1/59 of the total assessed cost of the Improvements.

In the event all or part of the lots or parcels in the Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be calculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) In accordance with the provisions of K.S.A. 12-6a19, a benefit fee shall be imposed against the Improvement District with respect to the cost of an existing water main, which has been authorized by Resolution Nos. R-09-25 and R-11-05 of the City, such benefit fee to be in the amount of \$24,200, and to be allocated within the Improvement District on a fractional basis, as described in paragraph (d) above.

(f) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

If the Improvements are abandoned, altered and/or constructed privately in part or whole that precludes building the Improvements under the authority of this Resolution, any costs that the City incurs shall be assessed to the property described above in accordance with the terms of the Petition. In addition, if the Improvements are abandoned at any state during the design and/or construction of the Improvements or if it is necessary for the City to redesign, repair or reconstruct the Improvements after initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said Improvements shall be assessed to the property described above in accordance with the terms of this Resolution.

Section 2. Authorization of Improvements. The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in **Section 1** of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

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ADOPTED by the governing body of the City on December 5, 2023.

(SEAL)

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on December 5, 2023 as the same appears of record in my office.

DATED: December 5, 2023.

Melissa Krehbiel, Clerk

BEL AIRE LAKES PHASE 1 PAVING AND DRAINAGE PETITION

To the Mayor and City Council
Bel Aire, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

Bel Aire Lakes Addition

- Lots 1 through 6, Block A
- Lots 1 through 14, Block E
- Lots 1 through 29, Block F
- Lots 1 through 6, Block G
- Lots 1 through 10, Block H

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed pavement on Bluebird Dr from Webb Rd to Toben Dr, Bluebird Dr from Toben Dr to the West edge of Lot 1 Block E, Melissa Ave from Toben Dr to the West edge of Lot 6 Block A, and Plumthicket St. Drainage is to be installed incidental to the proposed pavement. That said pavement and drainage improvements to serve the area described above be constructed according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas.
- (b) That the estimated and probable cost of the foregoing improvement being **Two-Million One-Hundred and Fifty-Thousand Dollars (\$2,150,000)**, with 100 percent payable by the improvement district. Said estimated cost as above setforth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata of 1 percent per month from and after **October 17th, 2023**.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Bel Aire incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or

construction of the improvement or if it is necessary for the City of Bel Aire to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement or which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and /or value:

Bel Aire Lakes Addition

- Lots 1 through 6, Block A
- Lots 1 through 14, Block E
- Lots 1 through 29, Block F
- Lots 1 through 6, Block G
- Lots 1 through 10, Block H

The above listed lots shall each pay 1/65 of the total cost of improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of

Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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Bel Aire Lakes Addition

- Lots 1 through 6, Block A
- Lots 1 through 14, Block E
- Lots 1 through 29, Block F
- Lots 1 through 6, Block G
- Lots 1 through 10, Block H

By: _____
 Basem Krichati, President
 Sham Way, LLC

BEL AIRE LAKES PHASE 1 SANITARY SEWER PETITION

To the Mayor and City Council
Bel Aire, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

Bel Aire Lakes Addition

- Lots 1 through 6, Block A
- Lots 1 through 28, Block E
- Lots 1 through 29, Block F
- Lots 1 through 6, Block G
- Lots 1 through 10, Block H

Cedar Pass Addition

- Lot 1, Block C
- Lots 78 through 80, Block A
- Lot 82, Block A

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed an 8” sanitary sewer main and necessary appurtenances 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.
- (b) That the estimated and probable cost of the foregoing improvement being **Four-Hundred Seventy-Six Thousand Dollars (\$476,000)**, with 100 percent payable by the improvement district. Said estimated cost as above setforth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata of 1 percent per month from and after **October 17th, 2023**.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Bel Aire incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the

improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Bel Aire to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement or which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and /or value:

Bel Aire Lakes Addition

- Lots 1 through 6, Block A
- Lots 1 through 28, Block E
- Lots 1 through 29, Block F
- Lots 1 through 6, Block G
- Lots 1 through 10, Block H

Cedar Pass Addition

- Lot 1, Block C
- Lots 78 through 80, Block A
- Lot 82, Block A

The above listed lots shall each pay 1/84 of the total cost of improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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Bel Aire Lakes Addition

Lots 1 through 6, Block A
Lots 1 through 28, Block E
Lots 1 through 29, Block F
Lots 1 through 6, Block G
Lots 1 through 10, Block H

By: _____
Basem Krichati, President
Sham Way, LLC

Cedar Pass Addition

Lot 1, Block C
Lots 78 through 80, Block A
Lot 82, Block A

By: _____
Eugene Vitarelli, President
Northeast Developers LLC

BEL AIRE LAKES PHASE 1 WATERLINE PETITION

To the Mayor and City Council
Bel Aire, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

Bel Aire Lakes Addition

- Lots 1 through 6, Block A
- Lots 1 through 14, Block E
- Lots 1 through 29, Block F
- Lots 1 through 6, Block G
- Lots 1 through 10, Block H

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed an 8” water main, including necessary water mains, pipes, valves, hydrants, meters and appurtenances 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.
- (b) That the estimated and probable cost of the foregoing improvement being **Three-Hundred Sixty Five Thousand Dollars (\$365,000)**, with 100 percent payable by the improvement district. Said estimated cost as above setforth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata of 1 percent per month from and after **October 17th, 2023**.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Bel Aire incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Bel Aire to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or

construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement or which the improvement district shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and /or value:

Bel Aire Lakes Addition

- Lots 1 through 6, Block A
- Lots 1 through 14, Block E
- Lots 1 through 29, Block F
- Lots 1 through 6, Block G
- Lots 1 through 10, Block H

The above listed lots shall each pay 1/65 of the total cost of improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the

area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
-------------------	-----------	------

Bel Aire Lakes Addition

- Lots 1 through 6, Block A
- Lots 1 through 14, Block E
- Lots 1 through 29, Block F
- Lots 1 through 6, Block G
- Lots 1 through 10, Block H

By: _____
 Basem Krichati, President
 Sham Way, LLC

UTILITY PLAN BEL AIRE LAKES

BEL-AIRE, SEDGWICK COUNTY, KANSAS *MARINE KOHL SR LIVING TRUST*

UNPLATTED
BEL AIRE CITY OF KANSAS LAND BANK

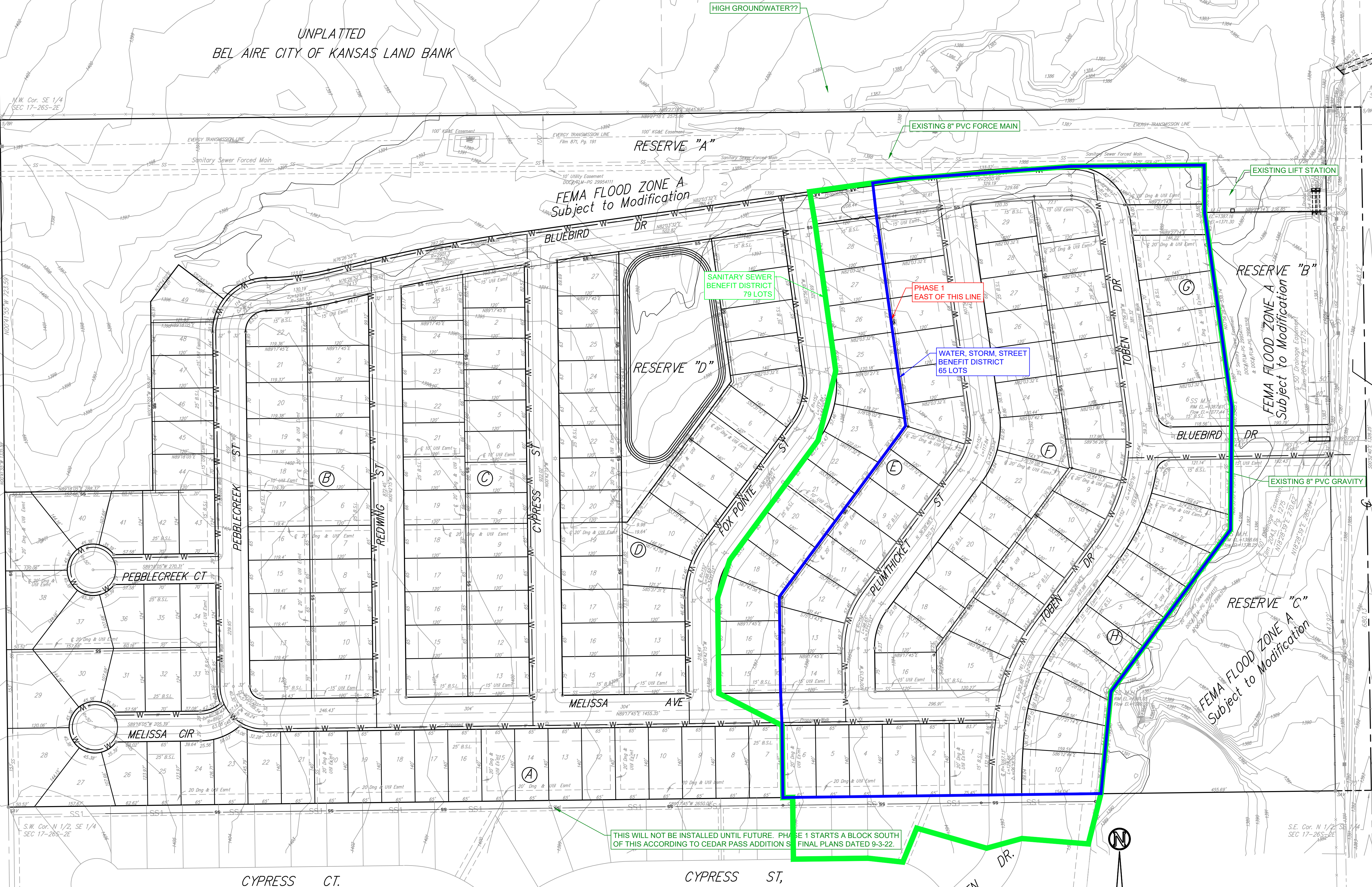
UNPLATTED
MARINE KOHL SR LIVING TRUST

UNPLATTED
EASY EIGHTY LLC

USD 259 3RD ADDITION
UNIFIED SCHOOL DISTRICT NO 259

UNPLATTED
WILLOW ROCK PROPERTIES, LLC

FILE LOCATION: C:\Users\Engineer\OneDrive - CED\Projects\2022\2102\DWG\Bel Aire Lakes - UNIFIED School District No 259 - PLOTTED: 10/5/2023 11:17 AM



HIGH GROUNDWATER??

EXISTING 8" PVC FORCE MAIN

EXISTING LIFT STATION

SANITARY SEWER
BENEFIT DISTRICT
79 LOTS

PHASE 1
EAST OF THIS LINE

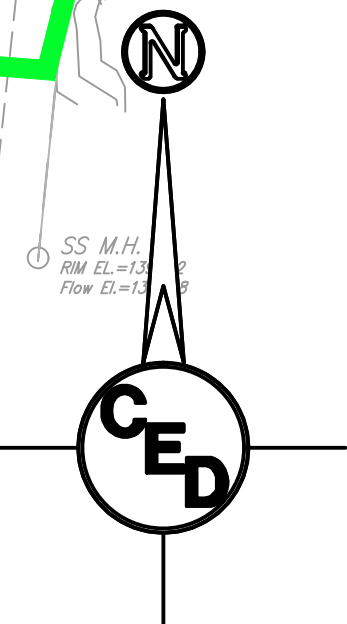
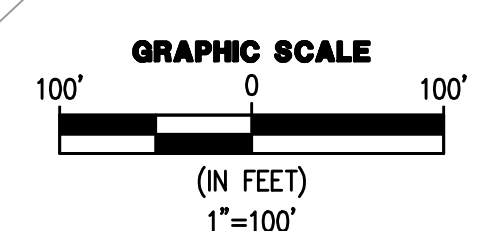
WATER, STORM, STREET
BENEFIT DISTRICT
65 LOTS

EXISTING 8" PVC GRAVITY

THIS WILL NOT BE INSTALLED UNTIL FUTURE. PHASE 1 STARTS A BLOCK SOUTH
OF THIS ACCORDING TO CEDAR PASS ADDITION FINAL PLANS DATED 9-3-22.

The Arbol Wood Co. 30' feet
Misc. Bk. 600, Pg. 111
Misc. Bk. 600, Pg. 521
Misc. Bk. 600, Pg. 1228
Misc. Bk. 600, Pg. 882
Misc. Bk. 600, Pg. 38

CEDAR PASS ADDITION
NORTHEAST DEVELOPERS, LLC
PROPOSED ZONING R5 RESIDENTIAL 5



CERTIFIED ENGINEERING DESIGN, P.A.

CED 1935 WEST MAPLE STREET
WICHITA, KANSAS 67213
PH: (316) 262-8808
FAX: (316) 262-1669

SHEET	1
TOTAL	1

Gilmore & Bell, P.C.
11/28/2023

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BEL AIRE, KANSAS
HELD ON DECEMBER 5, 2023**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members 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 was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the making of certain internal improvements in the City pursuant to the authority of K.S.A. 12-6a01 *et seq.*

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING IMPROVEMENTS/BEL AIRE LAKES ADDITION—PHASE 1).

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. [_____] and was signed by the Mayor and attested by the Clerk; and the Clerk was further directed to cause the publication of the Resolution one time in the official City newspaper and to record the Resolution in the Office of the Register of Deeds of Sedgwick County, Kansas, all as required by law.

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

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)

Clerk

Gilmore & Bell, P.C.
11/28/2023

(Published in the *Ark Valley News*, on December ____, 2023)

RESOLUTION NO. [_____]

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING IMPROVEMENTS/BEL AIRE LAKES ADDITION—PHASE 1).

WHEREAS, a Petition was filed with the City Clerk of the City of Bel Aire, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(1) (the "Act"); and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by the owners of record, whether resident or not, of more than one-half of the area liable to be assessed for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements (the "Improvements"):

Construction of pavement on Bluebird Dr. from Webb Rd. to Toben Dr., Bluebird Dr. from Toben Dr. to the West edge of Lot 1 Block E, Melissa Ave. from Toben Dr. to the West edge of Lot 6 Block A, and Plumthicket St. Drainage is to be installed incidental to the proposed pavement. That said pavement and drainage improvements to serve the area described above be constructed according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas (the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$2,150,000. Said estimated cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the Improvements, and also may be increased at the pro rata rate of 1 percent per month from and after October 17, 2023.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Bel Aire Lakes Addition
Lots 1 through 6, Block A
Lots 1 through 14, Block E

Lots 1 through 29, Block F
Lots 1 through 6, Block G
Lots 1 through 10, Block H

in the City of Bel Aire, Sedgwick County, Kansas.

(d) That the method of assessment of all costs of the Improvement or which the Improvement District shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 6, Block A; Lots 1 through 14, Block E; Lots 1 through 29, Block F; Lots 1 through 6, Block G; and Lots 1 through 10, Block H, Bel Aire Lakes Addition, shall each pay 1/65 of the total assessed cost of the Improvements.

In the event all or part of the lots or parcels in the Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be calculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other Improvements.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

If the Improvements are abandoned, altered and/or constructed privately in part or whole that precludes building the Improvements under the authority of this Resolution, any costs that the City incurs shall be assessed to the property described above in accordance with the terms of the Petition. In addition, if the Improvements are abandoned at any state during the design and/or construction of the Improvements or if it is necessary for the City to redesign, repair or reconstruct the Improvements after initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said Improvements shall be assessed to the property described above in accordance with the terms of this Resolution.

Section 2. Authorization of Improvements. The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the City on December 5, 2023.

(SEAL)

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on December 5, 2023 as the same appears of record in my office.

DATED: December 5, 2023.

Melissa Krehbiel, Clerk

Gilmore & Bell, P.C.
11/28/2023

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BEL AIRE, KANSAS
HELD ON DECEMBER 5, 2023**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members 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 was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the making of certain internal improvements in the City pursuant to the authority of K.S.A. 12-6a01 *et seq.*

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS/BEL AIRE LAKES ADDITION - PHASE 1).

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. [] and was signed by the Mayor and attested by the Clerk; and the Clerk was further directed to cause the publication of the Resolution one time in the official City newspaper and to record the Resolution in the Office of the Register of Deeds of Sedgwick County, Kansas, all as required by law.

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

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)

Clerk

Gilmore & Bell, P.C.
11/28/2023

(Published in the *Ark Valley News*, on December ____, 2023)

RESOLUTION NO. [____]

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS/BEL AIRE LAKES ADDITION - PHASE 1).

WHEREAS, a Petition was filed with the City Clerk of the City of Bel Aire, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(1) (the "Act"); and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by the owners of record, whether resident or not, of more than one-half of the area liable to be assessed for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of an 8” sanitary sewer main and necessary appurtenances to serve the area described below, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas (the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$476,000. Said estimated cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the Improvements, and also may be increased at the pro rata rate of 1 percent per month from and after October 17, 2023.

(c) The extent of the improvement district (the “Improvement District”) to be assessed for the cost of the Improvements is:

Bel Aire Lakes Addition
Lots 1 through 6, Block A
Lots 1 through 28, Block E

Lots 1 through 29, Block F
Lots 1 through 6, Block G
Lots 1 through 10, Block H

Cedar Pass Addition
Lot 1, Block C
Lots 78 through 80, and 82, Block A

in the City of Bel Aire, Sedgwick County, Kansas.

(d) That the method of assessment of all costs of the Improvement or which the Improvement District shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 6, Block A; Lots 1 through 14, Block E; Lots 1 through 29, Block F; Lots 1 through 6, Block G; and Lots 1 through 10, Block H, Bel Aire Lakes Addition; and Lot 1, Block C; and Lots 78 through 80, and Lot 82, Block A, Cedar Pass Addition, shall each pay 1/84 of the total assessed cost of the Improvements.

In the event all or part of the lots or parcels in the Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be calculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

If the Improvements are abandoned, altered and/or constructed privately in part or whole that precludes building the Improvements under the authority of this Resolution, any costs that the City incurs shall be assessed to the property described above in accordance with the terms of the Petition. In addition, if the Improvements are abandoned at any state during the design and/or construction of the Improvements or if it is necessary for the City to redesign, repair or reconstruct the Improvements after initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said Improvements shall be assessed to the property described above in accordance with the terms of this Resolution.

Section 2. Authorization of Improvements. The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in **Section 1** of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the City on December 5, 2023.

(SEAL)

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on December 5, 2023 as the same appears of record in my office.

DATED: December 5, 2023.

Melissa Krehbiel, Clerk

Gilmore & Bell, P.C.
11/28/2023

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BEL AIRE, KANSAS
HELD ON DECEMBER 5, 2023**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members 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 was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the making of certain internal improvements in the City pursuant to the authority of K.S.A. 12-6a01 *et seq.*

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER DISTRIBUTION SYSTEM IMPROVEMENTS/ BEL AIRE LAKES ADDITION— PHASE 1).

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. [] and was signed by the Mayor and attested by the Clerk; and the Clerk was further directed to cause the publication of the Resolution one time in the official City newspaper and to record the Resolution in the Office of the Register of Deeds of Sedgwick County, Kansas, all as required by law.

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

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)

Clerk

Gilmore & Bell, P.C.
11/28/2023

(Published in the *Ark Valley News*, on December ____, 2023)

RESOLUTION NO. [__]

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER DISTRIBUTION SYSTEM IMPROVEMENTS/ BEL AIRE LAKES ADDITION— PHASE 1).

WHEREAS, a Petition was filed with the City Clerk of the City of Bel Aire, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(1) (the "Act"); and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by the owners of record, whether resident or not, of more than one-half of the area liable to be assessed for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve the area described below, according to plans and specifications to be furnished by the City Engineer of the City of Bel Aire, Kansas (the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$365,000. Said estimated cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the Improvements, and also may be increased at the pro rata rate of 1 percent per month from and after October 17, 2023.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Bel Aire Lakes Addition
Lots 1 through 6, Block A
Lots 1 through 14, Block E

Lots 1 through 29, Block F
Lots 1 through 6, Block G
Lots 1 through 10, Block H

in the City of Bel Aire, Sedgwick County, Kansas.

(d) That the method of assessment of all costs of the Improvement or which the Improvement District shall be liable shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 6, Block A; Lots 1 through 14, Block E; Lots 1 through 29, Block F; Lots 1 through 6, Block G; and Lots 1 through 10, Block H, Bel Aire Lakes Addition, shall each pay 1/65 of the total assessed cost of the Improvements.

In the event all or part of the lots or parcels in the Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be calculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

If the Improvements are abandoned, altered and/or constructed privately in part or whole that precludes building the Improvements under the authority of this Resolution, any costs that the City incurs shall be assessed to the property described above in accordance with the terms of the Petition. In addition, if the Improvements are abandoned at any state during the design and/or construction of the Improvements or if it is necessary for the City to redesign, repair or reconstruct the Improvements after initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said Improvements shall be assessed to the property described above in accordance with the terms of this Resolution.

Section 2. Authorization of Improvements. The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the City on December 5, 2023.

(SEAL)

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on December 5, 2023 as the same appears of record in my office.

DATED: December 5, 2023.

Melissa Krehbiel, Clerk

CITY OF BEL AIRE

AP ORD 23-22		
Vendor and Payroll Checks 11/14-11/29/23		
3CMA	HR:ANNUAL MEMBERSHIP	\$ 400.00
4IMPRINT	SUPPLIES FOR FALL FEST	\$ 672.96
ALDI 46082	EMPLOYEE EVENT SUPPLIES	\$ 38.90
AMAZON	OFFICE/PD EQUIP/SUPPLIES	\$ 1,741.52
ARK VALLEY NEWS	BREEZE AD; LEGAL PUBLICATIONS	\$ 1,062.56
AT&T - U-VERSE	INTERNET BACKUP	\$ 150.00
AUTOZONE	REC VAN TAIL LIGHT	\$ 8.99
BANK OF NEW YORK	541071:11/23 O&M /DEBT SVC	\$ 219,762.23
BEALL & MITCHELL, LLC	11/2023 JUDGE BERRY BEALL	\$ 1,237.98
BEST BUY	DISPLAY PORT CABLE	\$ 19.98
BLUE CROSS AND BLUE SHIEL	12/23 ID:0421210	\$ 51,960.05
CALVIN OPP CONCRETE INC	SIDEWALK REPAIR CP, BAP, ELP	\$ 14,346.00
CHARLIES CAR WASH LLC	FLEET CAR WASH	\$ 100.00
CITY OF BEL AIRE	POSTAGE	\$ 6.06
CMW	REC:GAS LINE REPAIR	\$ 180.00
COCOA DOLCE	EOTQ 3RD QUARTER RECOGNITION	\$ 18.50
COINDISPLAYS	TY'S COIN DISPLAYS	\$ 315.93
COMPLETE KEY AND LOCK	REC:LATCH & DUPLICATE KEYS	\$ 323.00
COX COMMUNICATIONS	INTERNET/PHONE SVC	\$ 1,467.43
CREATIVE AWARDS & SCREEN	EMPLOYEE RECOGNITION	\$ 795.00
CULLIGAN OF WICHITA	WATER SERVICE	\$ 76.92
CUMMINS SALES & SERVICE	SUNFLOWER LIFTSTATION BATTERY	\$ 247.00
DELTA DENTAL PLAN OF KANS	11/23 MONTHLY PREMIUM	\$ 2,632.17
DILLONS	EOTQ 3RD QUARTER RECOGNITION	\$ 208.05
ELITE LANDSCAPING	CONTRACT MOWING	\$ 75.00
EMC INSURANCE COMPANIES	LIABILITY INS:2 PD CARS, VAC TRUCK	\$ 5,449.00
EMPOWER RETIREMENT 457	EMP VLNTRY 457	\$ 562.00
EPIC SPORTS	REC EQUIPMENT	\$ 87.54
EQUIPMENTSHARE.COM INC	LIFTSTATION PUMP RENTAL	\$ 2,785.24
ESRI INC	GIS SOFTWARE RENEWAL	\$ 1,760.00
EVERGREEN RECYCLE	MULCH/BRUSH DISPOSAL	\$ 746.86
EVERGY	ELEC SVC:PUBLIC AREAS	\$ 66.17
EWING IRRIGATION PRODUCTS	EQUIP/TOOLS	\$ 217.64
FERRELLGAS L P	PROPANE	\$ 30.18
FICA/FEDERAL W/H	FED/FICA TAX	\$ 25,151.56
FIRE PROTECTION SERVICES	PW BACKFLOW	\$ 575.00
FIRESTONE	FLEET MAINTENANCE #32	\$ 1,039.88
FONSECA, PRINCESS	MILEAGE REIMBURSEMENT	\$ 14.41
FOP LEGAL DEFENSE PLAN	LEGAL DEF PLAN:PD	\$ 72.00
FUZZY'S TACO SHOP	PROFESSIONAL DEVELOPMENT DAY	\$ 484.10
GALLS, LLC	PD:UNIFORM/ACCESSORIES	\$ 692.63
GALYON, LIAM	REFUND 5/6 BOYS BASKETBALL	\$ 58.00

GARVER	45TH, ARTHUR HEIGHTS,BRISTOL, CEDAR PASS	\$ 75,987.08
GWORCS	2024 LICENSE/SUPPORT FEES	\$ 21,705.72
HARBOR FREIGHT	TAP & DIE SET	\$ 13.98
HASTY AWARDS	REC PROGRAM AWARDS	\$ 48.01
HAWKS INTER-STATE PESTMAS	REC TERMITE INSPECTION, PEST CONTROL	\$ 448.28
HOBBY-LOBBY	EOTQ 3RD QUARTER RECOGNITION	\$ 7.99
IMA, INC.	HEALTH BENEFITS ADMIN JAN #04	\$ 833.00
IMAGINE IT, INC	COMPUTER SUPPORT SERVICE	\$ 6,454.62
INDEED JOBS	JOB POSTINGS	\$ 304.00
INFOSEND	OCT LATE NOTICES, UB BILL, INSERT	\$ 2,000.17
INTERLINGUAL INTERPRETING	LEGAL SERVICES	\$ 212.34
INTERNATIONAL INSTITUTE O	MMC MEMBERSHIP:KREHBIEL	\$ 185.00
INTERSTATE ALL BATTERY	REC LIGHT BATTERY	\$ 298.20
KANSAS GAS	GAS SVC	\$ 548.39
KANSAS GOLF AND TURF-WICH	BRUSHCUTTERS FOR PARKS DEPT	\$ 1,379.98
KANSAS REGISTER	BOND ISSUANCE COSTS	\$ 168.00
KANSAS TURNPIKE AUTHORIT	CODE ENFORCEMENT CONF TOLLS	\$ 4.50
KEY EQUIPMENT	STREET SWEEPER REPAIRS	\$ 2,493.10
KS DEPT REV:WITHHOLDING T	STATE TAX	\$ 4,320.26
KS DEPT REVENUE:SALES TAX	10/23 SALES TAX	\$ 2,159.54
KS PUBLIC EMPL RETIRE SYS	KPERS	\$ 16,199.54
KS SOCIETY PROF ENGINEER	KSPE MEETING: STEPHENS	\$ 25.00
KS TREASURER - BOND SVC	TN2022B; TN 2021B	\$ 154,743.75
KS TREASURER - COURT FEES	KLETC	\$ 3,801.85
KUCE LEO TRAINING	LAW ENFORCEMENT TRAINING	\$ 85.00
LASHER, TY	KACM ANNUAL CONFERENCE-TY	\$ 117.00
LAUTZ LAW LLC	COURT APPTD DEFENSE ATTY	\$ 1,125.00
LEASE FINANCE PARTNERS	36822QT:11/23:PD COPIER CONTRACT	\$ 141.38
LLOYD HAROLD LLC	OXYGENATORS 53RD/37TH & ROCK	\$ 11,999.97
LOGOMATCENTRAL.COM	OPIOD PREVENTION RUGS	\$ 1,026.00
MEADOWLARK FARM	SR TRIP ADMISSION	\$ 20.00
MERIDIAN ANALYTICAL LABS	STORMWATER SAMPLE ANALYSIS	\$ 790.00
MIDWEST GARAGE LLC	PD VEHICLE GRAPHICS	\$ 670.00
MUNICIPAL SUPPLY INC	WATER SAMPLING STATIONS	\$ 49,500.00
NATIONAL SCREENING BUREAU	VENDOR BACKGROUND CHECK	\$ 10.00
OFFICE DEPOT #2190	OFFICE SUPPLIES	\$ 16.98
PACE ANALYTICAL SERVICES	SWR:SUSPENDED SOLIDS TESTING	\$ 1,260.80
PAYLOCITY	FSA EMPLOYEE EXPENSE	\$ 1,555.30
PAYPAL	AUTHSMTP-UB EMAIL ANNUAL SUBSC	\$ 160.00
PEC	PAVEMENT MAINT IMPROV CONST PH	\$ 22,468.50
PIVOLOCITY	PROCEESESS CONSULTING	\$ 2,500.00
PIZZA HUT	MTG WITH CITY PROSECUTOR	\$ 13.96
PLAYPOWER LITTLE TIKES	STAIRS FOR BROOKHOUSER PARK	\$ 1,297.84
PUBLIC WORKS & UTILITIES	1,500 GAL SEWER:09/30-10/31/23	\$ 5.03
QUILL CORP	OFFICE SUPPLIES/EQUIP	\$ 672.78
SAMS CLUB	OFFICE/BREAK RM SUPPLIES/EQUIP	\$ 788.16

SEDG CO ANIMAL CONTROL	ANIMAL TRANSPORT AUG 2023	\$ 29.00
SEDGWICK CO TAG OFFICE	VACTOR TRUCK TAG	\$ 66.17
SEH INC	SUNFLOWER PARK 3RD:PAVING	\$ 100,431.08
SHERWIN WILLIAMS 707563	PAINT/SUPPLIES:CH	\$ 80.31
SIMPLE CLEAN	12/23 JANITORIAL SVC:CH, PW, REC	\$ 2,824.60
SONESTA HOTEL	ICAM CONF HOTEL:LASHER	\$ 1,678.95
SPECTRUM PROMOTIONAL PROD	REC SPORTS SHIRTS/UNIFORMS	\$ 219.48
SQUARESPACE INC.	SCP DOMAIN RENEWAL	\$ 20.00
STATE OF KANSAS FOP	PD LODGE DUES x12	\$ 1,200.00
STRIKE VISUALS	PD:TENT KIT, TABLE COVER (OPIOD FUNDS)	\$ 2,104.38
SUN LIFE FINANCIAL - VOLU	12/23 VOLUNTARY LIFE PYMNT	\$ 603.16
SYDNEY MARTENS	RESTITUTION FOR CASE 22BA0806	\$ 46.50
THE HOME DEPOT #2204	FENCE REPAIR SUPPLIES	\$ 216.92
THE WEBSTAUANT STORE	VOLUNTEER EVENT SUPPLIES	\$ 116.85
TRIPLETT,WOOLF&GARRETSON	WOODLAWN RD PROJECT	\$ 6,470.00
USPS	FREIGHT	\$ 74.55
VISION ALLIANCE MARKETING	11/2023 COURT SERVICES OFFICER	\$ 800.00
VISTAPRINT	PD:RETRACTABLE BANNERS	\$ 213.99
WALMART	APPRECIATION GIFTS	\$ 581.12
WASTE CONNECTIONS	10/23 RECYCLE OR TRASH SVC	\$ 43,950.63
WEX BANK	PD FLEET FUEL	\$ 3,479.99
WSU-CONTINUING ED	CITY CLERKS ACADEMY:KREHBIEL	\$ 305.00
PAYROLL CHECKS	PAYROLL CHECKS ON 11/22/2023	\$ 76,892.06
	CLAIMS TOTAL	\$ 971,445.72

T.H.
NOV 29 2023

City of Bel Aire, Kansas



STAFF REPORT

DATE: 11/13/23
TO: City Manager
FROM: Ted Henry, Assistant City Manager / Director of Finance
RE: 2023 Budget Amendment

BACKGROUND:

Municipalities are authorized by K.S.A 79-2929a to amend budgets to spend money not in the original budget. Additional expenditures are to be made from existing revenue and cannot require additional tax levies.

General Fund Budget

The proposed General Fund amendment is to provide information on changes made to each budgeted category. The 2023 General Fund budget was adopted by the Bel Aire City Council on September 7, 2022. Since the adoption of the 2023 General Fund budget, the city experienced beneficial 2022 budget performance which created more reserves than anticipated at the end of fiscal year 2022. In January of 2023, staff recommended, and the City Council approved using \$800,000 in surplus reserves to increase the annual transfer to our Capital Improvement Program (CIP) for street improvements. All other revenue and expense adjustments were anticipated and discussed during the 2024 Budget process. Finally, the proposed General Fund amendment creates more transparency on the mid-year adjustments of a growing community.

Water Budget

The 2023 water budget was adopted by the Bel Aire City Council on September 7, 2022. The budget amendment accounts for the increase in costs associated with CCUA's 2023 midyear decision to upgrade equipment at their plant. Additionally, it accommodates expenditures associated with the procurement of new meters, materials for meter settings, engineering outlays, and various special projects approved by the City Council in 2023. Adjustments were anticipated and discussed during the 2024 Budget process, therefore, no adverse effects on the planned 2024 Water Budget.

Sewer Budget

Since the adoption of the 2023 budget, staff has recommended, and the City Council has also approved Cured-In-Place-Pipe (CIPP) in Park Vista, Lawn Terrace, Battin, Glendale, as well as manhole rehabs on 53rd Street and sewer point repairs. All other adjustments were made during the 2024 Budget process and accommodate increase spending for new meters, meter setting materials, and engineering outlays. Adjustments were anticipated and discussed during the 2024 Budget process, therefore, no adverse effects on the planned 2024 Sewer Budget.

DISCUSSION and FINACIAL CONSIDERATIONS:

All budget adjustments before you tonight were accounted for in the 2024 Budget. This action only provides final budget authority for previously approved actions decided by City Council.

RECOMENDATION:

Step 1: Approve the 2023 Budget Amendments and set a public hearing for the December 5, 2023 City Council Meeting.

Step 2: Adopt the 2023 Budget Amendment at the December 5, 2023 City Council Meeting.

2023

**Amended
Certificate
For Calendar Year 2023**

To the Clerk of Sedgwick County, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
City of Bel Aire
certify that: (1) the hearing mentioned in the attached publication was held;(2) after the Budget Hearing this Budget was duly approved and adopted as the maximum expenditure for the various funds for the year.

		Page No.	2023 Amended Budget		
			Amount of 2022 Tax that was Levied	Adopted 2023 Expenditures	Proposed Amended 2023 Expenditures
Table of Contents:					
Fund	K.S.A.				
General	12-101a	1	3,700,561	10,204,491	11,674,381
Water Utility		2		3,544,187	4,109,490
Sewer Utility		3		3,094,458	3,776,917
Totals		xxxxxxxxxxx	3,700,561	16,843,136	19,560,788
Summary of Amendments		4			

Attested date: _____

County Clerk

Assisted by: _____

Address: _____

Email: _____

Governing Body

CPA Summary

City of Bel Aire

2023

Adopted Budget

General	2023 Adopted Budget	2023 Proposed Budget
Unencumbered Cash Balance January 1	2,957,401	3,798,513
Receipts:		
Ad Valorem Tax	3,700,561	3,650,201
Delinquent Tax	11,179	36,724
Motor Vehicle Tax	450,000	450,000
Recreational Vehicle Tax	4,284	4,284
16/20M Vehicle Tax	483	483
Commercial Vehicle Tax	10,569	10,569
Watercraft Tax	1,734	1,734
County Sales Tax	1,509,994	1,886,088
Franchise Fees	734,428	820,243
Fines and Fees	149,504	167,261
Permits and Licenses	402,600	434,284
Recreation	93,750	150,000
Grants	72,194	95,320
Rental Income	46,503	42,371
In Lieu of Taxes (IRB)	25,806	25,806
Interest on Idle Funds	18,000	73,000
Miscellaneous	15,501	27,500
Total Receipts	7,247,090	7,875,868
Resources Available:	10,204,491	11,674,381
Expenditures:		
Salaries & Benefits	3,251,740	3,086,776
Contractual Obligations	667,048	820,948
Commodities	493,350	515,266
Capital Outlays	80,000	90,050
Transfers Out		
Transfers TO Bond & Interest	962,034	941,132
Transfers TO Trustee Fund (PBC)	1,155,160	1,155,160
Transfers TO Capital Improvement	1,157,871	1,957,871
Transfers TO Equipment Reserve	100,000	100,000
Transfers TO Land Bank	135,000	135,000
Cash Forward (Reserve)	2,202,288	2,872,178
Total Expenditures	10,204,491	11,674,381
Unencumbered Cash Balance December 31	0	0

CPA Summary

City of Bel Aire

2023

Adopted Budget

Water Utility	2023 Adopted Budget	2023 Proposed Budget
Unencumbered Cash Balance January 1	1,938,713	2,408,374
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Utility Income	3,171,000	3,776,005
Interest on Idle Funds	5,000	79,000
Miscellaneous	10,000	20,000
Total Receipts	3,186,000	3,875,005
Resources Available:	5,124,713	6,283,379
Expenditures:		
Salaries & Benefits	372,434	372,434
Contractual Obligations	2,096,602	2,446,905
Commodities	473,600	588,600
Capital Outlays	300,000	400,000
Debt Service	51,715	51,715
Transfers TO Bond & Interest	99,836	99,836
Trasfers TO Equipment Reserve	150,000	150,000
Total Expenditures	3,544,187	4,109,490
Unencumbered Cash Balance December 31	1,580,526	2,173,889

CPA Summary

City of Bel Aire

2023

Adopted Budget

Sewer Utility	2023 Adopted Budget	2023 Proposed Budget
Unencumbered Cash Balance January 1	2,886,057	3,172,617
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Utility Income	2,535,135	3,087,383
Interest on Idle Funds	10,000	112,000
Total Receipts	2,545,135	3,199,383
Resources Available:	5,431,192	6,372,000
Expenditures:		
Salaries & Benefits	376,526	376,526
Contractual Obligations	1,591,876	1,663,335
Commodities	493,500	504,500
Capital Outlays	300,000	900,000
Debt Service	31,689	31,689
Transfers TO Bond & Interest	150,867	150,867
Trasfers TO Equipment Reserve	150,000	150,000
Total Expenditures	3,094,458	3,776,917
Unencumbered Cash Balance December 31	2,336,734	2,595,083

CPA Summary

**Notice of Budget Hearing for Amending the
2023 Budget**

The governing body of
City of Bel Aire

will meet on the day of 12/05/23 at 7:00 pm at City Hall for the
purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Hall, www.belaireks.gov
and will be available at this hearing.

Summary of Amendments

Fund	2023 Adopted Budget			2023 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
General	43.462	3,700,561	10,204,491	11,674,381
Water Utility			3,544,187	4,109,490
Sewer Utility			3,094,458	3,776,917
			0	0
			0	0
			0	0

Jim Benage
 Official Title: Mayor

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 23rd day of November, 2023, with subsequent publications being made on the following dates:

_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

Chris Strunk

Subscribed and sworn to before me this 30th day of November 2023.

WBS

My commission expires _____

Additional copies \$ _____

Printer's fee _____



Bel Aire public notice

(Published in The Ark Valley News Nov. 23, 2023.)

Notice of Budget Hearing for Amending the

2023 Budget

The governing body of

City of Bel Aire

will meet on the day of 12/05/23 at 7:00 pm at City Hall for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Hall, www.belaires.gov and will be available at this hearing.

Summary of Amendments

Fund	2023		2023	
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	Proposed Amended Expenditures
General	43.462	3,700,561	10,204,491	11,674,381
Water Utility			3,544,187	4,109,490
Sewer Utility			3,094,458	3,776,917
			0	0
			0	0

Jim Benage
Official Title: Mayor

City of Bel Aire, Kansas

STAFF REPORT

DATE: 12/05/2023

TO: City Manager

FROM: Marty McGee

RE: Webb Road street repair



BACKGROUND: The city of Bel Aire is responsible for maintaining 28.8 miles of roadways throughout the city. Webb Road from K-254 to 45th Street is one of the roads that the city is responsible for maintaining.

DISCUSSION: Webb Road has had a subgrade failure and needs repaired for safety concerns. The road repair is roughly 60' x 12'. The repairs will consist of 6" of subgrade replacement and 6" of concrete and 2" of asphalt to complete the repair. This type of repair will be consistent with other repairs that have been made in the past on Webb Road. Also included in this bid will be a patch repair on 39th and Edgemoor from a previous water main break. The patch repair is approximately 45 square yards. This repair will be 100% asphalt, with no concrete included.

In adhering to the City's purchasing policy, staff solicited bids from three companies, which are shown in the table below.

Contractors	Bid amount
Pearson Construction	\$47,380.00
Kansas Paving	
Apac Construction	\$54,250.00

FINANCIAL CONSIDERATIONS: Funding for this project will be taken from the Street Operations funds.

POLICY DECISION: Staff is adhering to City policy in gathering a minimum of three bids.

RECOMENDATION: Staff recommends the City Council accept the bid from Pearson Construction.



Just North of 53Rd. street on Webb Road.



City of Bel Aire
Patches Proposal.pdf



Apac Quote Webb
Road..pdf



APAC-KANSAS, INC., SHEARS DIVISION

A CRH COMPANY
3511 S WEST ST | WICHITA, KS 67217
P (316) 524 5200 | F (316) 524 3651

PROPOSAL

TO City of Bel Aire
PROJECT Street Repair
LOCATION Bel Aire, Kansas

DATE 11/29/2023
ESTIMATE 6965053
ADDENDUM(S)

APAC-Kansas, Inc., Shears Division – Wichita Branch (“APAC”) offers to furnish all labor, materials and equipment required for the performance of the following:

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXT PRICE
1	WEBB RD. REPAIR	80.000	SY	\$ 425.00	\$34,000.00
2	39TH STREET REPAIR	45.000	SY	\$ 450.00	\$20,250.00
				Bid Total:	\$54,250.00

Notes:

1. City of Bel Aire will need to clearly mark the work areas.
2. Asphalt Mix and Concrete (High Early) are quoted with City of Wichita Specifications.
3. Traffic control is provided in accordance with MUTCD standards for lane closure on Webb Rd.
4. Traffic control on 39th Street will be limited to the work area.
5. All quantities are approximate should quantities increase APAC will be paid at above unit prices.
6. Exclusions:
 - a. Sales Tax
 - b. Bond not included if needed add .4%
 - c. Seeding and erosion control
 - d. Staking and Engineering
 - e. Striping and Pavement Markings

If you have any questions or need any additional information, please call me at (316) 524-5200.

This Proposal expires thirty (30) days from the executed date of bid opening.

By signing below you are agreeing to the terms and conditions on page two.

Sincerely,

Daniel Young
Estimator
daniel.young@apac.com

Accepted By: _____

Printed Name: _____

Date: _____



TERMS AND CONDITIONS - Proposal and Contract

Payment in full for all work performed hereunder during any month shall be made not later than the tenth (10th) day of the month next following. Final and complete payment for all work performed hereunder shall be made not later than fifteen (15) days after the completion of such work. Interest at the highest rate allowable under the laws of the in state which the work is done, or one and one half percent (1½%) per month, whichever is less, shall be charged and paid on all unpaid balances from the due date to the date we receive payment. You agree to pay in full all costs and expenses incurred by APAC in collecting the amounts owed by you under the Agreement, including any and all court costs and attorneys' fees. Payments received will be applied against open items on unpaid invoices in an order and sequence determined by APAC in its sole discretion. Any monies paid to you for our work shall be held in trust for our benefit.

We shall not become obligated to perform the work called for under this Proposal and Contract until we check and approve your credit. This Proposal and Contract shall be null and void if your credit is not approved. If credit conditions become unsatisfactory at any time prior to our completion of the work hereunder, you will furnish adequate security upon our request. To the extent you fail to provide adequate security, we may stop work.

This document is the full agreement between us, regardless of any prior proposals or communications. Any deviations from the specifications or modification of the terms of this contract and any extra or incidental work, or reductions in work, shall be set forth in writing and signed by both parties prior to the making of such change. We will be compensated for any increase in our costs caused by such change, on the basis of the increase plus ten percent (10%) profit. If a time is set for the performance of work, and if, in our judgment, such change or other circumstances beyond our reasonable control will increase the time necessary for our performance, we will be granted a reasonable extension of time.

We will provide and pay for Workers' Compensation covering our employees, as well as General Liability and Property Damage Insurance. You agree to carry General Liability and Property Damage Insurance sufficient to protect yourself against any and all claims and liabilities arising from the performance of the work, including but not limited to claims arising under your agreement to indemnify and hold us harmless under this contract.

We shall be provided with suitable access to the work area. If our work is dependent upon or must be undertaken in conjunction with the work of others, such work shall be so performed and completed as to permit us to perform out work hereunder in a normal uninterrupted single shift operation.

Unless a time for the performance of our work is specified, we shall undertake it in the course of our normal operating schedule. We shall not be liable for any failure to undertake or complete the work for causes beyond our control, and we may suspend the work for causes beyond our control, including but not limited to fire, flood or other casualty; the presence on or beneath the work site of utilities, facilities, substances, or objects, including but not limited to any substance that in our opinion is hazardous or toxic or the reporting, remediation, or clean-up of which is required by any law or regulation (together "subsurface conditions"); labor disputes or other disagreements; and accidents or other mishaps, whether affecting this work or other operations in which we are involved, directly or indirectly.

If for causes beyond our control our work is not completed within twelve (12) months after the date of your acceptance of the proposal, we may cancel this agreement at any time thereafter on ten (10) days notice. In such event (i) we shall be relieved of any further obligation with respect to the balance of the work; and (ii) we shall be entitled to receive final and complete payment for all work performed by us to the date of cancellation within fifteen (15) days thereafter.

We shall not be responsible for, and you agree to indemnify and hold us harmless from, any suit, claim, liability, cost or expense arising from or in any way related to: sidewalks, driveways or other improvements located within our work area or designated areas of access, and to adjacent property and improvements; subsurface conditions; and any and all other alleged damages to persons or property, including but not limited to personal injury and death, arising from the performance of the work, unless such alleged damages arise from our sole negligence. You further agree to indemnify and protect us and save us harmless from any and all loss, damage, costs, expenses and attorney's fees suffered or incurred on account of your breach of any obligations and covenants of this contract. It is further understood that we shall not be responsible for any damage to or deterioration of any of our work, whether completed or in process, resulting from any cause or causes beyond our reasonable control, including but not limited to design, failure of subgrade or other subsurface conditions, or failure or inadequacy of any labor or materials not furnished and installed by us, whether or not such failure or inadequacy was or could have been known at the time our work was undertaken or work performed under adverse weather conditions. You agree that the proper jurisdiction and venue for adjudication concerning this contract is Sedgwick County, Kansas, and you waive any right to jurisdiction and venue in any other place.



2901 N. Mead
 Wichita, KS 67219
 p: (316) 263-3100
 f: (316) 263-3071
 www.pearsonconstructionllc.com

To: City of Bel-Aire	Contact:
Address: 7651 E Central Park Bel-Aire, KS 67226	Phone: (316) 744-2451 Fax: (316) 744-3739
Project Name: City Of Bel Aire Patches	Bid Number: 2311-022
Project Location:	Bid Date:

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	53rd & Web Patch	1.00	LS	\$26,325.00	\$26,325.00
1A	Additional 2" Mill & Overlay To Get Asphalt Joint To Edge Of Driving Lane	1.00	LS	\$4,200.00	\$4,200.00
2	39th & Edgemoor Patch	1.00	LS	\$16,855.00	\$16,855.00

Total Bid Price: \$47,380.00

Notes:

- The above price does not include Performance and Payment Bonds. Add 1.00 % if required.
- Sales tax excluded
- Erosion control excluded
- Seeding Excluded
- Barricades / traffic control included
- If we have to over excavate poor subgrade, and bring in additional material, additional cost may be required.
- 53rd & Webb includes pavement removal, excavation, 6" Reinf. Crushed Concrete Base, 6" Reinf. Concrete Base, and a 2" asphalt surface. Patch is assumed to be 60'x12' (1' outside of damaged asphalt)
- 39th & Edgemoor includes pavement removal, excavation, 6" Reinf. Crushed Concrete Base, and 6" Asphalt Pavement. Patch is assumed to be approximately 45 SY
- All materials are per City of Wichita Standard Specifications.
- Item 1A is optional, in order to get the asphalt joint out of the middle of the lane/wheel path
- The above price is good for 30 days.

Payment Terms:

Payment: Net 30 Days

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: Pearson Construction, LLC</p> <p>Authorized Signature: _____</p> <p>Estimator: Tyler Stevenson 316-263-3100 tylers@pearsonconstructionllc.com</p>
--	---

ESTIMATE DATE: 11/27/2023



Marty McGee
City of Bel-Aire

Bel-Aire Asphalt Repair - Webb Rd & 53rd Street
Webb Rd & 53rd Street
Kechi, KS 67067

<http://www.kansaspaving.com>

Street Repair Proposal:

1. Remove failed asphalt paving approx. 720 SF approx. 14" depth.
2. Supply, spread, and compact rein. crushed concrete approx. 80 SY approx. 6" depth.
3. Construct concrete approx. 720 SF approx 6" depth reinforced concrete paving.
4. Overlay asphalt surface approx. 80 SY hot laid asphalt.
5. Traffic control as needed.

Lump Sum Total: \$20,850.00 plus cost of permits

EXCLUDES

Damage of/to: existing paving, landscaping, and/or moving of underground utilities. Bonds, taxes, fees, penalties, liability for any underground utility damage, drainage issues, dewatering, cold weather protection, site clearing and car removal, seeding, joint sealing, oil over spray on objects/vehicles, phasing, night/weekend work, high early concrete, color/stamped concrete, pavement markings.

INCLUDES

Hauling of material, one mobilization (Additional mobilizations are \$750)

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in substantial workmanlike manner for the sum of: (\$Twenty thousand, eight hundred fifty dollars and 00/100) Plus app. sales tax and cost of permits.

Any quantities not correct on this estimate will be amended by dividing quantity into total price to determine unit price for any add adjustments. All dimension changes will be dealt with similarly. Work completed on existing conditions are not warranted beyond the date of completion.

Payments to be made as follows: In full upon completion, draws if needed. Finance charges will be charged at 18% maximum allowable rate by law not meeting these terms. All attorney fees and collection costs shall be paid by property owner. Kansas Paving follows Kansas Fairness in Private Construction Contract Act.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner will maintain personal (fire, tornado, etc.) property insurance during work. Public Liability Insurance on above work provided by Kansas Paving.

By signing this contract you are agreeing to hold harmless and indemnify Kansas Paving, its successors and assign from any and all liabilities, losses, claims, judgments, suits, fines, penalties, demands or expenses, including, but not limited to, all reasonable costs for defense and investigation thereof (including but not limited to attorney's fees, courts and expert fees) claimed by anyone by reason of injury or damage to persons or property sustained in or around as a proximate result of acts or omissions of Kansas Paving, its agents or successor and agrees to hold Kansas Paving harmless. In the event of a claim being filed, Kansas Paving shall have the right to settle, compromise, and/or defend the same.

Note - This proposal may be withdrawn by us if not accepted within 10 days.

Sincerely,
Kansas Paving


Chris Wolken
Estimator

ESTIMATE DATE: 11/27/2023



Marty McGee
City of Bel-Aire

Bel-Aire Asphalt Repair - Edgmoor & 39th Street
Edgmoor & 39th Street
Kechi, KS 67067

<http://www.kansaspaving.com>

Street Repair Proposal:

1. Remove failed asphalt paving approx. 405 SF approx. 12" depth.
2. Supply, spread, and compact rein. crushed concrete approx. 45 SY approx. 6" depth.
3. Lay asphalt base approx. 45 SY hot laid asphalt.
4. Traffic control as needed.

Lump Sum Total: \$12,190.00 plus cost of permits

EXCLUDES

Damage of/to: existing paving, landscaping, and/or moving of underground utilities. Bonds, taxes, fees, penalties, liability for any underground utility damage, drainage issues, dewatering, cold weather protection, site clearing and car removal, seeding, joint sealing, oil over spray on objects/vehicles, phasing, night/weekend work, concrete, pavement markings.

INCLUDES

Hauling of material, one mobilization (Additional mobilizations are \$750)

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in substantial workmanlike manner for the sum of: (\$Twelve thousand, one hundred ninety dollars and 00/100) Plus app. sales tax and cost of permits.

Any quantities not correct on this estimate will be amended by dividing quantity into total price to determine unit price for any add adjustments. All dimension changes will be dealt with similarly. Work completed on existing conditions are not warranted beyond the date of completion.

Payments to be made as follows: In full upon completion, draws if needed. Finance charges will be charged at 18% maximum allowable rate by law not meeting these terms. All attorney fees and collection costs shall be paid by property owner. Kansas Paving follows Kansas Fairness in Private Construction Contract Act.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner will maintain personal (fire, tornado, etc.) property insurance during work. Public Liability Insurance on above work provided by Kansas Paving.

By signing this contract you are agreeing to hold harmless and indemnify Kansas Paving, its successors and assign from any and all liabilities, losses, claims, judgments, suits, fines, penalties, demands or expenses, including, but not limited to, all reasonable costs for defense and investigation thereof (including but not limited to attorney's fees, courts and expert fees) claimed by anyone by reason of injury or damage to persons or property sustained in or around as a proximate result of acts or omissions of Kansas Paving, its agents or successor and agrees to hold Kansas Paving harmless. In the event of a claim being filed, Kansas Paving shall have the right to settle, compromise, and/or defend the same.

Note - This proposal may be withdrawn by us if not accepted within 10 days.

Sincerely,

Kansas Paving

 11/28/2023

Chris Wolken

Estimator

City of Bel Aire, Kansas



STAFF REPORT

DATE: November 28, 2023

TO: Ty Lasher, City Manager

FROM: Anne Stephens, PE, City Engineer

RE: 37th Street Valve Replacement

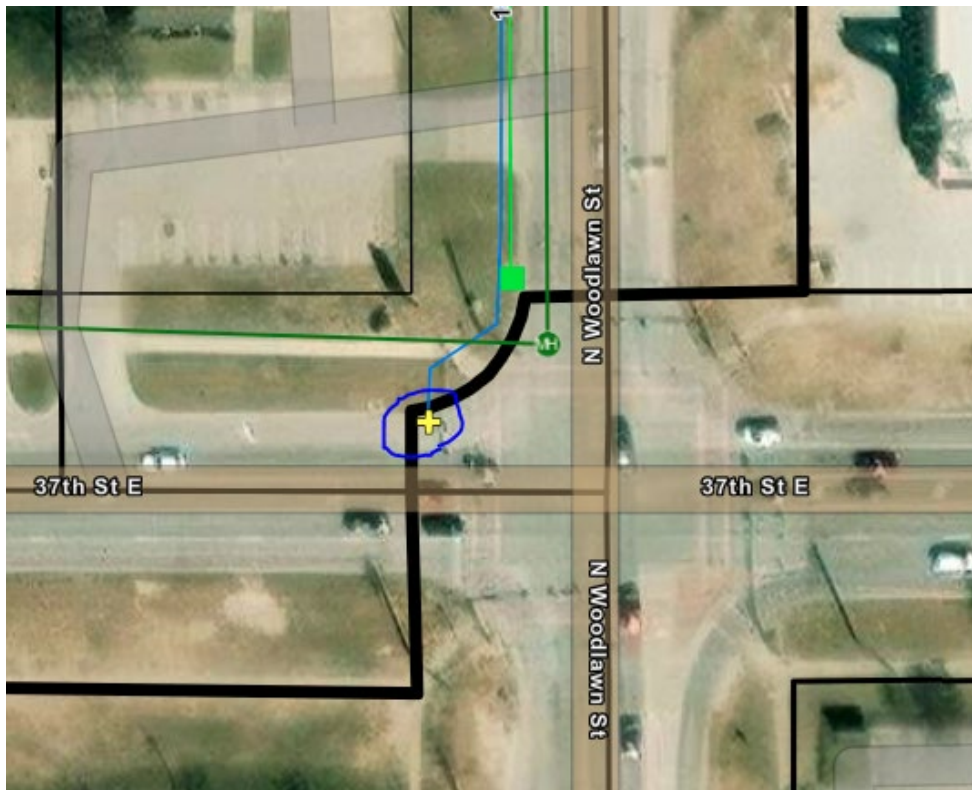
BACKGROUND:

The water valve connecting the City’s 18” water line connection to the City of Wichita has broken and is stuck closed. We are still getting water through a side feed, but not able to get our full amount or pressure of water needed. Wichita is aware of this situation and is requiring us to replace the valve.

DISCUSSION:

The City contacted four contractors for a quote to replace the valve. One contractor declined due to being too busy.

Contractor	Total Bid
Dondlinger	\$42,750.00
McCullough	\$66,250.00
UMC	\$46,610.00



FINANCIAL CONSIDERATIONS: The cost for this project will come from the Water System Improvements line item.

POLICY DECISION: Staff adhered to the purchasing policy in gathering a minimum of three bids for the project.

RECOMENDATION: Staff recommends that the City Council accept the bid from Dondlinger Construction for \$42,750.00.



2656 S. Sheridan, Wichita, Kansas 67217
 P.O. Box 398, Wichita, Kansas 67201-0398
 Phone: 316-945-0555 Fax: 316-945-9009
 www.dondlinger.biz

November

Re: 16" Butterfly Valve Replacement; Woodlawn & 37th Street
 Bel Aire, KS

Dondlinger and Sons Construction Utility Division is pleased to provide this proposal for the labor, materials, and equipment to replace a 16" butterfly valve in the intersection of Woodlawn and 37th St N.

Scope of work:

- Replace 16" butterfly valve.
- Remove and replace pavement necessary to replace gate valve.
- Traffic control for the associated work.

#	Description	Qty	Unit	Unit Cost	Extended
1	Replace 16" Gate Valve	1	LS	\$ 16,750.00	\$ 16,750.00
2	Traffic Control	1	LS	\$ 10,500.00	\$ 10,500.00
3	Pavement Replacement	1	LS	\$ 14,000.00	\$ 14,000.00
4	Seeding	1	LS	\$ 1,500.00	\$ 1,500.00
Total					\$ 42,750.00

Clarifications:

- Sales Tax Excluded
- City of Bel Aire to supply all pipe & fittings for the project.
- City of Wichita to provide 16" butterfly valve.
- Dondlinger will provide concrete blocking and backfill materials.

Exclusions: sales tax, bond fees, erosion control, site clearing or restoration, tree removal, structure removal beyond end section, ditch grading, traffic control, fence, handrail, landscaping, and or any other items not specifically called out. All items are tied with Dondlinger's option to untie. If bonds are required, our bond rate is 1%.

To give you the best possible price, we reserve the right to use the suppliers that we determine give us the lowest and most responsive bid. If you have any questions or need further information, Please Contact me at (316) 945-0555.

Respectfully Submitted,

Braden Lysen
 Dondlinger Construction



9210 E. 34th St. North
Wichita, KS 67226

Phone: (316) 634-2199
Fax: (316) 634-6071

McX Job Number: #23261

November 22, 2023

To: City of Bel Aire

**Bel Aire Valve Replacement
37th N & Woodlawn, Wichita, KS**

McCullough Excavation is pleased to bid on the Bel Aire Valve Replacement in Wichita, KS. We propose to furnish the necessary labor, material, and equipment to replace the 16” Butterfly Valve per the request of Marty McGee, for the following items.

16” Butterfly Valve Replacement

We Propose to Install:

- 1 EA 16” Butterfly Valve
- 1 EA 16” MJ 45°
- 1 EA 18”x16” Bell Reducer

We don’t believe there will be enough room between the Tee and the Elbow to install the new valve without removing the existing Elbow, so we have included a new Elbow and a Bell Reducer to reconnect to the existing 18” pipe. We have included the cost to remove and patch the street and curb and gutter as necessary. Patching to be done by the City of Wichita Utility Contractor.

Total Bid Amount.....**\$66,250.00**

Exclusions:

- Sales Tax
- Inspections
- Lawn Sprinkler Repairs
- Turf Restoration

Please, let me know if you have any questions.
MCCULLOUGH EXCAVATION, INC.

Kyle Loss
Estimator/Project Manager



Date: November 28, 2023

To: City of Bel Aire

Attn: Marty McGee, Public Works Director
Anne Stephens, City Engineer

Mmcgee@belaire.kscoxmail.com
Astephens@belaireks.gov

Ref: **16" Valve Replacement**

Utility Maintenance Contractors, LLC (UMC) places our employee's safety as our top priority on every job, every day. Through safe work practices we can continue to ensure our employee's safety and the safety of those around them. We emphasize that production is a result of working safe. UMC will be responsible for providing its employees with all required safety equipment and conducting regular maintenance and inspection of that equipment.

UMC will meet all minimum industry standards for safety related to this work including but not limited to; PPE, confined space, first aid/CPR/AED training, material handling, ventilation and air monitoring. All onsite UMC employees will follow all OWNER established rules, policies and guidelines regarding safety and security.

UMC proposes to provide the labor, supervision, material and equipment to complete the replacement of the inoperable 16" Butterfly Valve located at 37th ST North and Woodlawn.

Included in the proposal is as follows:

1. 1- 16" Butterfly Valve
2. 1- 16"x18" Ductile Iron Reducer
3. Necessary Ductile Iron pipe, and restrained joint fittings to complete connection
4. All pipe and fittings will be swabbed with bleach solution prior to installation
5. UMC anticipates a 6-week lead time for material delivery
6. UMC will setup and maintain traffic control for the duration of this project

Item	Description	Qty	U.O.M.	Unit Price	Extended Price
Base	16" Gate Valve Replacement	1	LS	\$46,610.00	\$46,610.00

SAFE QUALITY SOLUTIONS

- UMC's Proposal Excludes
 - a. All taxes, please provide a tax-exempt certificate or add tax to the proposed price
 - b. Bonding (bid, performance, payment, assurance, statutory)
 - c. Davis Bacon wage rates
 - d. Night, weekend or overtime hours
 - e. Delays caused by Owner or others may result in standby rates being charged
 - f. Special insurance, permits and fees
 - g. Providing as-built drawings once work is complete
 - h. Customer scope of work changes
 - i. Winter weather or any other weather controls
 - j. Remediation, hauling or disposal of any hazardous materials discovered during UMC work
 - k. Responsibility for job site access restrictions

- UMC's payment requirements:
 - a. UMC will honor the above pricing for 30 calendar days from the date submitted:
 - b. Once UMC has submitted billing payment is required within 30 calendar days
 - c. No retainage will be withheld from payments

We appreciate the opportunity to quote this work.


Tim Aelmore
Project Manager

PLEASE SIGN, DATE & RETURN UPON ACCEPTANCE OF THIS PROPOSAL:

OWNER'S REPRESENTATIVE: (print) _____

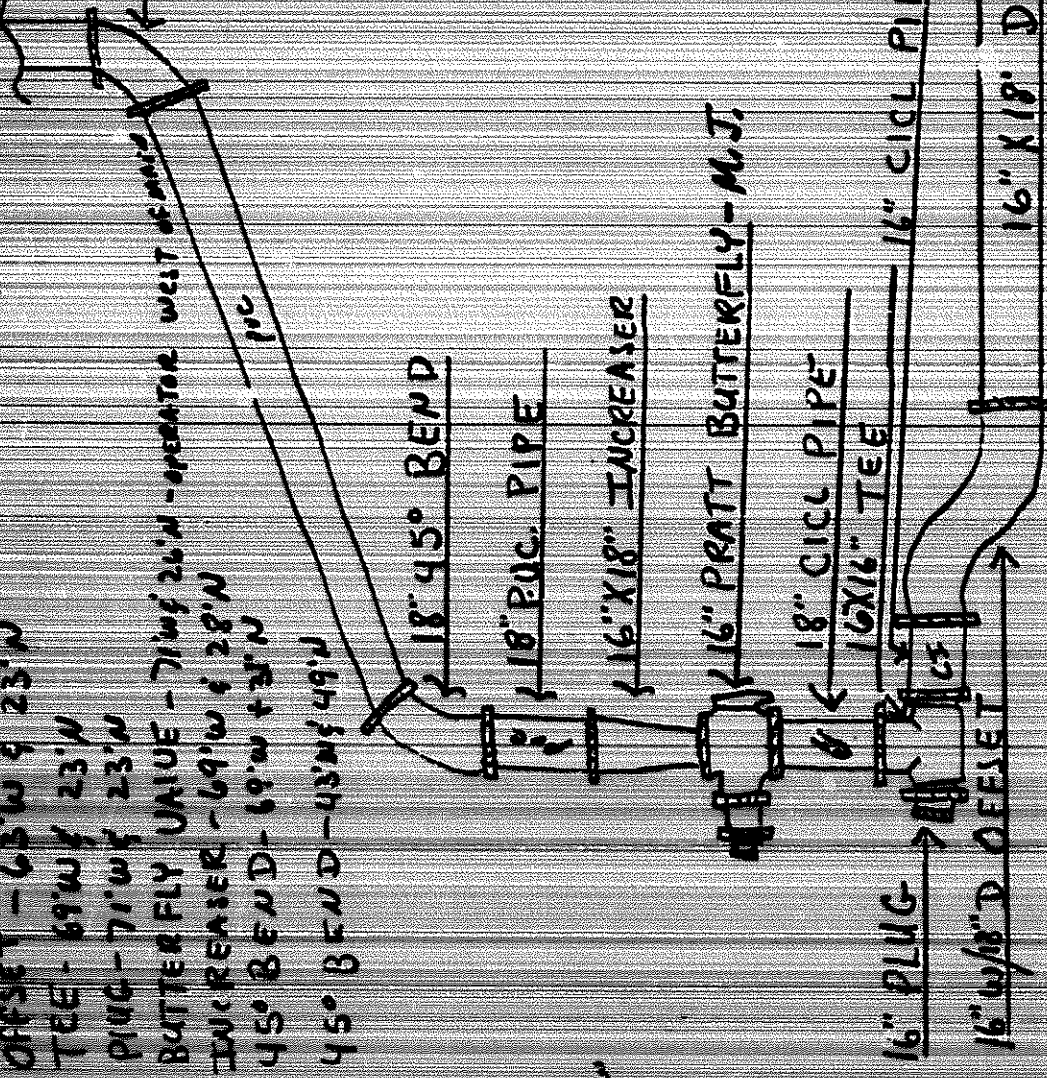
OWNER'S REPRESENTATIVE: (signature) _____

DATE: _____

TO THE PUMP - 30' ± WOODLAWN

- OFFSET - 63'W & 23'N
- TEE - 69'W & 23'N
- PLUG - 71'W & 23'N
- BUTTERFLY VALVE - 71'W & 26'N - OPERATOR WEST SIDE
- INCREASER - 69'W & 28'N
- 45° BEND - 69'W & 33'N
- 45° BEND - 43'W & 49'N

18" 45° BEND



16" PLUG

16" W/8" D OFFSET

18" CIRC PIPE
16X16" TEE

16" PRATT BUTTERFLY - M.J.

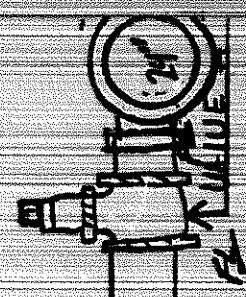
16" X 18" INCREASER

18" PUC. PIPE

18" 45° BEND

16" CIRC PIPE

16" X 18" DICCL PIPE



14654

ALL MEASUREMENT ARE TAKEN FROM E - OF 37TH & WOODLAWN

D. BAKER 11/01/00

1
2
3
4 **CITY OF BEL AIRE MUNICIPAL ORDINANCE**
5

6
7 ORDINANCE NO. []
8

9 **SECTION 1 GENERAL PROVISIONS**
10

11 **1.1 Purpose and Policy**
12

13 This ordinance sets forth uniform requirements for Users of the Sanitary Sewer Conveyance
14 System for the City of Bel Aire and enables the City to comply with all applicable State and
15 Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et
16 seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations*
17 [CFR] Part 403). The objectives of this ordinance are:
18

- 19 A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works
20 that will interfere with its operation;
21
- 22 B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works
23 that will pass through the Publicly Owned Treatment Works, inadequately treated, into
24 receiving waters, or otherwise be incompatible with the Publicly Owned Treatment
25 Works;
26
- 27 C. To protect both Publicly Owned Treatment Works personnel who may be affected by
28 wastewater and sludge in the course of their employment and the general public;
29
- 30 D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly
31 Owned Treatment Works wastewater plant; generated by industries served by the City
32 Sanitary Sewer Conveyance System
33
- 34 E. To enable the City to comply with the National Pollutant Discharge Elimination
35 System permit conditions, sludge use and disposal requirements, and any other Federal or
36 State laws to which the Publicly Owned Treatment Works is subject.
37

38 This ordinance shall apply to all Users of the City of Bel Aire Sanitary Sewer Conveyance
39 System.
40

41 **1.2 Administration**
42

43 Except as otherwise provided herein, The City Engineer shall administer, implement, and
44 enforce the provisions of this ordinance. Any powers granted to, or duties imposed upon The
45 City Engineer may be delegated by The City Engineer to a duly authorized City employee.
46
47

48 **1.3 Abbreviations**

49 The following abbreviations, when used in this ordinance, shall have the designated meanings:

- 50
- 51 BOD – Biochemical Oxygen Demand
- 52 BMP – Best Management Practice
- 53 CCUA – Chisholm Creek Utility Authority
- 54 CFR – Code of Federal Regulations
- 55 CIU – Categorical Industrial User
- 56 COD – Chemical Oxygen Demand
- 57 EPA – U.S. Environmental Protection Agency
- 58 gpd – gallons per day
- 59 IU – Industrial User
- 60 mg/l – milligrams per liter
- 61 NPDES – National Pollutant Discharge Elimination System
- 62 POTW – Publicly Owned Treatment Works
- 63 RCRA – Resource Conservation and Recovery Act
- 64 SIU – Significant Industrial User
- 65 TSS – Total Suspended Solids
- 66 U.S.C. – United States Code

67
68 **1.4 Definitions**

69
70 Unless a provision explicitly states otherwise, the following terms and phrases, as used in this
71 ordinance, shall have the meanings hereinafter designated.

72
73 A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean
74 Water Act, as amended, 33 U.S.C. section 1251 et seq.

75
76 B. Approval Authority The Kansas Department of Health and Environment (KDHE); it
77 shall mean the Director of Environment of KDHE

78
79 C. Authorized or Duly Authorized Representative of the User.

80
81 (1) If the User is a corporation:

82
83 (a) The president, secretary, treasurer, or a vice-president of the corporation in
84 charge of a principal business function, or any other person who performs similar
85 policy or decision-making functions for the corporation; or

86
87 (b) The Engineer of one or more manufacturing, production, or operating
88 facilities, provided the Engineer is authorized to make management decisions that
89 govern the operation of the regulated facility including having the explicit or
90 implicit duty of making major capital investment recommendations, and initiate
91 and direct other comprehensive measures to assure long-term environmental
92 compliance with environmental laws and regulations; can ensure that the
93 necessary systems are established or actions taken to gather complete and
94 accurate information for individual wastewater discharge permit requirements;

95 and where authority to sign documents has been assigned or delegated to the
96 Engineer in accordance with corporate procedures.

97
98 (2) If the User is a partnership or sole proprietorship: a general partner or
99 proprietor, respectively.

100
101 (3) If the User is a Federal, State, or local governmental facility: a director or
102 highest official appointed or designated to oversee the operation and performance
103 of the activities of the government facility, or their designee.

104
105 (4) The individuals described in paragraphs 1 through 3, above, may designate a
106 Duly Authorized Representative if the authorization is in writing, the
107 authorization specifies the individual or position responsible for the overall
108 operation of the facility from which the discharge originates or having overall
109 responsibility for environmental matters for the company, and the written
110 authorization is submitted to the City.

111
112 D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the
113 biochemical oxidation of organic matter under standard laboratory procedures for five (5)
114 days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

115
116 E. Best Management Practices or BMPs. Schedules of activities, prohibitions of
117 practices, maintenance procedures, and other management practices to implement the
118 prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include
119 treatment requirements, operating procedures, and practices to control plant site runoff,
120 spillage or leaks, sludge or waste disposal, or drainage from raw materials storage, or
121 sector control programs to control pollutants from specific industrial users in place of
122 identified categorical or effluent standards. BMPs shall be considered local limits and
123 Pretreatment Standards for the purposes of these Pretreatment Regulations and Section
124 307(d) of the Act and as specified at 40 CFR 403.5(c)(4)

125
126 F. Categorical Pretreatment Standard or Categorical Standard. Any regulation
127 containing pollutant discharge limits promulgated by EPA in accordance with sections
128 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of
129 Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

130
131 G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment
132 Standard or categorical Standard.

133
134 H. City. The City of Bel Aire

135
136 I. City Engineer. The person designated by the City to supervise the operation of the
137 POTW, and who is charged with certain duties and responsibilities by this ordinance. The
138 term also means a Duly Authorized Representative of the City Engineer.

139
140 J. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all
141 compounds, both organic and inorganic, in water.

- 142
- 143 K. Control Authority. The City of Bel Aire
- 144
- 145 L. Environmental Protection Agency or EPA. The U.S. Environmental Protection
- 146 Agency or, where appropriate, the Region VII Water Management Division Director, the
- 147 Region VII Administrator, or other duly authorized official of said agency.
- 148
- 149 M. Existing Source. Any source of discharge that is not a “New Source.”
- 150
- 151 N. Grab Sample. A sample that is taken from a wastestream without regard to the flow in
- 152 the wastestream and over a period of time not to exceed fifteen (15) minutes.
- 153
- 154 O. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from
- 155 any nondomestic source.
- 156
- 157 P. Industrial User, IU or User. A source of indirect discharge.
- 158
- 159 Q. Interference. A discharge that, alone or in conjunction with a discharge or discharges
- 160 from other sources, inhibits or disrupts the POTW, its treatment processes or operations
- 161 or its sludge processes, use or disposal; and therefore, is a cause of a violation of the
- 162 CCUA’s NPDES permit or of the prevention of sewage sludge use or disposal in
- 163 compliance with any of the following statutory/regulatory provisions or permits issued
- 164 thereunder, or any more stringent State or local regulations: section 405 of the Act; the
- 165 Solid Waste Disposal Act, including Title II commonly referred to as the Resource
- 166 Conservation and Recovery Act (RCRA); any State regulations contained in any State
- 167 sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal
- 168 Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection,
- 169 Research, and Sanctuaries Act.
- 170
- 171 R. KDHE. the Kansas Department of Health and Environment and any successor
- 172 departments or agencies.
- 173
- 174 S. Local Limit. Specific discharge limits or best management practices developed and
- 175 enforced by the City upon industrial or commercial facilities to implement the general
- 176 and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- 177
- 178 T. Medical Waste. Isolation wastes, infectious agents, human blood and blood products,
- 179 pathological wastes, sharps, body parts, contaminated bedding, surgical wastes,
- 180 potentially contaminated laboratory wastes, and dialysis wastes.
- 181
- 182 U. New Source.
- 183 (1) Any building, structure, facility, or installation from which there is (or may
- 184 be) a discharge of pollutants, the construction of which commenced after the
- 185 publication of proposed Pretreatment Standards under section 307(c) of the Act
- 186 that will be applicable to such source if such Standards are thereafter promulgated
- 187 in accordance with that section, provided that:
- 188

189 (a) The building, structure, facility, or installation is constructed at a site at which
190 no other source is located; or
191 (b) The building, structure, facility, or installation totally replaces the process or
192 production equipment that causes the discharge of pollutants at an Existing
193 Source; or
194 (c) The production or wastewater generating processes of the building, structure,
195 facility, or installation are substantially independent of an Existing Source at the
196 same site. In determining whether these are substantially independent, factors
197 such as the extent to which the new facility is integrated with the existing plant,
198 and the extent to which the new facility is engaged in the same general type of
199 activity as the Existing Source, should be considered.

200
201 (2) Construction on a site at which an Existing Source is located results in a
202 modification rather than a New Source if the construction does not create a new
203 building, structure, facility, or installation meeting the criteria of Section (1)(b) or
204 (c) above but otherwise alters, replaces, or adds to existing process or production
205 equipment.

206
207 (3) Construction of a New Source as defined under this paragraph has commenced
208 if the owner or operator has:

209
210 (a) Begun, or caused to begin, as part of a continuous onsite construction program
211
212 (i) any placement, assembly, or installation of facilities or equipment; or
213 (ii) significant site preparation work including clearing, excavation, or
214 removal of existing buildings, structures, or facilities which is necessary for
215 the placement, assembly, or installation of new source facilities or equipment;
216 or

217
218 (b) Entered into a binding contractual obligation for the purchase of facilities or
219 equipment which are intended to be used in its operation within a reasonable
220 time. Options to purchase or contracts which can be terminated or modified
221 without substantial loss, and contracts for feasibility, engineering, and design
222 studies do not constitute a contractual obligation under this paragraph.

223
224 U. Noncontact Cooling Water. Water used for cooling that does not come into direct
225 contact with any raw material, intermediate product, waste product, or finished product.

226
227 V. Pass Through. A discharge which exits the POTW into waters of the United States in
228 quantities or concentrations which, alone or in conjunction with a discharge or discharges
229 from other sources, is a cause of a violation of any requirement of the NPDES permit,
230 including an increase in the magnitude or duration of a violation.

231
232 W. Person. Any individual, partnership, co-partnership, firm, company, corporation,
233 association, joint stock company, trust, estate, governmental entity, or any other legal
234 entity; or their legal representatives, agents, or assigns. This definition includes all
235 Federal, State, and local governmental entities.

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X. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Y. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Z. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

AA. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

BB. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards and categorical Pretreatment Standards, and Local Limits, including best management practices.

CC. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

DD. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is jointly owned by the cities of Bel Aire and Park City known as Chisholm Creek Utility Authority, a regional sewer district (as defined by Section 502(4) of the Clean Water Act). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

EE. POTW Treatment Plant, or Wastewater Treatment Plant. That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

FF. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

GG. Sewage. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments which is routed to the City sanitary sewer system.

282 HH. Significant Industrial User (SIU).
283

284 Except as provided in paragraphs (3) and (4) of this Section, a Significant
285 Industrial User is:

- 286 (1) An Industrial User subject to categorical Pretreatment Standards; or
- 287 (2) An Industrial User that:
 - 288 (a) Discharges an average of twenty-five thousand (25,000) gpd or more of
 - 289 process wastewater to the POTW (excluding sanitary, noncontact cooling and
 - 290 boiler blowdown wastewater);
 - 291 (b) Contributes a process wastestream which makes up five (5) percent or more of
 - 292 the average dry weather hydraulic or organic capacity of the POTW treatment
 - 293 plant; or
 - 294 (c) Is designated as such by the City on the basis that it has a reasonable potential
 - 295 for adversely affecting the POTW's operation or for violating any Pretreatment
 - 296 Standard or Requirement.
- 297 (3) The City may determine that an Industrial User subject to categorical
- 298 Pretreatment Standards is a Non-Significant Categorical Industrial User rather
- 299 than a Significant Industrial User on a finding that the Industrial User never
- 300 discharges more than 100 gallons per day (gpd) of total categorical wastewater
- 301 (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless
- 302 specifically included in the Pretreatment Standard) and the following conditions
- 303 are met:
 - 304 (a) The Industrial User, prior to City's finding, has consistently complied with all
 - 305 applicable categorical Pretreatment Standards and Requirements;
 - 306 (b) The Industrial User annually submits the certification statement required in
 - 307 Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information
 - 308 necessary to support the certification statement; and
 - 309 (c) The Industrial User never discharges any untreated concentrated wastewater.
- 310 (4) Upon a finding that a User meeting the criteria in Subsection (2) of this part
- 311 has no reasonable potential for adversely affecting the POTW's operation or for
- 312 violating any Pretreatment Standard or Requirement, the City may at any time, on
- 313 its own initiative or in response to a petition received from an Industrial User, and
- 314 in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User
- 315 should not be considered a Significant Industrial User.

316 II. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which
317 could cause a violation of the prohibited discharge standards in Section 2.1 of this
318 ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature,
319 including but not limited to an accidental spill or a non-customary batch discharge, which
320 has a reasonable potential to cause Interference or Pass Through, or in any other way
321 violate the POTW's regulations, Local Limits or Permit conditions.
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JJ. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

KK. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

LL. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

SECTION 2 GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference : Solid or viscous Pollutants shall not be discharged whole or ground by garbage grinders. This includes, but is not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, mopheads, feathers, tar, plastics, wood, underground garbage, paunch manure, hair and flesh, entrails, including solids from food service establishments, such as oil and grease, paper and cloth wipes, dishes, utensils, cups, and liquid containers.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

- 375 (5) Wastewater having a temperature that inhibits biological activity in the
376 treatment plant resulting in interference, but in no case, wastewater from an
377 indirect discharge with a temperature exceeding one hundred fifty degrees
378 Fahrenheit (sixty-five degrees Celsius) or which results in exceeding the
379 wastewater temperature of one hundred- and four-degrees Fahrenheit (forty
380 degrees Celsius) at the treatment plant.
381
- 382 (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin,
383 in amounts that will cause Interference or Pass Through.
384
- 385 (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within
386 the POTW in a quantity that may cause acute worker health and safety problems.
387
- 388 (8) Trucked or hauled pollutants, except at discharge points designated by the
389 City Engineer in accordance with Section 3.4 of this ordinance.
390
- 391 (9) Noxious or malodorous liquids, gases, solids, or other wastewater which,
392 either singly or by interaction with other wastes, are sufficient to create a public
393 nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or
394 repair;
395
- 396 (10) Wastewater which imparts color which cannot be removed by the treatment
397 process, such as, but not limited to, dye wastes and vegetable tanning solutions,
398 which consequently imparts color to the treatment plant's effluent, thereby
399 violating the NPDES permit;
400
- 401 (11) Wastewater containing any radioactive wastes or isotopes except in
402 compliance with applicable State or Federal regulations;
403
- 404 (12) Storm Water, surface water, ground water, artesian well water, roof runoff,
405 subsurface drainage, swimming pool drainage, condensate, deionized water,
406 Noncontact Cooling Water, and unpolluted wastewater, unless specifically
407 authorized by the City Engineer;
408
- 409 (13) Sludges, screenings, or other residues from the pretreatment of industrial
410 wastes;
411
- 412 (14) Medical Wastes, except as specifically authorized in writing by the City
413 Engineer
414
- 415 (15) Wastewater causing, alone or in conjunction with other sources, the
416 treatment plant's effluent to fail toxicity test;
417
- 418 (16) Detergents, surface-active agents, or other substances which that might cause
419 excessive foaming in the POTW;
420

421 (17) Fats, oils, or greases of animal or vegetable origin, emulsified or not,
422 containing substances which may solidify, or become viscous, at temperatures
423 between thirty-two degrees Fahrenheit and one hundred fifty degrees Fahrenheit
424 (zero degrees to sixty-five degrees Centigrade), in quantities determined by the
425 City Engineer that have a deleterious effect upon the POTW conveyance system,
426 processes, and/or equipment, or in quantities which will pass through the POTW
427 to the receiving waters, or impact the storage or disposal of the POTW biosolids.
428 In addition, it is prohibited to discharge these substances in quantities that cause a
429 sewer line blockage resulting in untreated sewage discharging to waters of the
430 United States. The discharge must not be in quantities that present an imminent
431 endangerment to the health and welfare of persons, or otherwise create or
432 constitute a public nuisance.
433

434 (18) Wastewater causing two readings on an explosion hazard meter at the point
435 of discharge into the POTW, or at any point in the POTW, of more than five
436 percent (5 %) or any single reading over ten percent (10 %) of the Lower
437 Explosive Limit of the meter.
438

439 19. Any garbage that has not been properly shredded. Garbage grinders may be
440 connected to sanitary sewers from homes, hotels, institutions, restaurants,
441 hospitals, catering establishment, or similar places where garbage originates from
442 the preparation of food in kitchens for the purpose of consumption on the
443 premises or when served by caterers. However, garbage grinders shall only be
444 used to grind 11 small amounts of garbage incidental to cleaning plates,
445 cookware, etc. and not to dispose of large quantities of waste. Waste must be
446 scraped into a garbage can prior to cleaning;
447

448 20. Unusual Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand
449 (COD), or Total Suspended Solids (TSS) in quantities as to constitute a
450 significant additional load on the Wastewater Treatment Plant.
451

452 21. Wastewater containing Pollutants which are not amenable to transport,
453 treatment or reduction in concentration by the POTW and POTW Treatment Plant
454 processes employed, or are amenable to treatment only to such a degree that the
455 POTW Treatment Plant effluent cannot meet the requirements of regulatory
456 agencies having jurisdiction over discharge of effluent to the receiving waters;
457

458 22. Wastewater which, by interaction with other wastewater in the POTW,
459 releases obnoxious gases, forms suspended solids which interfere with the
460 collection system, or creates a condition deleterious to structures and treatment
461 processes.
462

463 23. Liquid Wastes from chemical toilets, trailers, campers, or other recreational
464 vehicles which have been collected or held in tanks or other containers shall not
465 be discharged into the POTW except at locations authorized by the City to collect
466 such wastes.
467

468
469 24. Pollutants, substances, or Wastewater prohibited by this subsection shall not
470 be processed or stored in such a manner that they could be discharged to the
471 POTW.
472

473
474 **2.2 National Categorical Pretreatment Standards**
475

476 Categorical Industrial Users (CIUs) must comply with applicable Categorical Pretreatment
477 Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. In order to facilitate
478 notification from the POTW to the Control Authority regarding discharges from CIUs, CIUs
479 shall notify the City at least 90 days prior to discharge. CIUs also have additional sampling,
480 reporting, and notification requirements to the Control Authority.
481

482 **2.3 Site-Specific Limits**
483

484 The POTW may establish additional site-specific pollutant limits, Best Management Practices, or
485 additional Pretreatment Requirements when, in the judgment of the City, such limitations are
486 necessary to implement the provisions of this Chapter, including the Discharge prohibitions in
487 subsection 2.1. These additional limits shall be public noticed prior to implementation by the
488 City.
489

490 **2.4 Best Management Practices (BMPs)**
491

492 The POTW may develop BMPs to implement the prohibitions of subsection 2.1 of this Chapter.
493 BMPs shall be considered Pretreatment Standards for purposes of this Chapter and section
494 307(d) of the Act. The City may establish specific sector control programs for Industrial Users to
495 control specific pollutants, as necessary, to meet the objectives of this Chapter. Pollutants subject
496 to these sector control programs will generally be controlled using BMPs as determined by the
497 City. These sector control programs shall not limit the City’s authority to inspect, sample, require
498 reports, enforce, or otherwise carry out its responsibility under this Chapter. The specific sector
499 control program BMPs and requirements shall be developed and documented in a policy, which
500 shall be public noticed.
501

502 Elements of a BMP-based sector control program may include, but are not limited to the
503 following:

- 504 1. Installation of appropriately-sized treatment;
 - 505 2. Requirements for prohibitions on certain practices or discharges;
 - 506 3. Requirements for the operation and maintenance of treatment equipment; and
 - 507 4. Procedures for compliance certification, reporting and records retention.
- 508

509 The City Engineer may develop Best Management Practices (BMPs), by ordinance or in
510 individual wastewater discharge permits to implement any City requirements of Section 2.1.
511

512 **2.5 City’s Right of Revision**

513
514 The City reserves the right to establish, by ordinance or in individual wastewater discharge
515 permits more stringent Standards or Requirements on discharges to the POTW consistent with
516 the purpose of this ordinance.

517
518 **2.6 Dilution**

519
520 No User shall ever increase the use of process water, or in any way attempt to dilute a discharge,
521 as a partial or complete substitute for adequate treatment to achieve compliance with a discharge
522 limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.
523 The City Engineer may impose mass limitations on Users who are using dilution to meet
524 applicable Pretreatment Standards or Requirements, or in other cases when the imposition of
525 mass limitations is appropriate.

526
527 **SECTION 3 PRETREATMENT OF WASTEWATER**

528
529 **3.1 Pretreatment Facilities**

530
531 Users shall provide wastewater treatment as necessary to comply with this ordinance and shall
532 achieve compliance prior to discharge. Any facilities necessary for compliance shall be
533 provided, operated, and maintained at the User’s expense. Detailed plans describing such
534 facilities and operating procedures shall be submitted to the City Engineer for review and shall
535 be acceptable to the City Engineer before such facilities are constructed. The review of such
536 plans and operating procedures shall in no way relieve the User from the responsibility of
537 modifying such facilities as necessary to produce a discharge acceptable to the City under the
538 provisions of this ordinance.

539
540 **3.2 Additional Pretreatment Measures**

541
542 A. Whenever deemed necessary, the City Engineer may require Users to restrict their
543 discharge during peak flow periods, designate that certain wastewater be discharged only
544 into specific sewers, relocate and/or consolidate points of discharge, separate sewage
545 wastestreams from industrial wastestreams, and such other conditions as may be
546 necessary to protect the POTW and determine the User’s compliance with the
547 requirements of this ordinance.

548
549 B. The City Engineer may require any person discharging into the POTW to install and
550 maintain, on their property and at their expense, a suitable storage and flow-control
551 facility to ensure equalization of flow.

552
553 C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City
554 Engineer, they are necessary for the proper handling of wastewater containing excessive
555 amounts of grease and oil, or sand; except that such interceptors shall not be required for
556 residential users. All interception units shall be of a type and capacity approved by the
557 City Engineer, shall be so located to be easily accessible for cleaning and inspection.
558 Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

559
560 D. Users with the potential to discharge flammable substances may be required to install
561 and maintain an approved combustible gas detection meter.
562

563 E. The City Engineer may require any person discharging into the POTW to install at the
564 owner's or operator's own expense suitable monitoring facilities or equipment which
565 isolates appropriate wastewater discharges into the wastewater system and facilitates
566 accurate observation, sampling and measurement of discharges. The equipment shall be
567 maintained in proper working order and kept safe and accessible without restriction to
568 POTW personnel at all times. Where practical, the monitoring equipment shall be located
569 and maintained on the Industrial User's premises outside of the building.
570

571 **3.3 Accidental Discharge/Slug Discharge Control Plans**
572

573 Each Industrial User shall provide protection from accidental discharges and Slug Loads
574 of pollutants resulting in harm to the POTW. Facilities to prevent the discharge of spills
575 or Slug Loads shall be provided and maintained at the Industrial User's expense.
576

577 The City Engineer shall evaluate whether a facility needs an accidental discharge/slug
578 discharge control plan or other action to control Slug Discharges. The City Engineer may
579 require any User to develop, submit for approval, and implement such a plan or take such
580 other action that may be necessary to control Slug Discharges. Alternatively, the City
581 Engineer may develop such a plan for any User. An accidental discharge/slug discharge
582 control plan shall address, at a minimum, the following:
583

- 584 A. Detailed plans (schematics) showing facility layout and plumbing representative of
585 operating procedures.
- 586 B. Description of contents and volumes of any process tanks;
- 587 C. Description of discharge practices, including non-routine batch discharges;
- 588 D. Listing of stored chemicals, including location and volumes;
- 589 E. Procedures for immediately notifying the POTW of any spill or Slug Discharge. It is
590 the responsibility of the Industrial User to comply with all reporting requirements;
- 591 F. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such
592 procedures include, but are not limited to, inspection and maintenance of storage areas,
593 handling, and transfer of materials, loading and unloading operations, control of plant site
594 runoff, worker training, building of containment structures or equipment, measures for
595 containing toxic organic pollutants, including solvents, and/or measures and equipment
596 for emergency response.
597

598 **3.4 Hauled Wastewater**
599

600 A. The POTW prohibits the discharge of trucked/hailed septic tank waste, industrial
601 waste, and RV waste to the City sanitary sewer collection system, unless the City
602 Engineer specifically grants a permit to the discharger. Such a permit shall be issued
603 pursuant to rules and that address, among other items, preservation of sewer capacity for
604 its intended purpose of handling sanitary sewage, protection of the sanitary sewer system

605 from harmful solutions, protection of the health of employees and the public, and proper
606 functioning of the City's sanitary sewer system and its appurtenances.

607
608 B. Trucked/Hauled waste may be discharged into the sanitary sewer system only at
609 locations designated by the City, and at such times established by the City. Such waste
610 shall not violate any discharge conditions or requirements established by the POTW. The
611 City may require the following:

- 612 1. Septic tank waste haulers to obtain individual wastewater Discharge permits.
- 613 2. The POTW may collect samples of each hauled load to ensure compliance with
614 applicable Pretreatment Standards and Requirements.
- 615 3. The POTW may require the industrial waste hauler to provide a waste analysis of
616 any load prior to Discharge.

617
618 Any Person discharging septic tank waste and industrial waste must provide a waste-
619 tracking form for every load. This form shall include, at a minimum, the name and
620 address of the waste hauler (individual person and company), permit number (if
621 applicable), truck identification, names and addresses of sources of waste, and volume
622 and characteristics of waste. The form shall identify the type of industry, known or
623 suspected waste constituents, and whether any wastes are RCRA hazardous wastes. —

624
625 C. RV Disposal Stations: The POTW may allow RV disposal sites in its service area if
626 the quality or quantity of the RV waste does not impact the POTW, including the
627 collection system. The POTW may require RV disposal sites in the service area to ensure
628 adequate controlled access to its disposal site including locked access, sign-in records for
629 persons discharging from the RV, record keeping by the RV disposal site, and other
630 information, as deemed appropriate by the City Engineer.

631

632 SECTION 4 NOTIFICATION AND REPORTING REQUIREMENTS

633
634 **4.1 — Industrial User Questionnaire**

635
636 If the POTW deems it necessary to assure compliance with the provisions of this Chapter, any IU
637 of the POTW may be required to submit a Wastewater Discharge permit application,
638 questionnaire, or other reports and notifications in a format and timeframe specified by the
639 POTW. In cases where the Pretreatment Standard requires compliance with a BMP or pollution
640 prevention alternative, the Industrial User must submit documentation required by the POTW or
641 the Pretreatment Standards to determine the compliance status of the Industrial User. Any
642 Industrial User subject to this reporting requirement shall submit a completed report no later than
643 thirty (30) days after receipt of the notification and appropriate forms.

644
645 **4.2 — Notification of Change in Discharge**

646
647 All Industrial Users shall promptly notify the POTW in advance of any substantial change in the
648 volume or character of pollutants in their discharge, including the listed or characteristic
649 hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR
650 section 403.12(p). Additionally, significant Industrial Users are required to notify the POTW
651 immediately of any changes in their facilities affecting potential for a Slug Discharge.

652
653 **4.3 — Notification of Hazardous Waste Discharge**

654
655 Industrial users shall notify the City, the EPA Regional Waste Management Division Director,
656 and the State hazardous waste authorities in writing of any Discharge into the POTW of any
657 substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR
658 section 261, (RCRA). Each Industrial User shall notify the POTW in advance of any substantial
659 change to such discharge. The specific information required to be reported and the time frames in
660 which it is to be reported are found at 40 CFR section 403.12§15

661
662 **4.4 — Report of Potential Problems**

663
664 A. In the case of any discharge, including, but not limited to, spills, accidental discharges,
665 discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug discharge
666 or a discharge that may cause potential problems for the POTW, the Industrial User shall
667 immediately telephone and notify the POTW of the incident. This notification shall include:

- 668 1. Name of the facility;
- 669 2. Location of the facility;
- 670 3. Name of the caller;
- 671 4. Date and time of the discharge;
- 672 5. Date and time discharge was halted;
- 673 6. Location of the discharge;
- 674 7. Type of waste;
- 675 8. Estimated volume of the discharge;
- 676 9. Estimated concentration of pollutants in the discharge;
- 677 10. Corrective actions taken to halt the discharge; and
- 678 11. Method of disposal, if applicable.

679
 680 B. Within five (5) working days following such discharge, the Industrial User shall, unless
 681 waived by the City, submit a detailed written report describing the cause(s) of the Discharge and
 682 the measures to be taken by the Industrial User to prevent similar future occurrences. Such
 683 notification shall not relieve the Industrial User of any expense, loss, damage, or other liability
 684 which might be incurred as a result of damage to the POTW, natural resources, or any other
 685 damage to person or property; nor shall such notification relieve the Industrial User of any fines,
 686 penalties, or other liability which may be imposed pursuant to this Chapter.

687
 688 **4.5 — Authorized Signature for Reports**

689
 690 All reports and questionnaires required to be submitted by the above provisions shall bear the
 691 signature of an Authorized Representative of the discharging entity and shall include the
 692 following certification statement as set forth in 40 CFR section 403.6(a)(2)(ii): "I certify under
 693 penalty of law that this document and all attachments were prepared under my direction or
 694 supervision in accordance with a system designed to ensure that qualified personnel properly
 695 gather and evaluate the information submitted. Based on my inquiry of the person or persons
 696 who manage the system or the persons directly responsible for gathering the information, the
 697 information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I
 698 am aware that there are significant penalties for submitting false information, including the
 699 possibility of a fine and imprisonment for knowing violations."

700
 701 **SECTION 5 RIGHT OF ENTRY: INSPECTION AND SAMPLING**

702
 703 Continued connection and use of the City of Bel Aire Municipal sewer system shall be
 704 contingent on the right of the City to inspect and sample all discharges into the system. The City
 705 shall have the right to enter the premises of any user to determine that the User is complying with
 706 all requirements of this ordinance and any wastewater discharge permit or order issued
 707 hereunder, is being met. Users shall allow the City Engineer ready access to all parts of the
 708 premises for the purposes of inspection, sampling, records examination and copying, and the
 709 performance of any additional duties.

- 710
 711 A. Where a user has security measures in force which require proper identification and
 712 clearance before entry into its premises, the user shall make necessary arrangements
 713 with its security guards so that, upon presentation of suitable identification, the City,
 714 KDHE, and EPA authorized personnel will be permitted to enter without delay for
 715 the purposes of performing specific responsibilities.
 716
 717 B. The City, KDHE and EPA shall have the right to set up on the user's property or
 718 require installation of such devices as are necessary to conduct sampling and/or
 719 metering of the user's operations.
 720
 721 C. Any temporary or permanent obstruction to safe and easy access to the facility to be
 722 inspected and/or sampled shall be promptly removed by the user at the written or
 723 verbal request of the Director and shall not be replaced. The costs of clearing such
 724 access shall be borne by the user.
 725

- 726 D. The City Engineer may require the User to install monitoring equipment as
727 necessary. The facility’s sampling and monitoring equipment shall be maintained
728 at all times in a safe and proper operating condition by the User at its own
729 expense. All devices used to measure wastewater flow and quality shall be
730 calibrated with a precision and frequency mutually agreed to between the City and
731 the User using National Institute of Standards and Technology (NIST) criteria to
732 ensure accuracy.
- 733
- 734 E. Unreasonable delays in allowing the City Engineer access to the User’s premises
735 shall be a violation of this ordinance.
736

737 **SECTION 6 CONFIDENTIAL BUSINESS INFORMATION**
738

739 All information and data on a User obtained from the User, person, POTW including but not
740 limited to, reports, surveys, monitoring programs, and from the City Engineer’s inspection
741 and sampling activities, shall be available to the public without restriction, unless the User
742 specifically requests, and is able to demonstrate to the satisfaction of the City Engineer, that the
743 release of such information would divulge information, processes, or methods of production
744 entitled to protection as trade secrets under applicable State law. Any such request must be
745 asserted at the time of submission of the information or data. When requested and demonstrated
746 by the User furnishing a report that such information should be held confidential, the portions of
747 a report which might disclose trade secrets or secret processes shall not be made available for
748 inspection by the public but shall be made available immediately upon request to governmental
749 agencies for uses related to the NPDES program or pretreatment program, and in enforcement
750 proceedings involving the person furnishing the report. Wastewater constituents and
751 characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as
752 confidential information and shall be available to the public without restriction.
753

754 **SECTION 7 ADMINISTRATIVE/JUDICIAL ENFORCEMENT REMEDIES**
755

756 **7.1 Notification of Violation**
757

758 When the City Engineer finds that a User has violated, or continues to violate, any provision of
759 this ordinance, or order issued hereunder, or any other Pretreatment Standard or Requirement,
760 the City Engineer may serve upon that User a written Notice of Violation. Within five (5)
761 working days of the receipt of such notice, an explanation of the violation and a plan for the
762 satisfactory correction and prevention thereof, to include specific required actions, shall be
763 submitted by the User to the City Engineer. Submission of such a plan in no way relieves the
764 User of liability for any violations occurring before or after receipt of the Notice of Violation.
765 Nothing in this Section shall limit the authority of the City Engineer to take any action, including
766 emergency actions or any other enforcement action, without first issuing a Notice of Violation.
767

768 **7.2 Consent/ Administrative Orders**
769

770 When the City finds that an Industrial User has violated, or continues to violate, any provision of
771 this Chapter, or order issued hereunder, or any other Pretreatment Standard or Requirement, the
772 City may issue an Administrative Order to the Industrial User responsible for the discharge

773 directing that the Industrial User immediately come into compliance or within a time specified
774 by the City.

775
776 The City Engineer may enter into Consent Orders, assurances of compliance, or other similar
777 documents establishing an agreement with any User responsible for noncompliance. Such
778 documents shall include specific action to be taken by the User to correct the noncompliance
779 within the time period specified by the document. Such documents shall have the same force
780 and effect as the administrative orders. and shall be judicially enforceable.

781
782 If the Industrial User does not come into compliance within the time provided, sewer service
783 may be discontinued unless adequate treatment facilities, devices, or other related appurtenances
784 are installed and properly operated. Compliance orders also may contain other requirements to
785 address the noncompliance, including additional self-monitoring and management practices
786 designed to minimize the amount of pollutants discharged into the sewer. A compliance order
787 may not extend the deadline for compliance established for a Pretreatment Standard or
788 Requirement, nor does a compliance order relieve the Industrial User of liability for any
789 violation, including any continuing violation during the time it takes the Industrial User to come
790 into compliance. Issuance of a compliance order shall not be a bar against, or a prerequisite for,
791 taking any other action against the Industrial User.

792 793 7.3 Suspension of Service

794
795 The City may suspend water service and/or wastewater treatment service in order to stop an
796 actual or threatened Discharge which presents or may present an imminent or substantial
797 endangerment to the health or welfare of persons, the environment, causes Pass Through or
798 Interference, causes the POTW to violate any condition of its NPDES Permit, or for violations of
799 this Chapter. Any IU notified of a suspension of the water service and/or wastewater treatment
800 service shall immediately stop or eliminate the Discharge. In the event of a failure of the person
801 to comply voluntarily with the suspension order, the City shall take such steps as deemed
802 necessary including immediate physical severance of the sewer connection, to prevent or
803 minimize damage to the POTW system or endangerment to individuals or the environment.

804 805 7.4 Show Cause Hearing

806
807 The City Engineer may order a User which has violated, or continues to violate, any provision of
808 this ordinance, order issued hereunder, or any other Pretreatment Standard or Requirement, to
809 appear before the City Engineer and show cause why the proposed enforcement action should
810 not be taken. Notice shall be served on the User specifying the time and place for the meeting,
811 the proposed enforcement action, the reasons for such action, and a request that the User show
812 cause why the proposed enforcement action should not be taken. The notice of the meeting shall
813 be served personally or by registered or certified mail (return receipt requested) at least 15
814 (fifteen) days prior to the hearing. Such notice may be served on any Authorized Representative
815 of the User as defined in Section 1.4 C and required by Section 4.7 A. The Show Cause Hearing
816 board shall consist of the City Manager, the Public Works Director, City Council Member, City
817 Manager, Utility Advisory Committee Member, and the Planning & Development Director, or
818 their designees. A show cause hearing shall not be a bar against, or prerequisite for, taking any
819 other action against the User.

820
821 A. Appeal. Any person aggrieved by the decision of the hearing board may appeal such
822 decision to the city council within ten days of the receipt of the decision by filing notice
823 of appeal with the city clerk. Upon hearing, the city council may affirm, modify, or
824 reverse the decision of the director. Any appeal of the council's decision shall be as
825 provided by state law.
826

827
828 7.5 Compliance Orders
829

830 When the City Engineer finds that a User has violated, or continues to violate, any provision of
831 this ordinance, m order issued hereunder, or any other Pretreatment Standard or Requirement, the
832 City Engineer may issue an order to the User responsible for the discharge directing that the User
833 come into compliance within a specified time. If the User does not come into compliance within
834 the time provided, sewer service may be discontinued unless adequate treatment facilities,
835 devices, or other related appurtenances are installed and properly operated. Compliance orders
836 also may contain other requirements to address the noncompliance, including additional
837 self-monitoring and management practices designed to minimize the amount of pollutants
838 discharged to the sewer. A compliance order may not extend the deadline for compliance
839 established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the
840 User of liability for any violation, including any continuing violation. Issuance of a compliance
841 order shall not be a bar against, or a prerequisite for, taking any other action against the User.
842

843 7.6 Cease and Desist Orders
844

845 When the City Engineer finds that a User has violated, or continues to violate, any provision of
846 this ordinance, or order issued hereunder, or any other Pretreatment Standard or Requirement, or
847 that the User’s past violations are likely to recur, the City Engineer may issue an order to the
848 User directing it to cease and desist all such violations and directing the User to:
849

- 850 A. Immediately comply with all requirements; and
- 851
- 852 B. Take such appropriate remedial or preventive action as may be needed to properly
853 address a continuing or threatened violation, including halting operations and/or
854 terminating the discharge. Issuance of a cease-and-desist order shall not be a bar
855 against, or a prerequisite for, taking any other action against the User.
856

857 7.8 Administrative Fines
858

859 A. When the City Engineer finds that a User has violated, or continues to violate, any
860 provision of this ordinance, an individual wastewater discharge permit or order issued
861 hereunder, or any other Pretreatment Standard or Requirement, the City Engineer may fine
862 such User in an amount not to exceed \$1,000 (one-thousand dollars). Such fines shall be
863 assessed on a per-violation, per-day basis. In the case of monthly or other long-term
864 average discharge limits, fines shall be assessed for each day during the period of
865 violation.
866

867 B. The POTW may, in addition to fines, collect charges to pay for damage to the POTW,
868 fines issued to the POTW, and any other costs incurred by the POTW as a result of the
869 IU's noncompliance.

870
871 C. A lien against the Industrial User's property shall be sought for unpaid charges, fines,
872 and penalties.

873
874 D. Users desiring to dispute such fines must file a written request for the City Engineer
875 to reconsider the fine along with full payment of the fine amount within 10 (ten) business
876 days of being notified of the fine. Where a request has merit, the City Engineer may
877 convene a hearing on the matter. In the event the User's appeal is successful, the
878 payment, together with any interest accruing thereto, shall be returned to the User. The
879 City Engineer may add the costs of preparing administrative enforcement actions, such as
880 notices and orders, to the fine.

881
882 E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for,
883 taking any other action against the User.

884
885

886 7.9 Injunctive Relief

887
888 When the City Engineer finds that a User has violated, or continues to violate, any provision of
889 this ordinance, or order issued hereunder, or any other Pretreatment Standard or Requirement,
890 the City Engineer may petition the district court of Sedgwick County, through the City's
891 Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains
892 or compels the specific performance of the individual wastewater discharge permit, order, or
893 other requirement imposed by this ordinance on activities of the User. The City Engineer may
894 also seek such other action as is appropriate for legal and/or equitable relief, including a
895 requirement for the User to conduct environmental remediation. A petition for injunctive relief
896 shall not be a bar against, or a prerequisite for, taking any other action against a User.

897

898 7.10 Remedies Nonexclusive

899
900 The remedies provided for in this ordinance are not exclusive. The City Engineer may take any,
901 all, or any combination of these actions against a noncompliant User. Enforcement of
902 pretreatment violations will generally be in accordance with the City's enforcement and penalties
903 described in Chapter 16, Article 6 of the City Code of Ordinances. However, the City Engineer
904 may take other action against any User when the circumstances warrant. Further, the City
905 Engineer is empowered to take more than one enforcement action against any noncompliant
906 User.

907

908 7.11 Water Supply Severance

909
910 Whenever a User has violated or continues to violate any provision of this ordinance, an order
911 issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User
912 may be severed. Service will recommence, at the User's expense, only after the User has
913 satisfactorily demonstrated its ability to comply.

914
915 7.12 Prohibited Discharge Standards
916

917 A User shall have an affirmative defense to an enforcement action brought against it for
918 noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific
919 prohibitions in Sections 2.1(B)(3) through (24) of this ordinance if it can prove that it did not
920 know, or have reason to know, that its discharge, alone or in conjunction with discharges from
921 other sources, would cause Pass Through or Interference and that

922
923 A. the discharge did not change substantially in nature or constituents from the User’s
924 prior discharge when the City was regularly in compliance with its NPDES permit, and in
925 the case of Interference, was in compliance with applicable sludge use or disposal
926 requirements.

927
928 SECTION 8 EFFECTIVE DATE

929
930 This ordinance shall be in full force and effect immediately following its passage, approval, and
931 publication, as provided by law.

(Published in *The Ark Valley News* on _____)

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE CITY OF BEL AIRE, KANSAS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the "City") has received a recommendation from the Bel Aire Planning Commission on Case No. ZON-23-05; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. ZON-23-05 on November 9, 2023 all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

NOW, THEREFORE, 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 SINGLE-FAMILY DISTRICT (R-4) to a MULTI-FAMILY (R-5) ZONING USES.

Legal Description

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°09'40"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.# /FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.# /FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of- Way), and for a Point of Beginning; SECOND COURSE, thence S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence S24°16'49"W coincident with the southeast line of said Reserve "X", a distance of 207.14 feet; FOURTH COURSE, thence S19°39'12"E coincident with the east line of said Reserve "X", a distance of 907.42 feet; FIFTH COURSE, thence S54°48'39"E coincident with the east line of said Reserve "X", 171.69 feet; SIXTH COURSE, thence S89°58'06"E coincident with the southerly most north line of said Reserve "X", 54 2. 61 feet to a point in the east line of said Northeast Quarter; SEVENTH COURSE, thence N00°09'40"W coincident with the east line of said Northeast Quarter, 1578.11 feet to the Point of Beginning, subject to a 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

Section 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map is hereby reincorporated as a part of the Zoning Regulations as amended.

Section 3. This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City, approval by the Mayor and publication once in the official newspaper of the City.

[Remainder of Page Intentionally Left Blank]

PASSED AND APPROVED by the Governing Body of the City of Bel Aire, Kansas
this 5th day of December, 2023.

CITY OF BEL AIRE, KANSAS

[seal]

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

FOR MEETING OF	11/9/23
CITY COUNCIL	
INFORMATION ONLY	

Section XIV, Item F.

City of Bel Aire

STAFF REPORT

DATE: 11/03/2023

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

ZON-23-05. Proposed rezoning 26.3+/- acres zoned R-4, single-family, to R-5 multi-family district. The current use farm ground.

The rezoning case was advertised in the Ark Valley News Paper and property owners were contacted as required by city code. I'm unaware of anyone contacting the city prior to this report regarding the rezoning case. A review was sent to the applicant's agent, a copy of that review is in your packet.

The following criteria shall be the basis for evaluation of the rezoning request in relation to the specific case being considered:

1. The character of the neighborhood;

The subject property is zoned R-4, (Ordinance 671), previously it was C-1

2. The zoning and uses of properties nearby

(Ordinance 707), R-5 north Chapel landing 7th, Central Park east R-3, Chapel Landing additions to the south and west are R-4 with reduced side yard requirements.

3. The suitability of the subject property for the uses to which it has been restricted;

City staff has compared this request to the approved Master growth Plan the figure 3.4 showing mixed use commercial category. Figure 3.5 intensity level is a 3; the request is a level 3. Staff agrees the requested use fits the area.

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

City staff no adverse effect is expected.

5. The length of time the subject property has remained vacant as zoned;

The property was first impacted with original plat of Chapel landing in 2007, although, exempted from the plat. The current zoning is from July 2021.

6. The relative gain to the public health, safety and welfare by the destruction of petitioner's property as compared to the hardship imposed upon the individual landowners;

No hardship is expected to be caused by the development.

7. Recommendations of permanent staff;

Yes because 2018 Master Growth plan was approved by City Council. Ordinance 707 was approved north of the pipeline easement recently, changing zoning of that property to R-5.

8. Conformance of the requested change to the adopted or recognized master plan being utilized by the city.

Yes the 2018 Master Growth plan based on figure 3.5 R-5 is the same category as R-4 and the adopted 2014 vision plan within the city comprehensive plan indicates this would be C-1. Down-zoning is to R-5 from a C-1 is one step based on the adopted plans. The actual request is in the same intensity level based on page 15 description under heading "Residential Suburban Density & Medium Density" of the 2018 Master Growth Plan.

9. The opinions of other property owners may be considered as one element of a decision in regard to the amendment associated with a single property, however, a decision either in support of or against any such rezoning may not be based upon a plebiscite of the neighbors.

Planners should ask about housing type; application indicates to allow a for a residential development.

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

Change Zoning Districts: From: R-4 to R-5

Amendments to Change Zoning Districts _____

City of Bel Aire Planning Commission

Approved Rejected

Name of owner 53rd & Oliver, LLC (Jay Russell)

Address PO Box 75337, Wichita, KS 67275-0337 Telephone 316-371-4499

Agent representing the owner Baughman Company, P.A. (Philip J. Meyer)

Address 315 S Ellis St, Wichita, KS 67211 Telephone 316-262-7271

1. The application area is legally described as Lot(s) * ; Block(s) * ,
 * Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached. **See attached for legal description.*

2. The application area contains 26.3 +/- acres.

3. This property is located at (address) n/a which is generally
located at (relation to nearest streets) southwest corner of 53rd St N and Woodlawn Blvd.

4. The particular reason for seeking reclassification:
 to allow for a residential subdivision on undeveloped property.

5. County control number: Pin No. 00570714

May 28th 2004

6. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

1. Applicant 53rd & Oliver, LLC (Jay Russell) Phone 316-371-4499
Address PO Box 75337, Wichita, KS Zip Code 67275-0337

Agent Baughman Company, P.A. (Philip J. Meyer) Phone 316-262-7271
Address 315 S. Ellis St, Wichita, KS Zip Code 67211

2. Applicant n/a Phone _____
Address _____ Zip Code _____

Agent n/a Phone _____
Address _____ Zip Code _____

3. Applicant n/a Phone _____
Address _____ Zip Code _____

Agent n/a Phone _____
Address _____ Zip Code _____

The applicant certifies that the foregoing information is true and correct to the best of their knowledge and acknowledges that the Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare

53rd & OLIVER, LLC

BAUGHMAN COMPANY, P.A.



Applicant's Signature

BY



Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

May 28th 2004



CHAPEL LANDING

ZONE CHANGE APPLICATION TO R-5

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°09'40"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way), and for a Point of Beginning; SECOND COURSE, thence S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence S24°16'49"W coincident with the southeast line of said Reserve "X", a distance of 207.14 feet; FOURTH COURSE, thence S19°39'12"E coincident with the east line of said Reserve "X", a distance of 907.42 feet; FIFTH COURSE, thence S54°48'39"E coincident with the east line of said Reserve "X", 171.69 feet; SIXTH COURSE, thence S89°58'06"E coincident with the southerly most north line of said Reserve "X", 542.61 feet to a point in the east line of said Northeast Quarter; SEVENTH COURSE, thence N00°09'40"W coincident with the east line of said Northeast Quarter, 1578.11 feet to the Point of Beginning, subject to a 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

Subject property contains 1,147,309.0 square feet, or 26.3± acres.





OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
The NE/4, EXC the W 826.48' thereof; & EXC for Chapel Landing Addition; & EXC for roads, 24-26-1E Subject Property		53rd & Oliver, LLC PO Box 75337 Wichita, KS 67275
The E/2 of the SE/4, 13-26-1E		Katherine M. Jacobs PO Box 344 Kechi, KS 67067
The S 440' of the E 495' of the W/2 of the SE/4, 13-26-1E		McNeil Properties, LLC PO Box 39 Kechi, KS 67067
The SW/4 of the SE/4, EXC the S 440' of the E 495' thereof; & EXC comm 1,230' N of SW corner of SE/4 for p.o.b.; th. N 90'; th. E 475'; th. S 90'; th. W 475' to begin, 13-26-1E		Teresa McNeil & Brian McNeil PO Box 39 Kechi, KS 67067
The S/2 of the SW/4, EXC the S 550' of the E 550' thereof; & EXC for roads, 18-26-2E		Scott R. Bergkamp & Kathleen M. Bergkamp 5500 N. Woodlawn Kechi, KS 67067
Lot 1, Blk A	USD 259 2nd Addition	Unified School District No. 259 903 S. Edgemoor Wichita, KS 67218
Lot 3, Blk 1	Central Park Addition	Scott M. Linnebur & Sophia L. Loehr 5115 N. Colonial Ave. Wichita, KS 67226
Lot 4, Blk 1	"	Jared Miller 5121 N. Colonial Ave. Wichita, KS 67226
Lots 5, 6, 7, & 8, Blk 1	"	Mike Love Construction, Inc. PO Box 7 Valley Center, KS 67147



Security 1st Title

Lot 9, Blk 1	"	Luna Enterprises, LLC 2901 N. Parkdale Ct. Wichita, KS 67205
Lot 10, Blk 1	"	John O. Irving, Jr. & Tiffinie A. Irving 5210 N. Colonial Ave. Bel Aire, KS 67226
Lot 1, Blk J	Chapel Landing Addition	Charles L. & Sandra D. Kent 6010 E. Forbes St. Wichita, KS 67220
Lot 2, Blk J	"	Aaron Mount 6006 Forbes Ct. Bel Aire, KS 67220
Lot 3, Blk J	"	Justin & Erin Welner 6002 E. Forbes St. Bel Aire, KS 67220
Lot 4, Blk J, & The part of Lot 5, Blk J, begin at SW corner, th. NEly 200.22' to E line; th. SEly 6.72'; th. SWly 200.10' to begin	"	Mark A. & Starlene P. Combs Living Trust 5998 E. Forbes St. Wichita, KS 67220
Lot 5, Blk J, EXC that part begin at SW cor, th. NEly 200.22' to E line; th. SEly 6.72'; th. SWly 200.10' to begin	"	Kasey D. & Jeriel F. Beltz 5994 Forbes Ct. Bel Aire, KS 67220
Lot 6, Blk J	"	Kyle & Johnna Hart 5990 Forbes Ct. Bel Aire, KS 67220
Reserve S1 AND Reserve X	"	Chapel Landing Development, Inc. 3530 N. Beach Club Circle Wichita, KS 67205
Reserve II	"	Woodlawn 53, LLC 3530 N. Beach Club Circle Wichita, KS 67205




Security 1st Title

Lot 1, Blk A	Chapel Landing 2nd Addition	James O. & Patsy L. Carrico 6229 E. Central Park Ct. Bel Aire, KS 67220
Lots 25 thru 30 inclusive, Blk B	Bristol Hollows Addition	NexPoint SFR SPE 3, LLC 8615 Cliff Cameron Dr., Ste. 200 Charlotte, NC 28269
Reserve A	"	3F2R Holdings, LLC 323 N. Oakwood Dr. Wichita, KS 67208

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described tracts and lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 30th day of June, 2023, at 7:00 A.M.

SECURITY 1ST TITLE

By: 

 LICENSED ABTRACTER

The Above list shows property owners within either a 200 foot radius or a 1,000 foot radius of the below described tracts. No certification is made as to the relation of any of the tracts and lots described herein within the city limits of Bel Aire or Kechi.

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the NE corner of said NE1/4; thence S00°09'40"E along the east line of said NE1/4, 1,673.30 feet; thence N89°58'06"W, 542.61 feet; thence N54°48'39"W, 171.69 feet; thence N19°39'12"W, 907.42 feet; thence N24°16'49"E, 207.14 feet; thence S64°08'30"W, 528.94 feet; thence N19°42'50"W, 753.68 feet to a point 60.00 feet normally distant south of the north line of said NE1/4; thence N00°17'10"E perpendicular to the north line of said NE1/4, 60.00 feet to a point on the north line of said NE1/4; thence S89°42'50"E along the north line of said NE1/4, 1,628.16 feet to the point of beginning.

Order: OE005379
 KJK

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of October, 2023, with subsequent publications being made on the following dates:

_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

Chris Strunk

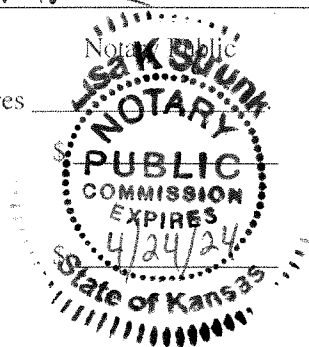
Subscribed and sworn to before me this 19th day of October, 2023.

LHS

My commission expires _____

Additional copies _____

Printer's fee _____



Bel Aire public notice

(Published in The Ark Valley News Oct. 19, 2023.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 9th, 2023, the City of Bel Aire Planning Commission will consider the following rezoning hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

ZON-23-05. Proposed rezoning 26.3+/- acres zoned R-4, single-family, to R-5 multi-family district. The current use farm ground.

Legal Description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General Location: Southwest corner of 53rd St. N and N Woodlawn.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub-Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

DATED this 17th day of October 2023.
/s/ Anne Stephens
Bel Aire Planning Commission Secretary



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
November 9, 2023 6:30 PM



I. Call to Order

II. Roll Call

James Schmidt, John Charleston, Deryk Faber, Dee Roths, Edgar Salazar and Phillip Jordan were present. Paul Matzek was absent.

Also present were, Planning Commission Secretary and City Engineer, Anne Stephens, City Attorney, Maria Schrock, and Code Enforcement Officer, Garrett Wichman.

III. Pledge of Allegiance to the Flag

Chairman Schmidt led the Pledge of Allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Motion: Commissioner Dee Roths made a motion to approve the minutes from October 12, 2023. Commissioner John Charleston seconded the motion. **Motion Carried 6-0**

V. Old Business/New Business

A. ZON-23-05 Rezoning: Approximately 26.3 acres zoned R-4 single-family, to a R-5 multi-family at the southwest corner of 53rd St N and Woodlawn Blvd. (Chapel Landing 8th)

Chairman Schmidt opened the hearing.

Representing agent for Boughman Company, Phil Meyer was present to discuss the re-zoning of Chapel Landing 8th. The requested reasoning to change from R-4 to R-5 is to be able to do smaller lots at a sixty foot width. The developer Jay Russel did meet with the residents at the Home Owners Association of Iron Gate to address their concerns. Jay agreed that all the lots on the South and West property line will be seventy foot wide, any lots not abutting those lots will all be sixty foot wide. All utilities and sanitary sewer will be front loaded on the South and West lot lines, this will allow all of the trees to remain where they are on the South and West, just cleaned up a bit. Any fencing will be metal or rod iron allowed abutting any detention facility as well as the South and West lots. The

developer also agreed to add a playground for the residents as well.

Charles Kent, 6010 Forbes Street did speak for the entirety of the residents. He wanted to personally come to the Planning Commission meeting to thank Jay Russel for attending their HOA meeting and making all the changes based off of their concerns.

Chairman Schmidt closed the hearing.

The Planning Commission did touch base on the Golden Factors, Chairman Schmidt did state that it meets the requirement of the character of the neighborhood. Commissioner Salazar mentioned that there was effort made by the developer to meet with the homeowners and address their concerns. Commissioner Roths stated that it does meet all requirements recommended by staff.

Motion: Commissioner Jordan made a motion to adopt the findings of fact of the staff as presented and recommend to the City Council approval to change the zoning district classification of the subject property from R-4 single-family district, to an R-5 multi-family based on such findings of fact. Commissioner Roths seconded the motion. *Motion Carried 6-0*

B. SD-23-05 Final Plat: Proposed plating of approximately 13.6 acres (Chapel Landing 7th).

Chairman Schmidt opened the public hearing.

Representing agent for Baughman Company, Phil Meyer was present to discuss the final plat of Chapel Landing 7th. They will be constructing a detention facility in this development in between Chapel Landing 7th and Bristol Hollows. An agreement will be in place between Bristol Hollows and Chapel Landing 7th for responsibilities of the detention pond but nothing finalized at this time. A playground will be installed on the West side of the property at the South end of the detention facility near Bristol Hollows.

Chairman Schmidt mentioned that staff has not been able to review all of the drainage plan yet and asked Phil Meyer if there was a signed agreement between Bristol Hollows and Chapel Landing 7th. Phil stated that there will be a signed agreement that will be a business agreement, not a drainage agreement. This will ensure the responsibilities of the detention facility dividing the properties. Commissioner Jordan asked our City Attorney, Maria Schrock, if the City is okay approving this as is with the information we have. Maria stated that the drainage plan has not been reviewed yet, so she would recommend moving this to the next meeting once the drainage plan has been reviewed by staff.

No one from the public wished to speak.

Chairman Schmidt closed the public hearing.

Motion: Commissioner Faber made a motion to table the Chapel Landing 7th Addition Final Plat. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***

C. Paint-less Dent Repair Business License for 316 PDR, LLC at 4648 Farmstead Ct. Review.

Maria Schrock opened with a background of the business license to the Planning Commission. Damon Herrington works as a mobile paint-less dent repairman and brings motor vehicles to his home address of 4648 Farmstead Court at times to work. Business hours are to meet conditions of business hours to be observed from 8am to 5pm Monday through Saturday, all work is to be completed inside the garage to minimize sound pollution, only one motor vehicle to repaired on the property at a time and failure to adhere to these conditions may result in the revocation of the business license that is being approved. Maria mentioned that Damon paid the fifty dollar fee for the business license.

Maria provided background on the complaints from the neighborhood due to the noise pollution. Code Enforcement had sent a notice to the owner in regard to not having a business license to operate. Maria mentioned that on Saturday, September 16th at 10:41PM, there was a complaint due to noise. This was clearly outside the conditions of the business license hours, along with a few other complaints, Monday, October 2nd at 6:29PM, October 19th at 6:46PM, and Thursday, October 26th at 7:00PM. Maria did show all of the videos to the Herrington's so they are aware. Mr. Herrington admitted to conducting paint-less dent repair work beyond 5pm in one specific instance. Maria advised that is in violation of the license conditions.

Rebecca and Damon Herrington were present to speak in regard to the paint-less dent repair business. First to speak was Rebecca Herrington, she requests that the Planning Commission moves forward to accept their business license since it is Damon's only source of income. Rebecca stated that the tapping is the source from the dent repair but any other noises coming from the residence such as sawing noises are from home improvements. It was mentioned that no neighbor came to them directly or indirectly with concerns of any noise coming from their home. Mr. Herrington admitted to the council that he conducted paint-less dent repair work beyond 5pm in one specific instance. Rebecca and Damon understand that there are times set by the conditions and that going forward, they will comply with the conditions.

Motion: Chairman Schmidt made a motion to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding consultation with attorneys for the public body pursuant to the KSA 75-4319 exception for the same. Invite the Attorney, Secretary and Code Enforcement Officer. This meeting will be for a period of thirty minutes, and the open meeting

will resume in City Council Chambers at 8:23PM. Commissioner Salazar seconded the motion. ***Motion Carried 6-0***

The Commission returned to City Council Chambers at 8:23PM and Damon Herrington was still present.

Motion: Chairman Schmidt made a motion to carry the license until the end of the year with modifications. The business hours are to be observed Monday through Friday from 9AM to 5PM. All noise and activity is to be performed inside the garage to eliminate sound pollution and not be conducted in the driveway. One motor vehicle is to be allowed on the premises for repair at any time. Commissioner Charleston seconded the motion. ***Motion Carried 6-0***

Chairman Schmidt shared if any other complaints are made, the commission will consider revocation of the license prior to the end of the year. If revocation is considered, proper notification will be sent to the property owner.

D. General Education Session (KOMA-KORA)

Deferred until January 2024.

VI. Next Meeting: Thursday, December 14, 2023 at 6:30 PM

The Commission discussed if Thursday, December 14, 2023 at 6:30 PM would work with their schedules and the Commission agreed upon Thursday, December 14, 2023 at 6:30 PM.

Motion: Commissioner Faber made a motion to accept the next meeting date of Thursday, December 14, 2023 at 6:30 PM. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***

VII. Current Events

Secretary Anne Stephens discussed the current events for the upcoming Planning Commission items stating that City Hall will be closed on November 10th in observance of Veteran’s Day. City Hall will also be closed on November 23rd and 24th for Thanksgiving.

IV. ADJOURNMENT

Motion: Commissioner Charleston made a motion to adjourn. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***



City of Bel Aire, Kansas
7651 E. Central Park Ave
Bel Aire, Kansas 67226



REZONING REVIEW

Address of proposed project: Chapel Landing (8th not-platted)

This report is to document that on 10.19.23 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- | | |
|--|--|
| <input type="checkbox"/> SETBACKS | <input type="checkbox"/> ELEVATIONS |
| <input type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input checked="" type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL | <input type="checkbox"/> EASEMENTS |
| <input type="checkbox"/> LANDSCAPE | <input type="checkbox"/> SCREENING |
| <input type="checkbox"/> STORM DRAINAGE | <input checked="" type="checkbox"/> NEIGHBORHOOD IMPACT |
| <input type="checkbox"/> ADA ACCESSIBLE | <input type="checkbox"/> UTILITIES TO BUILDING |

The review of the above property plan has been:

- APPROVED, as noted
- DELAYED, as noted
- DENIED, as noted

DATE 10/19/23

Keith Price
REVIEWED BY 

Comments:

The application, site plan, and abstractor's list were provided as submittals.

- The site plan doesn't show abutting zoning uses but is labeled as a sketch plan.
- The city 2018 Master growth plan figure 3.4 mixed use/local commercial; Figure 3.5 indicates the intensity level is currently 3 and that the request would be a level 2 for medium density residential.
- Page 46 of the 2014 Comprehensive plan indicates this would be a C-1 commercial, R-5, multi-family use is a down-zoning a less intense district.
- <http://www.belaires.kansas.gov/citycode> is the link to find the requirements for platting and zoning.



Date: November 2, 2023
To: Mayor and City Council
From: Deb Appel, Treasurer
Subject: 2024 Fee Schedule

BACKGROUND: City staff has reviewed the annual Fee Schedule and recommends minimal changes for 2024.

Court: In 2023, the City Council executed a contract with Lautz Law which increased the amount paid by the city. The proposed 2024 Fee Schedule lists 8.1.2 Court Appointed Attorney Fee and 8.1.3 Court Re-Appointed Attorney Fee to reflect the exact amount charged to the city by Lautz Law and passed onto the defendant. Without this increase the city would continue to be burdened with the extra cost and unable to pass the expense to the defendant.

Recreation: In 2023, pool admissions and membership fees increased yet recreation programs remained the same for the past six years. The last increase was 2018.

Staff compared Bel Aire’s fees to Valley Center, Andover, Maize, and the Wichita YMCA; evaluated the number of classes, games, and practices, plus considered program expenses including uniforms and awards. Research showed that Bel Aire Recreation fees should be increased to be in line with neighboring recreation centers fees and cover the program’s increased costs. In addition, the Recreation Center proposes two fee structures for Day Camp and Schools Out Camp because Day Camp incurs additional field trip and transportation expenses.

Utility Rates: Per Resolutions R-13-03 and R-13-04 establishing water and sewer rates, each utility increases 3% annually, which is reflected on the first bill of each calendar year. Rates have adjusted annually since the passage of the 2013 resolution. 2024 Residential and Commercial Rates are added to the 2024 Fee Schedule.

RECOMMENDED ACTION: Pass Resolution R-23-__ formally adopting 2024 City of Bel Aire Fee Schedule.

FINANCIAL IMPLICATIONS: Court Appointed Attorney Fee and Court Re-Appointed Attorney Fee will cover direct costs to the city. Updated recreation program fees will increase revenue to the Recreation Fund and help offset increased expenses.

LEGAL IMPLICATIONS:
N/A

ATTACHMENTS:
Recreation Fees Comparison 2023-2024
Proposed 2024 City of Bel Aire Fee Schedule
Resolution R-23-__

(First published in the Ark Valley News on _____)

CITY OF BEL AIRE, KANSAS

RESOLUTION NO. R-2023-

A RESOLUTION CONCERNING SERVICE, LICENSE AND PERMIT FEES WITHIN THE CORPORATE LIMITS OF THE CITY OF BEL AIRE, KANSAS.

WHEREAS, the Governing Body of the City of Bel Aire, Kansas regularly reviews, updates, and approves the *City of Bel Aire Schedule of Service, License, and Permit Fees*, for the City of Bel Aire, Kansas.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS, that:

SECTION 1. ADOPTION. The 2024 *City of Bel Aire Schedule of Service, License, and Permit Fees*, (Schedule), is hereby approved for use within the corporate limits of the City of Bel Aire, Kansas as set forth herein.

SECTION 2. INCORPORATION AS APPENDIX. One (1) copy of the Schedule shall be included as an Appendix within the Bel Aire City Code and open to inspection and available to the public at all reasonable hours.

SECTION 3. PUBLICATION. This resolution shall be published once in the official City newspaper.

SECTION 4. EFFECTIVE DATE. This resolution shall take effect and be in force January 1, 2024.

ADOPTED AND PASSED by the Governing Body of the City of Bel Aire, Kansas, this

5th day of December, 2023.

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

Fee Schedule
Effective: January 1, 2024

Alcohol/Liquor

Section 1

1.1	Enhanced Cereal Malt Beverage Retail	2024	Note
1.1.1	General Retailer (On-Premise Consumption), per each tavern or place selling CMB at retail (Includes \$25 State stamp fee, and \$50 non-refundable fee).	\$225/yr	
1.1.2	Limited Retailer (Off-Premise Consumption), per each place selling only CMB in original unopened containers, and not for consumption on premises. (Includes \$25 State stamp fee, and \$50 non-refundable fee)	\$75/yr	
1.2	Alcohol Liquor		
1.2.1	City Temporary Permit for selling or Serving Alcoholic Liquor (State permit also required)	\$100/ day	
1.2.2	Caterer's Occupational Tax for Selling or Serving Alcoholic Liquor	\$500/2 years	

Business General Licenses & Permits

Section 2

2.1	Business Licenses	2024	Notes
2.1.1	General Business License	\$50/yr	
2.1.2	Home Occupation License Tier 1 (not required to register)	\$0	
2.1.3	Home Occupation Licenses Tier 2 and 3	\$35/yr	
2.1.4	Solicitor License	\$30/30 days + \$15 per person	
2.1.5	Peddlers License	\$30/30 days + \$15 per person	
2.1.6	Transient Merchant License	\$30/90 days + \$15 per person	
2.1.7	Business Signage-Temp or Permanent (plus any building permit fees)	\$50	
2.1.8	Mobile Home Licenses	\$50 + \$5 per home	
2.1.9	Amusement Ride Co. License Application Fee	\$25	
2.1.10	Amusement Ride Co. Annual License	\$600/ yr	
2.1.11	Temporary Amusement Ride Company Annual License, under 20 rides	\$30/ride	
2.1	General Permits	2024	Notes
2.2.1	Garage, Rummage, Yard Sale Permit	\$2 per day	
2.2.2	Auction Permit	\$100 per auction	
2.2.3	Well Producing Gas or Petroleum	\$1,000 per yr	

City Utilities and Infrastructure

Section 3

3.1	Utility Billing and Administration	2024	Notes
3.1.1	Move In Connection Fee	\$50	
3.1.2	Account Transfer Fee	\$25	
3.1.3	Non-payment fee	\$50	
3.1.4	Utility Late Payment Fee	5%	
3.1.5	Meter Lock Out	\$50	
3.1.6	Lock Damage	\$50	
3.1.7	Meter re-read or leak inspection beyond one per yr	\$50	

3.2	Water and Wastewater Connections	2024	Notes
3.2.1	Fire Line Standby	\$30/month	
3.2.2	Fire Line Tap Fee	\$950	
3.2.3	Hydrant Meter Fee and Use Permit	\$100	
3.2.4	Metered Hydrant	\$10 per 1,000 gallons	
3.2.5	New and Replacement Water and 4" Sewer (Meter install, tap, inspection, and permit) 1" line	\$3,600	
	1" Water Meter, Tap, Install Permit	\$2,650	
3.2.6	4" Sewer Tap, Install Permit	\$950	
3.2.7	1.5" or 2" Water Meter Installation (Contractor provide & install vault)	\$2,500	
3.2.8	Long service, compound meters or a non-stock meter	Section 5.3.1, 5.3.2, 5.3.3	

3.2.9	Equity Fees (water & sewer)	Water	Sewer	Turn Key Cost
	1.5" Line	\$2,400	\$2,400	\$5,600
	2" Line	\$3,600	\$3,600	\$8,000
	3" Line	\$5,400	\$5,400	\$11,600
	4" Line	\$8,100	\$8,100	\$17,000
	5" Line	\$12,150	\$12,150	\$25,100
	6" Line	\$18,225	\$18,225	\$37,250
	7" Line	\$27,338	\$27,338	\$55,475
	8" Line	\$41,006	\$41,006	\$82,813
	10" Line	\$61,509	\$61,509	\$123,819
	12" Line	\$92,264	\$92,264	\$185,328

Code Enforcement

Section 4

4.1	General Fees	2024	Notes
4.1.1	Sign Return		
	Political Sign	\$10	
	All Other Signs	\$15	
4.1.2	8-1-1 One Call Violations	\$100	

4.2	Nuisances and Abatement	2024	Notes
4.2.1	Nuisance Abatement Fees	Section 5.3.1, 5.3.2, 5.3.3	
4.2.2	Condemnation Fees	Section 5.3.1, 5.3.2, 5.3.3	
4.2.3	Mowing	Section 5.3.1, 5.3.2, 5.3.3	

General Fees

Section 5

5.1	Administrative Fees	2024	Notes
5.1.1	Insufficient Funds/Returned Payment	\$35	
5.1.2	Copy Fee-Black and White	\$0.25/page	
5.1.3	Copy Fee-Color	\$0.50/page	
5.1.4	Fax Charge	\$2/page	
5.1.5	Retrieval & Inspection of Public Records	\$20/hour	

5.3	Labor, Equipment, Materials	2024	Notes
5.3.1	All labor expenses shall be charged at the employee hourly rate for the actual hours worked, including overtime rates of pay, if applicable. The labor cost shall be increased by 45% to cover all fringe benefit costs		
5.3.2	All city equipment usage shall be charged out at hourly rates prescribed in the "Department of Homeland Security FEMA Schedule of Equipment Rates." These rates are updated periodically by the federal agency.		
5.3.3	All materials purchased from the city warehouse inventories or from a third party vendor, and contracted services, shall be charged out at cost + 10%		

Planning and Zoning

6.1	Annual Licensing Fees	2024	Notes
6.1.1	Contractor's License-Class A	\$400/yr	
6.1.2	Contractor's License-Class B	\$200/yr	
6.1.3	Contractor's License-Class C	\$100/yr	
6.1.4	Contractor's License-Class D (Limited)	\$ 75/yr	
6.1.5	Contractor's License-Class X (Utility)	\$ 75/yr	
6.1.6	Electrical/Mechanical/Gas	\$ 75/yr	
6.1.7	HVAC License	\$ 75/yr	
6.1.8	Plumber License	\$ 75/yr	
6.1.9	Working without a license	License fee is doubled	

6.2	Construction Related Fees	2024	Notes
6.2.1	Concrete Permit	\$50	
6.2.2	Gas Permit	\$50	
6.2.3	Electrical Permit	\$50	
6.2.4	Mechanical Permit	\$50	
6.2.5	Plumbing Permit	\$50	
6.2.6	Special Waste Report (grease trap)	\$75	
6.2.7	Swimming Pool Permit	Valuation Table	
6.2.8	Deck, patio, Shed, Gazebo, Fence Permit	Valuation Table	
6.2.9	New residential building construction	\$.40 per sq ft	
6.2.10	Residential Building Permits	Valuation Table	
6.2.11	Commercial Zoning & Building Permits	Valuation Table	
6.2.12	Commercial Building & Site Plan Review	65% of bldg permit fee	
6.2.13	Demolition Permit	\$100	
6.2.14	Excavation Permit	\$100	
6.2.15	Location Permit	\$25	
6.2.16	Erosion Remediation	5.3.1 and/or 5.3.3	

Construction Related Fees		2024	Notes
6.2.17	Parking Lots (plan review fee assessed per valuation)	\$50 permit plus \$2 per space	
6.2.18	Replacement Card	\$10	
6.2.19	Working without a permit	Permit fee is doubled	
6.2.20	Inspection when no fee specifically indicated	\$50/hr (½ hr min.)	
6.2.21	Re-Inspection fee for all permits	\$60	
6.2.22	Same day inspection fee	\$50/hr (½ hr min.)	
6.2.23	After hours inspection	\$60/hr (½ hr min.)	

6.3	General Fees	2024	Notes
6.3.1	Curb Cut	\$60	
6.3.2	Culvert Cut	\$60	
6.3.3	Pavement Cut	\$60	
6.3.4	Street Connection Permit	\$200	
6.3.5	Well Permit	\$100	
6.3.6	Sprinkler Permit (Residential)	\$50	
6.3.7	Sprinkler Permit (Commercial)	\$100	
6.3.8	Backflow test report filing fee	\$5	
6.3.9	Floodplain Permit	\$25	

6.4	Land Use and Zoning	2024	Notes
6.4.1	Board of Zoning and Appeals	\$200.00	
6.4.2	Zone Change	\$500.00 + Publication costs	
6.4.3	Lot Split	\$200.00	
6.4.4	Vacations	\$250.00	
6.4.5	Preliminary Plat	\$350.00/\$10.00 lot	
6.4.6	Final Plat	\$350.00/\$10.00 lot	
6.4.7	One-Step Plat	\$350.00/\$10.00 lot	
6.4.8	Preliminary PUD Plan	\$350.00/\$10.00 lot	
6.4.9	Final PUD Plan	\$350.00/\$10.00 lot	
6.4.10	Zoning Variance	\$175.00	
6.4.11	Special Use	\$250.00	
6.4.12	Conditional Use	\$250.00	
6.4.13	Administrative Exceptions	\$175.00	
6.4.14	Right-of-Way Application (Residential)	\$20.00	
6.4.15	Right-of-Way Application (Commercial)	\$75.00	
6.4.16	Firework Distribution	\$2,500 up to 2,500 sq. ft. /\$1 per additional sq. ft.	
6.4.17	Engineering	5.3.1 and/or 5.3.3	

**City of Bel Aire Commercial and Residential Building and Zoning Permit Fees
Adopted by City Council, June 1, 2010**

<u>TOTAL VALUATION-\$</u>	<u>FEE- \$</u>	<u>TOTAL VALUATION-\$</u>	<u>FEE-\$</u>
\$1 - 500	\$33.00	\$33,001 - 34,000	\$353.00
\$501 - 600	\$35.50	\$34,001 - 35,000	\$359.00
\$601 - 700	\$38.00	\$35,001 - 36,000	\$366.00
\$701 - 800	\$40.50	\$36,001 - 37,000	\$373.00
\$801 - 900	\$43.00	\$37,001 - 38,000	\$380.00
\$901- 1,000	\$45.50	\$38,001 - 39,000	\$387.00
\$1,001 - 1,100	\$48.00	\$39,001 - 40,000	\$394.00
\$1,101 - 1,200	\$50.50	\$40,001 - 41,000	\$401.00
\$1,201 - 1,300	\$53.00	\$41,001 - 42,000	\$408.00
\$1,301 - 1,400	\$55.50	\$42,001 - 43,000	\$415.00
\$1,401 - 1,500	\$58.00	\$43,001 - 44,000	\$422.00
\$1,5001 - 1,600	\$60.50	\$44,001 - 45,000	\$429.00
\$1,6001 - 1,700	\$63.00	\$45,001 - 46,000	\$436.00
\$1,701 - 1,800	\$65.50	\$46,001 - 47,000	\$443.00
\$1,801 - 1,900	\$68.00	\$47,001 - 48,000	\$450.00
\$1,901 - 2,000	\$70.50	\$48,001 - 49,000	\$457.00
\$2,001 - 3,000	\$80.00	\$49,001 - 50,000	\$464.00
\$3,001 - 4,000	\$89.50	\$50,001 - 51,000	\$469.00
\$4,001 - 5,000	\$99.00	\$51,001 - 52,000	\$474.00
\$5,001 - 6,000	\$108.50	\$52,001 - 53,000	\$479.00
\$6,001 - 7,000	\$118.00	\$53,001 - 54,000	\$484.00
\$7,001 - 8,000	\$127.50	\$54,001 - 55,000	\$489.00
\$8,001 - 9,000	\$137.00	\$55,001 - 56,000	\$494.00
\$9,001 - 10,000	\$146.50	\$56,001 - 57,000	\$499.00
\$10,001 - 11,000	\$156.00	\$57,001 - 58,000	\$504.00
\$11,001 - 12,000	\$165.50	\$58,001 - 59,000	\$509.00
\$12,001 - 13,000	\$175.00	\$59,001 - 60,000	\$514.00
\$13,001 - 14,000	\$184.50	\$60,001 - 61,000	\$519.00
\$14,001 - 15,000	\$194.00	\$61,001 - 62,000	\$524.00
\$15,001 - 16,001	\$203.50	\$62,001 - 63,000	\$529.00
\$16,001 - 17,000	\$213.00	\$63,001 - 64,000	\$534.00
\$17,001 - 18,000	\$222.50	\$64,001 - 65,000	\$539.00
\$18,001 - 19,000	\$232.00	\$65,001 - 66,000	\$544.00
\$19,001 - 20,000	\$241.00	\$66,001 - 67,000	\$549.00
\$20,001 - 21,000	\$251.00	\$67,001 - 68,000	\$554.00
\$21,001 - 22,000	\$260.50	\$68,001 - 69,000	\$559.00
\$22,001 - 23,000	\$270.00	\$69,001 - 70,000	\$564.00
\$23,001 - 24,000	\$279.00	\$70,001 - 71,000	\$569.00
\$24,001 - 25,000	\$289.00	\$71,001 - 72,000	\$574.00
\$25,001 - 26,000	\$296.00	\$72,001 - 73,000	\$579.00
\$26,001 - 27,000	\$303.00	\$73,001 - 74,000	\$584.00
\$27,001 - 28,000	\$310.00	\$74,001 - 75,000	\$598.00
\$28,001 - 29,000	\$317.00	\$75,001 - 76,000	\$594.00
\$19,001 - 30,000	\$324.00	\$76,001 - 77,000	\$599.00
\$30,001 - 31,001	\$331.00	\$77,001 - 78,000	\$604.00
\$31,001 - 32,000	\$338.00	\$78,001 - 79,000	\$609.00
\$32,001 - 33,000	\$345.00	\$79,001 - 80,000	\$614.00
		\$80,001 - 81,000	\$619.00

**City of Bel Aire Commercial and Residential Building and Zoning Permit Fees
Adopted by City Council, June 1, 2010**

\$81,001 - 82,000	\$624.00	\$714.00 FOR THE FIRST \$100,000 PLUS \$4.00 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF UP TO & INCLUDING \$500,000
\$82,001 - 83,000	\$629.00	
\$83,001 - 84,000	\$634.00	
\$84,001 - 85,000	\$639.00	
\$85,001 - 86,000	\$644.00	
\$86,001 - 87,000	\$649.00	\$2,299.00 FOR THE FIRST \$500,000 PLUS \$3.50 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF UP TO & INCLUDING \$1,000,000
\$87,001 - 88,000	\$654.00	
\$88,001 - 89,000	\$659.00	
\$89,001 - 90,000	\$664.00	
\$90,001 - 91,000	\$669.00	
\$91,001 - 92,000	\$674.00	\$4,049.00 FOR THE FIRST \$1,000,000 PLUS \$2.50 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF
\$92,001 - 93,000	\$679.00	
\$92,001 - 94,001	\$684.00	
\$94,001 - 95,000	\$689.00	
\$95,001 - 96,001	\$694.00	
\$96,001 - 97,000	\$699.00	<u>\$15.00 PERMIT ISSUANCE FEE IS INCLUDED IN THE ABOVE TABLE FEES.</u>
\$97,001 - 98,000	\$704.00	
\$98,001 - 99,000	\$709.00	
\$99,001 - 100,000	\$714.00	

**Recreation
Section 7**

2024

7.1 Recreation Center Passes

	Resident	Non-Resident
7.1.1 Family	\$90.00/year	\$155.00/year
7.1.2 Individual	\$ 60.00/year	\$100.00/year
7.1.3 Senior Couple	\$ 60.00/year	\$100.00/year
7.1.4 Resident Senior	\$ 45.00/year	\$65.00/year
7.1.5 Day Fee	\$ 3.00/day	\$ 3.00/day

7.2 Youth Sports

	Resident	Non-Resident
7.2.1 Indoor/Outdoor Soccer	\$45.00	\$68.00
7.2.2 Short Sports	\$20.00	\$30.00
7.2.3 Heights Baseball/Softball	\$95.00	\$120.00
7.2.4 Blastball	\$30.00	\$45.00
7.2.5 T Ball	\$45.00	\$68.00
7.2.6 Machine Pitch BB/SB	\$45.00	\$68.00
7.2.7 Youth Pitch BB/SB	\$45.00	\$68.00
7.2.8 Flag Football	\$50.00	\$75.00
7.2.9 Volleyball	\$50.00	\$75.00
7.2.10 Basketball	\$50.00	\$75.00
7.2.11 Little Dribblers	\$30.00	\$45.00
7.2.12 Basketball Clinics/Camps	\$20-\$70; depending on duration	
7.2.13 Late registration fee	\$15.00	\$15.00

7.3 Youth Activities

	Resident	Non-Resident
7.3.1 Youth Cheerleading	\$45.00	\$68.00
7.3.3 Hip Hop	\$45.00	\$68.00
7.3.4 Tumbling	\$45.00	\$68.00
7.3.5 Dazzling Dancers	\$45.00	\$68.00
7.3.6 Taekwondo 1X/week	\$25.00	\$40.00
7.3.7 Taekwondo 2X/week	\$35.00	\$53.00
7.3.8 Day Camp	\$40 deposit per week \$160 per week	\$180 per week
7.3.9 Schools Out Camp	\$140 per week	\$160 per week

7.4 Adult Activities

	Resident	Non-Resident
7.4.1 Group Exercise 1X/week	\$25.00	\$40.00
7.4.2 Group Exercise 2X/week	\$35.00	\$53.00
7.4.3 Yoga 1X/week	\$25.00	\$40.00
7.4.4 Yoga 2X/week	\$35.00	\$53.00
7.4.5 Taekwondo 1X/week	\$25.00	\$40.00
7.4.6 Taekwondo 2X/week	\$35.00	\$53.00

7.5 Facility Rental

	Resident	Non-Resident
7.5.1 Gymnasium	\$75/hr	\$100/hr
7.5.2 Activity Room	\$50/hr	\$75/hr
7.5.3 Baseball/Softball Fields	\$ 15/hrs	
7.5.4 Soccer Field	\$ 15-\$25/hr-based on field size	

7.6 Swimming Pool

	Resident	Non-Resident	Saturday & Sunday
7.6.1 Daily Fee	\$5.00 week day, \$6.00 Sat-Sun		\$6.00
7.6.2 Individual Membership	\$135.00/yr	\$205.00/yr	
7.6.3 Family Membership	\$200.00 yr	\$300.00/yr	
7.6.4 Rec/Pool Combo	\$260.00/yr	\$345.00/yr	
7.6.5 Group Swimming Lessons	\$ 40.00/session	\$ 60.00/session	
7.6.6 Private Swimming Lessons	\$ 20.00/lesson	\$ 30.00/lesson	
7.6.7 Pool Rental-up to 25 patrons	\$ 60.00/hr	\$ 60.00/hr	
7.6.8 Pool Rental-25 to 50 patrons	\$ 80.00/hr	\$ 80.00/hr	

Police/Court

OFFENSES

Bond Schedule set by Judge per K.S.A 12-4305

Infraction Fines set by K.S.A 8-2118

CAR = Court Appearance Required.

NTA = Notice to appear.

PS = Professional Surety

OR = Own Recognizance

NCO = No Contact Order

Section 8

8.1	Court Fees	2024	Note
8.1.1	Court Cost	\$100	
8.1.2	Court Appointed Attorney Fee	\$250	City Code 5.2.4, ORD 367
8.1.3	Court Re-Appointed Attorney Fee	\$100	City Code 5.2.4, ORD 367
8.1.4	Warrant	\$50	
8.1.5	DL Reinstatement	\$122	not determined by City
8.1.6	Pre-Sentence Investigation	\$150	not determined by City
8.1.8	Filing of petition for expungment	\$150	
8.1.9	Court Record Request	\$25	
8.1.10	DVD Copies	\$30	
8.1.11	Certified Letter Fee	\$10	
8.1.12	Failure to appear Letter Fee	\$10	
8.1.13	Court Ordered Finger Prints	\$33	
8.1.14	Fingerprints for citizens	\$20	
8.1.15	Police Report	\$20	
8.1.16	Court Report	\$20	
8.1.17	Trial Fee	\$20	
8.1.18	Jail Fee*	*	

*Rate determined/billed by Sedgwick Co.

8.2	Traffic Signs, Signals, and Markings	2024	Bond Schedule	Note
8.2.1	Disobeying Traffic Control Device	\$75	NTA	K.S.A 8-2118
8.2.2	Violating Traffic Control Signal	\$75	NTA	K.S.A 8-2118
8.2.3	Pedestrian-Control Signals	\$45	NTA	K.S.A 8-2118
8.2.4	Flashing Signals	\$75	NTA	K.S.A 8-2118
8.2.5	Lane-Control Signal	\$75	NTA	K.S.A 8-2118
8.2.6	Unauthorized Sign, Signal, Marking or Device	\$45	NTA	K.S.A 8-2118
8.2.7	Interference Traffic-Control Device or RR Signals	CAR/\$135	NTA	K.S.A 8-2118
8.2.8	Driving on Play Streets	\$75	NTA	
8.2.9	Obedience to authorized persons directing traffic	CAR	NTA	K.S.A 8-2118

8.3	Accidents	2024	Bond Schedule	Note
8.3.1	Leaving the Scene of a Death or Injury Accident	CAR	2500 PS	
8.3.2	Leaving Scene Non-Injury Accident	CAR	500 PS	
8.3.3	Duty to Give Information & Render Aid ACC IDENT	CAR	500 PS	
8.3.4	Duty Striking Unattended VEH or Other Property	CAR	NTA	
8.3.5	Duty to Report Accidents	CAR	NTA	
8.3.6	False Reports	CAR	1000 PS	

8.4	Serious Traffic Offenses	2024	Bond Schedule	Note
8.4.1	Reckless Driving	CAR	300 PS	
8.4.2	D.U.I. (1st Offense)	CAR	2500 PS	
8.4.3	(2nd Offense)	CAR	2500 PS	
8.4.4	(3rd Offense)	CAR	2500 PS	
8.4.5	D.U.I. Commercial Vehicle (1st Offense)	CAR	2500 PS	
8.4.6	(2nd Offense)	CAR	2500 PS	

8.4.8	Fleeing or Attempting to Elude Police	CAR	2500 OR	
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8.5	Speed Limits	2024	Bond Schedule	Note
8.5.1	Speed Basic Rule	\$75	NTA	K.S.A 8-2118
8.5.2	Maximum Speed Limits (1-10 mph over limit)	\$45	NTA	K.S.A 8-2118
8.5.3	Speed 11-20 mph over limit (add \$6.00 per mph over 10 up to 20)	\$45 plus*	NTA	K.S.A 8-2118
8.5.4	Speed 21-30 mph over limit (add \$9.00 per mph over 20 up to 30)	\$105 plus**	NTA	K.S.A 8-2118
8.5.5	Speed 31 mph & up over limit (add \$15.00 per mph over 30)	\$195 plus ***	NTA	K.S.A 8-2118
8.5.6	Minimum Speed Regulation	\$45	NTA	K.S.A 8-2118
8.5.7	Speed Motor Driven Cycle	\$75	NTA	K.S.A 8-2118
8.5.8	Racing or Drag Racing	CAR	NTA	K.S.A 8-2118

* add \$6.00 per mph over 10 mph over the limit. Ex: 11mph over = \$51, 12mph over = \$57, 13mph over = \$63, etc

**add \$9.00 per mph over 20 mph over the limit. Ex: 21mph over = \$114, 22mph over = \$123, 23mph over = \$132, etc

***add \$15.00 per mph over 30mph over the limit. Ex 31mph over = \$210, 32mph over = \$225, 33mph over = \$240, etc

8.6	Driving on Right Side of Roadway; Overtaking	2024	Bond Schedule	Note
8.6.1	Driving Right Side of Roadway	\$75	NTA	K.S.A 8-2118
8.6.2	Failure to Keep Right to Pass Oncoming Vehicle	\$75	NTA	K.S.A 8-2118
8.6.3	Improper Passing; Increase Speed when Passed	\$75	NTA	K.S.A 8-2118
8.6.4	Improper Passing on Right	\$75	NTA	K.S.A 8-2118
8.6.5	Limitations on Overtaking on the Left	\$75	NTA	K.S.A 8-2118
8.6.6	Further Limitations on Driving Left of Center	\$75	NTA	K.S.A 8-2118
8.6.7	No Passing Zone Infraction	\$75	NTA	K.S.A 8-2118
8.6.8	One-Way Roadways and Rotary Traffic Islands	\$75	NTA	K.S.A 8-2118
8.6.9	Driving on Roadways Landed for Traffic	\$75	NTA	K.S.A 8-2118
8.6.10	Following Too Close	\$75	NTA	K.S.A 8-2118
8.6.11	Driving Divided Highways	\$45	NTA	K.S.A 8-2118

8.7	Turning & Starting - Signals on Stopping & Turning	2024	Bond Schedule	Note
8.7.1	Turning	\$75	NTA	K.S.A 8-2118
8.7.2	U-Turns, Where Prohibited	\$75	NTA	K.S.A 8-2118
8.7.3	Turning on Curve or Crest of Grade	\$75	NTA	K.S.A 8-2118
8.7.4	Starting Parked Vehicle	\$45	NTA	K.S.A 8-2118
8.7.5	Turning Movements and Required Signals	\$75	NTA	K.S.A 8-2118
8.7.6	Signals by Hand and Arm or Signal Lamps	\$45	NTA	K.S.A 8-2118
8.7.7	Methods of Giving Signals	\$45	NTA	K.S.A 8-2118

8.8	Right-Of-Way	2024	Bond Schedule	Note
8.8.1	Vehicle Approaching or Entering Intersection	\$75	NTA	K.S.A 8-2118
8.8.2	Vehicle Turning Left	\$75	NTA	K.S.A 8-2118
8.8.3	Stop Sign and Yield Signs	\$75	NTA	K.S.A 8-2118
8.8.4	Vehicle Entering Roadway	\$75	NTA	K.S.A 8-2118
8.8.5	Approach of Authorized Emergency Vehicle	\$195	NTA	K.S.A 8-2118
8.8.6	Highway Construction or Maintenance	\$105	NTA	K.S.A 8-2118

8.9	Pedestrians	2024	Bond Schedule	Note
8.9.1	Pedestrian Obedience to Traffic-Control Device	\$45	NTA	K.S.A 8-2118
8.9.2	Pedestrians Right of Way in Crosswalk	\$75	NTA	K.S.A 8-2118
8.9.3	Crossing at Other Than Crosswalk (Jaywalking)	\$45	NTA	K.S.A 8-2118
8.9.4	Drivers Exercise Care	\$45	NTA	K.S.A 8-2118
8.9.5	Pedestrian Use Right Half of Crosswalk	\$45	NTA	K.S.A 8-2118
8.9.6	Pedestrian on Highways	\$45	NTA	K.S.A 8-2118
8.9.7	Pedestrian Soliciting Rides or Business	\$45	NTA	K.S.A 8-2118
8.9.8	Driving Through Safety Zone	\$45	NTA	K.S.A 8-2118
8.9.9	Pedestrian Right of Way on Sidewalks	\$45	NTA	K.S.A 8-2118

8.9.10	Pedestrian Yield to Authorized Emergency Vehicle	\$45	NTA	K.S.A 8-2118
8.9.11	Blind Pedestrian Right of Way	\$45	NTA	K.S.A 8-2118
8.9.12	Pedestrian Under Influence of Alcohol	\$45	200 PS	
8.9.13	Bridge or RR Signals	\$45	NTA	K.S.A 8-2118

8.10	Special Stops Required	2024	Bond Schedule	Note
8.10.1	Obedience to Signal Approaching of Train	\$195	NTA	
8.10.2	All Vehicle Must Stop at Certain RR Crossing	\$135	NTA	
8.10.3	Certain Vehicle Stop at RR Crossing	\$195	NTA	
8.10.4	Moving Heavy Equipment at RR Crossing	\$75	NTA	
8.10.5	Emerging from Alley or Private Drive or Building	\$75	NTA	
8.10.6	Overtaking and Passing School Bus	\$315	NTA	
8.10.7	Overtaking and Passing Church Bus	\$195	NTA	

8.11	Stopping, Standing, Parking	2024	Bond Schedule	Note
8.11.1	(A)(1) Double Parking	\$45	NTA	K.S.A 8-118
8.11.2	(A)(2) On Sidewalk	\$45	NTA	K.S.A 8-118
8.11.3	(A)(3) Within an Intersection	\$45	NTA	K.S.A 8-118
8.11.4	(A)(4) On a Crosswalk	\$45	NTA	K.S.A 8-118
8.11.5	(A)(5) Between Safety Zone	\$45	NTA	K.S.A 8-118
8.11.6	(A)(6) Street Excavation	\$45	NTA	K.S.A 8-118
8.11.7	(A)(7) Upon Bridge	\$45	NTA	K.S.A 8-118
8.11.8	(A)(8) On RR Tracks	\$45	NTA	K.S.A 8-118
8.11.9	(A)(9) Controlled Access	\$45	NTA	K.S.A 8-118
8.11.10	(A)(10) Divided Highway	\$45	NTA	K.S.A 8-118
8.11.11	(A)(11) Signs Prohibited	\$45	NTA	K.S.A 8-118
8.11.12	(B)(1) Private Drive	\$45	NTA	K.S.A 8-118
8.11.13	(B)(2) 15' Fire Hydrant	\$45	NTA	K.S.A 8-118
8.11.14	(B)(3) 20' Cross Walk	\$45	NTA	K.S.A 8-118
8.11.15	(B)(4) 30' Stop Sign	\$45	NTA	K.S.A 8-118
8.11.16	(B)(5) 20' FD Driveway	\$45	NTA	K.S.A 8-118
8.11.17	(B)(6) Signs Prohibited	\$45	NTA	K.S.A 8-118
8.11.18	(C)(1) 50' RR Crossing	\$45	NTA	K.S.A 8-118
8.11.19	(C)(2) Signs Prohibit	\$45	NTA	K.S.A 8-118
8.11.20	(D) Away from Curb	\$45	NTA	K.S.A 8-118
8.11.21	(E) Fire Lanes	\$45	NTA	K.S.A 8-118
8.11.22	Stop or Park on Roadways	\$45	NTA	K.S.A 8-118
8.11.23	Handicapped Parking	CAR	NTA	
8.11.24	Handicapped Parking; Revoked or Suspended Device	CAR	NTA	
8.11.25	Parking for Certain Purposes Prohibited	\$45	NTA	
8.11.26	Stall Parking	\$45	NTA	
8.11.27	Blocking Traffic	\$45	NTA	
8.11.28	Parking on Narrow Streets Signs	\$45	NTA	
8.11.29	Parking in Alley	\$45	NTA	
8.11.30	Parking Disabled and Other Vehicles	\$45	NTA	
8.11.31	Park Adjacent to Schools	\$45	NTA	
8.11.32	Stop, Park in Hazardous or Congested Places Signs	\$45	NTA	
8.11.33	Parking Prohibited at All Times in Designated Places	\$45	NTA	
8.11.34	Limited Time Parking Zones	\$45	NTA	
8.11.35	Communication and Delivery Vehicle Loadingand Unloading	\$45	NTA	
8.11.36	Loading, Unloading or Special Zone	\$45	NTA	

8.12	Miscellaneous Rules	2024	Bond Schedule	Note
8.12.1	Using Headphones or TV Reciever	\$40	NTA	
8.12.2	Inattentive Driving	\$75	NTA	
8.12.3	Transporting of Alcoholic Liquor or CMB	CAR	OR	
8.12.4	Unattend Motor Vehicle	\$45	NTA	K.S.A 8-118
8.12.5	Obstruction of Driver's View or Driving Mechanism	\$45	NTA	K.S.A 8-118

8.12.6	Coasting	\$45	NTA	K.S.A 8-118
8.12.7	Following Fire APPR. PROH.	\$75	NTA	K.S.A 8-118
8.12.8	Crossing Fire Hose	\$45	NTA	K.S.A 8-118
8.12.9	Putting Glass, Etc.	\$105	NTA	K.S.A 8-118
8.12.10	Stop When Traffic Obstructed	\$45	NTA	K.S.A 8-118
8.12.11	Snowmobile Operation Limited	\$45	NTA	K.S.A 8-118
8.12.12	Unlawful Operation of All-Terrain Vehicle	\$75	NTA	K.S.A 8-118
8.12.13	Unlawful Operation of Low-Speed Vehicle	\$75	NTA	K.S.A 8-118
8.12.14	Unlawful Riding Persons 14 Years of Age and Older	\$75	NTA	K.S.A 8-118
8.12.15	Driving on Sidewalk	\$45	NTA	K.S.A 8-118
8.12.16	Limitations on Backing	\$45	NTA	K.S.A 8-118
8.12.17	Drive Through Private Property to Avoid Traffic Control	\$45	NTA	
8.12.18	Driving Through Procession	\$45	NTA	
8.12.19	Street Barriers	\$45	NTA	
8.12.20	Opening and Closing Vehicle Doors	\$45	NTA	K.S.A 8-118
8.12.21	Riding in House Trailer Prohibited	\$45	NTA	K.S.A 8-118
8.12.22	Driving Across Lawns, Sidewalks, Yards, Crops, Etc.	\$100	NTA	

8.13	Operations of Bicycles, Motorized Bicycles	2024	Bond Schedule	Note
8.13.1	Parental Responsibility of Child Riding Bicycle	\$45	NTA	K.S.A 8-118
8.13.2	Riding on Bicycles Seats; Riders Limited	\$45	NTA	K.S.A 8-118
8.13.3	Clinging to Vehicle	\$45	NTA	K.S.A 8-118
8.13.4	Riding on Roadways and Bicycle Paths	\$45	NTA	K.S.A 8-118
8.13.5	Carrying Articles	\$45	NTA	K.S.A 8-118
8.13.6	Lamps and Other Equipment on Bicycle	\$45	NTA	K.S.A 8-118
8.13.7	Low Power Cycles	\$45	NTA	K.S.A 8-118
8.13.8	Use of Coaster, Skates, Etc.	\$45	NTA	K.S.A 8-118

8.14	Lights, Brakes, Horns and Other Equipment	2024	Bond Schedule	Note
8.14.1	Equipment Offenses	\$75	NTA	K.S.A 8-118
8.14.2	When Lighted Lamps Required	\$45	NTA	K.S.A 8-118
8.14.3	Head Lamps on Motor Vehicle	\$45	NTA	K.S.A 8-118
8.14.4	Tail Lamps	\$45	NTA	K.S.A 8-118
8.14.5	Reflectors	\$45	NTA	K.S.A 8-118
8.14.6	Stop Lamps and Turn Signals	\$45	NTA	K.S.A 8-118
8.14.7	Additional Equipment Required on Certain Vehicles	\$45	NTA	K.S.A 8-118
8.14.8	Color of Clearance, ID, Side Marker, Backup & Reflector	\$45	NTA	K.S.A 8-118
8.14.9	Mount of REFT., Clearance and Side Marker Lamps	\$45	NTA	K.S.A 8-118
8.14.10	Visibility of REFT., Clear, Lamps, and Side Marker Lamps	\$45	NTA	K.S.A 8-118
8.14.11	Lamps or Flags on Project Load	\$75	NTA	K.S.A 8-118
8.14.12	Lamps on Parked Vehicles	\$45	NTA	K.S.A 8-118
8.14.13	Lamps on Other Vehicles and Equipment	\$45	NTA	K.S.A 8-118
8.14.14	Spot Lamps and Auxiliary Lamps	\$45	NTA	K.S.A 8-118
8.14.15	Improper Lamps or Lights on Emergency Vehicle	\$45	NTA	K.S.A 8-118
8.14.16	Improper Stop or Turn Signal	\$45	NTA	K.S.A 8-118
8.14.17	Improper Vehicle Hazard Warning Lamp	\$45	NTA	K.S.A 8-118
8.14.18	Additional Lighting Equipment	\$45	NTA	K.S.A 8-118
8.14.19	Multiple-Beam Road Light Equipment	\$45	NTA	K.S.A 8-118
8.14.20	Use of Multiple-Beam Road Lighting Equipment	\$75	NTA	K.S.A 8-118
8.14.21	Alternative Road Lighting Equipment Dim on Speed	\$45	NTA	K.S.A 8-118
8.14.22	Number of Driving Lamps Required or Permitted	\$45	NTA	K.S.A 8-118
8.14.23	Special Restrictions on Lamps	\$45	NTA	K.S.A 8-118
8.14.24	School Buses	\$45	NTA	K.S.A 8-118
8.14.25	Lighting Equipment on Church Buses	\$45	NTA	K.S.A 8-118
8.14.26	Highway Construction and Maintenance Vehicles	\$45	NTA	K.S.A 8-118
8.14.27	Brakes	\$45	NTA	K.S.A 8-118
8.14.28	Horns and Warning Devices	\$45	NTA	K.S.A 8-118
8.14.29	Noise Prevention; Mufflers	\$45	NTA	K.S.A 8-118
8.14.30	Non-Vehicle Sound Amplification Systems	CAR	NTA	K.S.A 8-118

8.14.31	Mirrors	\$45	NTA	K.S.A
8.14.32	Defective Wipers; Obstruct Windshield or Windows	\$45	NTA	K.S.A 8-118
8.14.33	Rest. As to Tire Equipment	\$45	NTA	K.S.A 8-118
8.14.34	Improper Wide-Based Tire	\$45	NTA	K.S.A 8-118
8.14.35	Spill Load on Highway	\$120		
8.14.36	Trailer and Towed Vehicles	\$120		
8.14.37	One-Way Glass	\$45	NTA	K.S.A 8-118
8.14.38	Child Passenger Safety Restraining System	\$60	NTA	
8.14.39	Seat Belts	\$30	NTA	
8.14.40	Unlawful Riding on Vehicle; Person Under Age 14	\$60	NTA	

8.15	Equipment on Motorcycles and Motor-Driven Cycles	2024	Bond Schedule	Note
8.15.1	Headlamps	\$45	NTA	K.S.A 8-118
8.15.2	Tail Lamps	\$45	NTA	K.S.A 8-118
8.15.3	Reflectors	\$45	NTA	K.S.A 8-118
8.15.4	Stop Lamps	\$45	NTA	K.S.A 8-118
8.15.5	Multiple-Beam Road Lighting Equipment	\$45	NTA	K.S.A 8-118
8.15.6	Lighting Equipment for Motor Driven Cycles	\$45	NTA	K.S.A 8-118
8.15.7	Brake Equipment Required	\$45	NTA	K.S.A 8-118
8.15.8	Performance Ability of Brakes	\$45	NTA	K.S.A 8-118
8.15.9	Other Equipment	\$45	NTA	K.S.A 8-118

8.16	Driver's License and Vehicle Tags	2024	Bond Schedule	Note
8.16.1	No Driver's License	CAR	NTA	
8.16.2	No DL in Possession	CAR	NTA	
8.16.3	Driving While License Canceled, Suspended, or Revoked	CAR	2500 OR	
8.16.4	Driving in Violation of Restrictions	CAR	NTA	
8.16.5	Operation of a Motor Vehicle when Habitual Offender	CAR	3500 PS	
8.16.6	Unauthorized Operator	CAR	NTA	
8.16.7	Unauthorized Minors	CAR	NTA	
8.16.8	Vehicle License, Illegal tag	CAR	NTA	
8.16.9	Unlawful use of License	CAR	NTA	
8.16.10	Motor Vehicle Liability Insurance	CAR	1000 OR	

8.17	Penalties General	2024	Bond Schedule	Note
8.17.1	Parties to a Violaiton	CAR	NTA	
8.17.2	Offenses by Persons Owning or Controlling Vehicle	CAR	NTA	

8.18	Criminal Violations & Miscellaneous Traffic Offenses	2024	Bond Schedule	Note
8.18.1	Attempt to Commit a Crime	CAR	200 OR	
8.18.2	Conspiracy to Commit a Crime	CAR	500 OR	
8.18.3	Battery	CAR	1000 OR NCO	
8.18.4	Battery Against a Law Enforcement Officer	CAR	2500 OR	
8.18.5	Battery DV	CAR	2500 OR NCO	
8.18.6	Assault	CAR	1000 OR NCO	
8.18.7	Assault Against a Law Enforcement Officer	CAR	500 PS	
8.18.8	Criminal Possession of Firearm	CAR	5000 PS	
8.18.9	Interference with a Fireman	CAR	300 PS	
8.18.10	Encouraging Juvenile Misconduct	CAR	300 PS	
8.18.11	Furnishing Intoxicants to Minors	CAR	1000 OR	
8.18.12	Theft Less Than \$1000	CAR	1000 OR	
8.18.13	Theft of Services Less Than \$1000	CAR	1000 OR	
8.18.14	Deprivation of Property	CAR	500 PS	
8.18.15	Criminal Damage to Property Less Than \$500	CAR	1000 OR	
8.18.16	Criminal Trespass	CAR	1000 OR	
8.18.17	Littering	CAR	500 OR	
8.18.18	Tampering With Traffic Signal	CAR	200 PS	
8.18.19	Shoplifting	CAR	500 PS	
8.18.20	Giving a Worthless Check	CAR	1000 OR	

8.18.21	Obstructing Legal Process	CAR	300 PS
8.18.22	Falsely Reporting a Crime	CAR	2500 OR
8.18.23	Denial of Civil Rights	CAR	500 PS
8.18.24	Lewd & Lascivious Behavior	CAR	2500 PS
8.18.25	Disorderly Conduct	CAR	1000 OR
8.18.26	Resist Arrest	CAR	2500 OR
8.18.27	Unlawful Assembly	CAR	500 OR
8.18.28	Maintaining Public Nuisance	CAR	200 PS
8.18.29	Permitting a Public Nuisance	CAR	200 PS
8.18.30	Giving a False Alarm	CAR	500 OR
8.18.31	Criminal Desecration	CAR	200 PS
8.18.32	Loitering	CAR	100 PS
8.18.33	Promoting Prostitution	CAR	2500 PS
8.18.34	Prostitution	CAR	1500 OR
8.18.35	Unlawful Discharge of Firearm	CAR	300 PS
8.18.36	Creating a Hazard	CAR	300 PS
8.18.37	Dangerous Missles	CAR	300 PS
8.18.38	Animal at Large	CAR	50 PS
8.18.39	Dog at Large	CAR	50 PS
8.18.40	Possession of Marijuana	CAR	1000 OR
8.18.41	Possession of Drug Paraphernalia	CAR	1500 OR
8.18.42	Obtain Prescription by Fraud	CAR	1000 OR
8.18.43	CMB Consumption Upon a Public Place	CAR	50 PS
8.18.44	CMB Sale Limited to Structure	CAR	50 PS
8.18.45	Purchase or Consumption of CMB by a Minor	CAR	100 PS
8.18.46	Underage Purchases, Possession, Consumption of Liquor	CAR	500 OR
8.18.47	Public Intoxication	CAR	100 PS
8.18.48	Liquor Consumption in a Public Place	CAR	100 PS
8.18.49	False Fire Alarm	CAR	100 PS
8.18.50	Fireworks Prohibited	CAR	50 PS
8.18.51	Fireworks Discharge on Public Property	CAR	50 PS
8.18.52	Throwing Fireworks	CAR	50 PS
8.18.53	Parking Livestock Vehicles	CAR	50 PS
8.18.54	Parking Inoperable Vehicles	CAR	50 PS
8.18.55	Curfew Violation	CAR	NTA
8.18.56	Riding Bicycle or Vehicle on Sidewalk	CAR	NTA
8.18.57	Urinating or Defecating in Public	CAR	50 PS
8.18.58	Damage Plants on Public Property	CAR	50 PS
8.18.59	Curfew Violation in City Parks	CAR	50 PS
8.18.60	Obstruction of Street or Sidewalk	CAR	50 PS
8.18.61	Barricade Placement and Tampering	CAR	50 PS
8.18.62	Putting Petroleum Products in Street	CAR	50 PS
8.18.63	Burning in Street	CAR	50 PS
8.18.64	Careless Driving	CAR	NTA
8.18.65	Parking Street Sweeping	CAR	NTA
8.18.66	Putting Refuse in Container Other Than Own	CAR	50 PS
8.18.67	Open Burning of Refuse	CAR	50 PS

Bond Schedule set by Judge per K.S.A 12-4305
Infraction Fines set by K.S.A 8-2118
CAR = Court Appearance Required. These are misdemeanors
NTA = Notice to appear. Not an arrestable offense
PS = Professional Surety
OR = Own Recognizance
NCO = No Contact Order

2024 Water Rates Established by Resolution R-2013-03

Annual Rate increase effective January billing of each year.

Residential

Residential water base rate is \$34.20 per monthly billing period.
Usage tiers:

- 0 - 2,999 gallons: \$4.22 per thousand gallons
- 3,000 - 5,999 gallons: \$5.77 per thousand gallons
- 6000 - 11,999 gallons: \$6.29 per thousand gallons
- 12,000 - 16,999 gallons: \$6.46 per thousand gallons
- 17,000 - 24,999 gallons: \$6.62 per thousand gallons
- 25,000 gallons and over: \$6.69 per thousand gallons

Non-Residential/Commercial

Residential water base rate is \$49.75 per monthly billing period.
Usage tiers:

- 0 - 2,999 gallons: \$4.72 per thousand gallons
- 3,000 - 5,999 gallons: \$6.29 per thousand gallons
- 6000 - 11,999 gallons: \$6.90 per thousand gallons
- 12,000 - 16,999 gallons: \$7.33 per thousand gallons
- 17,000 - 24,999 gallons: \$7.86 per thousand gallons
- 25,000 gallons and over: \$8.64 per thousand gallons

2024 Sanitary Sewer Utility Rates Established by Resolution R-2013-04

Residential

Residential sewer base rate is \$39.26 per monthly billing period.
Monthly volume \$7.10 per thousand gallons of water.

Non-Residential/Commercial

Residential water base rate is \$77.58 per monthly billing period.
Monthly volume \$9.31 per thousand gallons of water.

Workshop Notes:

The fees below have not been increased since 2018.
 Between 2018 and 2023, the average inflation rate was 3.92%, resulting in a cumulative inflation of 21%.
 Staff compared Bel Aire’s fees to Valley Center, Andover, Maize, and the Wichita YMCA; evaluated the number of classes, games, and practices, plus considered program expenses including uniforms and awards. Research showed that Bel Aire Recreation fees should be increased to be in line with neighboring recreation centers fees and cover the program’s increased costs.
 est. 60% or more of participants are Bel Aire residents. (program depended)

Recreation Section 7			2023		2024 (Workshop)			2024 (Workshop)			2024 (Proposed)		
			Resident	Non-Resident	Resident	\$↑	%↑	Non-Resident	\$↑	%↑	Diff \$↑	Non-Resident	Diff \$↑
line 1	7.1.1	Family (per year)	\$85	\$150	\$90	\$5	6%	\$155	\$5	3%	\$0	\$155	\$0
line 2	7.1.2	Individual (per year)	\$55	\$95	\$60	\$5	9%	\$100	\$5	5%	\$0	\$100	\$0
line 3	7.1.3	Senior Couple (per year)	\$55	\$95	\$60	\$5	9%	\$100	\$5	5%	\$0	\$100	\$0
line 4	7.1.4	Resident Senior (per year)	\$40	\$60	\$45	\$5	13%	\$65	\$5	8%	\$0	\$65	\$0
line 5	7.1.5	Day Fee	\$3	\$3	\$3	\$0	0%	\$3	\$0	0%	\$0	\$3	\$0
line 6	7.2.1	Indoor/Outdoor Soccer	\$38	\$58	\$45	\$7	18%	\$68	\$10	17%	\$3	\$68	\$3
line 7	7.2.2	Short Sports	\$15	\$25	\$20	\$5	33%	\$30	\$5	20%	\$0	\$30	\$0
line 8	7.2.3	Heights Baseball/Softball	\$95	\$120	\$95	\$0	0%	\$120	\$0	0%	\$0	\$120	\$0
line 9	7.2.4	Blastball	\$25	\$40	\$30	\$5	20%	\$45	\$5	13%	\$0	\$45	\$0
line 10	7.2.5	T Ball	\$38	\$58	\$45	\$7	18%	\$68	\$10	17%	\$3	\$68	\$3
line 11	7.2.6	Machine Pitch BB/SB	\$45	\$65	\$45	\$0	0%	\$68	\$3	5%	\$3	\$68	\$3
line 12	7.2.7	Youth Pitch BB/SB	\$45	\$65	\$45	\$0	0%	\$68	\$3	5%	\$3	\$68	\$3
line 13	7.2.8	Flag Football	\$40	\$60	\$50	\$10	25%	\$75	\$15	25%	\$5	\$75	\$5
line 14	7.2.9	Volleyball	\$35	\$55	\$50	\$15	43%	\$75	\$20	36%	\$5	\$75	\$5
line 15	7.2.10	Basketball	\$38	\$58	\$50	\$12	32%	\$75	\$17	29%	\$5	\$75	\$5
line 16	7.2.11	Little Dribblers	\$25	\$40	\$30	\$5	20%	\$45	\$5	13%	\$0	\$45	\$0
line 17	7.2.13	Late registration fee	\$15	\$15	\$15	\$0	0%	\$15	\$0	0%	\$0	\$15	\$0
line 18	7.3.1	Youth Cheerleading	\$38	\$58	\$45	\$7	18%	\$68	\$10	17%	\$3	\$68	\$3
line 19	7.3.3	Hip Hop	\$38	\$58	\$45	\$7	18%	\$68	\$10	17%	\$3	\$68	\$3
line 20	7.3.4	Tumbling	\$38	\$58	\$45	\$7	18%	\$68	\$10	17%	\$3	\$68	\$3
line 21	7.3.5	Dazzling Dancers	\$38	\$58	\$45	\$7	18%	\$68	\$10	17%	\$3	\$68	\$3
line 22	7.3.6	Taekwondo 1X/week (youth)	\$20	\$35	\$25	\$5	25%	\$35	\$0	0%	-\$5	\$40	\$0
line 23	7.3.7	Taekwondo 2X/week (youth)	\$30	\$45	\$35	\$5	17%	\$45	\$0	0%	-\$5	\$53	\$3
line 24	7.3.8	Day Camp (per week)	\$140	\$150	\$160	\$20	14%	\$180	\$30	20%	\$10	\$180	\$10
line 25	7.4.1	Group Exercise 1X/week	\$20	\$35	\$25	\$5	25%	\$38	\$3	9%	-\$2	\$40	\$0
line 26	7.4.2	Group Exercise 2X/week	\$30	\$45	\$35	\$5	17%	\$53	\$8	18%	\$3	\$53	\$3
line 27	7.4.3	Yoga 1X/week (adult)	\$20	\$35	\$25	\$5	25%	\$38	\$3	9%	-\$2	\$40	\$0
line 28	7.4.4	Yoga 2X/week (adult)	\$30	\$45	\$35	\$5	17%	\$53	\$8	18%	\$3	\$53	\$3
line 29	7.4.5	Taekwondo 1X/week	\$20	\$35	\$25	\$5	25%	\$38	\$3	9%	-\$2	\$40	\$0
line 30	7.4.6	Taekwondo 2X/week	\$30	\$45	\$35	\$5	17%	\$53	\$8	18%	\$3	\$53	\$3
line 31	7.5.1	Gymnasium (per hr)	\$75	\$100	\$75	\$0	0%	\$100	\$0	0%	\$0	\$100	\$3
line 32	7.5.2	Activity Room (per hr)	\$50	\$75	\$50	\$0	0%	\$75	\$0	0%	\$0	\$75	\$3

Notes:

The fees below have not been increased since 2018.
 Between 2018 and 2023, the average inflation rate was 3.92%, resulting in a cumulative inflation of 21%.
 Staff increased rates by 5% to help cover program costs

Recreation Section 7			2023		2024 (Option 2)			2024 (Option 2)			Diff \$ ↑
			Resident	Non-Resident	Resident	\$ ↑	% ↑	Non-Resident	\$ ↑	% ↑	
line 1	7.1.1	Family (per year)	\$85	\$150	\$89	\$4	5%	\$158	\$8	5%	\$3
line 2	7.1.2	Individual (per year)	\$55	\$95	\$58	\$3	5%	\$100	\$5	5%	\$2
line 3	7.1.3	Senior Couple (per year)	\$55	\$95	\$58	\$3	5%	\$100	\$5	5%	\$2
line 4	7.1.4	Resident Senior (per year)	\$40	\$60	\$42	\$2	5%	\$63	\$3	5%	\$1
line 5	7.1.5	Day Fee	\$3	\$3	\$3	\$0	5%	\$3	\$0	5%	\$0
line 6	7.2.1	Indoor/Outdoor Soccer	\$38	\$58	\$40	\$2	5%	\$61	\$3	5%	\$1
line 7	7.2.2	Short Sports	\$15	\$25	\$16	\$1	5%	\$26	\$1	5%	\$1
line 8	7.2.3	Heights Baseball/Softball	\$95	\$120	\$100	\$5	5%	\$126	\$6	5%	\$1
line 9	7.2.4	Blastball	\$25	\$40	\$26	\$1	5%	\$42	\$2	5%	\$1
line 10	7.2.5	T Ball	\$38	\$58	\$40	\$2	5%	\$61	\$3	5%	\$1
line 11	7.2.6	Machine Pitch BB/SB	\$45	\$65	\$47	\$2	5%	\$68	\$3	5%	\$1
line 12	7.2.7	Youth Pitch BB/SB	\$45	\$65	\$47	\$2	5%	\$68	\$3	5%	\$1
line 13	7.2.8	Flag Football	\$40	\$60	\$42	\$2	5%	\$63	\$3	5%	\$1
line 14	7.2.9	Volleyball	\$35	\$55	\$37	\$2	5%	\$58	\$3	5%	\$1
line 15	7.2.10	Basketball	\$38	\$58	\$40	\$2	5%	\$61	\$3	5%	\$1
line 16	7.2.11	Little Dribblers	\$25	\$40	\$26	\$1	5%	\$42	\$2	5%	\$1
line 17	7.2.13	Late registration fee	\$15	\$15	\$16	\$1	5%	\$16	\$1	5%	\$0
line 18	7.3.1	Youth Cheerleading	\$38	\$58	\$40	\$2	5%	\$61	\$3	5%	\$1
line 19	7.3.3	Hip Hop	\$38	\$58	\$40	\$2	5%	\$61	\$3	5%	\$1
line 20	7.3.4	Tumbling	\$38	\$58	\$40	\$2	5%	\$61	\$3	5%	\$1
line 21	7.3.5	Dazzling Dancers	\$38	\$58	\$40	\$2	5%	\$61	\$3	5%	\$1
line 22	7.3.6	Taekwondo 1X/week	\$20	\$35	\$21	\$1	5%	\$37	\$2	5%	\$1
line 23	7.3.7	Taekwondo 2X/week	\$30	\$45	\$32	\$2	5%	\$47	\$2	5%	\$1
line 24	7.3.8	Day Camp (per week)	\$140	\$150	\$147	\$7	5%	\$158	\$8	5%	\$1
line 25	7.4.1	Group Exercise 1X/week	\$20	\$35	\$21	\$1	5%	\$37	\$2	5%	\$1
line 26	7.4.2	Group Exercise 2X/week	\$30	\$45	\$32	\$2	5%	\$47	\$2	5%	\$1
line 27	7.4.3	Yoga 1X/week	\$20	\$35	\$21	\$1	5%	\$37	\$2	5%	\$1
line 28	7.4.4	Yoga 2X/week	\$30	\$45	\$32	\$2	5%	\$47	\$2	5%	\$1
line 29	7.4.5	Taekwondo 1X/week	\$20	\$35	\$21	\$1	5%	\$37	\$2	5%	\$1
line 30	7.4.6	Taekwondo 2X/week	\$30	\$45	\$32	\$2	5%	\$47	\$2	5%	\$1
line 31	7.5.1	Gymnasium (per hr)	\$75	\$100	\$79	\$4	5%	\$105	\$5	5%	\$1
line 32	7.5.2	Activity Room (per hr)	\$50	\$75	\$53	\$3	5%	\$79	\$4	5%	\$1

October 10, 2023

Mayor Jim Benage and City Council
7651 E Central Park Avenue
Bel Aire, KS 67226

Dear Governing Body,

It is with mixed emotions I hereby submit my written notification of intent to retire in 2024. After 17 years as Bel Aire City Manager, I will greatly miss this community, staff and elected officials but am looking forward to the next chapter in my life. Being a City Manager is not an 8 to 5 job but requires many more hours and is a major commitment. My wife and family have shared me with Bel Aire for many years and it is now time to focus on them.

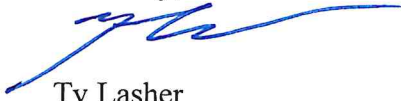
I sincerely appreciate the support I have received throughout my career in Bel Aire. This community has grown and transformed over my tenure and am proud to have been a part of its expansion. There have been too many successes to mention but appreciate being instrumental in many of them. I have worked with numerous elected officials, staff and community members whom I greatly appreciate and will miss. I am proud to say I'm leaving Bel Aire better than I found it, which has always been my goal.

Per my Employment Agreement dated September 7, 2022, Section 10, I am required to give the Governing Body six months notice of my official retirement date. I have determined my last day with Bel Aire will be March 29, 2024. Therefore, my official retirement day with KPERS will be April 1, 2024. This gives the Governing Body six months to hire a new City Manager who can spend time with me before I leave.

I'm sure you will want to discuss a transition plan and I will be happy to assist as much as you like. I have some thoughts and contacts for any direction you would like to proceed. It is important that I not be part of the decision-making process but rather assist with information and process.

Again, I sincerely appreciate the working relationship I have had with each of you and will be watching, and rooting, for Bel Aire as you continue to build a great community.

Sincerely,



Ty Lasher
City Manager

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT made and entered into this 5th day of December, 2023 (the "Agreement"), by and between the City of Bel Aire, Kansas (hereinafter called "Employer") and Ted Henry (hereinafter called "Employee"), both of whom understand as follows:

WITNESSETH:

WHEREAS, Employer desires to employ the services of Employee as City Manager; and

WHEREAS, it is the desire of the Employer to provide certain benefits, establish certain conditions of employment and set working conditions of said Employee; and

WHEREAS, it is the desire of the Employer (i) to secure and retain the services of the Employee and to provide inducement for him to accept such employment, (ii) to make possible full work productivity by assuring Employee's morale and peace of mind with respect to future security should Employer desire to terminate his employment and (iii) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of the Employee; and

WHEREAS, Employee desires to accept employment as City Manager.

NOW, THEREFORE, in consideration of mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. **Duties.** Employer hereby agrees to employ Employee as its City Manager to perform the functions and duties specified in Chapter 2, Article 2, Section 2.26 of the Code of the City of Bel Aire, Kansas (the "City Code") and to perform other legally permissible and proper duties and functions pursuant to the "Job Description" and such lawful tasks and functions as the City Council of the Employer (the "City Council") shall from time to time assign.

SECTION 2. **Residency.** Employee agrees that should he ever relocate from his current place of residence that he will relocate and maintain a permanent residence within the corporate boundaries of the City of Bel Aire, Kansas during the remainder of the term of his employment.

SECTION 3. **Term.**

A. Employee's employment as City Manager shall commence on April 1, 2024 (the "Commencement Date"). Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of the Employee at any time, without cause, subject only to the provisions set forth in Section 5, Subparagraphs A and B of this Agreement.

[Pages 2-8 Redacted]



2024 PLANNING COMMISSION DATES

	Application Date	Packet Deadline	Meeting Date
January	12/15/2023	01/04/2024	01/11/2024
February	01/12/2024	02/01/2024	02/08/2024
March	02/09/2024	03/01/2024	03/14/2024
April	03/07/2024	04/05/2024	04/11/2024
May	04/12/2024	05/03/2024	05/09/2024
June	05/10/2024	05/31/2024	06/13/2024
July	06/14/2024	07/05/2024	07/11/2024
August	07/12/2024	08/02/2024	08/08/2024
September	08/16/2024	09/06/2024	09/12/2024
October	09/16/2024	10/04/2024	10/10/2024
November	10/14/2024	11/01/2024	11/14/2024
December	11/18/2024	12/06/2024	12/12/2024
January	12/16/2024	01/03/2025	01/09/2025

All new agenda items must go through a pre-application process before an application will be processed. All agenda items that require notification to be published must be complete and submitted by the above listed application date by 8 A.M. (Ark Valley News deadline could change requirement). Information to be placed in planning packets must be received by the packet deadline date shown above.

Planning Commission Secretary	Anne Stephens 316-744-2451 ext. 133	astephens@belaireks.gov
Building and Zoning Dept.	Keith Price 316-744-2451 ext. 120	bldginsp@belaireks.gov
City Engineer	Anne Stephens 316-744-2451 ext. 133	astephens@belaireks.gov
City Manager	Mr. Ty Lasher 316-744-2451 ext. 217	tlasher@belaireks.gov

All site plans must be reviewed by the City engineer and Zoning Administrator, 2 sets of the required plans must be delivered directly to city hall. (public hearing submittal quantities based on city code requirements) Cost associated with engineering will be passed on to the applicant.

<https://www.betterontheedge.org/>



2024

Bel Aire Municipal Court
Schedule

First Appearance @ 8:30 am

Trial @ 12:30 pm

January 4, 2024

January 18, 2024

February 1, 2024

February 15, 2024

March 6, 2024*

March 21, 2024

April 4, 2024

April 18, 2024

May 2, 2024

May 16, 2024

June 6, 2024

June 20, 2024

July 18, 2024*

July 18, 2024

August 8, 2024*

August 15, 2024

September 5, 2024

September 19, 2024

October 3, 2024

October 17, 2024

November 7, 2024

November 21, 2024

December 5, 2024

December 19, 2024

MANAGERS REPORT



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

Call to Order (Item I)

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

Consent Agenda (Item VI)

Minutes of the November 21st City Council meeting.

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

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

Public Building Commission Appointments

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

Chisolm Creek Utility Authority (CCUA)

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

Petitions and Resolutions for Bel Aire Lakes and Skyview at Block 49 2nd

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

Appropriations Ordinance (Item VI)

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

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

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

Roll Call of New Council (Item VIII)

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

City Requested Appearances (IX)

None

Public Hearings (Item X)

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

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

2023 City of Bel Aire Budget Amendment (A)

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

Selection of Council President (Item B)

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

Resolution, Century Manufacturing IRB Bonds (Item C)

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

Quotes for Street Repairs on Webb Road & Patch Repair on 39th (Item D)

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

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

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

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

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

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

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

Ordinance Changing Zoning Classification- Chaple Landing 8th (Item G)

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

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

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

City Manager Retirement Notification (Item I)

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

Employment Agreement with Ted Henry (Item J)

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

Executive Session (Item XVI)

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

Discussion and Future Issues (XVII):

Workshop December 12th at 6:30 p.m.?

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

December 19th City Council meeting?

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