



AGENDA
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
May 03, 2022 7:00 PM



I. CALL TO ORDER: Mayor Jim Benage

II. ROLL CALL

Greg Davied ____ Justin Smith _____ John Welch ____

III. OPENING PRAYER: Mark Posson

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

V. PROCLAMATION:

A. Older Americans Month - May 2022

B. Public Service Recognition Week - May 1-7, 2022

VI. DETERMINE AGENDA ADDITIONS

VII. CONSENT AGENDA

A. Minutes of the April 19, 2022 City Council meeting.

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

Motion _____ Second _____ Vote _____

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 22-08 in the amount of \$587,151.02

Action: Motion to (approve / table / deny) Appropriations Ordinance 22-08.

Motion: _____ Second: _____ Vote: _____

IX. CITY REQUESTED APPEARANCES: None

X. CITIZEN CONCERNS: *Persons who wish to speak should 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.

XI. REPORTS

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

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

- A. Consideration of Mayor Benage's reappointment of Paul Matzek to the Bel Aire Area Planning Commission. The term will be for three years.**

Action: Motion to (accept / deny /table) the Mayor's reappointment of Paul Matzek to the Bel Aire Area Planning Commission.

Motion: _____ Second: _____ Vote: _____

- B. Consideration of Mayor Benage's reappointment of James Schmidt to the Bel Aire Area Planning Commission. The term will be for three years.**

Action: Motion to (accept / deny /table) the Mayor's reappointment of James Schmidt to the Bel Aire Area Planning Commission.

Motion: _____ Second: _____ Vote: _____

- C. Consideration of adopting the 2022 Municipal Water Conservation Plan for the City of Bel Aire.**

Action: Motion to (approve / deny / table) the 2022 Municipal Water Conservation Plan for the City of Bel Aire and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

- D. 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 (1/4 mile east of Rock Road and K-254 Highway).**

Action: Motion to (accept / deny / table) 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 (1/4 mile east of Rock Road and K-254 Highway) and authorize the Mayor to sign.

Motion: _____ Second: _____

Jim Benage_____ Greg Davied_____ Justin Smith_____ John Welch_____

E. Consideration of an Ordinance changing the zoning classification from C-1 Commercial to R-5b Zero Lot Line Residential on certain property located within the corporate city limits of the City of Bel Aire, Kansas (Elk Creek 3rd).

Action: Motion to (accept / deny / table) an Ordinance changing the zoning classification from C-1 Commercial to R-5b Zero Lot Line Residential on certain property located within the corporate city limits of the City of Bel Aire, Kansas (Elk Creek 3rd) and authorize the Mayor to sign.

Motion: _____ Second: _____

Jim Benage _____ Greg Davied _____ Justin Smith _____ John Welch _____

F. Consideration of An Order Vacating A Portion of the 54th Street Right-of-Way in Sunflower Commerce Park 2nd, Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas.

Action: Motion to (approve / deny / table) An Order Vacating A Portion Of the 54th Street Right-of-Way in Sunflower Commerce Park 2nd, Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas and authorize the Mayor to sign.

Motion: _____ Second: _____

Jim Benage _____ Greg Davied _____ Justin Smith _____ John Welch _____

G. Consideration of the Change Order Request from Kansas Paving for additional depth for the concrete sidewalk in Skyview at Block 49 in the amount of \$15,771.60.

Action: Motion to (approve / deny / table) the Change Order Request from Kansas Paving in the amount of \$15,771.60 for Skyview at Block 49 - Paving, and authorize the Mayor to sign all related documents.

Motion: _____ Second: _____ Vote: _____

H. Consideration of the Change Order Request from Kansas Paving for a reconciliation of quantities for Rock Spring 3rd, Phase 2 Paving in the amount of \$10,510.00.

Action: Motion to (approve / deny / table) the Change Order Request from Kansas Paving in the amount of \$10,510.00 for Rock Spring 3rd, Phase 2 - Paving, and authorize the Mayor to sign all related documents.

Motion: _____ Second: _____ Vote: _____

I. Consideration of the Mayor's reappointment of City Manager Ty Lasher.

Action: Motion to (accept / deny /table) the Mayor's reappointment of Ty Lasher to City Manager.

Motion: _____ Second: _____ Vote: _____

J. Consideration of the Mayor's reappointment of City Attorney Jacqueline Kelly.

Action: Motion to (accept / deny /table) the Mayor's reappointment of Jacqueline Kelly to City Attorney.

Motion: _____ Second: _____ Vote: _____

K. Consideration of the Mayor's reappointment of Municipal Judge Terry Beall.

Action: Motion to (accept / deny /table) the Mayor's reappointment of Terry Beall to Municipal Judge.

Motion _____ Second _____ Vote _____

L. Consideration Of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Health Care Facilities Revenue Bonds (Catholic Care Center), Series 2022, In One Or More Series, To Provide Funds For The Purpose Of Financing Improvements To Health Care And Retirement Facilities Owned And Operated By Catholic Care Center, Inc.; And Authorizing Execution Of Certain Related Documents.

Action: Motion to (approve / deny / table) A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Health Care Facilities Revenue Bonds (Catholic Care Center), Series 2022, In One Or More Series, To Provide Funds For The Purpose Of Financing Improvements To Health Care And Retirement Facilities Owned And Operated By Catholic Care Center, Inc.; And Authorizing Execution Of Certain Related Documents, and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

M. Consideration of the Mayor's appointment of Emily Hamburg to the Bel Aire City Council. This is to fill the open seat vacated by Dr. Joel Schroeder. The term will end on December 5, 2023.

Action: Motion to (accept / deny /table) the Mayor's appointment of Emily Hamburg to the Bel Aire City Council seat vacated by Dr. Joel Schroeder.

Motion _____ Second _____ Vote _____

XIII. EXECUTIVE SESSION

Action: Motion to go into executive session for the sole purpose of discussion the subject of: (_____), pursuant to the KSA 75-4319 exception for: (_____). 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 (_____) PM.

Motion _____ Second _____ Vote _____

XIV. DISCUSSION AND FUTURE ISSUES

Workshop - May 10th at 6:30 p.m.?

XV. ADJOURNMENT

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____

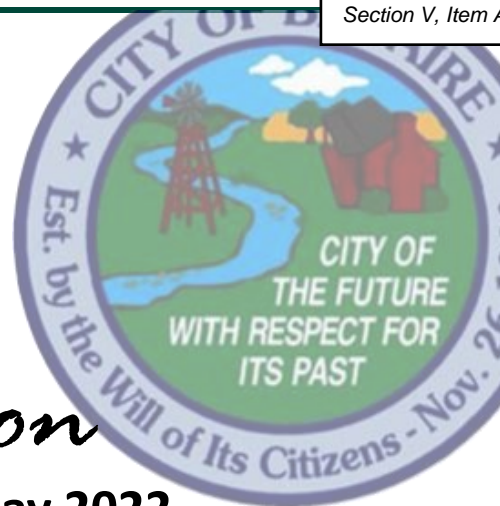
Additional Attachments:

A. Planning Commission Report - April 2022

B. Manager's Report - May 3, 2022

Notice

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



Proclamation

Older Americans Month, May 2022

TO THE CITIZENS OF BEL AIRE, KANSAS, GREETINGS:

WHEREAS, Bel Aire is a community that includes citizens aged 60 and older; and

WHEREAS, the older adults in Bel Aire are among of our most “treasured resources,” united by historical experiences, strengthened by diversity, and interpreting events through varied perspectives and backgrounds to bring wisdom and insight to our community; and

WHEREAS, increasing numbers of adults are reaching retirement age and remaining strong and active for longer than ever before; and

WHEREAS, the older adults in Bel Aire deserve recognitions for the contributions they have made and will continue to make to the culture, economy, and character of our community and our nation; and

WHEREAS, our community can provide that recognition and respect by improving the quality of life for older Americans by:

- Increasing their opportunities to remain active and engaged in community life;
- Providing individualized services and support systems to maintain the dignity, independence, and self-determination of older Americans as they age;
- Combating ageist attitudes by honoring their past, present, and future contributions;

THEREFORE, I Jim Benage, Mayor, do hereby proclaim May 2022 to be Older Americans Month. I urge every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for them. Our recognition and involvement of older Americans can enrich our entire community’s quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of Bel Aire, Kansas this 3rd day of May, 2022.

Jim Benage, Mayor





Proclamation

Public Service Recognition Week, May 1—7, 2022

TO THE CITIZENS OF BEL AIRE, KANSAS, GREETINGS:

Whereas: Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working;

Whereas: Public employees take not only jobs, but oaths;

Whereas: Many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world;

Whereas: Public servants include teachers, inspectors, law enforcement, bus drivers, managers, engineers, public works, recreation employees, firefighters, accountants, customer service representatives, laborers, computer technicians, social workers, and countless other occupations. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

Whereas: Without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials;

Therefore: I, Mayor Jim Benage of the City of Bel Aire, do hereby announce and proclaim to all citizens and set seal hereto, that May 1—7, 2022, is Public Service Recognition Week. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels — federal, state, county and city.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of Bel Aire, Kansas this 3rd day of May, 2022.

Jim Benage, Mayor

Three stylized blue wavy lines, similar to the ones in the City of Bel Aire logo, are positioned below the Mayor's signature.



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
April 19, 2022 7:00 PM



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

II. ROLL CALL

Present were Greg Davied, Justin Smith, and John Welch. Diane Wynn was absent.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, Finance Director Ted Henry, City Engineer Anne Stephens, City Clerk Melissa Krehbiel and Bond Counsel Kevin Cowan of Gilmore and Bell, PC.

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

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Jim Benage led the pledge of allegiance.

V. PROCLAMATION

A. Arbor Day - April 30, 2022

B. LifeSmarts Team, Sunrise Christian Academy

Gary Northwall, President of the Bel Aire Tree Board, accepted a copy of the proclamation from the Mayor. Mr. Northwall spoke briefly about the Arbor Day celebration planned for April 30th in Central Park.

Peggy O' Donnell, SCA LifeSmarts coach, accepted a copy of the proclamation and spoke briefly about the LifeSmarts program and her team's accomplishments. The team will represent Kansas when they compete at the national competition in Washington DC.

VI. DETERMINE AGENDA ADDITIONS: There were none.

VII. CONSENT AGENDA

A. Minutes of the April 5, 2022 City Council meeting.

B. Acceptance of Petitions for Paving Sanitary Sewer, and Water Distribution System Improvements (Bristol Hollow Phase 2)

C. **Approval of Resolutions Authorizing Paving, Sanitary Sewer, and Water Distribution System Improvements (Bristol Hollow Phase 2)**

MOTION: Councilmember Welch moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Smith seconded the motion. ***Motion carried 3-0.***

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

A. **Consideration of Appropriations Ordinance 22-07 in the amount of \$284,847.79.**

MOTION: Councilmember Smith moved to approve Appropriations Ordinance 22-07. Councilmember Davied seconded the motion. ***Motion carried 3-0.***

IX. **CITY REQUESTED APPEARANCES**

A. **Woodlawn Construction Update - Dakota Zimmerman and Eric Strecker, Garver**

Dakota Zimmerman gave a brief update on Woodlawn construction progress and stood for questions from the Council.

X. **CITIZEN CONCERNS:** No one spoke.

XI. **REPORTS**

A. **Council Member Reports**

Councilmember Smith reported that he attended spring fest and thanked the volunteers and staff who worked on the event.

Councilmember Welch reminded citizens that electronic recycling will be held by the County (for those outside the City limits) during the next 2 weekends and Bel Aire will host electronic recycling at City Hall on April 30th.

B. **Mayor's Report**

- Mayor Benage reported he received 8 applications for the vacant City Council position left by the resignation of Dr. Joel Schroeder. One application has been withdrawn. He will ask Councilmembers to review the applications and give their input on the selection.
- Applications will now be taken for Diane Wynn’s seat on the City Council. Applications must be received by May 19th. After an appointment is made for Dr. Joel Schroeder’s seat, Mayor Benage will ask the remaining applicants if they wish to be considered for Diane Wynn’s seat.
- He reported on the KDOT local consult meeting that was recently held at the Kansas Aviation Museum.
- He attended Spring Fest and thanked the Lions Club and Bel Aire staff for their work.
- Mayor Benage reported there are 2 open positions on the Bel Aire Tree Board. Applications are available on the City’s website.

C. City Attorney Report

City Attorney Kelly reported briefly on code requirements regarding irrigation backflow preventers and keeping chickens within the City.

D. City Manager Report

City Manager Lasher reported on upcoming events:

- Electronics recycling and paper shredding will be offered at City Hall on April 30th
- The Citywide Garage Sale will be held May 12-14.
- Spring Curbside Cleanup is on May 21.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration Of An Ordinance Approving The Annexation And Incorporation Of Portion Of North Woodlawn Blvd Into The Boundaries Of The City Of Bel Aire, Kansas.

MOTION: Councilmember Smith moved to approve An Ordinance Annexing And Incorporating A Portion Of North Woodlawn Blvd Into The Boundaries Of The City Of Bel Aire, Kansas, and authorize the Mayor to sign. Councilmember Welch seconded the motion.

Rollcall Vote:

Greg Davied - Aye

Justin Smith- Aye

Diane Wynn [Absent]

John Welch – Aye

Motion carried 3-0.

B. Consideration of an Ordinance changing the zoning classification from AG Agricultural to C-1 and C-2 Commercial with a PUD Overlay on certain property located within the corporate city limits of the City of Bel Aire, Kansas (Skyview at Block 49 3rd).

MOTION: Councilmember Davied moved to accept an Ordinance changing the zoning classification from AG Agricultural to C-1 and C-2 Commercial with a PUD Overlay on certain property located within the corporate city limits of the City of Bel Aire, Kansas (Skyview at Block 49 3rd) and authorize the Mayor to sign. Councilmember Smith seconded the motion.

Rollcall Vote:

Jim Benage – Aye

Greg Davied - Aye

Justin Smith- Aye

Diane Wynn [Absent] John Welch – Aye

Motion carried 4-0.

C. Consideration of an Agreement for Professional Services with Garver for Bristol Hollow, Phase 2 in the amount of \$208,200.

MOTION: Councilmember Smith moved to approve an Agreement for Professional Services with Garver for Bristol Hollow, Phase 2 in the amount of \$208,200 and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 3-0.*

D. 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 Rock Spring 5th. (SD-21-03 Cedar Pass).

MOTION: Councilmember Smith moved to accept the dedications within the Final Plat for Rock Spring 5th and authorize all required signatures. Councilmember Davied seconded the motion.

Rollcall Vote:

Jim Benage – Opposed Greg Davied- Aye
Justin Smith- Aye Diane Wynn- [Absent] John Welch- Aye
Motion carried 3-1 with Mayor Benage voting against the motion.

EXECUTIVE SESSION: Mayor Benage requested that Agenda Item XIII, Executive Session, be addressed at this time.

MOTION: Councilmember Smith moved 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, City Attorney and Jennifer Hill. The meeting will be for a period of 25 minutes, and the open meeting will resume in City Council Chambers at 8:20 p.m. Councilmember Davied seconded the motion. *Motion carried 3-0.*

The Council then adjourned for executive session. At 8:20 p.m. Mayor Benage called the meeting back to order in open session. He stated no binding action was taken.

E. Consideration of An Agreement with Skyview at Block 49, LLC Concerning The Development Of Skyview At Block 49 2nd Addition, Bel Aire, Sedgwick County, Kansas.

MOTION: Councilmember Smith moved to approve An Agreement Concerning The Development Of Skyview At Block 49 2nd Addition, Bel Aire, Sedgwick County, Kansas, and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 3-0.*

F. Consideration of accepting a bid for the replacement of a rotary mower. Three quotes were received:

Schmidt & Sons \$17,400
PrairieLand Partners LLC \$20,000
Ravenscraft Implement Inc. \$21,300

MOTION: Councilmember Welch moved to accept the bid from Schmidt & Sons in the amount of \$17,400 for a replacement rotary mower and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 3-0.*

G. Consideration of accepting a bid for a mastic street sealing machine. Two bids were received:

Crafco	\$66,992.80
McConnell and Associates	\$75,740.00

MOTION: Councilmember Smith moved to accept the bid from Crafco in the amount of \$66,992.80 for a mastic street sealing machine and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 3-0.*

H. Consideration of accepting a bid to install streetlights in Central Park.

MOTION: Councilmember Welch moved to deny the quote from Atlas Electric. Councilmember Smith seconded the motion. *Motion carried 3-0.*

XIII. EXECUTIVE SESSION: This item was addressed earlier in the meeting.

XIV. DISCUSSION AND FUTURE ISSUES: No future issues were discussed.

XV. ADJOURNMENT

MOTION: Councilmember Smith moved to adjourn. Councilmember Davied seconded the motion. *Motion carried 3-0.*

The meeting adjourned at 8:42 p.m.

CLAIMS REPORT

Vendor Checks: 4/13/2022- 4/25/2022

Payroll Checks: 4/13/2022- 4/25/20

AP ORD 22-08

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
GENERAL					
ADOBE SYSTEMS, INC	ADOBE SUBSCRIPTION:PD	16.11	1280161	4/20/22	
AFLAC	EMPLOYEE MONTHLY PREMIUM	736.51	1280168	4/18/22	
AMAZON CAPITAL SERVICES, INC	OFFICE SUPPLIES/EQUIP	791.24	1280167	4/25/22	
STRUNK PUBLISHING, LLC	BREEZE AD;LEGAL PUBLICATIONS	830.00	67740	4/19/22	
BEL AIRE CHAMBER OF COMMERCE	PASS THRU-CHAMBER DONATIONS	1,800.00	67741	4/19/22	
JAMES BENAGE	LKM MAYOR CONF PER DIEM:BENAGE	201.27	67742	4/19/22	
BLUE CROSS & BLUE SHIELD OF KS	05/22 ID:0421210	34,433.04	1280174	4/20/22	
CHARLIES CAR WASH LLC	FLEET CAR WASH	128.00	1280161	4/20/22	
CHICK-FIL-A	SENIOR LUNCH	193.50	1280161	4/20/22	
CENTRAL MECHANICAL WICHITA,LLC	UNIT #7 HEATER REPAIR	260.00	67745	4/19/22	
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC	754.02	1280065	4/16/22	
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC	79.13	1280064	4/16/22	
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC	194.64	1280066	4/16/22	
DIGITAL OFFICE SYSTEMS	KONICA MINOLTA C224:	88.14	67746	4/19/22	
DILLONS #0056	SENIOR CLUB MEAL	9.98	1280161	4/20/22	
DYNAMIC DISTRIBUTION CO	DISC GOLF BASKETS x9	3,600.00	67747	4/19/22	
MATTHEW J HERMES	ALLEY PARK & RETENTION POND MOW	405.00	67748	4/19/22	
EMPOWER RETIREMENT 457	EMP VLNTRY 457	250.00	1280052	4/13/22	
EPIC SPORTS, INC.	SOCCER BALLS, CONES, WHISTLES	93.10	1280161	4/20/22	
EVERGREEN RECYCLE	MULCH FOR TREES	624.00	67749	4/19/22	
EWING	IRRIGATION SUPPLIES	384.46	67750	4/19/22	
FAIRFIELD INN & SUITE SALINA	TRAVEL:GORDON TRAINING	413.76	1280161	4/20/22	
FICA/FEDERAL W/H	FED/FICA TAX	16,205.13	1280048	4/13/22	
FREMAR CORPORATION	ROCK FOR PW MAINT YARD	1,172.81	67751	4/19/22	
GALLS, LLC	UNIFORM/ACCESSORIES & SUPPLIES	183.36	67752	4/19/22	
HASTY AWARDS	INDOOR SOCCER AWARDS	140.53	67753	4/19/22	
HEALTH CARE FLORAL	REFUND	69.90-	1280161	4/20/22	
HOBBY-LOBBY #0009	SPRING BREAK CAMP SUPPLIES	3.49	1280161	4/20/22	
IAPMO ONLINE STORE	2 YEAR MEMBERSHIP K PRICE	405.00	1280161	4/20/22	
ICMA MEMBERSHIP	2022 ICMA DUES:LASHER JOB	1,237.00	67754	4/19/22	
INDEED	JOB ADVERTISING	222.73	1280161	4/20/22	
ISRA S ABUALHAYJA	COMMUNITY RM DEPOSIT REFUND	150.00	67756	4/19/22	
IWORQ SYSTEMS, INC	PZ PERMITTING SOFTWARE	9,896.00	67757	4/19/22	
JASONS DELI Q25	MEAL WITH MANAGER	113.47	1280161	4/20/22	
JOHNSON CONTROLS FIRE PROTECTI	FIRE ALARM MONITORING:CH	1,502.50	67759	4/19/22	
JULIAN MICKENS	BEL AIRE COURT RESTITUTION	77.50	67760	4/19/22	
KTA - TRANSA TEMP - RET	TOLLS	41.65	1280161	4/20/22	
KANSAS ASSOC CHIEFS OF POLICE	KACP CONF REGISTRATION:ATTEBER	350.00	1280161	4/20/22	
KS EMPLOYMENT SECURITY FUND	1ST QTR 2022 UNEMPLOYMENT	3,696.79	1280175	4/14/22	
KANSAS DEPT OF REVENUE	STATE TAX	2,730.21	1280051	4/13/22	
KANSAS GAS SERVICE	GAS SVC:MAINT SHOP	192.79	1280081	4/25/22	
KANSAS GAS SERVICE	GAS SVC:REC	590.36	1280083	4/25/22	
KANSAS GAS SERVICE	GAS SVC:CH	506.88	1280079	4/25/22	
KANSAS GAS SERVICE	GAS SVC:POOL	71.90	1280080	4/25/22	
K P E R S	KPERS 2	10,191.42	1280050	4/13/22	
KANSAS STATE FOP	BEL AIRE PD DUES	440.00	67762	4/19/22	
KS.GOV ONLINE PAYM	KCJIS TRAINING:GORDON	101.48	1280161	4/20/22	
TY LASHER	CHRISTMAS FEST AWARDS	290.00	67763	4/19/22	
LAUTZ LAW LLC	CRT APPTD DEFENSE ATTY	188.00	67764	4/19/22	
LIBERTY AUTO CITY	HUB CAPS:ADMIN #29	310.18	1280161	4/20/22	
LOGMEIN USA, INC	REMOTE SOFTWARE	132.00	1280161	4/20/22	
MENARDS WICHITA EAST	ELECTRICAL TESTER	24.98	1280161	4/20/22	

CLAIMS REPORT

Vendor Checks: 4/13/2022- 4/25/2022

Payroll Checks: 4/13/2022- 4/25/20

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
MOORE WATER TREATMENT	03/22 WATER SERVICE		81.05	67766	4/19/22
NEEC	2022 CERTIFICATION MEMBERSHIP		75.00	1280161	4/20/22
NATION ALLY FOR YOUTH SPORT	COACH CERTIFICATION		200.00	1280161	4/20/22
OLIVE GARDEN	SENIOR CLUB MEAL		234.99	1280161	4/20/22
P P & J CONSTRUCTION INC	ALLEY PARK PARKING STALLS		5,675.00	67768	4/19/22
PAYLOCITY CORPORATION	FSA EMPLOYEE EXPENSE	258.42		1280187	4/15/22
PAYLOCITY CORPORATION	FSA EMPLOYEE EXPENSE	160.01	418.43	1280188	4/22/22
PITNEY BOWES GLOBAL FINANCIAL	POSTAGE REFILL 04/21/22-AUTOFILL	500.00		1280189	4/21/22
PITNEY BOWES GLOBAL FINANCIAL	POSTAGE REFILL 03/21/22 INVOICED	500.00	1,000.00	1280190	4/25/22
QUILL	COURT PRINTER		441.23	1280192	4/25/22
RESTREAM, INC.	LIVE STREAM SERVICE		15.20	1280161	4/20/22
SAMSCUB #6418	SR/CONCESSION/DAY CAMP		215.45	1280161	4/20/22
SASHIA BEARD	REFUND BASEBALL REGISTRATION		38.00	67770	4/19/22
SEDGWICK CO DEPT OF FINANCE	03/22 PRISONER HOUSING FEES		687.96	67771	4/19/22
RASHELL D LASHBROOK	05/22 JANITORIAL SVC:CH/REC		2,618.19	67773	4/19/22
JR SIMPLOT COMPANY	FERTILIZER/HERBACIDE BALLFIELD		2,800.00	67774	4/19/22
SPECTRUM PROMOTIONAL PRODUCTS	REC SPORTS SHIRTS		635.05	67775	4/19/22
SPROUT SOCIAL	SOCIAL MEDIA TOOL		50.15	1280161	4/20/22
SUMNER GROUP INC	KYOCERA TA3553CI CONTRACT		394.72	67776	4/19/22
THE HOME DEPOT 2204	PARK TRASH CANS/CHAINS		232.75	1280161	4/20/22
TREE TOP NURSERY & LANDSCAPE	CONTRACT MOWING		359.99	67777	4/19/22
TRIBUTE STORE	FUNERAL FLOWERS		87.89	1280161	4/20/22
ICMA RETIREMENT 304804	CITY MGR 457		998.82	1280049	4/13/22
VISTA PRINT	CODE ENFORCEMENT BUS CARD		103.48	1280161	4/20/22
WAL-MART #1507	SR/SPRING BREAK CAMP		232.49	1280161	4/20/22
ENFORCEMENT VIDEO, LLC	WATCHGUARD SOFTWARE MAINT x6		900.00	67779	4/19/22
WEATHERTECH DIRECT LLC	FLOOR MATS:ADMIN #29		201.99	1280161	4/20/22
WHJB/SB LEAGUE	LEAGUE FEES		480.00	67780	4/19/22
LAFE T WILLIAMS & ASSOCIATES,	JANITORIAL SUPPLIES		268.93	67781	4/19/22
WOODEN BRIDGE PLAN	FOOTBRIDGE PLANS		40.00	1280161	4/20/22
WICHITA STATE UNIVERSITY	KSGFOA SPRING CONF:T HENRY		180.00	1280161	4/20/22
YOURMEMBER-CAREERS	KRPA JOB POSTING		75.00	1280161	4/20/22
ZIPS #4	PZ CAR WASH		8.60	1280161	4/20/22
01 GENERAL TOTAL			117,134.52		

WATER UTILITY					
BANK OF NEW YORK MELLON TRUST	04/22 WATER DEBT SVC	48,152.53		1280170	4/15/22
BANK OF NEW YORK MELLON TRUST	541071:04/22 O&M WATER	39,351.50	87,504.03	1280172	4/15/22
BEST BUY 00000513	MICROSOFT OFFICE:PW		125.00	1280161	4/20/22
BLUE CROSS & BLUE SHIELD OF KS	05/22 ID:0421210		5,706.47	1280174	4/20/22
CENTRAL PS&S HOLDINGS, LLC	STERLING TRUCK-REPAIR SUPPLIES		100.75	67743	4/19/22
CHISHOLM CREEK UTILITY AUTH.	04/22 CUA CONTINGENCY		3,000.00	67744	4/19/22
COX COMMUNICATIONS, INC	I.T.BACKUP:WATER TOWER		77.48	1280067	4/14/22
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC		51.41	1280065	4/16/22
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC		94.96	1280064	4/16/22
DIGITAL CHECK CORP	RECEIPT PRINTER INK		60.11	1280161	4/20/22
FICA/FEDERAL W/H	FED/FICA TAX		2,458.27	1280048	4/13/22
FREMAR CORPORATION	ROCK FOR PW MAINT YARD		808.71	67751	4/19/22
KS EMPLOYMENT SECURITY FUND	1ST QTR 2022 UNEMPLOYMENT		568.74	1280175	4/14/22
KANSAS DEPT OF REVENUE	STATE TAX		432.89	1280051	4/13/22
KANSAS GAS SERVICE	GAS SVC:MAINT SHOP		231.35	1280081	4/25/22
KANSAS GAS SERVICE	GAS SVC:PUMPHOUSE		142.82	1280082	4/25/22

CLAIMS REPORT

Vendor Checks: 4/13/2022- 4/25/2022

Section VIII, Item A.

Payroll Checks: 4/13/2022- 4/25/2022

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
KANSAS GAS SERVICE	GAS SVC:CH		34.56	1280079	4/25/22
K P E R S	KPERS TIER 3		1,445.06	1280050	4/13/22
LINSTAR INC	ID CARDS:UB		12.80	67765	4/19/22
MENARDS WICHITA EAST	DRILL BITS		53.24	1280161	4/20/22
POSTMASTER	04/22 POSTAGE:UTILITY BILLS		417.86	67769	4/19/22
PUBLIC WORKS & UTILITIES	6,759,000 GAL:03/04-04/05/22		30,620.96	1280191	4/25/22
RASHELL D LASHBROOK	05/22 JANITORIAL SVC:PW		103.22	67773	4/19/22
THE HOME DEPOT 2204	PW OVERHANG REPAIRS		697.19	1280161	4/20/22
USPS PO 1946750085	MAIL WATER SAMPLES		28.80	1280161	4/20/22
UTILITY SERVICE CO, INC	S WATER TWR MAINT CONTR:2ND QT		5,045.50	67778	4/19/22
02 WATER UTILITY TOTAL			139,822.18		
SEWER UTILITY					
BANK OF NEW YORK MELLON TRUST	04/22 WASTEWATER DEBT SVC	60,746.55		1280171	4/15/22
BANK OF NEW YORK MELLON TRUST	541071:04/22 O&M WASTEWATER	34,587.74	95,334.29	1280173	4/15/22
BEST BUY 00000513	MICROSOFT OFFICE:PW		124.99	1280161	4/20/22
BLUE CROSS & BLUE SHIELD OF KS	05/22 ID:0421210		2,844.64	1280174	4/20/22
CARLSON HYDRAULICS	CRANE TRUCK CYLINDER REPAIR		388.80	1280161	4/20/22
CHISHOLM CREEK UTILITY AUTH.	04/22 CCUA CONTINGENCY		2,820.00	67744	4/19/22
COX COMMUNICATIONS, INC	I.T.BACKUP:WATER TOWER		77.47	1280067	4/14/22
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC		51.41	1280065	4/16/22
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC		94.96	1280064	4/16/22
EMPOWER RETIREMENT 457	EMP VLNTRY 457		400.00	1280052	4/13/22
FICA/FEDERAL W/H	FED/FICA TAX		2,112.43	1280048	4/13/22
FREMAR CORPORATION	ROCK FOR PW MAINT YARD		682.50	67751	4/19/22
JCI INDUSTRIES, INC.	REPAIR HARDING LIFT ST PUMP		1,635.00	67758	4/19/22
KS EMPLOYMENT SECURITY FUND	1ST QTR 2022 UNEMPLOYMENT		568.74	1280175	4/14/22
KANSAS DEPT OF REVENUE	STATE TAX		339.98	1280051	4/13/22
KANSAS GAS SERVICE	GAS SVC:MAINT SHOP		231.35	1280081	4/25/22
KANSAS GAS SERVICE	GAS SVC:CH		34.57	1280079	4/25/22
K P E R S	KPERS TIER 3		1,264.30	1280050	4/13/22
LINSTAR INC	ID CARDS:PW		12.80	67765	4/19/22
MENARDS WICHITA EAST	PW OVERHANG REPAIR		462.72	1280161	4/20/22
POSTMASTER	04/22 POSTAGE:UTILITY BILLS		417.85	67769	4/19/22
QUILL	KEYBOARD/MOUSE UB CLERK		47.32	1280192	4/25/22
RASHELL D LASHBROOK	05/22 JANITORIAL SVC:PW		103.19	67773	4/19/22
THE HOME DEPOT 2204	DRILL BITS		37.91	1280161	4/20/22
03 SEWER UTILITY TOTAL			110,087.22		
SPECIAL STREET & HIWAY					
AFLAC	EMPLOYEE MONTHLY PREMIUM		138.08	1280168	4/18/22
BLUE CROSS & BLUE SHIELD OF KS	05/22 ID:0421210		2,083.06	1280174	4/20/22
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC		47.48	1280064	4/16/22
FICA/FEDERAL W/H	FED/FICA TAX		356.19	1280048	4/13/22
FREMAR CORPORATION	ROCK FOR PW MAINT YARD		682.53	67751	4/19/22
MANDJ, LLC	SWEEPER BATTERY		260.40	67755	4/19/22
KS EMPLOYMENT SECURITY FUND	1ST QTR 2022 UNEMPLOYMENT		113.75	1280175	4/14/22
KANSAS DEPT OF REVENUE	STATE TAX		43.94	1280051	4/13/22
KANSAS GAS SERVICE	GAS SVC:MAINT SHOP		115.67	1280081	4/25/22
K P E R S	KPERS		274.16	1280050	4/13/22
MENARDS WICHITA EAST	PW OVERHANG REPAIR		350.94	1280161	4/20/22

CLAIMS REPORT

Vendor Checks: 4/13/2022- 4/25/2022

Section VIII, Item A.

Payroll Checks: 4/13/2022- 4/25/2022

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
NATIONAL SIGN COMPANY, INC.	SIGNS, MATERIALS/SUPPLIES		835.43	67767	4/19/22
SEDGWICK CO EXTENSION ED CNTR	PESTICIDE MANUALS		31.00	1280161	4/20/22
THE HOME DEPOT 2204	AUGER BIT/HAMMER DRILL		135.97	1280161	4/20/22

	04 SPECIAL STREET & HIWAY TOTAL		5,468.60		
EQUIPMENT RESERVE					
SCHMIDT & SONS	2022 ROTARY MOWER PURCHASE		17,400.00	67782	4/21/22

	06 EQUIPMENT RESERVE TOTAL		17,400.00		
CAPITAL PROJECTS					
KANSAS DEPT OF TRANSPORTATION	RAIL SPUR LOAN PYMNT #80		3,877.06	67761	4/19/22

	09 CAPITAL PROJECTS TOTAL		3,877.06		
LAND BANK FUND					
SEDGWICK COUNTY TREASURER	2021 2ND HALF LANDBANK SPECIAL		65,425.30	67772	4/19/22

	10 LAND BANK FUND TOTAL		65,425.30		
			=====		
	Accounts Payable Total		459,214.88		
Payroll Checks					

	01 GENERAL		49,583.72		
	02 WATER UTILITY		6,605.12		
	03 SEWER UTILITY		5,591.78		
	04 SPECIAL STREET & HIWAY		1,245.97		

	Total Paid On: 4/13/22		63,026.59		
	01 GENERAL		50,068.31		
	02 WATER UTILITY		7,622.66		
	03 SEWER UTILITY		5,687.23		
	04 SPECIAL STREET & HIWAY		1,531.35		

	Total Paid On: 4/25/22		64,909.55		
			=====		
	Total Payroll Paid		127,936.14		
			=====		
	Report Total		587,151.02		
			=====		

Handwritten signature:
 1-7-21
 4.25.22

2022 Municipal Water Conservation Plan



City of Bel Aire

7651 E Central Park Avenue
Bel Aire, Kansas 67226
(316) 744-2451

Municipal Water Conservation Plan for the City of Bel Aire

Table of Contents

Introduction..... 2

Municipal Water Conservation Plan..... 3

 Long Term Water Use Efficiency.....3

 Water Use Conservation Goals.....3

 Figure 1 (Bel Aire GPCD).....4

Water Conservation Practices.....4

 Education.....4

 Management.....5

 Regulation.....6

Drought / Emergency Contingency..... 7

Stage 1: Water Watch..... 7

 Triggers.....7

 Goals.....7

 Education Actions.....7

 Management Actions.....7

 Regulation Actions.....7

Stage 2: Water Warning..... 8

 Triggers.....8

 Goals.....8

 Education Actions.....8

 Management Actions.....8

 Regulation Actions.....8

Stage 3: Water Emergency..... 9

 Triggers.....9

 Goals.....9

 Education Actions.....9

 Management Actions.....9

 Regulation Actions.....9

Plan Revision, Monitoring and Evaluation.....9

Introduction

The City of Bel Aire has undertaken a number of steps to ensure a dependable water supply for customers since 1980. The original water supply for the City of Bel Aire was obtained from wells in the Equus Beds Aquifer. In 1988, public concerns over the taste and quality of the Equus Bed water source prompted the City of Bel Aire to enter into a twenty year contract with the City of Wichita to supply potable water. A new contract was signed with the City of Wichita in 2018, securing a continued water supply through 2028. The City of Wichita obtains water from two sources; approximately 60% is surface water extracted from Cheney Reservoir, while the remaining 40% is ground water extracted from the Equus Beds near Halstead.

The City of Bel Aire served 3,675 residents in 1990, 10 years after incorporation. The City of Bel Aire's population has increased 125% to a total of 8,272 residents in 2021 (based on the most recent estimate from the US Census). Building growth increased 47.4% from 1,976 units in 2000 to 3,041 units in 2018. Under the current water contract with the City of Wichita, the City of Bel Aire is not allowed to service outside the service boundary agreement. However, a provision is included that allows the City of Bel Aire to add up to 320 acres outside the service area per year with consent from the City of Wichita. The two cities also agree to discuss other service expansion possibilities in the future.

In 2002, Bel Aire partnered with the City of Park City to create a regional utility system, known as the Chisholm Creek Utility Authority (CCUA). A new independent body was formed between the two cities to provide water and sewer services to both communities.

The CCUA constructed new water and wastewater treatment plants located in Park City. They went on-line in January 2003, providing services to both communities. Additional water rights were acquired from KGE (later Westar, now Evergy) to secure future growth. The Chisholm Creek Utility Authority receives its water from well fields in the vicinity of the CCUA facility.

Bel Aire receives its water from both CCUA and the City of Wichita, with the total average current demand capable of being supplied by a combination from both sources. The City of Bel Aire maintains a 1 million gallon water tower, as well as a 500,000 gallon water tower, for proper storage and pressure. Chlorine levels are monitored electronically at both the CCUA facility and the water towers, 24 hours a day. Daily testing occurs as required by KDHE to ensure safe drinking water for its customers.

The City of Bel Aire believes the Municipal Water Conservation Plan represents an additional step in providing citizens with a dependable water supply for years to come.

Municipal Water Conservation Plan

The primary objectives of the Municipal Water Conservation Plan for the City of Bel Aire are to develop long-term water conservation plans (Long-Term Water Use Efficiency Section) and short-term water emergency plans (Drought / Emergency Contingency Section) to assure the City customers have an adequate water supply to meet their needs. The efficient use of water also limits or postpones water distribution system expansion, thus limiting or postponing the resultant increase in debt, while conserving the limited water resources of the State of Kansas.

Long-Term Water Use Efficiency

Water Use Conservation Goals

The City of Bel Aire metered 295,966,800 gallons of water sold in 2021 or 18,798,200 fewer gallons than for year 2020. Based on the estimated US Census population of 8272 residents for 2021, this means that the City of Bel Aire had an average of 98 gallons per capita per day (GPCD) in 2021. This GPCD figure does not include:

- a) Water distributed for free public services (parks, swimming pool, etc.);
- b) Water lost by leaks or purging of lines in the water distribution system;
- c) Unaccounted water.

The GPCD figure is obtained by dividing the total gallons used throughout the system by the most recent population estimate from the US Census. It is a strict mathematical computation that does not take into account commercial, industrial, school and hospital water use; it does not mean that each resident of Bel Aire uses 98 gallons of water per day, rather it is just an indicator to see how the City of Bel Aire’s GPCD figure compares with other cities who may or may not have commercial, industrial, school and hospital water use. 2021 precipitation was 41.9 inches, which was 7.62 more inches than the annual average. The increase of 2021 precipitation is believed to account for a significant contribution to 2021’s decrease of 9 GPCD.

According to the United States Geological Survey, Public Supply Water Use in Kansas in 2015, the City of Bel Aire is located in Region 7M of Kansas. There are eight regions in Kansas, and Region 7 includes Bel Aire and its *Equus*-Walnut planning area. The “M” designates water suppliers for populations between 500 and 9999 people. 7M had an average usage of 97 GPCD from 2011 – 2015 compared to Bel Aire’s 114 GPCD for the same period, with an average use of 88.7 GPCD in 2020 in Bel Aire. Bel Aire’s average GPCD from 2011 – 2017 was 111 GPCD, representing a decrease in usage from 2011 – 2015, even though there has been continued residential and industrial development. Bel Aire achieved its GPCD goal of 107 not to exceed for 2021. Bel Aire’s 2022 GPCD goal is not to exceed 100, in anticipation of average rainfall.

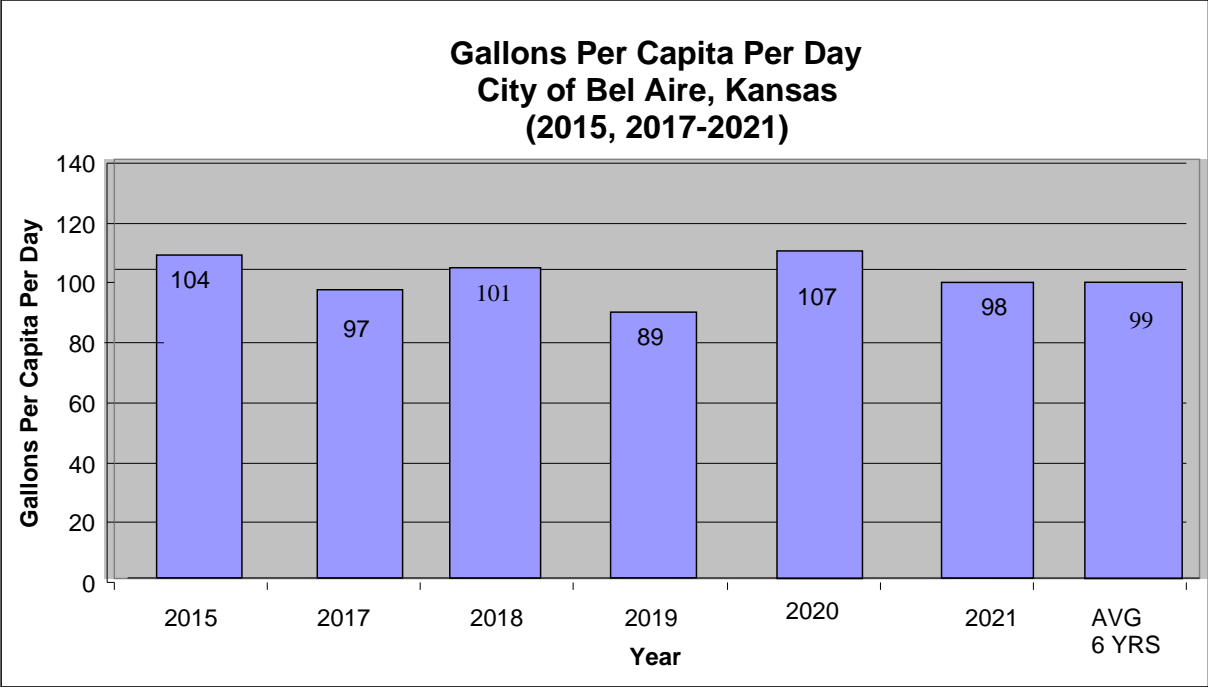


Figure 1 - Gallons Per Capita Per Day
Sources: Municipal Water Use Reports (2015), and Bel Aire Water Usages (2017-2021)

Water Conservation Practices

This subsection of the plan summarizes the current education, management, and regulatory efforts that relate to the long-term conservation of water in the City. Specific practices that will be undertaken to conserve water are listed and a target date to begin each practice is also indicated.

Education

The City water bills show the total number of gallons of water used during the billing period, along with the dollar amount of the bill; however, water conservation tips are not normally provided with the water bills. The City is performing ongoing education efforts to develop the community’s understanding of water issues and conservation as part of its “*Did You Know?*” information series provided in the *Breeze*, *Beacon*, and City web site. Other efforts could include water conservation pamphlets, media releases, public events and exhibitions, civic presentations, and promotion of landscapes capable of thriving on small water usage. The City of Bel Aire will also participate in any educational campaigns that the City of Wichita publicizes for water conservation.

The City has chosen the following conservation practices and target dates for the Education Component of the Long-Term Water Use Efficiency Section of our Water Conservation Plan.

Education Conservation Practices	Target Date
1. Water Conservation Plan copies available to public	Ongoing
2. Provide information to the general public about lawn water needs on a regular basis during summer months	Ongoing
3. Utility bills will show the amount of water used in gallons and the cost of the water for the current billing period and previous year's usage	Ongoing
4. Water conservation articles, tips and issues will be discussed each month during the summer through local Cox cable Channel 7 and in <i>The Breeze</i> newspaper and <i>Beacon</i> e-letter. A "Did You Know?" information series has begun in these media.	Ongoing
5. Local schools and teachers will be encouraged to become involved in water conservation with information provided by the City and to utilize the educational resources of Wichita's W.A.T.E.R Center at 101 East Pawnee, telephone 316.350.3387	Ongoing
6. Make available information on water conserving landscape practices through publications, local news media, seminars, utility billing inserts, or other appropriate means.	Local Cox cable Channel 7 & City website – ongoing

Management

The City of Bel Aire maintains a water meter for each water customer. The water meters are read on a monthly basis, on or about the tenth (10th) of each month, and customers are billed accordingly. Water meters are installed for all Residential and Commercial customers. Customer meters are scheduled for an accuracy check and possible repair or replacement upon receiving a request to do so from the customer. Water leaks from the City public water distribution systems are repaired when customers report significant leaks in water mains or when located by City personnel. Water pressure is checked and monitored 24 hours per day, 7 days per week, or if a customer is concerned that their water pressure is too low. In 2015, all outdated residential meters within the City were replaced with new, radio-read meters. This improved the accuracy of these meters and allow the City to better track water usage and leaks.

The City of Bel Aire charges customers a base rate as well as a consumption rate per 1,000 gallons used. Consumption rates are based on a progressive rate structure that increases as consumption increases. This rate structure is in place to encourage conservation and is in line with the requirements of the contract with the City of Wichita. The contract with Wichita does include a "take-or-pay" provision, which was revised in 2018.

The City of Bel Aire realizes that greater emphasis must be placed on maintaining accurate measurement of water use in total at customer meters, which is now within 10% of total water

produced, and that a water-use records system must be maintained, that can be used to effectively and efficiently manage the City public water distribution system.

Management Conservation Practices to be Taken	Target Date
1. All source water will have meters installed and the meters will be repaired or replaced within two weeks when malfunctions occur	Current Operating Policy
2. Meters for source water will be tested for accuracy at least once every three years. Meters will be replaced if they fail to meet industry standards	Current Operating Policy
3. Meters at each individual service connection will be replaced if they are not within industry standards	Current Operating Policy
4. All meters for source water will be read monthly. Meters at individual service connections will be read at least once a month or more as determined necessary	Current Operating Policy
5. The City will implement a water management review, which will result in a specified change in water management practices or implementation of a leak detection and repair program or plan, whenever the amount of lost exceeds 10% of annual source water	Current Operating Policy
6. Water charges will be based on the amount of water used (per 1,000 gallons of metered consumption)	Current Operating Policy
7. A water rate structure designed to curb excessive use of water will continue	Current Operating Policy
8. Develop and implement a program to incorporate water conserving landscape principals into future City landscape development projects, including renovation of existing landscape	Ongoing
9. Develop and implement an irrigation management program for City irrigated grounds	Current Operating Policy
10. Encourage the recycling of wastewater for selected industrial or irrigation purposes	Current Operating Policy

Regulation

The City of Bel Aire currently regulates water conservation through an adopted Water Policy, the city code (municipal code), the enforced Plumbing Code, and regulations imposed by the City of Wichita. Municipal codes are available at: <http://belaireks.gov/documentcenter>.

A Wholesale Water Sales Agreement with the City of Wichita requires Bel Aire to enforce any restrictive measures when such measures are placed on wholesale customers served by Wichita. The service agreement between the City of Bel Aire and the Chisholm Creek Utility Authority is subject to availability and capacity restrictions of the CCUA facility. The City will pursue further corrective action as circumstance dictate.

Regulation Action to be Taken	Target Date
1. All new or renovated construction will install toilets that use no more than 1.6 gallons per flush or less and low flow showerheads that use 2.5 gallons per minute or less.	Enforced through Plumbing Code
2. Other appropriate regulation actions	As Circumstances Dictate

Drought / Emergency Contingency

The City of Bel Aire will address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals and actions. Each stage is more stringent in water use than the previous stage as water supply conditions deteriorate. The City Manager is authorized by ordinance (No. 387) to implement the appropriate conservation measures.

STAGE 1: WATER WATCH

Triggers

Currently, the City of Bel Aire is governed by water restrictions imposed by the City of Wichita and the Chisholm Creek Utility Authority's ability to supply and/or distribute water to Bel Aire. This Water Watch Stage is triggered by any one of the following conditions:

1. The City storage has fallen below 70% capacity and has a slower than normal recovery rate.
2. Demand for one day is in excess of 1.6 million gallons per day (mgd).
3. Provider of purchased water has issued a Stage 1 Water Watch.

Goals

The goals of this stage are to heighten awareness of the public on water conditions and to maintain the integrity of the water supply system.

Education Actions

The City will make occasional news releases on Cox cable Channel 7, The Bel Aire Breeze, utility billing inserts, and other media outlets describing present conditions and indicating the water supply outlook. Notification will be broadcast on Cox cable Channel 7 and other possible communication methods indicating water watch status and will include water conservation information.

Management Actions

1. Leaks will be repaired as soon as detected; work will be completed within 48 hours of detection or as soon as possible depending on severity of the leak.
2. The City monitors its use of water and will curtail activities such as hydrant flushing and street cleaning.

Regulation Actions

Regulations in Stage 1 will be advisory. The public will be asked to curtail outdoor water use and to make efficient use of indoor water, i.e. wash full loads, take short showers, don't let faucets run, etc.

STAGE 2: WATER WARNING

Triggers

Currently, the City of Bel Aire is governed by water restrictions imposed by the City of Wichita and the Chisholm Creek Utility Authority's ability to supply water to Bel Aire. The Water Warning Stage is triggered by any one of the following conditions:

1. The City storage cannot be maintained above 60% capacity or has a slower than normal recovery rate.
2. Demand for one day is in excess of 1.8 million gallons per day (mgd).
3. Provider of purchased water has issued a Stage 2 Water Warning.

Goals

The goals for this stage are to reduce peak demand by 20% and to reduce overall weekly consumption by 10%.

Education Actions

1. The City will make weekly news releases for media outlets and post information at City sites describing present conditions and indicating the water supply outlook for the upcoming week.
2. Water conservation articles will be provided to The Breeze and information will be shown on Channel 7, the City website, and at other City communication outlets.

Management Actions

1. The City water supply is monitored 24 hours a day.
2. Leaks will be repaired within 24 hours of detection; outside contractors may be used to make repairs if needed.
3. The City will curtail its water usage, including operations of fountains, watering of City grounds, filling of swimming pools and washing of vehicles.
4. The City Manager may direct city police to enforce water conservation policies that could include citations or termination of service.
5. If a leak is found in a customer's line, water service may be turned off while repairs are being made.

Regulation Actions

1. An odd / even watering system will be imposed on City residents. Residents with odd numbered addresses will water on odd days; even addresses will water on even days
2. Outdoor water use, including lawn watering and car washing will be restricted to before 5:00 a.m. and after 11:00 p.m.
3. Refilling of swimming pools will not be allowed.
4. Waste of water, as defined by the Water Drought/ Emergency Ordinance (Section 2, Item C) will be prohibited.

STAGE 3: WATER EMERGENCY

Triggers

Currently, the City of Bel Aire is governed by water restrictions imposed by the City of Wichita and the Chisholm Creek Utility Authority's ability to supply water to Bel Aire. The Water Emergency Stage is triggered by any one of the following conditions:

1. The City storage cannot be maintained above 50% capacity and will not recover.
2. Demand for one day is in excess of 2.0 million gallons per day (mgd).
3. Provider of purchased water has issued a Stage 3 Water Emergency.
4. Emergency conditions related to repairs or water quality control.

Goals

The goals of this stage are to reduce peak demands by 50% and to reduce overall weekly consumption by 25%.

Education Actions

1. The City will make daily news releases to media outlets and at City sites describing present conditions and indicating the water supply outlook for the next day
2. The City will hold public meetings to discuss the emergency, the status of the City water supply and further actions which need to be taken.

Management Actions

1. The City water supplies and storage will be monitored 24 hours a day.
2. Leaks will be repaired as soon as possible and damaged line will be taken out of service until repairs can be made or until an outside contractor can make necessary repairs.
3. The City will seek additional emergency supplies from other users, the state or federal government.
4. The City Manager will direct the police to enforce water conservation policies that could include citations and termination of service.
5. If a leak is found in a customer's line, water service may be turned off while repairs are being made.

Regulation Actions

1. Outdoor water use will be banned.

2. Waste of water, as defined by the Water Drought/ Emergency Ordinance (Section 2, Item C), will be prohibited.

Plan Revision, Monitoring & Evaluation

The City of Bel Aire will establish a monthly management practice of reviewing monthly totals for water production, residential/commercial sales, water provided free-of-charge, and “unaccounted for water.” Problems noted during the monthly review will be solved as soon as possible.

The City of Bel Aire Municipal Water Conservation Plan will be reviewed during the month of March each year and on a more frequent basis during drought or other water shortage conditions. If the water conservation GPCD goals for the previous year are not met, the City will review data collected from the previous year in relationship to the status and effectiveness of the conservation practices that are outlined in our plan and will provide a status report to the Kansas Water Office which will also include any additional water conservation practices that may need to be taken in order for the City to achieve and maintain its water use conservation GPCD goals.

Adopted this _____ day of _____, 2022

by the Bel Aire City Council.

Jim Benage, Mayor

Melissa Krehbiel, City Clerk

(First Published in the Ark Valley News on May ____, 2022.)

THE CITY OF BEL AIRE, KANSAS

ORDINANCE NO. ____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM AG AGRICULTURAL ZONING (AG)TO MANUFACTURING (M-1) ZONING ON CERTAIN PROPERTY ALONG K-254 AND ROCK ROAD, LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS.

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

Legal Description

E1/2 NW1/4 EXC FOR RD ON N SEC 17-26-2E and W1/2 NE1/4 SEC 17-26-2E

WHEREAS, A public hearing was convened on the matter of rezoning the afore described tract on April 14, 2022, by the Planning Commission for the City of Bel Aire, Kansas in conformance with the requirements set forth in Article Five of the Zoning Regulations of the City of Bel Aire, Kansas;

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

WHEREAS, The Planning Commission for the City of Bel Aire, Kansas recommends approval of the application by the property owner to change the tract of land, as described above, FROM AGRICULTURAL ZONING (AG)TO **MANUFACTURING (M-1) ZONING** USES ;

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

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

SECTION 1. The Governing Body supports the recommendation of the Bel Aire Planning Commission, and approves the rezoning of the tract of land from AGRICULTURAL ZONING (AG)TO MANUFACTURING (M-1) ZONING USES

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

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

Passed by the City Council this ____ day of May, 2022.

Approved by the Mayor this ____ day of May, 2022.

/s/ JIM BENAGE, MAYOR

ATTEST:

/s/ MELISSA KREHBIEL, CITY CLERK

ZONING CHANGE APPLICATION CITY OF BEL AIRE, KANSAS

An application to change a land use of a property falls under the City of Bel Aire zoning regulations titled "Zoning District Change". A site plan is required as part of every zoning change application submitted to the City. This document will be used for meetings and public hearings regarding your request and should be neat, legible, well labeled, and drawn to scale. Submit the site plan to:

City Hall
7651 E Central Park Ave
Bel Aire, Kansas 67226
Attention: City Administrator

The site plan must contain the following elements:

1. **Sheet Size:** The site plan should be no larger than 11" x 17" and no smaller than 8 ½" x 11". Site plans for larger projects (greater than 6 acres), may be larger, with the approval of City Staff.
2. **Title:** A brief description of the zoning change.
3. **Applicant Name:** Name of the applicant and the agent who prepared the drawing, if applicable.
4. **North Arrow:** Indicate the north direction with respect to the project, Lot, or structure.
5. **Scale:** The scale should be adequate to portray the project, Lot, or structure on the sheet size required. For example, a Lot that is 70 feet by 100 feet can adequately be portrayed at a scale of 1" = 20' (in inch equals 20 feet) on an 11" x 17" sheet of paper. The scale should not be smaller than 1" = 20' and 1" = 50' for larger properties.
6. **Dimensions:** In addition to adequate scale representation, all key features (lot, buildings, driveways, etc.) on the site plan shall have dimensions in feet noted for all sides.
7. **Legal Description:** Legal description of Lot(s) or parcels requiring a zoning change. This description can be in the form of Lots and Blocks.
8. **Existing Conditions:** Indicate all structures and features as they exist on the property. These should be drawn to scale, as described above, and shall include, but not be limited to:
 - All structures and buildings
 - Parking Spaces
 - Fences
 - Significant trees or stands of trees
 - Other landscaping

- Floodplains
- Water area or features
- Significant topographical features
- Utilities, above and below ground
- Drainage patterns

9. All required zoning setbacks and easements: Using a dashed line, indicate all required zoning setbacks and utility, drainage, or other easements relative to the project, Lot(s), or structure.

10. All roads/streets adjacent to the property and access points off of those roads: Indicate all roads/streets, including the rights-of-way that surround or intersect the property, including alleys. Indicate all points of access (driveways) from the streets to the project, Lot (s), or structure. Indicate how each road/street is developed, e.g. paved, dirt, undeveloped.

11. Surrounding structures and uses if appropriate: Indicate surrounding uses and zoning as they apply to the request.

12. Modifications by the zoning change: Indicate any modifications to the existing structures or features that will result if the zoning change request is approved. If these modifications or additions are extensive, a second site drawing might be necessary to clarify the changes. These modifications or new features may include, but are not limited to:

- Buildings
- Structures
- Parking areas
- Vehicular drives
- Pedestrian walks
- Location and height of light fixtures
- Location of trash receptacles and loading areas
- Landscaped areas

13. An application shall be accompanied by a current abstractor's certificate containing a legal description of the area in the application as well as the name and address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the prescribed distance measured from the perimeter of the application area.

14. An application for zoning change shall be accompanied by the appropriate filing fee, (\$500.00 plus publication) and is payable to the City of Bel Aire.

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: AG to M-1
- ☐ Amendments to Change Zoning Districts _____

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner City of Bel Aire Land Bank

Address 7651 E Central Park Ave Telephone 316-744-2451

Agent representing the owner _____

Address _____ Telephone _____

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.
E1/2 NW1/4 EXC FOR RD ON N SEC 17-26-2E and W1/2 NE1/4 SEC 17-26-2E

2. The application area contains 150 +/- acres.

3. This property is located at (address) 8327 E 61st N which is generally located at (relation to nearest streets) 254HWY and Rock Road.

4. The particular reason for seeking reclassification:

City Development , see attachment

5. County control number: 00540930, 00540930

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 City Of Bel Aire Phone 316-744-2451
Address 7651 E Central Park Ave Zip Code 67226

Agent _____ Phone _____
Address _____ Zip Code _____

2. Applicant _____ Phone _____
Address _____ Zip Code _____

Agent _____ Phone _____
Address _____ Zip Code _____

3. Applicant _____ Phone _____
Address _____ Zip Code _____

Agent _____ 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.


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.

ZON-22-01 site plan

The City of Bel Aire, Sedgwick County, Kansas, E1/2 NW1/4 EXC FOR RD ON N SEC 17-26-2E and W1/2 NE1/4 SEC 17-26-2E consisting of approximately 150 (+-) acres, more or less



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 17th day of March, 2022, with subsequent publications being made on the following dates:

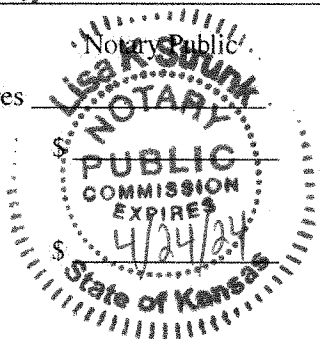
_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022



Subscribed and sworn to before me this 17th day of March, 2022.



My commission expires
Additional copies
Printer's fee



Public notice

(Published in the Ark Valley News on March 17, 2022.)
OFFICIAL NOTICE OF ZONING HEARING
TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:
Notice is Hereby Given that on April 14, 2022 the City of Bel Aire Planning Commission will consider the following re-zoning 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-22-01. Proposed re-zoning approximately 150+ acres zoned AG, to a M-1 Industrial Manufacturing. 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: 254HWY and East of N. Rock Road

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 11 day of March, 2022.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

(First Published in the Ark Valley News on May ____, 2022.)

THE CITY OF BEL AIRE, KANSAS

ORDINANCE NO. ____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM COMMERCIAL (C1) TO R-5B ZERO LOT LINE ZONING ON CERTAIN PROPERTY LOCATED ON ELK CREEK DRIVE AND EAST 45TH STREET NORTH, ALL LOCATED WHOLLY WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS.

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

Legal Description

The tract of land in Southeast Quarter of Section 19, Township 26 South, Range 2 East of the 6th P.M. Bel Aire, Sedgwick County, Kansas described as:

Lot 1, Block 11 of Elk Creek Addition.

WHEREAS, A public hearing was convened on the matter of rezoning the afore described tract on April 14, 2022, by the Planning Commission for the City of Bel Aire, Kansas in conformance with the requirements set forth in Article Five of the Zoning Regulations of the City of Bel Aire, Kansas;

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

WHEREAS, The Planning Commission for the City of Bel Aire, Kansas recommends approval of the application by the property owner to change the tract of land, as described above FROM COMMERCIAL (C1) TO R-5B ZERO LOT LINE ZONING;

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

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

SECTION 1. The Governing Body supports the recommendation of the Bel Aire Planning Commission, and approves the rezoning of the tract of land from FROM COMMERCIAL (C1) TO R-5B ZERO LOT LINE ZONING

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

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

Passed by the City Council this ____ day of May, 2022.

Approved by the Mayor this ____ day of May, 2022.

/s/ JIM BENAGE, MAYOR

ATTEST:

/s/ MELISSA KREHBIEL, CITY CLERK



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



RE-ZONING AND PLAT REVIEW

Address of proposed project: Rezoning and platting, Elk Creek, to Elk Creek 3rd

This report is to document that on 3.30.22 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 3/30/22

Keith Price
REVIEWED BY

Comments: The rezoning application, the preliminary and the final plat application are under the same case numbers and will be voted on separately by the planning commission. The planning commission reviewed a sketch plan. Paper copies of the revised plats based on this review will be provided by April 4th 8 am. PFD revisions also required. City engineers review will be separate.

- **Applications-**
- Street width is listed at 25'; city code indicates 29' to 35' road width.
- **Rezoning-**
- No comments for correction
- **Preliminary plat-**
- Everyg did request additional easements; I believe you were cced with the email containing the easements again both frontages of block A and B, Onegas didn't requires any additional easements.
- The fire code related to dead end streets may not apply based on the access from Elk Creek drive, and 45th St. A utility plan wasn't provided, road paving distance from fire hydrants is regulated by the fire code.

- Remove the word “addition” from the plat name, based on the city sub-reg.
- Current zoning of abutting properties wasn’t listed-R-5b Courtyards at Elk Creek; R-3- Elk Creek; C-1 south side of 45th St; and, R-6 west of the parcel.
- **Final plat-**
- James Schmidt is the Chair of the planning commission.
- Remove the word “addition” from the plat name, based on the city sub-reg.
- Everygy has been contacted, Onegas has been contacted. Everygy has provided a review, request an easement and light locations. Onegas had no requests at this time.
- The city engineer will contact KEmiller Engineering PA direct with any item not covered with this review.
- Provide drainage plan; would prefer lowest pad elevation list 1382+ based on the drainage information be shown on the final plat.
- The city 2018 Master growth plan figure 3.4 preferred Balanced Growth Residential suburban density.
- <http://www.belaires.gov/DocumentCenter/View/3245/Chapter-18A-Zoning-Regulations-Adopted-2016> contains the Zoning Code. The landscape requirements, lot size, etc.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.

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 17th day of March, 2022, with subsequent publications being made on the following dates:

_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022

[Signature]

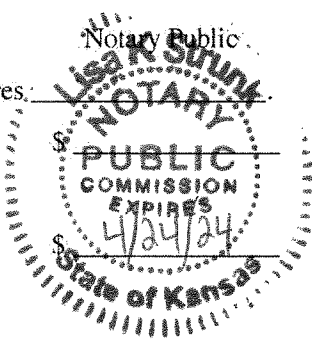
Subscribed and sworn to before me this 17th day of March, 2022.

[Signature]

My commission expires _____

Additional copies _____

Printer's fee _____



Public notice

(Published in the Ark Valley News on March 17, 2022.)
OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on April 14, 2022 the City of Bel Aire Planning Commission will consider the following re-zoning and re-platting 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-22-02. Proposed re-zoning and One-step platting approximately 3.35 acres zoned C-1, to a R-5b Zero Lot line for single-family houses at Elk Creek 3rd. 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: Elk Creek Dr. and E.45th St. N.

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 11 day of March, 2022.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

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: C-1 to R-5b

☐ Amendments to Change Zoning Districts _____

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner BARAKET PROPERTY LLC

Address 1200 E. MACARTHUR Telephone 316-519-3353

Agent representing the owner K.E. MILLER ENGINEERING PA

Address 117 E. LEWIS Telephone 316-264-0242

1. The application area is legally described as Lot(s) 1; Block(s) 11,
ELK CREEK Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached.

2. The application area contains 3.35 acres.

3. This property is located at (address) _____ which is generally
located at (relation to nearest streets) N.W. CORNER ELK CREEK DR & 45TH

4. The particular reason for seeking reclassification:

CHANGING ZONING TO BE ABLE TO BUILD ZERO LOT
LINE HOUSING

5. County control number: 00592063

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 BARAKEH PROPERTY Phone 519-3353
Address 1200 E. MAC ARTHUR Zip Code 67216-1839

Agent K.E. MILLER ENGINEERING Phone 264 0242
Address 117 E. LEWIS Zip Code 67202

2. Applicant _____ Phone _____
Address _____ Zip Code _____

Agent _____ Phone _____
Address _____ Zip Code _____

3. Applicant _____ Phone _____
Address _____ Zip Code _____

Agent _____ 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.

[Signature]
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

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

THE CITY OF BEL AIRE, KANSAS

ORDER OF VACATION NO

**AN ORDER VACATING A PORTION OF AN AC RIGHT OF WAY ON
CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE CITY
LIMITS OF THE CITY OF BEL AIRE, KANSAS.**

WHEREAS, The City of Bel Aire, Kansas, has applied for a vacation of its entitled platted Right of Way (ROW) abutting relevant easements for E. 54th St. N.

WHEREAS, Notice of the public hearing regarding vacation of the ROW was published in the Ark Valley News on March 17, 2022.

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

WHEREAS, A public hearing was held before the Bel Aire Planning Commission on April 14, 2022;

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

WHEREAS, In conformance with Section 10.04(B) of the Bel Aire Subdivision Code, the Planning Commission voted unanimously to recommend to the Governing Body approval of vacating a portion of a ROW upon the above described property.

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

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

1. The City of Bel Aire, Kansas, has applied for a vacation of its entitled platted Right of Way abutting relevant easements for E. 54th St. N.;
2. That due and legal notice has been given by publication as required by law, by publication in The Ark Valley News on March 17, 2022, was at least 20 days prior to the public hearing, written notification was mailed at least 20 days prior to the public hearing to all neighboring properties located with 200' of the subject property, and a public hearing was held on this request before the Bel Aire Planning Commission on April 14, 2022.
3. That following a public hearing, the Bel Aire Planning Commission found that no private rights will be injured or endangered by the vacation, the public will suffer no loss or inconvenience thereby, no written objection to said vacation has been filed with the City Clerk or the Planning Commission by any other property owner notified of the proposed vacation, and in justice to the applicants, the application to vacate a portion of the ROW ought to be granted.
4. That the Bel Aire Planning Commission unanimously voted to recommend that the Governing Body of the City of Bel Aire approve the requested vacation of its entitled platted Right of Way (ROW) abutting relevant easements for a portion of E. 54th St. N.

SECTION 2. The vacation of:

All of 54th Street right-of-way from the west line of Greenwich Road to the east line of Lot 2, Block A,; adjacent to Lots 9-10, Block A and Reserve B, Sunflower Commerce Park 2nd Addition to Bel Aire, Sedgwick County, Kansas.

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

Passed by the City Council this ____ day of May, 2022.

Approved by the Mayor this ____ day of May, 2022

MAYOR JIM BENAGE

ATTEST:

MELISSA KREHBIEL, CITY CLERK

SEAL

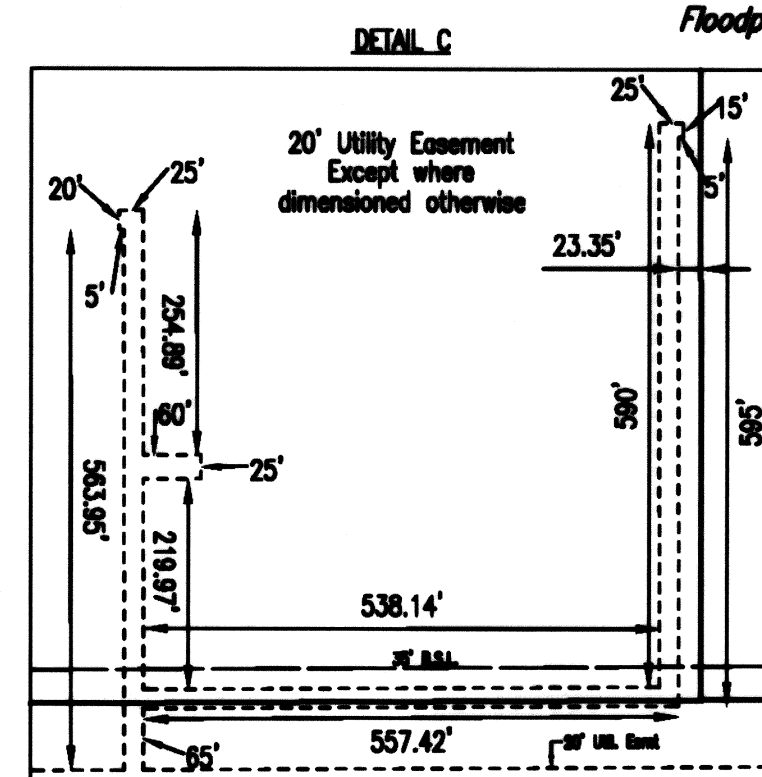
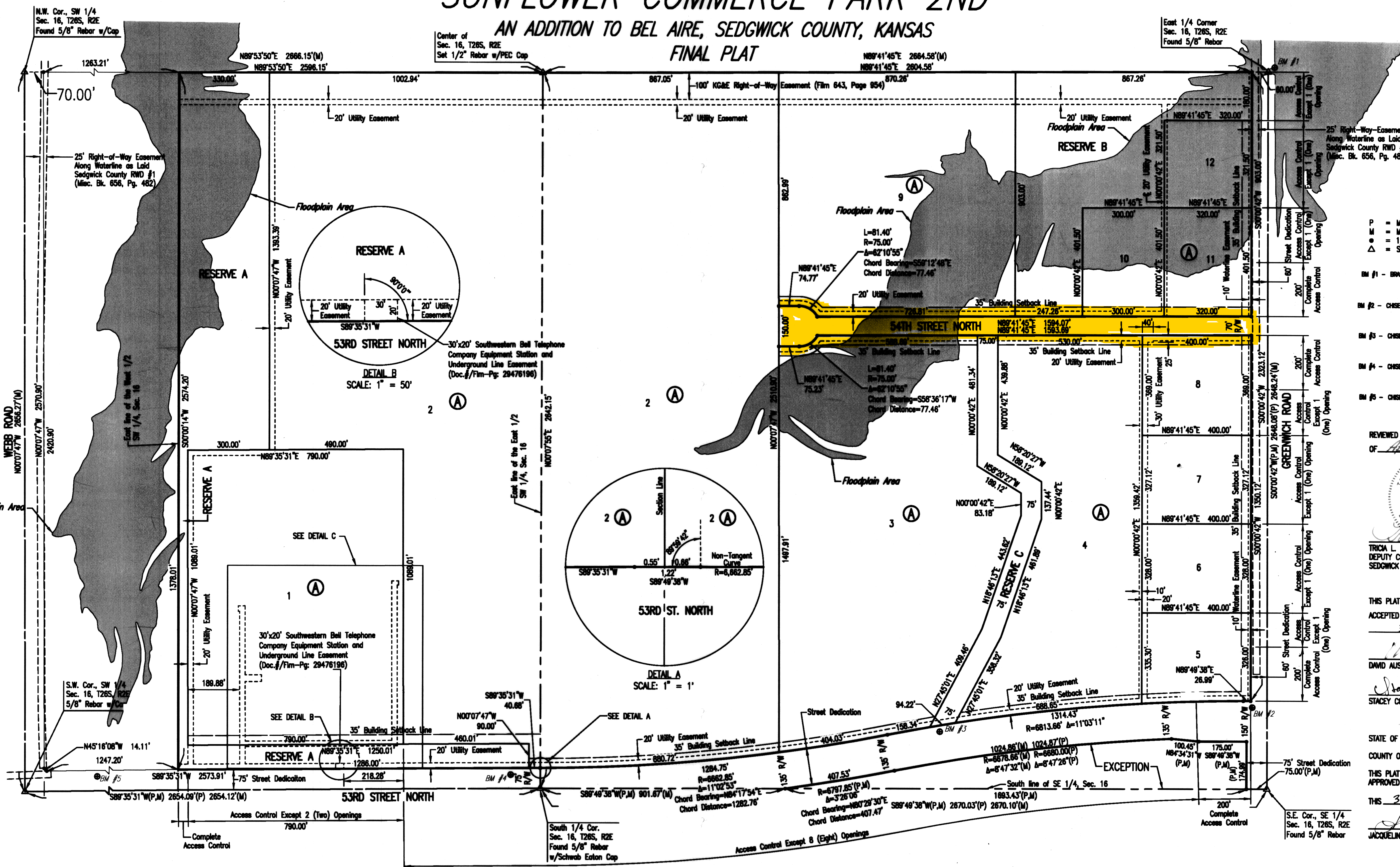
SUNFLOWER COMMERCE PARK 2ND

AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS

FINAL PLAT

Vacation area

KP

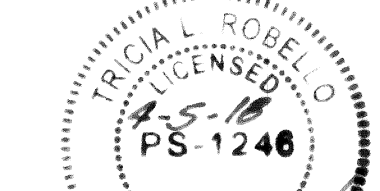


SCALE: 1" = 200'
PREPARED: FEBRUARY 17, 2018

LEGEND

- P = MEASUREMENT FROM THE PLAT OF SUNFLOWER COMMERCE PARK
 - M = MEASURED
 - 1/2" REBAR W/PEC CAP UNLESS OTHERWISE NOTED
 - Δ = SECTION CORNER
- REMARK LIST**
- BM #1 - BRASS DISK AT NORTH END OF THE EAST HUBSPIN OF A REINFORCED CONCRETE BOX ON GREENWICH ROAD 1/2 MILE NORTH OF 53RD STREET. ELEV.=1382.002 (MM088)
 - BM #2 - CHISELED SQUARE ON THE NORTH END WEST OF TWO CONCRETE CULVERTS WITH ENDS AT THE NORTHWEST CORNER OF 53RD STREET AND GREENWICH ROAD. ELEV.=1405.842 (MM088)
 - BM #3 - CHISELED SQUARE ON THE NORTHEAST END OF A REINFORCED CONCRETE BOX ± 100' WEST OF GREENWICH ROAD ON 53RD STREET. ELEV.=1408.482 (MM088)
 - BM #4 - CHISELED SQUARE ON THE NORTH END OF A REINFORCED CONCRETE BOX 1/2 MILE WEST OF GREENWICH ROAD ON 53RD STREET. ELEV.=1408.012 (MM088)
 - BM #5 - CHISELED SQUARE ON THE NORTHEAST END OF A REINFORCED CONCRETE BOX ± 120' EAST OF WEBB ROAD ON 53RD STREET. ELEV.=1403.082 (MM088)

REVIEWED IN ACCORDANCE WITH K.S.A. 58-2005 ON THIS 5th DAY OF April, 2018.



TRAVIS L. ROBELLO, LS #1246
DEPUTY COUNTY SURVEYOR
SEDGWICK COUNTY KANSAS

THIS PLAT IS APPROVED AND ALL DEDICATIONS SHOWN HEREON
ACCEPTED BY THE CITY COUNCIL OF THE CITY OF BEL AIRE, KANSAS, THIS 3rd DAY OF April, 2018.

DAVID AUSTIN MAYOR
STACEY COOK CITY CLERK

STATE OF KANSAS } SS
COUNTY OF SEDGWICK

THIS PLAT OF SUNFLOWER COMMERCE PARK 2ND HAS BEEN SUBMITTED TO AND
APPROVED BY THE CITY ATTORNEY OF BEL AIRE, SEDGWICK COUNTY, KANSAS,
THIS 3rd DAY OF April, 2018

JACQUELINE KELLY BEL AIRE CITY ATTORNEY

ENTERED ON TRANSFER RECORD THIS 6th DAY OF June, 2018.

KELLY ARNOLD COUNTY CLERK



THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE
REGISTER OF DEEDS OFFICE AT 10:45 AM, ON THE 6th DAY
OF June, 2018.

TONYA BUCKINGHAM, REGISTER OF DEEDS



JUDY J. PAGET
Data Recorded: 06/06/2018 03:02:23 PM
Receipt #: 2088310
Page Recorded: 2
Recording Fee: \$64.00

PEC PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
303 SOUTH TOPEKA WICHITA, KS 67202
316-262-2891 www.pec1.com

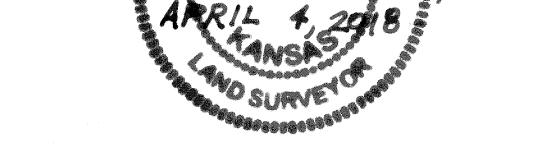
STATE OF KANSAS } SS
COUNTY OF SEDGWICK

WE, PROFESSIONAL ENGINEERING CONSULTANTS, P.A., ENGINEERS AND SURVEYORS IN
AFORSAID STATE AND COUNTY, DO HEREBY CERTIFY ON THIS 4th DAY
OF April, 2018, THAT WE HAVE SURVEYED AND PLATTED SUNFLOWER
COMMERCE PARK 2ND, AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS, INTO
LOTS, A BLOCK, STREETS, AND RESERVES, DESCRIBED AS FOLLOWS:

PARCEL 1:
THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 26 SOUTH, RANGE 2 EAST OF THE
SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; EXCEPT THAT PART PLATTED AS
SUNFLOWER COMMERCE PARK, AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS.

PARCEL 2:
THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 26 SOUTH,
RANGE 2 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS.

ALL PUBLIC EASEMENTS LYING WITHIN ABOVE DESCRIBED TRACT OF LAND
ARE HEREBY VACATED AND REPLATED BY VIRTUE OF K.S.A. 12-5126, AS
AMENDED.



ERNEST CANTU JR., P.E. NO. 1407
PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

EASEMENTS AS SHOWN FOR THE CONSTRUCTION AND MAINTENANCE OF
PUBLIC UTILITIES ARE HEREBY GRANTED.

ALL ADJUTERS' RIGHTS OF ACCESS TO AND FROM GREENWICH ROAD AND
53RD STREET NORTH ARE HEREBY GRANTED TO THE APPROPRIATE
GOVERNING BODY; PROVIDED THAT LOTS 5 THROUGH 8, 11, 12, BLOCK A,
AND RESERVE B SHALL HAVE ACCESS TO GREENWICH ROAD AT ONE (1)
LOCATION FOR EACH LOT AND RESERVE. LOTS 2 THROUGH 5, BLOCK A,
RESERVE C, AND THAT PORTION OF RESERVE A ADJACENT TO LOT 2
SHALL HAVE ACCESS TO 53RD STREET NORTH FOR A TOTAL OF EIGHT (8)
OPENINGS. LOT 1, BLOCK A SHALL HAVE ACCESS TO 53RD STREET
NORTH AT TWO (2) LOCATIONS ACROSS RESERVE A. ALL ACCESS
LOCATIONS SHALL BE AS APPROVED BY THE CITY ENGINEER.

ANY LAND DEDICATED TO OR OWNED BY A MUNICIPAL AUTHORITY SHALL BE
EXEMPT FROM ANY AND ALL ASSESSMENTS INCLUDING THOSE ASSESSED BY
BUSINESS ASSOCIATION COVENANTS, LAND WITHIN THIS PLAT OWNED BY AN
ORGANIZATION EXEMPT FROM TAXATION BY THE LAWS OF THE STATE OF KANSAS,
SHALL NOT BE SUBJECT TO ANY NON-TAXING AUTHORITY ASSESSMENTS
THROUGHOUT THE DURATION OF SUCH OWNERSHIP.

MINIMUM OPENING

BLOCK	LOTS	ELEVATION (MM088)
1	1, 2	* VARIES FROM 1394.0 TO 1403.0
2	3, 4	* VARIES FROM 1393.0 TO 1408.0
3	5 THRU 12	1391.0

* FINAL ELEVATION TO BE AS DIRECTED BY CITY ENGINEER BASED ON
STRUCTURE LOCATION WITHIN LOT.

A DRAINAGE PLAN HAS BEEN APPROVED FOR THIS PLAT. ALL DRAINAGE
EASEMENTS, RIGHTS-OF-WAY, OR RESERVES SHALL REMAIN AT ESTABLISHED
GRADES AND UNOBSERVED TO ALLOW FOR THE CONVEYANCE OF
STORMWATER, UNLESS MODIFIED WITH THE APPROVAL OF THE CITY
ENGINEER.

FEMA FLOODPLAIN AND REGULATORY FLOODWAY BOUNDARIES ARE SUBJECT
TO PERIODIC CHANGE, AND SUCH CHANGE MAY AFFECT THE INTENDED LAND
USE WITHIN THE SUBDIVISION.

RESERVES A, B AND C SHALL BE OWNED AND MAINTAINED BY A PROPERTY
OWNERS ASSOCIATION AND ARE HEREBY PLATTED FOR DRAINAGE AND
STORMWATER DETENTION PURPOSES, OPEN SPACE, AND UTILITIES CONFINED TO
EASEMENTS. RESERVE A SHALL ALSO ALLOW PRIVATE DRIVES AND UTILITY
SERVICE LINES TO SERVE LOTS 1 AND 2, BLOCK A AND CONTAINS A PRIVATE
AT&T EASEMENT AS SHOWN.

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED PROPERTY
OWNERS OF THE LAND AS ABOVE SET FORTH IN THE SURVEYOR'S CERTIFICATE,
HAVE CAUSED THE LAND TO BE SURVEYED AND PLATTED INTO LOTS, A BLOCK,
STREETS, AND RESERVES, THE SAME TO BE KNOWN AS SUNFLOWER COMMERCE
PARK 2ND, AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS.

OWNER:
CITY OF BEL AIRE, KANSAS PUBLIC BUILDING COMMISSION

GARY O'NEAL
GARY O'NEAL, PRESIDENT

OWNER:
EPIC REAL ESTATE DEVELOPMENT II, L.L.C.

GARY PROCTOR, MANAGER

STATE OF KANSAS } SS
COUNTY OF SEDGWICK

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 6th DAY OF
April, 2018, BY GARY O'NEAL, PRESIDENT OF BEL AIRE,
KANSAS PUBLIC BUILDING COMMISSION.

STACEY COOK NOTARY PUBLIC
MY APPOINTMENT EXPIRES 09/26/2020

STATE OF KANSAS } SS
COUNTY OF SEDGWICK

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 19th DAY OF
April, 2018, BY GARY PROCTOR, MANAGER OF EPIC REAL
ESTATE DEVELOPMENT II, L.L.C.

STACEY COOK NOTARY PUBLIC
MY APPOINTMENT EXPIRES 09/26/2020

THIS PLAT OF SUNFLOWER COMMERCE PARK 2ND HAS BEEN SUBMITTED TO
AND APPROVED BY THE BEL AIRE PLANNING COMMISSION, BEL AIRE, KANSAS,
AND IS HEREBY TRANSMITTED TO THE CITY COUNCIL OF BEL AIRE, KANSAS,
WITH THE RECOMMENDATION THAT SUCH PLAT BE APPROVED AS PROPOSED.

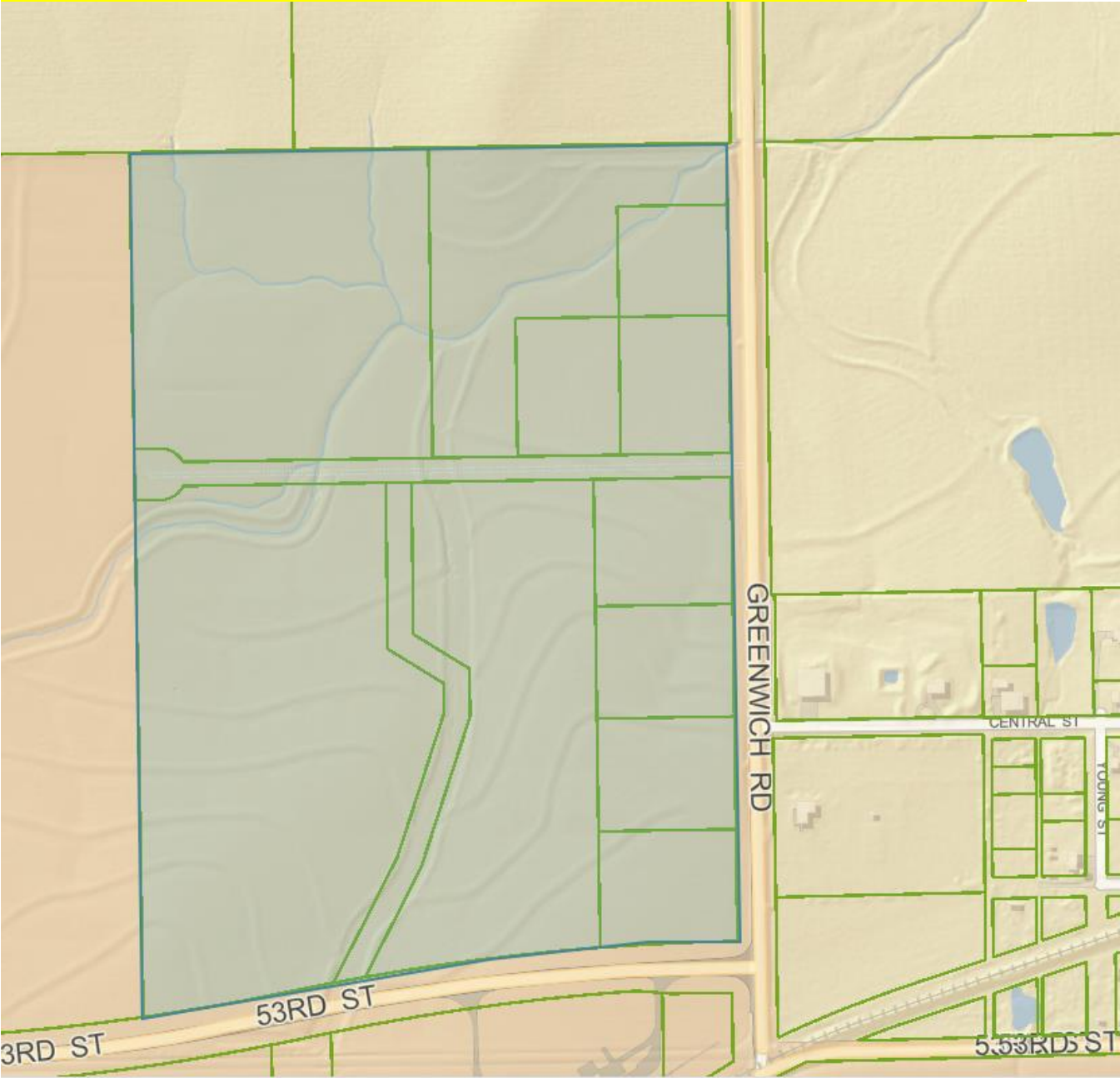
DATED THIS 15th DAY OF March, 2018.

JAMES SCHMIDT CHAIRPERSON

ATTEST:
KEITH PRICE SECRETARY

SEE SHEET NO. 2 FOR ADDITIONAL OWNERSHIP CERTIFICATE

All of 54th Street right-of-way from the west line of Greenwich Road to the east line of Lot 2, Block A; and Lot 10, Block A and Reserve B, Sunflower Commerce Park 2nd Addition to Bel Aire, Sedgwick County, Kansas.



Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Public notice

(Published in the Ark Valley News on March 17, 2022.)
OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTEREST-
ED:

Notice is Hereby Given that on April 14, 2022, the City of Bel Aire Plan-
ning Commission will consider the following "vacating a street and relevant
easements" change as scheduled on the agenda starting at 6:30 p.m. in the
council chamber at City Hall in Bel Aire, Kansas:

Case Numbers. V-22-01, platted Right of Way and abutting relevant
easements, E. 54th St. N.

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

General Location: West of Greenwich Rd. and 54th St. N.

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 wish-
es of all the persons interested in the case, the Governing Body may close
the hearing, if approved under the City sub-division regulations, would be
effectuated by ordinance or vacation order. The public hearing may be re-
cessed and continued from time to time without notice.

DATED this 11th day of March, 2022.

/s/ Anne Stephens
Planning Commission Secretary

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 week-
ly 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
17th day of March, 2022.
with subsequent publications being made on the
following dates:

_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022

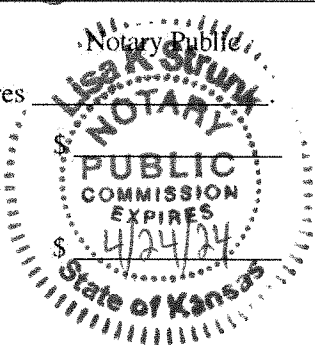
Subscribed and sworn to before me this 17th day
of March, 2022.

hks

My commission expires

Additional copies

Printer's fee



City of Bel Aire, Kansas



STAFF REPORT

DATE: April 26, 2022
 TO: Ty Lasher, City Manager
 FROM: Anne Stephens, Public Works Director
 RE: Skyview at Block 49 – Paving – Change Order 3

Proposal Focus:

Our Mission

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

Our Values

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

Current Situation:

In discussions between the Developer and the Contractor for the sidewalk at Skyview at Block 49, the Developer asked to have the sidewalk modified from 5" in depth to 6" in depth throughout the project.

Goals:

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

Discussion:

The City has constructed sidewalks in many different ways. Sometimes, sidewalks are constructed with the paving projects and sometimes they are constructed when houses are built. Both scenarios have their issues. When sidewalks are constructed with the paving process, builders and utility companies tend to drive heavy equipment over the sidewalks and break them. While it is fairly easy to have builders replace the sidewalk panels during the building process, it is nigh impossible to get utility companies to replace broken panels. Installing the sidewalks after the homes have been constructed and utilities are installed seems like a better alternative, however, there is inevitably one or two lots that do not get built on immediately leaving gaps in the sidewalk throughout the neighborhood. Neither scenario is ideal.

In an attempt to mitigate the issues from both scenarios, the Developer has requested that the sidewalk be installed at 6" in depth instead of the typical 5". 6" is the typical depth for driveway paving and should hold up to most traffic.

Financials:

The additional costs associated with this change order will be included in the contract costs for the paving project and will be financed through a bond and spread as special assessments against the benefiting lots.

Recommendation:

Staff recommends that the City Council accept Change Order No. 3 for \$15,771.60.



ALL KP
7247
POSTED
4/13/22 LB

Construction Contract Change Order

Project: Sky View - Paving Bel Aire, KS 21T41279	Change Order No. 3
Owner: City of Bel Aire 7651 E Central Park Ave Bel Aire, KS 67226	Date Prepared: April 11, 2022 Prepared by: KSC
Contractor: Kansas Paving P.O. Box 4204 Wichita, KS 67204	

Description of Work Included in Contract
Paving Improvements to serve Skyview at Block 49 - Phase 1

Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.)

- A. Install 6" sidewalk instead of 5".

Attachments: Email per KWL 2022-04-08

Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Contract Quantity	Revised Unit Price	Original Contract Cost	Revised Contract Cost
A.	CO #03	Install additional sidewalk	SF	0.00	\$0.00	13143.00	\$1.20	\$0.00	\$15,771.60
								\$0.00	\$0.00
								\$0.00	\$0.00
								\$0.00	\$0.00
								\$0.00	\$0.00

Summation of Cost \$0.00 \$15,771.60

Net Cost for this Change Order \$15,771.60

Estimated Project Cost

	Estimated Project Cost
Original Contract Amount	\$644,796.70
Previously Approved Changes	\$14,005.00
This Change Order	\$15,771.60
New Contract Amount	\$674,573.30

Time Change

Contract Start Date	
Original Contract Time (working days)	30
Previously Approved Changes (working days)	10
Additional Contract Time This Change Order (working days)	
Suspended Time (working days)	
New Construction Completion Date	

THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS

ISSUED FOR REASONS
INDICATED ABOVE

Engineer: Garver

[Signature]
Engineer's Signature

Senior Project Manager

Title Date

ACCEPTED BY
CONTRACTOR

[Signature]
Contractor's Signature

V-President 4/13/22
Title Date

APPROVED BY
OWNER

Owner's Signature

Title Date

Cox, Katherine S.

From: Lee, Ken W.
Sent: Friday, April 8, 2022 2:57 PM
To: terry@kansaspaving.com; Chris Wolken; Zimmerman, Dakota G.; Franks, Sean M.; Woody, Blake T.; Turner, Levi C.; Herman, Patrick M.
Cc: Anne Stephens; Cox, Katherine S.
Subject: Sidewalk at Skyview

After discussions with the developer and Kansas Paving, the developer would like to have Kansas Paving install 6" sidewalk instead of 5" on this project. That will result in a change order of \$15,771.60 at a unit price of \$1.20 per square foot. The adjusted contract price will be \$674,573.30 which fits within the budget available with the petition. I have spoken with Anne Stephens with the City of Bel Aire and she agreed with the change order. I have instructed Kansas Paving to proceed with the thicker sidewalk section. We will have the formal change order request prepared on Monday. I will make myself available for the council meeting if there are any questions on the change order.

Please let me know if you have any questions.

Have a great weekend!



Kenneth W. Lee, PE, FNSPE
Senior Project Manager
Transportation Team

📞 316-221-3029
📠 316-258-3190

City of Bel Aire, Kansas



STAFF REPORT

DATE: April 26, 2022
TO: Ty Lasher, City Manager
FROM: Anne Stephens, Public Works Director
RE: Rock Spring 3rd, Ph 2 – SWD – Change Order 2

Proposal Focus:

Our Mission

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

Our Values

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

Current Situation:

The Rock Spring 3rd, Phase 2 paving project has been completed. A final change order reconciling plan quantities has been prepared and is attached.

Goals:

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

Discussion:

This reconciliation of plan quantities includes two items where more quantities were installed in the field than was shown on the original bid tab. The majority of the change came from some additional curbing and pavement that was installed at the end of Chris Street where it will tie into Rock Spring 4th.

Financials:

The additional costs associated with this change order will be included in the contract costs for the paving project and will be financed through a bond and spread as special assessments against the benefiting lots.

Recommendation:

Staff recommends that the City Council accept Change Order No. 2 for \$10,510.00.



Construction Contract Change Order

Project: Rock Spring 3rd, Ph. 2 - SWD Bel Aire, KS 20T41279					Change Order No. 2									
Owner: City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226					Date Prepared: February 24, 2022 Prepared by: Katherine S. Cox									
Description of Work Included in Contract Paving Improvements to serve Rock Spring 3rd, Phase 2					Contractor: Kansas Paving 4880 N. Broadway Wichita, KS 67219									
Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.) A. Reconciliation of Plan Quantities.														
Attachments:														
Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Contract Quantity	Revised Unit Price	Original Contract Cost	Revised Contract Cost					
A.	1	Concrete Pavement 6"	SY	5844	\$38.00	6089	\$38.00	\$222,072.00	\$231,382.00					
A.	5	Conc. C & G, Combined (3-5/8")	LF	3407	\$8.00	3557	\$8.00	\$27,256.00	\$28,456.00					
								\$0.00	\$0.00					
								\$0.00	\$0.00					
								\$0.00	\$0.00					
Summation of Cost								\$249,328.00	\$259,838.00					
Net Cost for this Change Order								\$10,510.00						
Estimated Project Cost Original Contract Amount \$550,753.40 Previously Approved Changes \$575.00 This Change Order \$10,510.00 New Contract Amount \$561,838.40					Time Change Contract Start Date Original Contract Time (working days) 40 Previously Approved Changes (working days) Additional Contract Time This Change Order (working days) 0 Suspended Time (working days) New Construction Completion Date									
THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS														
ISSUED FOR REASONS INDICATED ABOVE Engineer: Garver <div style="text-align: center;"> _____ Engineer's Signature </div>					Project Manager <div style="text-align: center;"> _____ Title </div>					Feb 25, 2022 <div style="text-align: center;"> _____ Date </div>				
ACCEPTED BY CONTRACTOR <div style="text-align: center;"> _____ Contractor's Signature </div>					<div style="text-align: center;"> _____ Title </div>					4-15-2022 <div style="text-align: center;"> _____ Date </div>				
APPROVED BY OWNER <div style="text-align: center;"> _____ Owner's Signature </div>					<div style="text-align: center;"> _____ Title </div>					<div style="text-align: center;"> _____ Date </div>				

April 24, 2022

RESOLUTION NO. _____**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS DETERMINING THE ADVISABILITY OF ISSUING HEALTH CARE FACILITIES REVENUE BONDS (CATHOLIC CARE CENTER), SERIES 2022, IN ONE OR MORE SERIES, TO PROVIDE FUNDS FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO HEALTH CARE AND RETIREMENT FACILITIES OWNED AND OPERATED BY CATHOLIC CARE CENTER, INC.; AND AUTHORIZING EXECUTION OF CERTAIN RELATED DOCUMENTS**

WHEREAS, the City of Bel Aire, Kansas (the “City”) desires to promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* (the “Act”), the City is authorized to issue revenue bonds to finance the acquisition, construction, equipping and furnishing of improvements to health care and retirement facilities (the “Facilities”) owned by Catholic Care Center Inc., a Kansas nonprofit corporation (the “Corporation”) and the Corporation has requested that the City issue revenue bonds for such purposes; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the City and its inhabitants that revenue bonds of the City be authorized and issued pursuant to the Act to provide funds to finance certain improvements to the Facilities;

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

Section 1. Public Purpose. The City Council (the “Governing Body”) of the City hereby finds and determines that financing certain improvements to the Facilities will promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas.

Section 2. Intent to Issue Bonds. The City is hereby authorized to issue its revenue bonds pursuant to the Act, in one or more series, in the aggregate principal amount not to exceed \$25,000,000 (the “Bonds”) to pay the costs thereof and finance certain improvements to the Facilities, subject to satisfaction of the conditions of issuance set forth herein.

Section 3. Conditions to Issuance of Bonds. The issuance of the Bonds is subject to: (a) the passage of an ordinance authorizing the issuance of the Bonds; (b) the successful negotiation of a Bond Trust Indenture, Base Lease Agreement, Lease Agreement, Bond Placement Agreement or other legal documents necessary to accomplish the issuance of the Bonds, if deemed advisable by the parties, the terms of which shall be in compliance with the Act and mutually satisfactory to the City and the Corporation; (c) the successful negotiation and sale of the Bonds to Intrust Bank, N.A., as purchaser (the “Purchaser”), which sale shall be the responsibility of the Corporation and not the City; (d) the receipt of the approving legal opinion of Gilmore & Bell, P.C. (“Bond Counsel”) in form acceptable to the City, the Corporation and the Purchaser; (e) the obtaining of all necessary governmental approvals to the issuance of the Bonds; (f) the commitment to and payment by the Corporation or Purchaser of all expenses relating to the issuance of the Bonds, including, but not limited to: (i) a \$65,000.00 City origination fee, an annual City administrative fee of:

Year 1	\$13,000.00
Year 2	\$13,000.00
Year 3	\$12,000.00

Year 4	\$6,000.00
Year 5	\$5,000.00
Year 6	\$4,000.00
Year 7	\$3,000.00
Year 8	\$2,000.00
Year 9	\$1,000.00
Year 10	\$1,000.00

and other expenses of the City and the City Attorney; (ii) any placement fees and expenses; (iii) all legal fees and expenses of Bond Counsel; and (iv) all recording and filing fees, including fees of the Kansas Board of Tax Appeals.

Section 4. Reliance by Corporation; Limited Liability of City. The Bonds herein authorized and all interest thereon shall be paid solely from the revenues to be received by the City from the Facilities and not from any other fund or source. The City shall not be obligated on such Bonds in any way, except as herein set out. In the event that the Bonds are not issued, the City shall have no liability to the Corporation.

Section 5. Further Action. The City Clerk is hereby authorized to deliver an executed copy of this Resolution to the Corporation. The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney and Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution, including, but not limited to: (a) execute on behalf of the City of the information statement regarding the proposed issuance of the Bonds to be filed with the State Board of Tax Appeals pursuant to the Act; and (b) cooperate with the Corporation to maintain any *ad valorem* property tax exemption for the Facilities and related facilities which is consistent with the Corporation’s charitable purposes, and execute such documents in connection therewith as are approved by the City Attorney.

Section 6. Effective Date. This resolution shall become effective upon adoption by the Governing Body.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the Governing Body of the City of Bel Aire, Kansas on May 3, 2022.

[SEAL]

Mayor

Attest:

City 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 May 3, 2022, as the same appears of record in my office.

DATED: May 3, 2022.

City Clerk

City of Bel Aire, Kansas

STAFF REPORT

DATE: April 15, 2022

TO: Governing Body, City Manager

FROM: Planning Commission

RE: April Planning Commission Meeting Report



ZON-22-02 – Proposed re-zoning of approximately 3.35 acres of C-1 Commercial to R-5b Zero Lot Line Residential (Elk Creek 3rd)

Planning Commission reviewed Barakeh Property LLC's request to rezone property generally located in the northwest corner of 45th and Elk Creek Drive in accordance with Article 5 of the City of Bel Aire's Zoning Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing on April 14, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. One area resident was in attendance and was asking questions about the proposed development, the layout of said development and what the proposed buildings would look like. The resident was also concerned about the location of the north line of the proposed development in relation to the separating pond and how the maintenance of the entryway along Elk Creek Drive would be handled as the Courtyards HOA and the Elk Creek HOA are currently splitting maintenance costs.

City staff present at the meeting asked for additional time to look into the concern regarding the separating pond and assist with communication between the Developer of Elk Creek 3rd and the existing HOA's regarding the maintenance of the entryway along Elk Creek Drive.

Following the comments from the resident, the agent for the applicant was given an opportunity to speak but declined to add any additional information unless the Commissioners had questions.

Following the public hearing, Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

Character of the neighborhood:

- The proposed development appears to be a different developers version of the Courtyards at Elk Creek, which has filled up quickly.

Zoning uses of nearby property:

- The requested zoning is the same as the Courtyards at Elk Creek so will present a continuation of current zoning patterns.

Suitability of the property for the uses to which it is restricted:

- The property is currently zoned as C-1 Commercial. The Commissioners felt that this property would be better suited for residential use as they were concerned about commercial traffic entering and exiting the property along Elk Creek Drive.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to **recommend the request to rezoning the property from C-1 Commercial to R-5b Zero Lot Line Residential.**

ZON-22-02 Proposed preliminary and final plat for approximately 3.35 acres (Elk Creek 3rd).

Due to concerns expressed by the neighbor regarding the pond the Commission voted (by passing a 5-0 motion) to **table the preliminary and final plats until staff could work through the concerns with the pond.**

ZON-21-07 – Proposed re-zoning of approximately 150 acres zoned AG Agriculture to M-1 Planned Unit Development – Industrial District.

Planning Commission reviewed the City of Bel Aire's request to rezone property generally located about ¼ mile east of Rock Road and K-254 Highway in accordance with Article 5 of the City of Bel Aire's Zoning Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing on April 14, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed rezoning.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

Character of the neighborhood:

- The proposed development is at the fringe of Rural meeting Urban. With the highway to the north and a proposed interchange at K-254 and Webb Road, it is only a matter of time before this area becomes more urban. On one hand, the requested M-1 zoning is about as far away from rural residential as one can get, you can't expect that this area will stay rural forever – especially with it being this close to a City and with the intersection plans in the works with KDOT.

Suitability of the property for the uses to which it is restricted:

- The re-zoning of this property will not open it up for all the uses described in the M-1 zoning district. Any potential development will still need to come back before Planning Commission through the PUD process. Through this process, Planning Commission will have the opportunity to ensure that a buffer is created between the residential area to the west and the school to the south.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to **recommend rezoning of the property from AG Agricultural to M-1 Planned Unit Development – Industrial District.**

V-22-01 Vacation of certain property (54th Street Right-of-Way) in Sunflower Commerce Park 2nd.

Planning Commission reviewed the City of Bel Aire's request to vacate the 54th Street Right-of-Way as currently platted in Sunflower Commerce Park 2nd in accordance with Article 10.04 of the City of Bel Aire's Subdivision Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing on April 14, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed rezoning. City Engineer, Anne Stephens explained that this property was originally platted by the City as a precursor to selling lots. Since this was platted, the City has a different party interested in purchasing the entirety of the property and has a different vision for how they would like to utilize the property and has requested that the City vacate the platted right-of-way so they can pursue their different vision for the property.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 10.04 (B) of the Subdivision Regulations. The Planning Commission found that:

- Due and legal notice had been given;
- No private rights will be injured or endangered;
- The public will suffer no loss or inconvenience; and
- In justice to the petitioner, the vacation should be granted.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 5-0 motion) to **recommend that Council approve the request to vacate certain property (54th Street Right-of-Way) as presented.**



MANAGERS REPORT

DATE: April 28, 2022
TO: Mayor Benage and City Council
FROM: Ty Lasher, City Manager
RE: May 3, 2022 Agenda

Proclamations (Item V):

Older Americans Month (OAM) - Since 1963, OAM has been a time to celebrate older Americans, their stories, and their contributions. Led by the Administration for Community Living (ACL), the annual observance offers a special opportunity to learn about, support, and recognize our nation's older citizens.

Public Service Recognition Week (PSRW) - Celebrated the first week of May since 1985 (beginning on the first Sunday of the month), Public Service Recognition Week (PSRW) is organized annually by the Partnership for Public Service and its member organizations to honor the men and women who serve our nation as federal, state, county and city government employees.

Consent Agenda (Item VII)

Contains only the minutes of the April 19th City Council meeting.

Appropriations Ordinance (Item VIII)

This period includes two payroll batches and purchase of the Rotary Mower from Schmidt and Sons in the amount of \$17,400.

City Requested Appearances (IX)

There are none for this meeting.

Planning Commission Reappointments (Items A-B)

Paul Matzek was temporarily appointed to the Planning Commission earlier this year. Two seats on the Planning Commission are reserved for people like Paul who live within a narrow area bordering Bel Aire, but

outside of any City limits. These seats have been difficult to fill in the past. Mayor Benage has asked Paul if he would like to be reappointed to this seat and Paul said yes. The term will be for three years, meaning it will expire June 1, 2025.

James Schmidt has served as the Chairman of the Bel Aire Planning Commission for several years now. Mayor Benage asked James if he would like to continue to serve on the commission and he said yes. The term will be for three years, expiring on June 1, 2025.



2022 Municipal Water Conservation Plan (Item C)

KDHE requires any provider of potable water to maintain a water conservation plan should an emergency or drought hit their system. The plan must be adopted annually with CCUA, City of Wichita and KDHE receiving a copy. Staff works with the Utility Advisory Committee each year to review the plan and see if any changes need to take place. The UAC reviewed the plan and worked with Anne on the updated version in your packet.

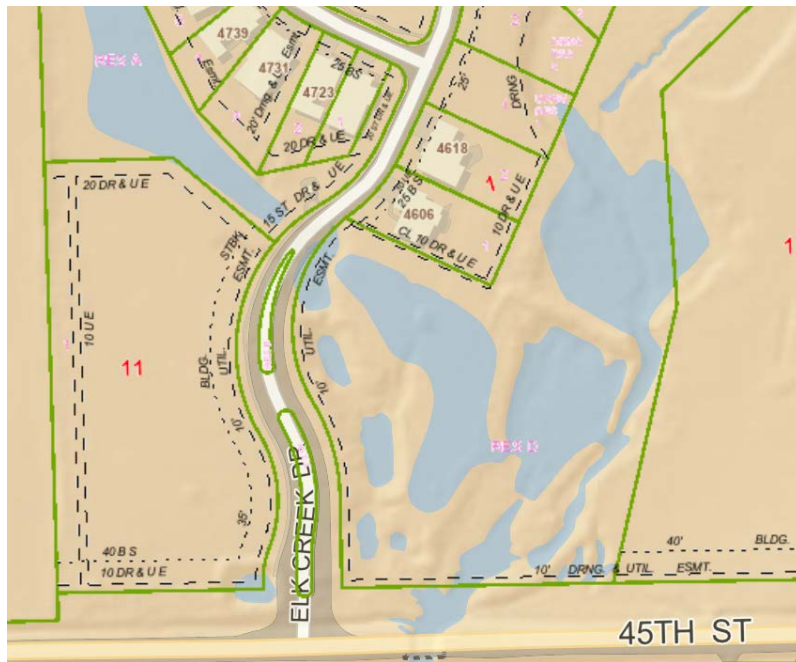
Zoning Ordinance, Planned Unit Development – Industrial (Item D)

On April 14th, Planning Commission reviewed the City of Bel Aire Land Bank's request to rezone property located about a quarter mile east of Rock Road and K-254 Highway. A public hearing was also conducted during this meeting allowing interested parties the opportunity to be heard. No interested parties, other than the agent for the applicant, showed up to speak. Following the public hearing, Planning Commission considered the evidence and discussed the zoning request in relation to the Bel Aire Zoning Code and the 'golden factors' for zoning decisions. This property is close to the proposed K-254 interchange, at the edge of the urban area. Commissioners noted that if the re-zoning is granted, the PUD will still need to be approved before it can be platted. Through the PUD process, Planning Commission can request a buffer between the residential area and this property. Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to recommend rezoning of the property from AG Agricultural to M-1 Planned Unit Development– Industrial District. The Ordinance to rezone the property now comes before Council for consideration. A Rollcall vote including Mayor will be required as this is a zoning matter.



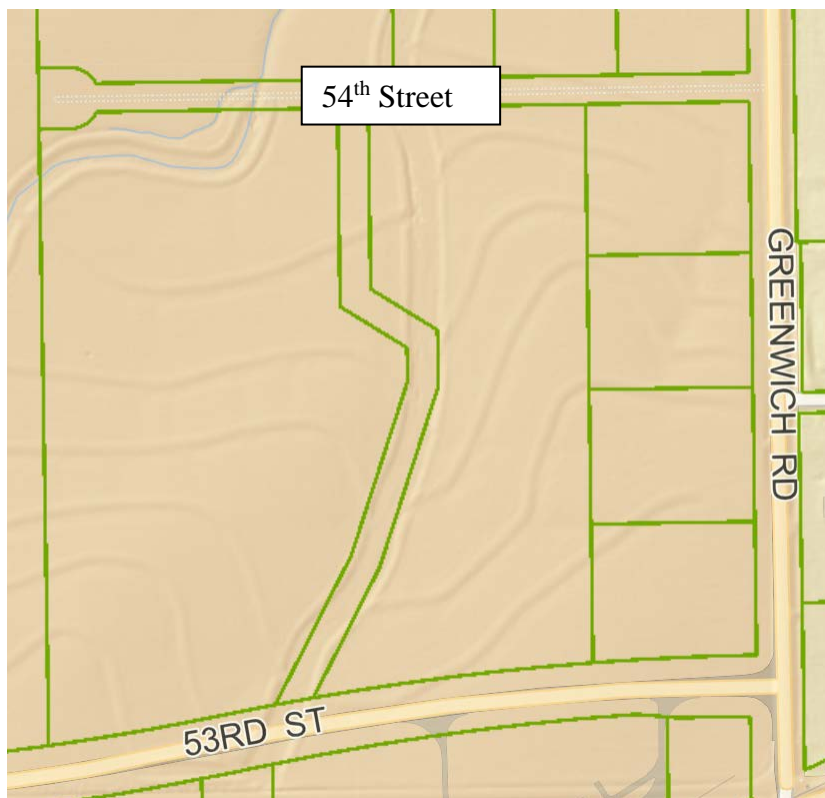
Zoning Ordinance, Elk Creek 3rd (Item E)

The Planning Commission conducted a public hearing for this rezoning request at their April 14th meeting. Interested parties were given the opportunity to be heard at the public hearing. One area resident attended and asked questions about the proposed development. The resident was also concerned about the north property line near the pond and how the maintenance of the entryway along Elk Creek Drive would be handled. City staff present at the meeting asked for additional time to look into the concerns. The agent for the applicant was given an opportunity to speak but declined to add any additional information unless the Commissioners had questions. Following the public hearing, Planning Commission considered the evidence and discussed the zoning request in relation to the Bel Aire Code and the ‘golden factors’ for zoning decisions. The property is currently zoned as C-1 Commercial. The Commissioners felt that this property would be better suited for residential use as the surrounding property is residential. Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to recommend the request to rezoning the property from C-1 Commercial to R-5b Zero Lot Line Residential. The zoning Ordinance now comes before Council for consideration. Again, a rollcall vote including Mayor will be required for this item.



Order Vacating A Portion of Right-of-Way on 54th Street (Item F)

At their April 14th meeting, the Planning Commission reviewed the City of Bel Aire Land Bank's request to vacate the 54th Street Right-of-Way as currently platted in Sunflower Commerce Park 2nd. At that meeting, the Planning Commission conducted a public hearing where interested parties were given the opportunity to be heard. No interested parties, other than the agent for the applicant, attended. City Engineer, Anne Stephens explained that this property was originally platted by the City as a precursor to selling lots. A different party has now purchased the entire property and has a different vision for how they would like it platted. They have requested that the City vacate the platted right-of-way so they can pursue their vision for the property. Following the public hearing, Planning Commission considered the evidence and discussed the proposed vacation. Having thoroughly reviewed the issue, Planning Commission voted (by passing a 5-0 motion) to recommend that Council approve the request to vacate the Right-of Way as presented. The Order of Vacation now comes before Council for consideration. Just like the previous items, a rollcall vote including the Mayor will be necessary.



Change Order for Sidewalks in Skyview at Block 49 (Item G)

When sidewalks are needed in new neighborhoods, Developers typically have two approaches to choose from and each has benefits and drawbacks. The first approach is to build the sidewalk at the beginning during the paving phase. The second approach is to build the sidewalk as each house is built. In the Skyview addition, the Developer chose to install sidewalks during the street paving phase. This approach ensures that there will be continuous sidewalks throughout the development, without any gaps that might otherwise occur, as lots sometimes take several years to fill in. However, the drawback is that sidewalks often crack during home construction and then must be replaced by the Developer at an added cost. The Developer for Skyview at Block 49 has asked to have the sidewalk modified from 5 inches in depth to 6 inches to protect against construction-related damage. The additional costs associated with this change order will ultimately be financed through a bond and spread as special assessments against the benefiting lots. Staff recommends that Council accept Change Order No. 3 for \$15,771.60.

Change Order for Rock Spring 3rd, Phase 2 Paving (Item H)

The Rock Spring 3rd, Phase 2 paving project has been completed. A final change order is needed and is included in your packet. This reconciliation of plan quantities includes two items where more materials (quantities) were

installed in the field than was shown on the original bid tab. The majority is from additional curbing and pavement that was installed at the end of Chris Street where it will tie into Rock Spring 4th. The costs associated with this change order will ultimately be financed through a bond and spread as special assessments against the benefitting lots. Staff recommends that Council accept Change Order No. 2 for \$10,510.00.

Reappointment of City Officials (Items I-K)

Bel Aire codes state that the City Manager, City Attorney, and Municipal Court Judge must be reappointed annually in May.



IRB Resolution for Catholic Care Center Improvements (Item L):

The Catholic Care Center is making some improvements to their facilities in Bel Aire. Since Catholic Care operates as a non-profit, they do not pay property taxes or sales taxes. However, utilizing an IRB does have additional benefits they would like to utilize. That being federal income tax-exempt interest rates, which are available to 501c(3) organizations, as long as there is local government issuer of municipal bonds. As with All IRB's, the city is not liable for the debt nor does it appear on the city's financial statements. The city is merely acting as a conduit for the company and they are responsible for placing the debt. From the city's perspective, we do charge fees to help offset cost involved from our side. Currently, I am still negotiating those fees but they will be ready for inclusion in the resolution on Tuesday night.

Appointment of Emily Hamburg (Item M)

Council Member Joel Schroeder resigned his seat on April 1, 2022. Mayor Benage requested interest parties to submit a letter of interest and resume to him by May 1. Following the Council Vacancy Policy, Mayor Benage shared the applicants and asked for input from Council members. He has selected Emily Hamburg to fill the vacant seat. This seat will be up for a new term in November of 2023.

**May Workshop (Item XIV):**

Our regularly scheduled day is May 10th at 6:30 p.m. PEC will be at the workshop to present their road inventory and rating system for the city.