



**MINUTES**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**February 07, 2023 7:00 PM**



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

**II. ROLL CALL**

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

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, Assistant City Manager Ted Henry, City Engineer Anne Stephens, Director of Community Development Jay Cook, and City Clerk Melissa Krehbiel.

**III. OPENING PRAYER:** Mark Posson provided the opening prayer.

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

Mayor Benage led the pledge of allegiance.

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

**VI. CONSENT AGENDA**

**A. Minutes of the January 17, 2023 City Council meeting.**

**B. Minutes of the January 30, 2023 City Council special meeting.**

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

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

**A. Consideration of Appropriations Ordinance No. 23-02 in the amount of \$517,242.13.**

**MOTION:** Councilmember Smith moved to approve Appropriations Ordinance No. 23-02. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

**VIII. CITY REQUESTED APPEARANCES**

**A. Sedgwick County Commissioner Pete Meitzner**

Commissioner Meitzner reported on the activities in the County government in the past few years and stood for questions from the Council.

## **IX. CITIZEN CONCERNS:**

Sheryl Bagby, 3901 Cozy Drive, spoke about her concerns regarding the petition for improvements on Cozy Drive. She suggested that a new petition be drafted, correcting the typos. She also suggested that the 'no' response card should be more professional looking and bid lists should have been included. She was also concerned about the filing dates of the petitions.

Vicki Shepard, 3821 Cozy Drive, spoke about her concerns regarding the petition for improvements on Cozy Drive. She is concerned about the cost of the improvements, the typos in the petition, and if future costs would be assessed if the original plat is followed.

## **X. REPORTS**

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

Councilmember Hamburg reported that she attended the K-96 Improvements open house. She encouraged citizens to provide their input to KDOT before the project begins.

Councilmember Dehn reported he attended the monthly Bel Aire Chamber of Commerce luncheon. Also this Saturday the Wichita chapter of the National Association of Women in Construction (NAWIC) will host a Block Kids building block competition.

Councilmembers Davied and Smith gave brief reports on the latest meeting of the Chisholm Creek Utility Authority (CCUA).

### **B. Mayor's Report**

Mayor Benage briefly reported that he has, with the help of City Attorney Kelly, sent written testimony to the state legislature, opposing HB2150.

He thanked city staff for cleaning out the North Fork stream to prevent flooding.

Regarding construction on Woodlawn, the project has moved to phase 2E. Mayor Benage warned drivers that it is illegal to cut through parking lots to avoid construction.

He and City Manager Lasher recently met with Congressman Ron Estes and a representative from Senator Marshall's office regarding funding options for Bel Aire projects. Mayor Benage also had a phone call with Senator Moran's office about the same issue.

He met individually with state legislators on January 25<sup>th</sup> at Local Government Day.

Mayor Benage briefly reported on the latest CCUA meeting and the K-96 open house.

**C. City Attorney Report**

City Attorney Kelly briefly reported on HB2150, which would eliminate City zoning influence within a 3 mile radius around the City.

**D. City Manager Report**

City Manager Lasher reported on upcoming events: the City-wide garage sale weekend will be May 4<sup>th</sup> -6<sup>th</sup>, and E-recycle and Shredding Day will be held on Saturday, April 29<sup>th</sup>.

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

**A. Consideration of the Mayors reappointments of Hilde Yops and Sylvia McCombs to the Tree Board for two year terms. Their new terms will expire on March 1, 2025.**

**MOTION:** Councilmember Hamburg moved to approve the Mayor's reappointment of Ms. Yops and Ms. McCombs to the Tree Board for two year terms. Their new terms will expire on March 1, 2025. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**B. Consideration of the Mayors appointment of Jim Benage to the Sedgwick County Fire District #1 Steering Council representing the City of Bel Aire. The term will be for a period of four years.**

**MOTION:** Councilmember Smith moved to confirm Mayor Benage's appointment of Jim Benage to the Sedgwick County Fire District # 1 Steering Council representing the City of Bel Aire. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

**C. Consideration of Accepting the Paving Petition for Cozy Drive.**

Bond Counsel Kevin Cowan, Gilmore and Bell, PA stood for questions from the Council and addressed concerns from those who spoke during Citizen's Concerns. Regarding the duplication of the cost estimate paragraph and the reference to Summerfield Drive in the petition, he described these as a "scribner's errors" and inconsequential. Regarding questions about a deadline for the petitions, Mr. Cowan stated that the statute does not set a time limit for petitions to be filed; therefore he has no concerns about the filing dates of the petitions. After further questions from the Council, Mr. Cowan affirmed that he has reviewed the petitions and has no concerns from a legal perspective about accepting the petitions as presented.

**MOTION:** Councilmember Welch moved to accept the Paving Petition for Cozy Drive. Councilmember Smith seconded the motion. ***Motion carried 4-1, with Councilmember Hamburg voting against the motion.***

**D. Consideration of Accepting the Paving Petition for North Parkwood and 40<sup>th</sup> Street in Aurora Park.**

**MOTION:** Councilmember Smith moved to accept the Paving Petition for North Parkwood and 40<sup>th</sup> Street in Aurora Park. Councilmember Welch seconded the motion. *Motion carried 4-1, with Councilmember Hamburg voting against the motion.*

**E. Consideration of A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Cozy Drive).**

**MOTION:** Councilmember Dehn moved to approve A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Cozy Drive) and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 4-1, with Councilmember Hamburg voting against the motion.*

**F. Consideration of A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Aurora Park).**

**MOTION:** Councilmember Dehn moved to approve A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Aurora Park) and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 4-1, with Councilmember Hamburg voting against the motion.*

**G. Consideration of Accepting A Letter of Intent to Issue IRB's and Provide Incentives for Construction of Speculative Facilities (Bayside Development, LLC).**

Project Manager Lou Robelli and Developer Michael Le spoke about the construction of the project and answered questions from Council.

Sarah Steele, Gilmore and Bell, PA addressed questions from Council regarding the Industrial Revenue Bonds and incentives.

**MOTION:** Councilmember Welch moved to accept A Letter of Intent to Issue IRB's and Provide Incentives for Construction of Speculative Facilities (Bayside Development, LLC) and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**H. Consideration of an Ordinance for a Conditional Use (CON-22-02) Accessory Apartment in R-1 Zoning in Aurora Park.**

**MOTION:** Councilmember Smith moved to accept an Ordinance for a Conditional Use (CON-22-02) Accessory Apartment in R-1 Zoning in Aurora Park. Councilmember Welch seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Tyler Dehn– Aye

Emily Hamburg– Aye

Justin Smith – Aye

John Welch– Aye

Mayor Jim Benage – Aye

***Motion carried 6-0.***

**I. Consideration of a quote for Sidewalk Installment Project from West Entrance of Central Park Avenue to Isley School on Woodlawn. Four quotes were received:**

<u>Contractor</u>	<u>Amount</u>
Ruiz Concrete	\$29,982.00
Rochel Concrete	\$30,750.00
<b>Calvin Opp Concrete</b>	<b>\$25,700.00</b>
South Central Sealing & Paving	\$31,962.50

Director of Community Development Jay Cook stood for questions from Council. Before the bids, the contractors were made aware of the possible need for retaining walls or footings. City staff will meet with the contractor and HOA representatives to discuss sprinkler systems in the area and other concerns.

**MOTION:** Councilmember Dehn moved to accept the quote from Calvin Opp Concrete in the amount not to exceed \$25,700 for Sidewalk Installment Project from West Entrance of Central Park Avenue to Isley School on Woodlawn and authorize the Mayor to sign. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**J. Consideration Of An Ordinance Adopting The Codification Of Ordinances Of The City Of Bel Aire, Kansas, Providing For The Repeal Of Certain Other Ordinances Not Included Therein, Excepting Certain Ordinances From Repeal And Saving Certain Accrued Rights And Liabilities (2023 City Code).**

Larry Kleeman, Ranson Citycode Financial, stood for questions from the Council regarding the publication of the Code.

**MOTION:** Councilmember Hamburg moved to approve the 2023 recodification ordinance, incorporating all changes as presented into the official City Code Book and publish to the City website. Councilmember Welch seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Tyler Dehn– Aye

Emily Hamburg– Aye

Justin Smith – Aye

John Welch– Aye

***Motion carried 5-0.***

**K. Consideration of accepting a bid for Bristol Hollows Phase 2 Paving Improvements. Four bids were received:**

<u>Contractor</u>	<u>Total Bid</u>
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<i>Engineer's Estimate</i>	<i>\$555,060.00</i>
Andale	\$626,000.00
Dondlinger	\$696,668.85
<b>Kansas Paving</b>	<b>\$515,245.10</b>
Prado	\$600,251.75

City Engineer Anne Stephens stood for questions from the Council.

**MOTION:** Councilmember Smith moved to accept the bid from Kansas Paving in the amount of \$515,245.10 for the Bristol Hollows Phase 2 Paving Improvements and authorize the Mayor to sign all related documents. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**L. Consideration of appointing a delegate and alternate delegate to the annual meeting of the Kansas Rural Water Association (KRWA).**

**MOTION:** Councilmember Davied moved to appoint Anne Stephens as the delegate and Jon Stehman as the alternate delegate to the annual meeting of the Kansas Rural Water Association and authorize the Mayor to sign all related documents. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

**M. Consideration of Accepting the Bel Aire Land Bank 2022 Ending Sales and Financial Report.**

**MOTION:** Councilmember Welch moved to accept and file the Bel Aire Land Bank 2022 Ending Sales and Financial Report. Councilmember Smith seconded the motion. *Motion carried 5-0.*

**N. Consideration of Accepting City Attorney Jaci Kelly's letter of resignation dated February 3, 2023 with last day being March 9, 2023.**

**MOTION:** Councilmember Hamburg moved to accept City Attorney Kelly's letter of resignation dated February 3, 2023. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

**XII. EXECUTIVE SESSION**

**MOTION:** Councilmember Smith moved to hold a 5-minute recess with the open meeting resuming in Council Chambers at 8:55 p.m. Councilmember Welch seconded the motion. *Motion carried 5-0.*

The Council then held a brief recess. At 8:56 p.m., Mayor Benage called the meeting to order.

**A. Executive Session A**

**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, the City Attorney, Assistant City Manager, Keith Scarberry, Ken

Lee, Brian Meier, Sarah Lohman, Dave Naaman and Jennifer Hill. The meeting will be for a period of 60 minutes, and the open meeting will resume in City Council Chambers at 9:57 p.m. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 10:01 p.m., Mayor Benage called the meeting back to order in open session and stated no binding action had been taken.

**B. Executive Session B**

**MOTION:** Councilmember Smith moved to go into executive session for the sole purpose of discussing the subject of matters of non-elected personnel contracted employees; pursuant to the KSA 75-4319 exception for the same. Invite the City Manager into this session. The meeting will be for a period of 25 minutes, and the open meeting will resume in Council Chambers at 10:27 p.m. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 10:30 p.m., Mayor Benage called the meeting back to order in open session and stated no binding action had been taken.

**MOTION:** Councilmember Smith moved to hold a special meeting on Thursday, February 9<sup>th</sup> at 5:30 p.m. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

**XIII. DISCUSSION AND FUTURE ISSUES**

- A. The next regularly scheduled workshop is on February 14<sup>th</sup> at 6:30 pm. That is Valentines Day, so will that day still work or should it be moved?

There was consensus among Council members to hold the workshop on February 14<sup>th</sup> at 6:30 p.m.

Councilmember Smith requested that another sidewalk connection project be explored for the south side of 45<sup>th</sup> Street.

**XIV. ADJOURNMENT**

**MOTION:** At 10:35 p.m., Councilmember Welch moved to adjourn. Councilmember Davied seconded the motion. ***Motion carried 5-0.***