



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
October 18, 2022 7:00 PM



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

II. ROLL CALL

Present were Greg Davied, Tyler Dehn, Emily Hamburg, and Justin Smith. John Welch arrived after agenda Item V.

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

III. OPENING PRAYER

Father Terry Hedrick was unable to attend. A moment of silent prayer was observed.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS: There were no additions.

VI. CONSENT AGENDA

A. Approval of Minutes of the October 4, 2022 City Council meeting.

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

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 22-19 in the amount of \$419,255.92.

MOTION: Councilmember Smith moved to approve Appropriations Ordinance 22-19. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

VIII. CITY REQUESTED APPEARANCES

A. Woodlawn Construction Update - Patrick Herman, Garver

Mr. Herman gave an update on Woodlawn Avenue construction progress and stood for questions from the Council.

IX. CITIZEN CONCERNS

Rosemarie Wood, 4700 N Hillcrest, said that she is new to the area. She introduced herself and her company, NonprofitGo. Regarding the Arthur Heights paving petition, she is concerned about how the special assessments were calculated.

Chad Crittenden, 4130 Harding St, said that he has lived in the neighborhood for 7 years. The road went to crud about 3 years ago. He went to all the meetings about the petitions. At one meeting they were told that if someone does not turn in the petition that is a 'no' vote, so many people did not return their petitions. He feels his voice is not being heard. Why do they have to vote again?

Logan Schrag, 4071 Harding, said the roads in Aurora Park are horrendous. He and his children can't be outside when someone drives by because of the dust. The proposed improvements are very expensive and creating a stressful situation for everyone. He is baffled why the Council is going against the voice of the people.

Mark Schroeder, 5101 E 39th St N, said he went along with the petition in good faith. There were clearly more 'no' votes even though there was not a 51% majority of responses. He feels the Council is throwing away the results of the petition. He noted that people who buy property in a new area have the opportunity to decide if they can afford the specials. He asked the Council to deny the Resolution on the agenda tonight, item XI A.

Carolyn Gunzelman, 5029 E 39th St N said she attended a workshop earlier this year and was distraught at the bias of the Council's discussion. The Aurora Park residents were told at a meeting that a non-response was a no vote and that if estimates came back higher than the petition, the petition process would start over again. Many of the neighborhood residents are retired, and barely have enough money to repair their homes. The monthly cost of the proposed improvements are the costs of food and drugs for some people. She urged the Council to vote no on the resolution.

Sylvia Forte, 4072 N Harding, stated they did not return the response card. She said this new issue goes against the grain. She wonders what has changed since the petition failed. The prices are different. Is there some external factor driving this?

Kevin Connell, 4061 N Parkwood, urged the Council to vote no, in consideration of all the people here tonight, who don't want it.

Martin Couey, 4156 N Battin, said he is a new resident, he just built his house and was not aware of the road issues until recently. He suggested a citizen committee could be formed to discuss alternative options. He volunteered to help with the committee.

Melvin Harms, 4172 N Battin, said he recently moved here and built a new house. He was drawn to the neighborhood because it had no specials and was aware of the dirt road. He said recently it seems like the City is only putting a powdery substance on the roads. He suggested the City invest in a water truck and water it down after application. He said the neighborhood doesn't need a \$3 million road, there is not much traffic on the road, and he suggested that cheaper alternatives could be found.

X. REPORTS

A. Council Member Reports

Councilmember Hamburg reported she attended the League of Kansas Municipalities conference, Fall Fest, and the most recent meeting of the Bel Aire Chamber of Commerce. She thanked FedEx for their recent donation of bleachers for the Rec Center.

Councilmember Dehn reported that he attended a Central Kansas Manufacturing network event, the Kansas Economic Development Conference, the League of Kansas Municipalities conference, and the most recent meeting of the K-254 Corridor Development Association.

Councilmember Smith reported he attended the League of Kansas Municipalities conference and Fall Fest.

B. Mayor's Report

Mayor Benage reported he attended Fall Fest, the Kansas Economic Development Conference, and the League of Kansas Municipalities conference. He also attended the most recent meetings of the Utility Advisory Committee, WAMPO TPB and the K-254 Corridor Development Association. Mayor Benage thanked the Glenwood Homeowner's Association for the work day they held last Saturday. He reminded citizens that Coffee with the Mayor will be held this coming Saturday.

C. City Attorney Report

City Attorney Kelly briefly reported on a presentation from the Sedgwick County Public Works department which she attended. She also briefly reported on the 2022 Sidewalk Replacement Program. She reminded citizens that discharge of sump pumps onto the public right-of-way (including streets or sidewalks) is illegal and creates hazards.

D. City Manager Report

City Manager Lasher reported that water mains will be replaced in the area of Auburn Street and Clarendon tomorrow. The contractor has notified all affected homes. They plan to have the water service turned on by tomorrow evening. Residents can follow the City's social media accounts for updates.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of A Resolution Calling And Providing For The Giving Of Notice Of A Public Hearing On The Advisability Of The Making Of A Certain Internal Improvement In The City Of Bel Aire, Kansas, Under The Provisions Of K.S.A. 12-6a01 *et seq.*, As Amended And Supplemented; And Providing For The Giving Of Notice Of Said Hearing (Paving And Drainage Improvements/Aurora Park).

Bond Counsel Kevin Cowan, Gilmore & Bell, PA, stood for questions from the Council.

Mayor Jim Benage recognized Dr. Gary Brault and allowed him time to speak.

Dr. Gary Brault, 4046 N Harding, stated that he understood many of the residents thought that not sending the response card was a ‘no’ vote. He was for the petition but does not want to move forward now. Many people obviously do not want it. It’s time to move on; let’s talk about how to fix the ditches and roads and move on.

MOTION: Councilmember Davied moved to deny A Resolution Calling And Providing For The Giving Of Notice Of A Public Hearing On The Advisability Of The Making Of A Certain Internal Improvement In The City Of Bel Aire, Kansas, Under The Provisions Of K.S.A. 12-6a01 *et seq.*, As Amended And Supplemented; And Providing For The Giving Of Notice Of Said Hearing (Paving And Drainage Improvements/Aurora Park). Councilmember Dehn seconded the motion. ***Motion carried 3-2 with Councilmembers Smith and Welch voting against the motion.***

B. Consideration of accepting a bid for Cedar Pass, Sanitary Sewer Improvements, Phase 1. Four bids were received:

<u>Contractor</u>	<u>Total Bid</u>
<i>Engineer’s Estimate</i>	<i>\$380,886.60</i>
APEX	\$374,540.00
Dondlinger	\$508,561.70
Mies	\$657,569.70
Nowak	\$408,706.20

Ken Lee, Garver, spoke on behalf of the Developer and stood for questions from the Council.

MOTION: Councilmember Dehn moved to accept the bid from APEX in the amount of \$374,540.00 for Cedar Pass Sanitary Sewer Improvements, Phase 1 and authorize the Mayor to sign all related documents. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

C. Consideration of accepting a bid for Chapel Landing, Phase 2 Paving. Five bids were received:

<u>Contractor</u>	<u>Asphalt</u>	<u>Concrete</u>
<i>Engineer's Estimate</i>	\$471,456.00	\$626,216.00
APAC	\$576,327.65	\$725,919.70
Kansas Paving	\$518,171.80	\$619,273.80
Pearson	\$475,791.00	\$638,128.00
Prado	No Bid	\$607,372.50
Wildcat	No Bid	\$738,934.30

Mr. Dehn stated he would abstain from the discussion and vote on this item.

MOTION: Councilmember Smith moved to accept the bid for concrete paving from Prado in the amount of \$607,372.50 for Chapel Landing, Phase 2 Paving and authorize the Mayor to sign all related documents. Councilmember Welch seconded the motion. *Motion carried 4-0 with Mr. Dehn abstaining from the vote.*

D. Consideration of the Change Order Request from Pearson Construction for additional sidewalk and fill dirt for Rock Spring 4th Paving in the amount of \$22,668.00.

Ken Lee, Garver, spoke on behalf of the Developer and stood for questions from the Council.

MOTION: Councilmember Hamburg moved to approve the Change Order Request from Pearson Construction in the amount of \$22,668.00 for Rock Spring 4th - Paving, and authorize the Mayor to sign all related documents. Councilmember Welch seconded the motion. *Motion carried 5-0.*

E. Consideration of repairing Webb Road adjacent to the Rock Spring 4th Subdivision.

MOTION: Councilmember Smith moved to accept the quote from Pearson Construction in the amount not to exceed \$64,988.00 for repairs to Webb Road and authorize the Mayor to sign all related documents. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

F. Consideration of accepting a bid for Pavement and Curb Repairs (2022 Street Repairs). Two bids were received:

<u>Contractor</u>	<u>Total Bid</u>
<i>Engineer's Estimate</i>	\$975,965.00
Kansas Paving	\$1,188,540.75
Pearson	\$1,514,260.00

MOTION: Councilmember Smith moved to accept the bid from Kansas Paving in the amount not to exceed \$1,188,540.75 for the 2022 Pavement and Curb Repairs and to request a change order to remove Bower's Addition from the project and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

G. Consideration of accepting a bid for Micro-Surfacing (2022 Street Repairs). Two bids were received:

<u>Contractor</u>	<u>Total Bid</u>
<i>Engineer's Estimate</i>	<i>\$692,290.00</i>
Vance Brothers	\$908,219.78
Intermountain	\$1,532,009.00

MOTION: Councilmember Smith moved to table agenda Item G until the first City Council meeting in January 2023. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

XII. EXECUTIVE SESSION: There was no need for an executive session.

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

XIV. ADJOURNMENT

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

The meeting adjourned at 9:33 p.m.