



**MINUTES**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**December 6, 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, Justin Smith, and John Welch. Emily Hamburg was absent.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, Assistant City Manager / Director of Finance Ted Henry, City Engineer Anne Stephens, Director of Community Development Jay Cook, Director of Recreation Brian Hayes, 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**

Mayor Benage added Item I and Item J to the agenda.

**VI. CONSENT AGENDA**

**A. Approval of Minutes of the November 15, 2022 City Council meeting.**

**MOTION:** Councilmember Smith moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Welch seconded the motion. ***Motion carried 4-0.***

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

**A. Consideration of Appropriations Ordinance 22-22 in the amount of \$2,017,217.42.**

**MOTION:** Councilmember Davied moved to approve Appropriations Ordinance 22-22. Councilmember Smith seconded the motion. ***Motion carried 4-0.***

**VIII. CITY REQUESTED APPEARANCES:** There were none.

## **IX. PUBLIC HEARING**

- A. 2022 Budget Amendment** - *The purpose of this public hearing is to hear the concerns of taxpayers and other interested parties relating to the proposed amended use of funds.*

No one spoke.

**MOTION:** Councilmember Welch moved to close the public hearing. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

## **X. CITIZEN CONCERNS**

Rebecca Armstrong, 4306 N Rushwood, spoke regarding concerns about construction in Bel Aire and the environment. She is concerned that there are not enough green spaces, parks, and sidewalks in Bel Aire. She urged the Council to conserve natural areas and consider more environmentally friendly practices.

## **XI. REPORTS**

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

Councilmember Dehn reported that he attended the Kansas Business Roundtable at WSU and the Bel Aire Chamber Holiday Mixer. He also served on the selection committee for the Design Engineer for the 45<sup>th</sup> Street Project.

Councilmember Davied reported he attended the most recent meeting of the CCUA, two recent Bel Aire Chamber of Commerce events, and served on the selection interviews for the Design Engineer for 45<sup>th</sup> Street.

Councilmember Smith briefly reported on the latest meeting of the CCUA.

Councilmember Welch thanked the Bel Aire Lions Club for their help with the annual Christmas Open House last Saturday at City Hall.

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

Mayor Benage briefly reported on several recent meetings and events he attended: the Bel Aire Christmas Open House, the monthly CCUA meeting, the KDOT meeting for the K-254 Corridor Management Plan, the grand opening of Bel Aire Recovery Center outpatient facility, and the Kansas Water Summit in McPherson. He noted that Pearl Harbor Day is on December 7<sup>th</sup> and encouraged residents to commemorate the historic event by flying the American flag.

### **C. City Attorney Report**

City Attorney Kelly briefly reported on regulations regarding the public comment period during City meetings. She also briefly reported on the background of Item B on the agenda tonight and the upcoming legislative priorities discussions that Council may have in 2023.

### **D. City Manager Report** – No report was given.

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

### **A. Consideration of a 2022 Budget Amendment.**

**MOTION:** Councilmember Smith moved to approve a 2022 Budget Amendment as presented. Councilmember Welch seconded the motion. ***Motion carried 4-0.***

### **B. Consideration Of An Ordinance Amending Winkley Addition C-2 Commercial PUD To Reduce Building Setbacks, Remove Certain Screening Requirements And Add A Fuel Tank Storage Area Within The C-2 PUD Overlay On Certain Property Located Within The Corporate City Limits Of Bel Aire, Kansas.**

**MOTION:** Councilmember Smith moved to accept An Ordinance Amending Winkley Addition C-2 Commercial PUD To Reduce Building Setbacks, Remove Certain Screening Requirements And Add A Fuel Tank Storage Area Within The C-2 PUD Overlay On Certain Property Located Within The Corporate City Limits Of Bel Aire, Kansas And Authorize The Mayor To Sign. Councilmember Dehn seconded the motion.

Roll Call Vote:

Greg Davied – Aye	Tyler Dehn – Aye	Emily Hamburg – [Absent]
Justin Smith– Aye	John Welch – Nay	Mayor Jim Benage – Aye

***Motion carried 4-1, with Councilmember Welch voting against the motion.***

### **C. Consideration of a accepting a proposal for a Master Plan for Bel Aire Recreation Complex, Bel Aire Park, and Central Park. Three proposals were received:**

Landworks Studio	\$19,210
Mid-Kansas Engineering Consultants	\$40,000
Landworx Engineering	\$52,400

**MOTION:** Councilmember Davied moved to accept the Proposal from Landworks Studio in the amount not to exceed \$19,210 and authorize the Mayor to sign all related documents. Councilmember Dehn seconded the motion. ***Motion carried 4-0.***

### **D. Consideration of a quote for sidewalk repairs (2022 Sidewalk Repair Program). Three quotes were solicited:**

<u>Contractor</u>	<u>Amount</u>
Ruiz Concrete	\$12,608
Rochel Concrete	\$22,825
Barkley Concrete	No Return

**MOTION:** Councilmember Smith moved to approve a quote from Ruiz Concrete in the amount not to exceed \$12,608 for sidewalk repairs (2022 Sidewalk Repair Program) and authorize the City Manager to sign all related documents. Councilmember Welch seconded the motion. ***Motion carried 4-0.***

**E. Consideration of a quote for a new vehicle (Ford F-150 Crew Cab truck) for use by the building inspector. Three quotes were received:**

<u>Dealership</u>	<u>Price</u>	<u>Estimated Delivery</u>
Rusty Eck Ford	\$44,865	March 2023
TCS	\$48,362	March 2023
Mel Hambleton Ford	\$46,315	Unknown until ordered

**MOTION:** Councilmember Welch moved to accept the quote from Rusty Eck Ford in the amount not to exceed \$44,865 for a Ford F-150 Crew Cab truck and authorize the City Manager to sign all related documents. Councilmember Dehn seconded the motion. ***Motion carried 4-0.***

**F. Consideration of accepting the recommendation of the Selection Committee to use Garver as the Design Engineer for 45th Street from Oliver to Woodlawn.**

**MOTION:** Councilmember Welch moved to accept the Selection Committee's recommendation of Garver as the Design Engineer for 45th Street from Oliver to Woodlawn and authorize staff to negotiate the project's scope and fee, with the final contract approval decision coming before Council at a later meeting. Councilmember Smith seconded the motion. ***Motion carried 4-0.***

**G. Consideration of accepting a bid for Skyview 2nd Paving Improvements. Three bids were received:**

<u>Contractor</u>	
<i>Engineering Estimate</i>	\$336,070.00
Andale	\$361,000.00
<b>Kansas Paving</b>	<b>\$295,294.70</b>
Prado	\$343,120.00

**MOTION:** Councilmember Smith moved to accept the bid from Kansas Paving in the amount not to exceed \$295,294.70 for the Skyview 2nd Paving Improvements and authorize the Mayor to sign all related documents. Councilmember Welch seconded the motion. ***Motion carried 4-0.***

**H. Consideration of accepting a bid for Homestead Senior Landing Water Main. Three bids were received:**

<i>Engineer's Estimate</i>	\$245,215.00
Dondlinger	\$254,384.50
Mies	\$239,535.00
Nowak	\$281,814.00

**MOTION:** Councilmember Dehn moved to accept the bid from Mies in the amount of \$239,535.00 for the Homestead Senior Landing Water Main and authorize the Mayor to sign all related documents. Councilmember Davied seconded the motion. ***Motion carried 4-0.***

**I. Consideration of appointing the Council President for 2023**

**MOTION:** Councilmember Welch moved to approve Justin Smith as Council President for 2023. Councilmember Davied seconded the motion. *Motion carried 4-0.*

**J. Consideration of reappointing Jim Benage and Justin Smith as board members of the Chisholm Creek Utility Authority for two-year terms ending December 3, 2024 and appointing Ken Lee and Emily Hamburg to a two -year term as alternates to the Chisholm Creek Utility Authority. Terms will begin immediately.**

**MOTION:** Councilmember Welch moved to appoint Jim Benage and Justin Smith as regular members of the Chisholm Creek Utility Authority board, with Ken Lee and Emily Hamburg as two-year alternates, their terms all expiring on December 3, 2024. Councilmember Davied seconded the motion. *Motion carried 4-0.*

**MOTION FOR RECESS:** Councilmember Smith moved to take a five-minute recess with the meeting resuming at 8:11 p.m. Councilmember Welch seconded the motion. *Motion carried 4-0.*

Following the recess, Mayor Benage called the meeting to back to order at 8:11 p.m.

**XIII. EXECUTIVE SESSION**

**MOTION:** Councilmember Smith moved to go into executive session for the sole purpose of discussion the subject of: Attorney-Client consultation regarding contractual obligations pursuant to the KSA 75-4319 exception for attorney-client privilege. Invite the City Manager and the City Attorney, Brian Meier, David Naumann via online meeting, Sarah Lothman via online meeting, and Jennifer Hill. The meeting will be for a period of 45 minutes, and the open meeting will resume in City Council Chambers at 8:57 p.m. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

The Council then held an executive session. At 8:57 p.m., the Council returned to the Council Chambers. Mayor Benage stated that no binding action had been taken and called the meeting back to order in open session.

**MOTION:** Councilmember Smith moved to extend the executive session for a period of 30 minutes, with the open meeting to resume in Council Chambers at 9:28 p.m. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

The Council then returned to executive session. At 9:31 p.m., the Council returned to the Council Chambers. Mayor Benage stated that no binding action had been taken and called the meeting back to order in open session.

**XIV. DISCUSSION AND FUTURE ISSUES**

**A. Workshop – December 13**

The Council briefly discussed the agenda and time for the next workshop. There was general agreement to hold the workshop at 7:00 p.m. on December 13, 2022.

## **XV. ADJOURNMENT**

**MOTION:** Councilmember Welch moved to adjourn. Councilmember Davied seconded the motion. *Motion carried 4-0.*