



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
June 21, 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, Justin Smith and John Welch.

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, P.A.

III. OPENING PRAYER: Terry Hedrick provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS: There were no additions.

VI. CONSENT AGENDA

- A. Minutes of the June 7, 2022 City Council Meeting.**
- B. Minutes of the June 14, 2022 City Council Special Meeting.**
- C. Acceptance of Petitions for Sanitary Sewer Main and Sanitary Sewer Pump Station Improvements to serve Chapel Landing Addition And Homestead Senior Landing.**
- D. Approving A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Main Improvements/Chapel Landing Addition And Homestead Senior Landing).**
- E. Approving A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The**

Improvements In Accordance With Such Findings (Sanitary Sewer Pump Station Improvements/Chapel Landing Addition And Homestead Senior Landing).

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

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 22-11 in the amount of \$689,649.99.

MOTION: Councilmember Davied moved to approve Appropriations Ordinance 22-11. Councilmember Smith seconded the motion. *Motion carried 5-0.*

VIII. CITY REQUESTED APPEARANCES: None

IX. CITIZEN CONCERNS:

Carol Russell, 6218 E 45th Street North, spoke to the Council regarding Item XI B on the agenda. She lives next to the lot where Bellino Fireworks is seeking permission to sell fireworks. She stated her concerns about fire danger, the distance between her property line and the tent, and possible obstruction of her driveway.

Councilmembers asked questions of Ms. Russell and City staff related to the issue. City staff spoke in response to Ms. Russell's concerns and to Councilmembers' questions. No parking could be enforced in the area, if Council decides it should be required. Regarding fire safety, the City relies on the authority and expertise of the Sedgwick County Fire Marshall to ultimately determine if sales will be allowed on any particular property. It is illegal to discharge fireworks at any sale location.

X. REPORTS

A. Council Member Reports

Councilmember Hamburg reported she attended the Coffee with the Mayor event held this past Saturday and appreciated the opportunity to speak with citizens. She encouraged citizens to attend such events and to contact their Councilmembers by email or telephone.

Councilmember Davied reported he played disc golf at the City's course recently, and he thanked the Lions Club for their efforts to create the course.

Councilmember Dehn reported that he recently attended a meeting of the Bel Aire Area Chamber of Commerce. He recently submitted his resignation from the Utility Advisory Committee (UAC). He appreciated being allowed to serve on the UAC but felt it would be appropriate to step down from that position after being appointed to the Council. He will attend the Kansas Infrastructure Summit on July 13-14 regarding implementation of the recent bi-partisan infrastructure law. He thanked the Rec Center for their programming; his family often participates. He stated that he looks forward to serving his community on the Council.

B. Mayor's Report

Mayor Benage reported that with the resignation of Mr. Dehn, there is now a vacancy on the Utility Advisory Committee. Interested citizens can submit a volunteer application through the City's website.

He briefly reported on two meetings he attended: the Wichita Area Metropolitan Planning Organization (WAMPO) meeting on June 14th, and Coffee with the Mayor on June 18th. Regarding Coffee with the Mayor, he appreciated the feedback he received from the five citizens who attended. Councilmembers Hamburg and Smith also attended. He may plan another Coffee with the Mayor event in the fall.

C. City Attorney Report

City Attorney Kelly reported briefly on fireworks regulations, and updated Council on an estimated date when a settlement amount will be announced for the Opioid settlement of which the City is a beneficiary. She updated Council on a timeline for receiving the City Code from the City's contracted publisher, Ranson City Code Financial. She also briefly reported that she recently met with the developer of Prairie Preserve regarding a possible no-parking ordinance.

D. City Manager Report

City Manager Lasher reported that City offices will be closed on July 4th in honor of Independence Day. He also recognized City Clerk Krehbiel who recently received her Certified Municipal Clerk designation from the International Institute of Municipal Clerks.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of confirming Mayor Benage's appointment of Jesse Miller to the Bel Aire Tree Board. The term will be for four years, expiring in June 2026.

MOTION: Councilmember Smith moved to confirm the Mayor's Appointment of Jesse Miller to the Bel Aire Tree Board. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

B. Consideration of approving the relocation of the Bellino Fireworks Tent (Bel Aire Lions Club) to the northwest corner of 45th & Woodlawn. Approval is conditioned upon Sedgwick County Fire approving the site for their needs and the applicant using a gravel base for the parking area.

MOTION: Councilmember Smith moved to approve the relocation of the Bellino Fireworks Tent (Bel Aire Lions Club) to the northwest corner of 45th & Woodlawn, the lot west, conditioned upon Sedgwick County Fire approving the site for their needs and the applicant using a gravel base for the parking area, and contingent on a staff review of the Fire Marshall's report finding that safety was a key consideration in the Fire Marshall's evaluation, and that no parking signs be erected on 45th Street near the Oliver intersection. Councilmember Dehn seconded the motion. ***Motion carried 3-1-1*** with Mr. Welch voting against the motion and Ms. Hamburg abstaining from the vote.

C. Consideration of a Development Agreement for Prairie Preserve.

Councilmembers requested that staff draft a no-parking Ordinance for certain streets within this development and bring the Ordinance to Council for consideration at an upcoming meeting.

MOTION: Councilmember Smith moved to accept the Development Agreement for Prairie Preserve and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 4-1* with Councilmember Welch voting against the motion.

D. Consideration of a Development Agreement for Skyview at Block 49 3rd Addition.

MOTION: Councilmember Welch moved to accept the Development Agreement for Skyview at Block 49 3rd Addition and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

E. Consideration of a Development Agreement for Chapel Landing 5th.

MOTION: Councilmember Davied moved to accept the Development Agreement for Chapel Landing 5th and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

F. Consideration of an Agreement for Professional Services with Baughman for Chapel Landing, Phase 2 in the amount of \$233,000.00.

MOTION: Councilmember Smith moved to approve an Agreement for Professional Services with Baughman for Chapel Landing, Phase 2 in the amount of \$233,000.00 and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

G. Consideration of accepting a Consent to Annex from Webb 254, LLC incorporating approximately 75 acres on the southwest corner of K-254 and Webb Road into the City of Bel Aire.

MOTION: Councilmember Welch moved to accept the Consent to Annex from Webb 254, LLC and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 5-0.*

H. Consideration of An Ordinance Annexing And Incorporating A Portion Of The West Side Of Webb And 254 Into The Boundaries Of The City Of Bel Aire, Kansas (Webb 254, LLC property).

MOTION: Councilmember Davied moved to approve An Ordinance Annexing And Incorporating A Portion Of The West Side Of Webb And 254 Into The Boundaries Of The City Of Bel Aire, Kansas (Webb 254, LLC property) and authorize the Mayor to sign. Councilmember Dehn seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Justin Smith – Aye

Tyler Dehn – Aye Emily Hamburg – Aye

John Welch – Aye

Motion carried 5-0.

- I. Consideration of cost sharing for drainage improvements for the purpose of reduced future maintenance costs for existing roads in the following areas at a cost not to exceed the below figures, *conditioned upon* the receipt of a valid signed petition from each subdivision petitioning for a special district to have the roads paved in their respective subdivisions as outlined in section 4 of the paving petitions:**

Aurora Park: \$480,000
47th & Hillcrest: \$115,000
Cozy Drive: \$105,000

MOTION: Councilmember Smith moved to approve spending \$480,000 in Aurora Park, \$115,000 in Arthur Heights and \$105,000 on Cozy Lane for drainage and future deferred maintenance costs, *conditioned upon* the receipt of a valid signed petition from each subdivision petitioning for a special district to pave the gravel roads. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

- J. Consideration of approving the Sidewalk Replacement Program for Fiscal Year 2022.**

MOTION: Councilmember Smith moved to approve the Sidewalk Replacement Program for 2022, amending the program to set the budget at \$15,000 and amending the program to require the City contractor be utilized and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

- K. Consideration of approving a Permanent Access Construction and Maintenance Easement in the Northfork Addition.**

MOTION: Councilmember Welch moved to approve the Permanent Access Construction and Maintenance Easement in the Northfork Addition and authorize the Mayor to sign. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

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

XIII. DISCUSSION AND FUTURE ISSUES

- A. Lot Across from City Hall**

- B. TIF Policy**

Council discussed these items which were listed on the previous workshop agenda but were not addressed due to time constraints. City Manager Ty Lasher presented information and answered questions for Council. No binding action was taken.

XIV. ADJOURNMENT

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

The meeting adjourned at 9:58 p.m.