



**MINUTES**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**April 01, 2025 7:00 PM**



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

**II. ROLL CALL**

Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, and Tom Schmitz were present. Councilmember John Welch participated in the meeting by videoconference.

Also present were City Manager Ted Henry, City Attorney Maria Schrock, City Engineer Anne Stephens, Director of Public Works Marty McGee, Director of Community Development Paula Downs, City Clerk Melissa Krehbiel.

**III. OPENING PRAYER:** A moment of silent prayer was held.

**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 March 18, 2025 City Council meeting.**
- B. Accept Petitions (4) for Paving, Sanitary Sewer, Drainage and Water Improvements to serve Sunflower Commerce Park 3rd Addition.**
- C. Adopt Resolutions (4) 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 (Paving, Sanitary Sewer, Stormwater Drainage, and Water Distribution System Improvements—Phase 2/Sunflower Commerce Park Third Addition).**

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

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

### **A. Consideration of Appropriations Ordinance No. 25-06 in the amount of \$705,325.00.**

**MOTION:** Councilmember Dehn moved to approve Appropriations Ordinance No. 25-06. Councilmember Davied seconded the motion. *Motion carried 5-0.*

## **VIII. CITY REQUESTED APPEARANCES**

### **A. Markey Jonas, WAMPO Community Planner - Metropolitan Transportation Plan 2050 (MTP 2050)**

Markey Jonas and Nick Flanders gave a brief overview of the plan and the public review process.

### **B. Greg Dane, President of the Bel Aire Area Chamber of Commerce**

Chamber President Greg Dane gave a brief report about the Chamber's activities and invited community members to engage with the Chamber.

### **C. Ken Lee, Garver Engineering - 45th Street Design, and 53rd Street Sidewalk**

Ken Lee, Garver Engineering, gave an update on design work for upcoming City construction projects and stood for questions from the Council.

## **IX. CITIZEN CONCERNS: No one spoke.**

## **X. REPORTS**

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

Councilmember Dehn briefly reported on a crosswalk sign placement request and thanked Public Works Director Marty McGee for his quick response. On April 11<sup>th</sup> K-254 Corridor Development Association meeting will be hosted in Bel Aire. He thanked Kechi Mayor Ashley Coleman for her leadership with Prevent Child Abuse Kansas.

Councilmember Davied attended the Chisholm Creek Utility Authority (CCUA) meeting.

Councilmember Hamburg briefly reported on the latest CCUA meeting.

Councilmember Welch reminded citizens that the Council election is this November and the deadline for candidates to register is coming up in May.

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

Mayor Benage recently represented Bel Aire at Garver's annual Montana Breakfast event. On March 25<sup>th</sup> he interviewed with local television stations regarding the announcement of the Amazon facility coming to Bel Aire. On March 26<sup>th</sup> he attended the WAMPO open house regarding the Metropolitan Transportation Plan 2050. On March 27<sup>th</sup> he attended the latest CCUA meeting. Recently he communicated with state legislators regarding opposition to possible

amendments to the Kansas Constitution concerning property taxes. He also authorized the City Attorney to join with other cities in opposition to HB2228 concerning contingency arrangements between cities and law firms.

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

City Attorney Maria Schrock briefly reported on Kansas House Bill 2228.

### **D. City Manager Report**

City Manager Ted Henry reported on upcoming events:

- Spring Fest will be held on April 12<sup>th</sup> from 1 to 3 p.m.
- City Wide Garage Sale will be April 24<sup>th</sup> through the 26th
- Tree Board will hold the annual Arbor Day Celebration on April 26<sup>th</sup> at Eagle Lake Park.

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

### **A. VAC-25-01 Consideration of An Ordinance Approving the Recommendation of The Bel Aire Planning Commission recommending a Vacation Request in the City to Vacate a Platted 20' Wide Utility Easement on Lots 7 & 8, Block 1, Sunflower Commerce Park 3<sup>rd</sup> Addition, to construct a parking lot for the development of a warehouse, generally located at 5440 Sunflower Court, East 53<sup>rd</sup> Street and Webb Road.**

Mayor Benage asked the Council members if anyone intended to disqualify themselves from participating in this case because they have a conflict of interest. No one was disqualified. Mayor Benage asked the Council members if anyone had received any ex-parte communications prior to this agenda item which they would like to share. They responded no. Mayor Benage confirmed that the City Clerk had not received any protest petitions or written objections to this case. He then confirmed that the Council members had received the unapproved minutes of the Planning Commission for March 13, 2025 which summarizes the public hearing for this case.

Paula Downs, Director of Community Development, gave a brief report to the council referencing the staff report provided in the information packet for this Council meeting. Staff confirmed that no written communications regarding this case had been received.

Following the staff report, Mayor Benage invited the representative for the applicant to speak. The representative declined. Mayor Benage then invited anyone who wished to speak to do so. No one spoke.

Mayor Benage then summarized the evidence presented:

1. That legal notice has been given by publication as required,
2. That no private rights will be injured or endangered by the vacation,
3. That the public will suffer no loss or inconvenience thereby, and
4. That in justice to the petitioner, the request of the petition ought to be granted.

The Council then deliberated. Councilmembers Hamburg and Schmitz expressed support for approving the vacation.

**MOTION:** Councilmember Davied moved to approve the findings of fact and recommendation of the Planning Commission for VAC-25-01, Adopt the Ordinance as Presented, and authorize the Mayor to sign. Councilmember Welch seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Tyler Dehn - Aye

Emily Hamburg - Aye

Tom Schmitz - Aye

John Welch - Aye

Mayor Jim Benage – Aye

*Motion carried 6-0.*

**B. Consideration of a Contract By And Between The City Of Bel Aire, Kansas, And Key Equipment & Supply Co (Sewer Easement Machine, Trade-In, and Trailer).**

**MOTION:** Councilmember Schmitz moved to approve a Contract with Key Equipment & Supply Company, for a Sewer Easement Machine, Trade-In and Trailer, in the amount not to exceed \$68,850 and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**C. Consideration of Change Order No 1 for Arthur Heights Estates for additional fire hydrant assembly in the amount not to exceed \$22,399.53.**

**MOTION:** Councilmember Dehn moved to accept Change Order No 1 for Arthur Heights Estates for additional fire hydrant assembly in the amount not to exceed \$22,399.53. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

**D. Consideration of An Ordinance Pertaining to Impeding the Flow of Traffic**

**MOTION:** Councilmember Schmitz moved to adopt An Ordinance Pertaining to Impeding the Flow of Traffic as presented and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**E. Consideration of approving a contingency fund for the construction of the Public Works Facility.**

Kirk Jurgensen represented Professional Engineering Consultants, the Owner's Representative on the project. Mr. Jurgensen presented the request and stood for questions from the Council.

**MOTION:** Councilmember Welch moved to approve the contingency fund of \$100,000 for the construction of the Public Works Facility and limit [City Manager Ted Henry's] ability to \$25,000 signing authority and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

*(continued, next page)*

**F. Consideration of the Annual En Banc Meeting of the CCUA Members to discuss the Budget, per Section 13.1 of the CCUA Bylaws adopted on 05/26/22.**

**MOTION:** Councilmember Welch moved to authorize CCUA to waive the Annual En Banc Meeting of the CCUA Members as required in Section 13.1 of the CCUA Bylaws adopted on 05/26/22 for the 2026 Budget, subject to a similar waiver by the City Council of Park City and authorize the Mayor to sign. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**XII. EXECUTIVE SESSION**

**MOTION FOR RECESS:** Councilmember Dehn moved to take a five-minute recess. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

**A. Executive Session related to Pending Litigation**

**MOTION:** Councilmember Schmitz moved to recess into executive session to discuss with legal counsel and receive legal advice related to pending litigation. The discussion will be pursuant to K.S.A. 75- 4319 (b)(2) for legal consultation with Neil Gosch, which would be deemed privileged in the attorney-client relationship. Invite the City Manager, City Engineer, City Attorney, and Katherine Chlumsky. The meeting will be for a period of 45 minutes, and the open meeting will resume in City Council Chambers at 9:33 p.m. Councilmember Dehn seconded the motion. ***Motion carried 4-0,*** with Councilmember Welch absent from the vote.

The Council then recessed for executive session. At 9:34 p.m., Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

**B. City Manager's performance review**

**MOTION:** Councilmember Hamburg moved to recess into executive session to discuss the City Manager's performance review. The discussion will be pursuant to K.S.A. 75- 4319 (b)(1) to discuss personnel matters of non-elected personnel. The meeting will be for a period of 10 minutes, and the open meeting will resume in City Council Chambers at 9:47 p.m. Councilmember Dehn seconded the motion. ***Motion carried 4-0,*** with Councilmember Welch absent from the vote.

The Council then recessed for executive session. At 9:47 p.m., Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

**MOTION:** Councilmember Davied moved to extend to the City Manager an 8% raise over his current salary. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

**XIII. DISCUSSION AND FUTURE ISSUES**

**A. Next City Council Workshop, April 8th at 7:00 p.m.?**

The Council briefly discussed the agenda for the next City Council workshop, which will be held at 7:00 p.m. on April 8, 2025. No action was taken.

#### **XIV. ADJOURNMENT**

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

Approved by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Jim Benage, Mayor

\_\_\_\_\_  
Melissa Krehbiel, City Clerk