



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
May 17, 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, Emily Hamburg, Justin Smith, and John Welch.

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

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

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. PROCLAMATION:

A. Public Works Week - May 16-20, 2022

B. Kids to Parks Day, May 21, 2022

C. Memorial Day - May 30, 2022

The proclamations were read aloud and Mayor Benage signed each proclamation.

VI. DETERMINE AGENDA ADDITIONS

VII. CONSENT AGENDA

A. Minutes of the May 3, 2022 City Council meeting.

B. City Council Minutes of the May 10, 2022 Special Meeting.

C. Accept Petitions for Paving, Sanitary Sewer, Storm Water Drain, and Water Distribution System Improvements to serve Cedar Pass, Phases 1 and 2.

D. Approve Authorizing Resolutions for Paving, Sanitary Sewer, Storm Water Drain, and Water Distribution System Improvements to serve Cedar Pass, Phases 1 and 2.

- E. Accept Petitions for Paving, Sanitary Sewer, Storm Water Drain, and Water Distribution System to serve Chapel Landing 5th Phases 1 and 2.**
- F. Approve Authorizing Resolutions for Paving, Sanitary Sewer, Storm Water Drain, and Water Distribution System to serve Chapel Landing 5th Phases 1 and 2.**
- G. Accept Petitions for Paving, Sidewalk, Sewer, Storm Water Drain, and Water Distribution System Improvements to serve Skyview at Block 49 2nd Addition Phase 1.**
- H. Approve Authorizing Resolutions for Paving, Sidewalk, Sewer, Storm Water Drain, and Water Distribution System Improvements to serve Skyview at Block 49 2nd Addition Phase 1.**

MOTION: Councilmember Smith moved to approve the Consent Agenda.
Councilmember Davied seconded the motion. *Motion carried 4-0.*

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

- A. Consideration of Appropriations Ordinance 22-09 in the amount of \$2,204,531.19.**

MOTION: Councilmember Davied moved to approve Appropriations Ordinance 22-09. Councilmember Hamburg seconded the motion. *Motion carried 4-0.*

IX. CITY REQUESTED APPEARANCES

- A. Woodlawn update from MKEC**

MKEC representatives were unable to attend. Their presentation will be rescheduled.

- B. Catholic Care Center**

Cindy McClure, CEO, spoke on behalf of Catholic Care Center. She asked that the Council consider eliminating or reducing the fees associated with processing the Health Care Facilities Revenue Bonds, which the Council will consider issuing tonight.

X. CITIZEN CONCERNS: No one spoke.

XI. PUBLIC HEARING

- A. Catholic Care Center -** The purpose of the public hearing is to give property owners and other interested parties the opportunity to speak on the proposed issuance by the City of its Health Care Facilities Revenue Bonds (Catholic Care Center) in one or more series (the “Bonds”), in an aggregate principal amount of not to exceed \$25,000,000, the proceeds of which will be loaned to Catholic Care Center, Inc., a Kansas not for profit corporation.

Mayor Benage opened the public hearing. No one spoke.

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

XII. REPORTS

A. Council Member Reports

Councilmember Hamburg briefly reported on the recent E-recycling and Shred Day, the Bel Aire Lion's Club meeting, and the tour of the Chisholm Creek Utility Authority plant attended by the Utility Advisory Committee. Coming up, Spring Curbside Cleanup will be Saturday at 7 a.m.

Councilmember Smith briefly reported on the recent meeting of the Sedgwick County Association of Cities (SCAC).

Councilmember Davied briefly reported on the tour of the CCUA plant with UAC.

B. Mayor's Report

Mayor Benage briefly reported on several recent meetings: the Wichita Area Metropolitan Planning Organization (WAMPO), K-254 Corridor Development Association, and Sedgwick County Association of Cities (SCAC).

He briefly reported on the open house for Clinic In A Can.

Regarding a recent alarming increase in fentanyl overdose deaths in Sedgwick County, Mayor Benage encouraged citizens to do what they can to prevent more overdose deaths. Sedgwick County Sheriff Jeff Easter has provided information about preventing drug deaths which will be shared on the City's website.

He congratulated Brooklyn Hicks of Wichita Northeast Magnet High School for winning the People's Choice award in the 2022 Congressional Art Competition.

Regarding Diane Wynn's vacant Council seat, applications for appointment will be accepted through May 19th.

C. City Attorney Report

City Attorney Kelly briefly reported on the quorum requirements for City Council and the policy to limit public comments to five minutes per speaker.

D. City Manager Report

City Manager Lasher reported that City offices will be closed for Memorial Day on May 30th. He briefly reported on road construction: turn lanes are being constructed on Highway K-254 and Rock Road under the supervision of KDOT and a new four-way stop was installed at Rock Road and 53rd Street. The four-way stop was recommended by a recent traffic study conducted by TranSystems.

XIII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

- A. Consideration of A Resolution Amending Resolution No. R-22-12 Of The City Of Bel Aire, Kansas, Which Determined The Advisability Of Issuing Health Care Facilities Revenue Bonds (Catholic Care Center), Series 2022, In One Or More Series, To Provide Funds For The Purpose Of Financing Improvements To Health Care And Retirement Facilities Owned And Operated By Catholic Care Center, Inc.; And Authorized Execution Of Certain Related Documents.**

Councilmembers discussed Catholic Care Center's request to waive or reduce certain fees related to the issuance of the IRB. Councilmembers stated they would like for staff to do research into the issue and bring more information back to the Council.

MOTION: Councilmember Welch moved to table A Resolution Amending Resolution No. R-22-12 Of The City Of Bel Aire, Kansas, Which Determined The Advisability Of Issuing Health Care Facilities Revenue Bonds (Catholic Care Center), Series 2022, with the following fees: _____, In One Or More Series, To Provide Funds For The Purpose Of Financing Improvements To Health Care And Retirement Facilities Owned And Operated By Catholic Care Center, Inc.; And Authorized Execution Of Certain Related Documents. Councilmember Davied seconded the motion. *Motion carried 4-0.*

- B. Consideration of An Ordinance Authorizing The City Of Bel Aire, Kansas, To Issue Its Health Care Facilities Revenue Bonds (Catholic Care Center), Series 2022, In One Or More Series, To Provide Funds For The Purpose Of Financing And Refinancing Improvements To Health Care And Retirement Facilities Owned And Operated By Catholic Care Center, Inc.; And Approving Certain Documents And Actions In Connection With The Issuance Of Said Bonds.**

MOTION: Councilmember Smith moved to approve An Ordinance Authorizing The City Of Bel Aire, Kansas, To Issue Its Health Care Facilities Revenue Bonds (Catholic Care Center), Series 2022, In One Or More Series, To Provide Funds For The Purpose Of Financing And Refinancing Improvements To Health Care And Retirement Facilities Owned And Operated By Catholic Care Center, Inc.; And Approving Certain Documents And Actions In Connection With The Issuance Of Said Bonds, and authorize the Mayor to sign. Councilmember Davied seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Emily Hamburg– Aye

Justin Smith – Aye

John Welch – Aye

Motion carried 4-0.

- C. Consideration of An Ordinance Authorizing The City Of Bel Aire, Kansas To Issue Its Multifamily Housing Revenue Bonds, Series 2022 (Homestead Senior Residences Bel Aire, LLC) For The Purpose Of Paying Costs To Acquire, Construct And Equip A Senior Residence Facility; And Authorizing Certain Other Related Documents And Actions.**

Bond Counsel Kevin Cowan requested that this item be tabled on behalf of the applicant.

MOTION: Councilmember Smith moved to table An Ordinance Authorizing The City Of Bel Aire, Kansas To Issue Its Multifamily Housing Revenue Bonds, Series 2022 (Homestead Senior Residences Bel Aire, LLC) For The Purpose Of Paying Costs To Acquire, Construct And Equip A Senior Residence Facility; And Authorizing Certain Other Related Documents And Actions. Councilmember Hamburg seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Emily Hamburg– Aye

Justin Smith – Aye

John Welch – Aye

Motion carried 4-0.

D. Consideration of a bid for removal and replacement of fire hydrants and installation of valves at various locations. Three bids were received:

McCullough Excavation	\$71,350
Nowak Construction	\$44,400
Utility Maintenance Contractors (UMC)	\$39,175

MOTION: Councilmember Smith moved to accept the bid from Utility Maintenance Contractors in the amount not-to-exceed \$39,175 for removal and replacement of fire hydrants and installation of valves, and authorize all required signatures. Councilmember Davied seconded the motion. ***Motion carried 4-0.***

E. Consideration of a bid for 2022 Outsourced Sanitary Sewer cleaning and televising. Two bids were received:

Mayer Specialty Services	\$52, 850.00
Utility Maintenance Contractors (UMC)	\$50,313.20

MOTION: Councilmember Smith moved to accept the bid from Utility Maintenance Contractors in the amount of \$50,313.20 for 2022 Outsourced Sanitary Sewer cleaning and televising. Councilmember Davied seconded the motion. ***Motion carried 4-0.***

F. Consideration of a Memorandum of Understanding between the City of Bel Aire, Kansas and Terry Beall (Municipal Court Judge).

MOTION: Councilmember Smith moved to approve the Memorandum of Understanding between the City of Bel Aire, Kansas and Terry Beall and authorize the Mayor to sign. Councilmember Welch seconded the motion. ***Motion carried 4-0.***

G. Consideration of an Agreement for Professional Services with Garver for Cedar Pass (Rock Spring 5th) in the amount of \$507,000.

MOTION: Councilmember Davied moved to approve an Agreement for Professional Services with Garver for Cedar Pass (Rock Spring 5th) in the amount of \$507,000 and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. ***Motion carried 4-0.***

H. Consideration of a Development Agreement for Cedar Pass Addition.

MOTION: Councilmember Davied moved to accept the Development Agreement for Cedar Pass Addition and authorize the Mayor to sign. Councilmember Smith seconded the motion. ***Motion carried 4-0.***

I. Consideration of a Developer's Agreement for Homestead Senior Landing.

MOTION: Councilmember Smith moved to accept the Developer's Agreement for Homestead Senior Landing and authorize the Mayor to sign. Councilmember Davied seconded the motion. ***Motion carried 4-0.***

XIV. EXECUTIVE SESSION

Mayor Benage noted that an executive session was necessary and that the first five minutes would be used for a break.

MOTION: Councilmember Smith moved to go into executive session for the sole purpose of discussion the subject of: non-elected personnel, pursuant to the KSA 75-4319 exception for: the same. Invite the City Council and the Mayor. The meeting will be for a period of 15 minutes, and the open meeting will resume in City Council Chambers at 8:57 PM. Councilmember Welch seconded the motion. ***Motion carried 4-0.***

The Council then recessed for Executive Session. At 9:00 p.m. the Council members returned to the Council Chambers. Mayor Benage noted that no binding action had been taken, and called the meeting back to order in open session.

XV. DISCUSSION AND FUTURE ISSUES – No future issues were discussed.

XVI. ADJOURNMENT

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