



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
May 05, 2026 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, Brandon McIntosh, and Mike Proctor were present. No one was absent.

Also present were City Manager Ted Henry, City Attorney Maria Schrock, City Engineer Anne Stephens, Community Development Director Paula Downs, and City Clerk Melissa Krehbiel.

III. OPENING PRAYER: Dr. Robert Lindsted 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. Approval of Minutes of the April 21, 2026 City Council meeting.**
- B. Accept a petition for Phase 1 Paving Improvements to serve Spring Pines Subdivision.**
- C. Accept a petition for Phase 1 Sanitary Sewer Improvements to serve Spring Pines Subdivision.**
- D. Accept a petition for Storm Water Drain Improvements to serve Spring Pines Subdivision.**
- E. Accept a Petition for Phase 1 Water Distribution System Improvements to serve Spring Pines Subdivision.**
- F. Accept a Petition for Water Main Improvements to serve Spring Pines Subdivision.**

- G. **Adopt 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 (Paving Improvements/Spring Pines Subdivision Phase 1).**
- H. **Adopt 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 Improvements/Spring Pines Subdivision Phase 1).**
- I. **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 (Storm Water Drainage Improvements/Spring Pines Subdivision Phase 1).**
- J. **Adopt 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 (Water Distribution Improvements/ Spring Pines Subdivision Phase 1).**
- K. **Adopt 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 (Water Main Improvements/Spring Pines Subdivision Phase 1).**

MOTION: Councilmember McIntosh 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. 26-08 in the amount of \$885,962.56.**

MOTION: Councilmember Dehn moved to approve Appropriations Ordinance No. 26-08. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

VIII. CITY REQUESTED APPEARANCES: None.

IX. CITIZEN CONCERNS: No one spoke.

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X. REPORTS

A. Council Member Reports

Councilmember Hamburg attended a meeting with an EPA representative regarding water reclamation, and the April 23rd meeting of the Chisholm Creek Utility Authority (CCUA). She received a note from a citizen thanking the City for their quick response to an issue at Eagle Lake Park.

Councilmember McIntosh reported he spoke to a citizen in Aurora Park and he was excited to see the paving and drainage project finished.

Davied reported on the April 23rd CCUA meeting.

Councilmember Dehn reported that on Friday the K254 Corridor Association will meet at the Park City Senior Center from 11:30 a.m. to 1 p.m.

B. Mayor's Report

Mayor Benage noted that the Sedgwick County Association of Cities (SCAC) will meet this Saturday at the Park City Senior Center. He reported on a recent meeting with an EPA representative regarding water reclamation, and the most recent CCUA meeting. He also attended a fundraiser breakfast for the Bel Aire Lions Club and a tree dedication for former City Clerk Sheryl Cutter.

C. City Attorney Report

City Attorney Maria Schrock gave an update regarding the Kansas Legislature's SB418 "by right" housing bill and how it may impact the City.

D. City Manager Report

City Manager Ted Henry reported that Phase 1 excavation on Woodlawn began on April 20th and has been completed. Crews encountered conditions that will result in a short delay in the project. The City is working with KDOT and the contractor to resume work as soon as possible.

Last week, Sunrise Christian Academy student volunteers helped with cleanup around City Hall. Mr. Henry thanked Lions Club volunteers for their work at the recent E-recycle and Shred Day; over 11,000 pounds of paper was shredded. Mr. Henry also attended the tree dedication for Sheryl and John Cutter; he thanked Recreation Director Brian Hayes for organizing the dedication. Lastly, Mr. Henry noted that Curbside Cleanup will be held on May 16th.

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XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. SP-26-01 Consideration of An Ordinance Approving the Recommendation of The Bel Aire Planning Commission Recommending a Special Use Request in the City to Allow an Indoor Retail Store within an existing vacant commercial building, Generally located at 6315 East Crestmark Street.

Mayor Benage noted that the draft Minutes of the Planning Commission meeting of April 9, 2026 were received by the City Council shortly before the meeting. He asked Councilmembers to review the minutes. After a few minutes, the Councilmembers confirmed that they had read the minutes and were ready to proceed with the hearing.

Mayor Benage called Agenda Item XIA. Mayor Benage asked if anyone on the Council intended to disqualify themselves from participating in this case because they have a conflict of interest. No one was disqualified. Mayor Benage noted that a quorum of the governing body was present.

Mayor Benage asked if anyone on the Council received any ex parte verbal or written communications prior to this agenda item, which they would like to share. Councilmember Davied shared that he had had a short conversation with a local business manager in the area and he just asked if he was aware of what was happening and that was pretty much the extent of the conversation.

Mayor Benage asked if the City Clerk received any protest petitions on this case. The City Clerk responded no, none have been received. Councilmembers then confirmed that they had read the draft Planning Commission meeting minutes for April 9, 2026, which included a summary of the hearing for this case.

Paula Downs, Director of Community Development, provided a staff report and stood for questions from the Council. The case was filed in order to allow a retail use in a zoning district that does not specifically list retail as an allowed use. The property is currently zoned C-1, neighborhood commercial. The building has been vacant since November 2025. The Planning Commission reviewed the case. Prior to the Planning Commission hearing, property owners in the district were notified of the hearing; no one spoke against the application at the hearing. Planning Commission reviewed the General Standards for Consideration and the Criteria for Review as set forth in the conditional use permit process. After considering the findings of fact provided in the staff report, which is also included the City Council's packet, the Planning Commission approved the application by a vote of 6-0. Staff is recommending approval of the Special Use Permit.

Mayor Benage confirmed with the City Clerk that no written communication was received by the City regarding this case. Mayor Benage invited the public to speak. No one spoke from the public.

Mayor Benage invited the applicant to speak. Doug Myers, Kennewick Washington, said he has operated a retail gun store in Kennewick, Washington for 20 years, now he is looking at other locations in other states. Wichita seems to be a winner. The area seems to have favorable gun laws. He has a good relationships with ATF and the local police in

Washington. If there would be any problems he will be proactive. He has never had any issues; he has always kept his building clean and treated his customers right. He stated that he is not a fly-by night, he has been in business for 20 years. His daughter is now running the business. She would be the manager.

Councilmember Hamburg asked if a gun range would be included. Ms. Downs replied that no, a gun range was not included in the application.

Councilmember Dehn asked the applicant about security measures for the building. The applicant described multiple layers of security including, ADT security service, motion detectors, cameras, interior bars on the windows, and interior storage.

Councilmember Davied asked what are roughly the hours of operation and what else will be sold. The applicant stated the hours in his current store are 10 to 6 and closed on Sunday. They mostly deal in hunting type guns and collectible guns. He described his experience in purchasing collections of guns from older individuals. Mr. Myers also commented on his experience as a gun seller at his store in Washington.

Next, Mayor Benage requested deliberation among the Council. He noted that in a zoning case such as this it would be inadequate for the Councilmembers to vote without including discussion of the reasons for their vote.

Councilmember Proctor commented that he is happy to see a new business come to Bel Aire and that retail seems a good fit for the district.

Councilmember Davied stated his support for approval of the special use. He cited the Planning Commission's unanimous vote to approve the special use and staff's recommendations.

Councilmember Dehn stated he supported approval of the special use; he cited the recommendations of the planning commission and staff. He stated that the Retail aspect is appropriate for businesses nearby. He also cited the owner's explanation of security and storage.

Councilmember Hamburg stated she would support approval of the special use because it fits the area and fits the City's comprehensive plan with more retail.

Councilmember McIntosh stated he would support approval of the special use, based on staff recommendations, and golden factor 1. He believes the zoning supports this store and the use fits the character of the neighborhood.

MOTION: Councilmember Dehn moved to approve the findings of fact and recommendation of the Planning Commission for SP-26-01, adopt the Ordinance as presented, and authorize the Mayor to sign. Councilmember McIntosh seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Tyler Dehn -Aye

Emily Hamburg -Aye

Brandon McIntosh -Aye

Mike Proctor -Aye

Motion carried 5-0.

B. PUD-26-01 Consideration Of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending An Amendment To The Sunflower Commerce Park 4th PUD, to Establish Parking, Landscaping, Screening, and Lighting Standards, Generally Located at Northeast corner of 5rd Street and North Webb Road, 9648 East 54th Street North.

Mayor Benage called Agenda Item XIB. Mayor Benage asked if anyone on the Council intended to disqualify themselves from participating in this case because they have a conflict of interest. No one was disqualified. Mayor Benage noted that a quorum of the governing body was present.

Mayor Benage asked if anyone on the Council received any ex parte verbal or written communications prior to this agenda item, which they would like to share. No one reported any ex-parte communications.

Mayor Benage asked if the City Clerk received any protest petitions on this case. The City Clerk responded no, none have been received. Councilmembers then confirmed that they had received the draft Planning Commission meeting minutes for April 9, 2026, which included a summary of the hearing for this case.

Paula Downs, Director of Community Development, provided the staff report presentation. The purpose of the application was to address establish three basic standards for the development: parking standards, landscaping and screening standards, and lighting standards. A building permit was submitted to Bel Aire for a second warehouse building on this property; building 1 is already constructed. Staff discovered some of the relief presented in preliminary plat had not been included in the final PUD agreement. For their April 9th meeting the Planning Commission reviewed the request for relief. The Planning Commission's discussion centered around lighting and landscaping. Following discussion, the Planning Commission voted 5-1 to recommend approval of the request.

Following the staff report presentation, City staff confirmed that no written communication was received regarding this case.

Mayor Benage invited the public to speak on the matter. No one spoke.

Kurt Hershey, Tessere, represented the applicant and answered questions from the Council. Councilmember Dehn asked for clarification about the location of trees planted on the site for screening. Mr. Hershey stated that most of the trees will be planted along Webb Rd and some will be planted along 53rd street. The discussion with the Planning Commission centered around the caliper of the trees. The applicant was okay with going with code for the larger caliper size. Regarding the wall pack lighting, the light is focused downward and they are there for security and safety reasons, with employees coming and going early in the morning and in the evening.

Councilmember McIntosh asked if the type of light poles that will be installed in the parking lot have been finalized yet. Mr. Hershey said that the lighting plan would be determined after a company moves into the building, based on the needs of the company.

The Council then deliberated. Councilmember Dehn stated he would support the application because it fits the character of neighborhood, and the comprehensive plan. He does not see any negative impact for neighboring properties.

Councilmember Davied reported that he supports the application for the reasons previously stated. He believes it fits the plan for the industrial park.

Councilmember Hamburg said she believes the request fits the spirit of the city's code and the comp plan. She cited staff's professional recommendation in support of the request.

Councilmember McIntosh stated his support for the application, citing that he believes the request fits the character of the neighborhood and the City's comprehensive plan.

Councilmember Proctor stated that he supported the application and thanked the applicant for attending and paying attention to details.

MOTION: Councilmember Dehn moved to approve the findings of fact and recommendation of the Planning Commission for PUD-26-01, Adopt the Ordinance as Presented, and authorize the Mayor to sign. Councilmember Davied seconded the motion.

Roll Call Vote:

Greg Davied – Aye Tyler Dehn -Aye Emily Hamburg -Aye
Brandon McIntosh -Aye Mike Proctor -Aye

Motion carried 5-0.

C. PUD-26-02 Consideration Of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending An Amendment To The Arthur Heights Estates PUD, To Allow Lot 5 To Be Developed For A Gas Station/Convenience Store Use, Requesting Relief From Setbacks, Landscaping, and Screening Requirements, Generally Located at NW Corner of Woodlawn Blvd and 45th Street.

Mayor Benage called Agenda Item XIC. Mayor Benage asked if anyone on the Council intended to disqualify themselves from participating in this case because they have a conflict of interest. No one was disqualified. Mayor Benage noted that a quorum of the governing body was present.

Mayor Benage asked if anyone on the Council received any ex parte verbal or written communications prior to this agenda item, which they would like to share. Councilmember Dehn reported he had had a brief communication with the consultant that was helping the developer, and he told him he would keep an open mind.

Mayor Benage asked if the City Clerk received any protest petitions on this case. The City Clerk responded no, none have been received.

Paula Downs, Director of Community Development, provided the staff report presentation. The site was platted in 1953 and has remained vacant since that time. The reason for the request is to amend the PUD to allow for gas station use, and to approve two

methods for relief: for setbacks and landscaping and screening regulations. They are requesting a reduction in setbacks due to a large right of way for Woodlawn Avenue. The applicant is asking to install evergreens on the north side instead of shade trees or ornamental trees to try to avoid root encroachment into the utility easement. Ms. Downs referred to her staff report which was included in the City Council's agenda packet for this hearing. The final drainage plan will need to be approved by the City Engineer.

Councilmember Dehn asked for clarification regarding a notation on the site plan regarding a screening fence. Ms. Downs stated that the intentions for what kind of fence are not known at this time. More will be known when the applicant applies for a building permit.

Councilmembers then confirmed that they had read the draft Planning Commission meeting minutes for April 9, 2026, which included a summary of the hearing for this case. City staff confirmed that no written communications were received by the City regarding this case.

Mayor Benage invited the public to speak on the matter. No one spoke.

Matthew Tucker, BHC, 165 S Rock Island Ave, Wichita, Kansas, represented the applicant and answered questions from the Council.

Councilmember McIntosh asked about screening and if there would be good screening to prevent lights from disturbing the homeowners in the new residential development immediately to the west of this site. Mr. Tucker stated he doesn't anticipate a problem with lighting because there is an intention of long-term vegetative screening there. Councilmember McIntosh asked if the screening plan will be reviewed again in the future. Ms. Downs stated that the screening will be reviewed again by staff when an application for building permit is submitted.

Councilmember Dehn stated he would begin the discussion. Councilmember Dehn stated he will support approval of the application because it agrees with the comprehensive plan. He cited the location on a major intersection and adjacent from other commercial properties. He further cited the recommendation of the Planning Commission, and staff's recommendation in support of the application.

Councilmember Hamburg asked about the development timeline. Ms. Downs said the applicant is anxious to start.

MOTION: Councilmember Davied moved to approve the findings of fact and recommendation of the Planning Commission for PUD-26-02, Adopt the Ordinance as Presented, and authorize the Mayor to sign. Councilmember Dehn seconded the motion.
Roll Call Vote:

Greg Davied – Aye Tyler Dehn -Aye Emily Hamburg -Aye
Brandon McIntosh -Aye Mike Proctor -Aye

Motion carried 5-0.

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Executive Session A.

MOTION: Councilmember Hamburg 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 Neil Gosch, Katherine Chlumsky, City Manager, City Attorney and City Engineer. The meeting will be for a period of 30 minutes, and the open meeting will resume in City Council Chambers at 8:50 p.m. Councilmember McIntosh seconded the motion. *Motion carried 5-0.*

The Council then recessed for Executive Session. At 8:50 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

D. Consideration of An Ordinance Establishing Airport Hazard Zoning Regulations in accordance with K.S.A. 3-705.

Mayor Benage called Agenda Item XI.D. Mayor Benage asked if anyone on the Council intended to disqualify themselves from participating in this case because they have a conflict of interest. No one was disqualified. Mayor Benage noted that a quorum of the governing body was present.

Mayor Benage asked if anyone on the Council received any ex parte verbal or written communications prior to this agenda item, which they would like to share. No one reported any ex-parte communications.

Mayor Benage asked if the City Clerk received any protest petitions on this case. The City Clerk responded no, none have been received. Councilmembers then confirmed that they had received the draft Airport Zoning Commission meeting minutes for April 9, 2026, which included a summary of the hearing for this case.

City Attorney Maria Schrock provided the staff report presentation and answered questions from the City Council. Kansas statutes outline the step-by-step process for adopting airport zoning regulations. The City of Wichita asked the City of Bel Aire to consider an airport hazard zoning regulations for Jabara Airport. The Bel Aire Planning Commission was then appointed as the Airport Zoning Commission. The Airport Zoning Commission then held preliminary and final hearings regarding the proposed regulations. Ms. Schrock summarized the discussions of the Airport Zoning Commission. The commission discussed concerns about lighting and height restrictions for new businesses, and water proximity to Jabara and concerns about attracting water fowl. Ms. Schrock spoke to Jabara operations staff and they had no concerns about these issues. Following the final hearing, the Airport Zoning Commission voted to recommend approval of the regulations to City Council.

Councilmember McIntosh referred to Exhibit A, the Wichita-Sedgwick County Airport Hazard Zoning Map and asked if height restrictions indicated on the map will affect buildings in Sunflower Commerce Park. Ms. Schrock stated that no issues were shared.

City staff confirmed that no written communications regarding this case had been received.

Mayor Benage invited the public to speak on the matter. No one spoke.

Mayor Benage then requested deliberation by the Council. Councilmember Dehn stated he was in support of the regulations. He noted the ongoing development in the area. He stated the regulations make sense to protect the safety and well being of both aircraft and people on the ground. Councilmember Hamburg stated she would support approving the regulations, and she thanked staff and the Airport Zoning Commission for their thorough review of the regulations.

MOTION: Councilmember Dehn moved to approve an Ordinance establishing Airport Hazard Zoning Regulations and authorize the Mayor to sign. Councilmember Davied seconded the motion.

Roll Call Vote:

Greg Davied – Aye Tyler Dehn – Aye Emily Hamburg – Aye

Brandon McIntosh – Aye Mike Proctor – Aye

Motion carried 5-0.

- E. Consideration of Change Order #1 in the amount of \$1,550.00 with Nowak Construction Co., for hydro-excavation services along 45th Street between Oliver and Woodlawn, increasing the underlying contract not-to-exceed amount of \$58,900.00 to \$60,450.00.**

MOTION: Councilmember Hamburg moved to Approve Change Order No. 1 in the amount of \$1,550.00 with Nowak Construction Co., increasing the hydro-excavation contract not-to-exceed amount to \$60,450.00, and authorize the Mayor to sign. Councilmember Proctor seconded the motion. ***Motion carried 5-0.***

- F. Consideration of an Engagement Letter with Allen, Gibbs & Houlik, L.C. for 2025 Annual Audit Services.**

MOTION: Councilmember Davied moved to approve the Engagement Letter with Allen, Gibbs & Houlik L.C. for 2025 Annual Audit Services, at a cost not to exceed \$46,825.00 as presented, and authorize the Mayor to sign. Councilmember Proctor seconded the motion. ***Motion carried 5-0.***

XII. EXECUTIVE SESSION

- A. Executive Session A:** *This item was addressed earlier in the meeting.*
- B. Executive Session B**

MOTION: Councilmember McIntosh moved to recess into executive session to discuss the performance of non-elected personnel, including but not limited to, the City Manager. The discussion will be pursuant to K.S.A. 75-4319(b)(1) to discuss personnel matters of non-elected personnel. Invite the City Manager and City Attorney. The meeting will be for a period of 15 minutes, and the open meeting will resume in City Council Chambers at 9:22 p.m. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

The Council then recessed for Executive Session. At 9:23 p.m., Mayor Benage called the meeting back to order and stated that no binding action had been taken.

MOTION: Councilmember Proctor moved to recess into executive session to discuss the performance of non-elected personnel, including but not limited to, the City Manager. The discussion will be pursuant to K.S.A. 75-4319(b)(1) to discuss personnel matters of non-elected personnel. Invite the City Manager and City Attorney. The meeting will be for a period of 15 minutes, and the open meeting will resume in City Council Chambers at 9:40 p.m. Councilmember Davied seconded the motion. *Motion carried 5-0.*

The Council then recessed for Executive Session. At 9:41 p.m., Mayor Benage called the meeting back to order and stated that no binding action had been taken.

XIII. DISCUSSION AND FUTURE ISSUES

A. City Council Workshop - May 12th at 7:00 p.m.

Mayor Benage briefly listed topics for discussion at the next City Council workshop on May 12th at 7:00 p.m.

The Council also discussed a report provided by Chief of Police Darrell Atteberry in support of traffic camera technology. Three Councilmembers suggested a workshop be held to further discuss the topic. No official action was taken.

XIV. ADJOURNMENT

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

Approved by the City Council this _____ day of _____, 2026.

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk