



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
December 05, 2023 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 Maria Schrock, Assistant City Manager Ted Henry, City Engineer Anne Stephens, Bond Counsel Kevin Cowan of Gilmore & Bell, PA, Consultant Becky Lewis of Burns and MacDonnell, 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: There were no additions.

VI. CONSENT AGENDA

- A. Approve Minutes of the November 21, 2023 City Council meeting.**
- B. Reappoint Mayor Jim Benage to the Wichita Area Metropolitan Planning Organization (WAMPO) Policy Board**
- C. Reappoint City Engineer Anne Stephens as an alternate official to the WAMPO Policy Board.**
- D. Reappoint Assistant City Manager Ted Henry as an alternate official to the WAMPO Policy Board.**
- E. Reappoint Mayor Jim Benage to the Bel Aire Public Building Commission (PBC). The Mayor is one member and serves a 4-year term co-terminus with his Mayoral term.**
- F. Reappoint Gary O'Neal to the Bel Aire Public Building Commission (PBC). His term will expire in 2027.**

- G. Reappoint Mayor Jim Benage to the Chisholm Creek Utility Authority Board.**
- H. Reappoint Greg Davied to the Chisholm Creek Utility Authority board for 2 years, term ending December 5, 2025.**
- I. Accept Petitions for Phase 1 Paving, Sanitary Sewer, and Water Distribution System Improvements to serve Skyview at Block 49 2nd Addition Phase 2.**
- J. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Skyview At Block 49 2nd Addition- Phase 2); And Amending, Restating And Repealing Resolution No. R-22-48.**
- K. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/ Skyview At Block 49 2nd Addition - Phase 2).**
- L. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution System Improvements/Skyview At Block 49 2nd Addition- Phase 2).**
- M. Accept Petitions for Phase 1 Paving and Drainage, Sanitary Sewer, and Water Distribution System Improvements to serve Bel Aire Lakes.**
- N. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Bel Aire Lakes Addition—Phase 1).**
- O. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/ Bel Aire Lakes - Phase 1).**
- P. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution System Improvements/Bel Aire Lakes- Phase 1).**

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

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance No. 23-22 in the amount of \$971,445.72.

MOTION: Councilmember Davied moved to approve Appropriations Ordinance No. 23-22. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

VIII. SEATING OF NEWLY ELECTED GOVERNING BODY MEMBERS

A. Oath of Office by Mayor Jim Benage and Councilmembers Emily Hamburg and Tyler Dean.

Mayor Jim Benage and Councilmembers Emily Hamburg and Tyler Dehn took the Oath of Office and took their seats on the Council.

IX. ROLL CALL OF NEW COUNCIL

Present were Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch.

X. CITY REQUESTED APPEARANCES: None.

XI. PUBLIC HEARING

A. Public Hearing on the proposed 2023 City of Bel Aire Budget Amendments.

No one spoke.

MOTION: Councilmember Hamburg moved to close the public hearing. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

XII. CITIZEN CONCERNS

Jeff Tredway, 8493 E Deer Run, spoke about his concerns about speeding in his neighborhood. He presented copies of a petition to the City Council regarding installing a street termination to reduce the traffic flow.

Mayor Benage stated that the petition would be reviewed and City staff would contact Mr. Tredway.

XIII. REPORTS

A. Council Member Reports

Councilmember Dehn reported briefly on the Bel Aire Chamber Mixer and thanked the Chamber members for putting on the event. He also attended the Volunteer Appreciation Dinner tonight at City Hall and he thanked the volunteers who dedicate their time to Bel Aire boards and committees.

Councilmember Hamburg briefly reported on the Sedgwick County Emergency Response training which she participated in over the weekend. She encouraged citizens to take the training.

Councilmember Welch briefly reported on the purpose for executive sessions.

B. Mayor's Report

Mayor Benage briefly reported on the Bel Aire Chamber Mixer, the volunteer dinner, and the annual Christmas event at City Hall last Saturday. He also thanked Public Works crews for their work over Thanksgiving weekend, clearing over 9 inches of snow.

C. City Attorney Report

City Attorney Maria Schrock briefly reported on code enforcement's recent efforts to educate citizens about, and abate, nuisance vehicles.

D. City Manager Report

City Manager Ty Lasher briefly reported on the Volunteer Appreciation Dinner. He thanked staff for their work on the dinner.

XIV. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Adopt 2023 City of Bel Aire Budget Amendments, as published.

MOTION: Councilmember Smith moved to adopt the 2023 City of Bel Aire Budget Amendments, as published. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

B. Consideration of electing a Council President. The term is for one year and was previously held by Justin Smith.

MOTION: Councilmember Davied moved to elect Council Member Justin Smith as Council President for 2024. Councilmember Dehn seconded the motion. ***Motion carried 5-0***

C. Consideration of Bids for Street Repairs on Webb Road from K-254 to 45th Street. Three bids were received:

Pearson Construction	\$47,380.00
Kansas Paving	\$33,040.00
APAC Construction	\$54,250.00

MOTION: Councilmember Hamburg moved to deny all of the bids. Councilmember Davied seconded the motion. ***Motion carried 4-1*** with Councilmember Welch voting against the motion.

D. Consideration of accepting a bid for the 37th Street Valve Replacement. Three bids were received:

<u>Contractor</u>	<u>Total Bid</u>
Dondlinger	\$42,750.00
McCullough	\$66,250.00
UMC	\$46,610.00

MOTION: Councilmember Davied moved to accept the bid from Dondlinger in the amount of \$42,750.00 for the 37th Street Valve Replacement and authorize the Mayor to sign all related documents. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

E. Consideration of An Ordinance which sets forth uniform requirements for Users of the Sanitary Sewer Conveyance System for the City of Bel Aire and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et 15 seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations 16 [CFR] Part 403)

MOTION: Councilmember Welch moved to table the Ordinance pending revisions. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

F. Consideration of An Ordinance changing the zoning classification from R-4 Single-Family District to R-5 Multi-Family on certain property located within the corporate city limits of the City of Bel Aire, Kansas (ZON-23-05 - Chapel Landing 8th).

MOTION: Councilmember Smith moved to approve An Ordinance changing the zoning classification from R-4 Single-Family District to R-5 Multi-Family on certain property located within the corporate city limits of the City of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Hamburg seconded the motion.

Roll Call Vote:

Greg Davied – Aye	Tyler Dehn – Aye	Emily Hamburg -Aye
Justin Smith -Aye	John Welch -Aye	Mayor Jim Benage -Aye

Motion carried 6-0.

The Council briefly discussed the trend of building single-family homes on smaller lots and the lack of a zoning classification in the Bel Aire zoning code to allow that kind of development.

MOTION: Councilmember Welch moved to direct Planning Commission to create a new zoning district for single-family housing on smaller lots. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

G. Consideration of A Resolution Concerning Service, License And Permit Fees Within The Corporate Limits Of The City Of Bel Aire, Kansas.

MOTION: Councilmember Welch moved to approve A Resolution Concerning Service, License And Permit Fees Within The Corporate Limits Of The City Of Bel

Aire, Kansas as (presented / amended) and authorize the Mayor to sign. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

H. Consideration of Notification of Retirement from Ty Lasher as City Manager, submitted on October 10, 2023 (announced at the October 10th council workshop while written letters were simultaneously provided to all council members.)

MOTION: Councilmember Welch moved to approve Ty Lasher's Notification of Retirement as received on October 10, 2023, with his last day as City Manager being March 29, 2024. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

I. Consideration of an Employment Agreement with Ted Henry as City Manager, effective April 1, 2024.

MOTION: Councilmember Smith moved to approve an Employment Agreement with Ted Henry as City Manager with an effective date of April 1, 2024 and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

XV. EXECUTIVE SESSION

MOTION: Councilmember Smith moved to take a 5-minute recess. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

The Council then held a brief recess.

MOTION: Councilmember Welch to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding contractual obligations pursuant to the KSA 75-4319 exception for attorney-client privilege for consultation regarding Woodlawn Road Project contractual obligations. Invite the City Manager, Assistant City Manager, City Engineer, Attorney Neal Gosch and the City Attorney. The meeting will be for a period of 30 minutes, and the open meeting will resume in City Council Chambers at 8:57 p.m. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

The Council held an executive session. At 9:00 p.m., Mayor Benage called the meeting back to order and stated that no binding action had been taken.

MOTION: Councilmember Welch moved to extend the executive session for 15 minutes with the open meeting resuming at 9:15 p.m. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

The council returned to executive session. At 9:16 p.m., Mayor Benage called the meeting back to order and stated that no binding action had been taken.

MOTION: Councilmember Smith moved to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding contractual obligations pursuant to the KSA 75-4319 exception for attorney-client privilege. Invite the City Manager, Assistant 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 9:33 p.m. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

At 9:34 p.m., Mayor Benage called the meeting back to order and stated that no binding action had been taken.

XVI. DISCUSSION AND FUTURE ISSUES

A. December Workshop – December 12th at 6:30 pm?

B. December 19th City Council Meeting?

Councilmembers briefly discussed the agendas for the upcoming Workshop on December 12th and the next City Council meeting on December 19th.

XVII. ADJOURNMENT

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