



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
February 21, 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 Jacqueline Kelly, Assistant City Manager Ted Henry, City Engineer Anne Stephens, Director of Community Development Jay Cook, City Clerk Melissa Krehbiel, and Sarah Steele and Kevin Cowan of Gilmore and Bell, Bond Council for the City.

III. OPENING PRAYER: Dr. Rob Lindsted provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. PROCLAMATION

A. Severe Weather Awareness Week, March 6-10, 2023

Councilmember Davied read the proclamation and Mayor Benage signed it.

VI. DETERMINE AGENDA ADDITIONS: There were no additions.

VII. CONSENT AGENDA

A. Minutes of the February 7, 2023 City Council meeting.

B. Minutes of the February 9, 2023 City Council Special Meeting.

Mayor Benage added agenda items XIII D and XIII H to the consent agenda.

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

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 23-03 in the amount of \$2,026,332.65.

MOTION: Councilmember Davied moved to accept Appropriations Ordinance 23-03. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

IX. CITY REQUESTED APPEARANCES: There were none.

X. CITIZEN CONCERNS

Rebecca Armstrong, 4306 N Rushwood, spoke about her concerns about the impact of recent development in Bel Aire. She is concerned that recently built duplexes are unaffordable to many, and are not connected to sidewalks, parks, or open spaces.

XI. PUBLIC HEARING

A. Bayside Development Project – The purpose of the public hearing is to hear from taxpayers and other interested parties regarding the proposed issuance by the City of its Taxable Industrial Revenue Bonds (Bayside Development Project), in a principal amount not to exceed \$150,000,000 (the "Bonds") and in regard to an exemption from ad valorem taxation of property constructed or purchased with the proceeds of such Bonds.

Rebecca Armstrong, 4306 N Rushwood, spoke about her concerns about public notice of the proposed development and the proper EPA permits for the site. She has not seen plans for this on the City website or in the newspaper.

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

XII. REPORTS

A. Council Member Reports

Councilmember Dehn reported that the Bel Aire Chamber of Commerce will hold a monthly luncheon next Wednesday at City Hall, and a K-254 Development meeting will be held at City Hall this Friday.

Councilmember Hamburg reported that Resurrection Church will hold a blood drive on March 4th.

B. Mayor's Report

Mayor Benage reported that he met with Bel Aire Chamber representatives last week and discussed marketing for Bel Aire. He also sent comments in opposition to Senate Bill 47, which would ban plastic bags, to Senate Commerce Committee Chair Renee Erickson. The bill would go against constitutional homerule for cities. He also encouraged citizens to contact their state senator in opposition to SB210 which would allow for party affiliation of candidates to be marked on local election ballots.

Mayor Benage thanked staff for the informative insert regarding utility bill fees in the January water bill.

Regarding upcoming events, the Utility Advisory Committee will tour the Waste Connections recycling facility on May 10th. Citizens interested in attending should RSVP to Committee

Chairperson Art Tenbrink. He also encouraged the public to attend a public meeting at Great Plains Nature Center on March 2nd regarding K-96 improvements.

C. City Attorney Report

City Attorney Kelly briefly reported on state legislative news. She also reported on the development approval process in Bel Aire. Anyone can request information on a development, such as site plans, once it gets to the Planning Commission process. Once the developer applies through the Planning Commission, public notice will be published in the official City newspaper, the Ark Valley News.

D. City Manager Report

City Manager Lasher briefly reported on the development process, related to questions from the public hearing earlier in the meeting. Today's public hearing for Bayside Development was related to financing. The development will then go through the Planning Commission public hearing process.

XIII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Taxable Industrial Revenue Bonds For The Purpose Of Financing The Acquisition, Construction And Equipping Of Multiple Warehouse And Manufacturing Facilities To Be Located In The City; And Authorizing Execution Of Related Documents.

MOTION: Councilmember Dehn moved to accept A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Taxable Industrial Revenue Bonds For The Purpose Of Financing The Acquisition, Construction And Equipping Of Multiple Warehouse And Manufacturing Facilities To Be Located In The City; And Authorizing Execution Of Related Documents and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

B. Consideration of approving the second five years, of a total ten year of tax abatements for the 2017 Wickham Glass Industrial Revenue Bond (IRB).

MOTION: Councilmember Smith moved to approve the second five years of tax abatements for the 2017 Wickham Glass IRB and authorize all required signatures. Councilmember Welch seconded the motion. *Motion carried 5-0.*

C. Consideration of An Order (V-23-01) Vacating A Portion Of A Platted Building Setback Line On Certain Property Located In Aurora Park at 4130 N Harding Ave.

MOTION: Councilmember Hamburg moved to approve An Order (V-23-01) Vacating A Portion Of A Platted Building Setback Line On Certain Property Located In Aurora Park at 4130 N Harding Ave and authorize the Mayor to sign. Councilmember Smith seconded the motion.

Roll Call Vote:

Greg Davied – Aye
Justin Smith – Aye
Motion carried 6-0.

Tyler Dehn – Aye
John Welch – Aye

Emily Hamburg – Aye
Mayor Jim Benage – Aye

- D. Consideration of accepting the Engineering Agreements with KE Miller for the design and construction staking of the Water Distribution System, Sanitary Sewer Collection System, and Street and Storm Sewer System to serve Elk Creek 3rd.**

This item was accepted earlier in the meeting, under the Consent Agenda.

- E. Consideration of Agreements for Annexation for two adjacent parcels located on Webb Rd half way between 45th and 53rd Streets (Bryant properties).**

MOTION: Councilmember Welch moved to accept the Consent To and Agreements For Annexation for the Bryant properties, and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

- F. Consideration of An Ordinance Annexing And Incorporating A Portion Of Section 21-26-2E Into The Boundaries Of The City Of Bel Aire, Kansas.**

MOTION: Councilmember Welch moved to approve the annexation of portions of section 21-26-2E into the corporate limits of the City of Bel Aire and authorize the Mayor to sign. Councilmember Davied seconded the motion.

Roll Call Vote:

Greg Davied – Aye
Justin Smith – Aye

Tyler Dehn – Aye
John Welch – Aye

Emily Hamburg – Aye

Motion carried 5-0.

- G. Consideration of the Change Order Request from Pearson Construction for the addition of retaining walls in the northeast and southeast corners of Woodlawn and Odessa in the amount of \$38,556.00.**

Councilmembers requested more information from the City Attorney about future maintenance responsibilities of the City for the proposed retaining walls.

MOTION: Councilmember Hamburg moved to table the Change Order Request from Pearson Construction in the amount of \$38,556.00 for retaining walls in the northeast and southeast corners of Woodlawn and Odessa. Councilmember Welch seconded the motion. *Motion carried 5-0.*

- H. Consideration of accepting the Engineering Agreement with Garver for the design, construction staking and project administration / observation for storm water and paving improvements in Aurora Park (\$112,850) and Cozy Drive (\$80,125).**

This item was accepted earlier in the meeting, under the Consent Agenda.

XIV. EXECUTIVE SESSION

MOTION: Councilmember Welch moved to take a 7-minute recess. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

The Council then held a brief recess.

MOTION: Councilmember Hamburg moved to go into executive session for the sole purpose of discussing the subject of: Consulting with attorney regarding municipal utility obligations, pursuant to the KSA 75-4319 exception for the same. Invite the City Manager, Assistant City Manager, the City Attorney, and Ken Lee. The meeting will be for a period of 30 minutes, and the open meeting will resume in City Council Chambers at 8:30. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 8:34 p.m. Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

MOTION: Councilmember Dehn moved to go into executive session for the sole purpose of discussing the subject of: preliminary contract negotiations under attorney-client privilege, pursuant to the KSA 75-4319 exception for attorney-client privilege. Invite the City Manager, Assistant City Manager, the City Attorney, Kevin Cowan, and Jeff White. The meeting will be for a period of 30 minutes, and the open meeting will resume in City Council Chambers at 9:05 p.m. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 9:09 p.m. Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

XV. DISCUSSION AND FUTURE ISSUES: Mayor Benage asked staff to investigate the construction details and schedule for the credit union building that has begun the Wichita side of Woodlawn. The dirt is currently built up higher than the Bel Aire sidewalk.

XVI. ADJOURNMENT

MOTION: At 9:10 p.m., Councilmember Welch moved to adjourn. Councilmember Davied seconded. ***Motion carried 5-0.***