



**MINUTES**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**March 07, 2023 7:00 PM**



---

**I. CALL TO ORDER:** Mayor Jim Benage called the meeting to order at 7:02 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, City Engineer Anne Stephens, Director of Community Development Jay Cook and City Clerk Melissa Krehbiel.

**III. OPENING PRAYER:** Gary Green provided the opening prayer.

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Mayor Benage led the pledge of allegiance.

**V. PROCLAMATION**

**A. American Red Cross Month, March 2023**

Mayor Benage read and signed the proclamation.

**VI. DETERMINE AGENDA ADDITIONS**

**VII. CONSENT AGENDA**

**A. Minutes of the February 21, 2023 City Council meeting.**

**B. Approve Bellino Fireworks Kansas, Inc to be located at 4552 N Woodlawn Blvd as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.**

**C. Approve Shocker Fireworks to be located at 4501 N Oliver as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.**

**D. Approve Waz Up Fireworks, LLC to be located at 9745 E 50<sup>th</sup> St N (Clinic In A Can) as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.**

- E. Approve Wholesale Fireworks Enterprises, LLC to be located at 6334 E Crestmark as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.**
- F. Final Amendment to Employment Contract – City Attorney**
- G. Confirm the Mayor's appointment of Gary Breault to the Aurora Park Gravel Roads Task Force.**

Mayor Benage requested to amend the Consent Agenda by removing Item B.

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

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

- A. Consideration of Appropriations Ordinance 23-04 in the amount of \$729,446.02.**

**MOTION:** Councilmember Davied moved to accept Appropriations Ordinance 23-04. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

## **IX. CITIZEN CONCERNS**

Lyle Ackerman, 4920 N Hillcrest, spoke regarding recent street improvements. He thanked the City for repairing streets and gutters in Pearson's First Addition and thanked Kansas Paving for working on the project, even in inclement weather.

## **X. REPORTS**

- A. Council Member Reports**

Councilmember Dehn reported he attended the most recent meetings of the Bel Aire Chamber, K-254 Corridor Development Association and Chisholm Creek Utility Authority (CCUA). He noted that the Bel Aire Parks survey is available on the City website and encouraged residents to offer their input. He heard concerns from residents about their concerns about bus route changes resulting from connecting sidewalks. Concerned residents should reach out to the USD 259 Transportation department for more information on bus routes.

Councilmember Davied reported he attended the most recent meetings of the K-254 Corridor Development Association and Chisholm Creek Utility Authority.

Councilmember Smith briefly reported on the latest CCUA meeting.

Councilmember Welch reported he attended the most recent meetings of the K-254 Corridor Development Association and Chisholm Creek Utility Authority. He encouraged residents to donate blood.

Councilmember Hamburg reported she attended the Integra Technologies announcement, the most recent meetings of the K-254 Corridor Development Association and Chisholm Creek Utility Authority, and the Sunrise Christian Academy performance of Anastasia.

**B. Mayor's Report**

Mayor Benage reported that he attended the latest meeting of the CCUA and the Sunrise Christian Academy performance of Anastasia. He also met with the Mayor of Park City regarding the CCUA agreement. He noted that the Sedgwick County Association of Cities (SCAC) will meet on March 11<sup>th</sup>.

Mayor Benage wished happy birthdays to Councilmembers Davied and Smith, and congratulations to Laura Rainwater on her appointment to Sedgwick County Election Commissioner. He also encouraged residents to patronize Dollar General and Los Campos (formerly Los Cunados) during the Woodlawn construction.

**C. City Attorney Report**

City Attorney Kelly briefly reported on recent happenings in the state legislature. Regarding her recent resignation, she stated that while she looks forward to her new position for the City of Derby, she appreciated her time as City Attorney for Bel Aire and she will continue to be a fan and supporter of Bel Aire.

**D. City Manager Report**

City Manager Lasher said he has enjoyed working with City Attorney Kelly and will miss her, and he wished her well in her new endeavors.

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

**A. Consideration Of Approving An Incentive Agreement Between City Of Bel Aire, Kansas And Integra Technologies, Inc.**

CEO Brett Robinson, Integra Technologies, Inc, gave a brief review of his company's history and plans for the proposed facility in Bel Aire.

**MOTION:** Councilmember Smith moved to accept An Incentive Agreement Between City Of Bel Aire, Kansas And Integra Technologies, Inc. and authorize the Mayor to sign. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

**B. Consideration of A Letter Of Support For Integra Technologies Chips For American Incentives Proposal.**

**MOTION:** Councilmember Davied moved to approve A Letter Of Support For Integra Technologies Chips For American Incentives Proposal and authorize the Mayor to sign. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

**C. Consideration of A Resolution Of Support For Integra Technologies Chips For American Incentives Proposal.**

**MOTION:** Councilmember Dehn moved to approve A Resolution Of Support For Integra Technologies Chips For American Incentives Proposal and authorize the Mayor to sign. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

**D. Consideration of Consideration of Letter of Intent to Issue Industrial Revenue Bonds for Integra Technologies, Inc.**

Kevin Cowan of Gilmore and Bell, Bond Counsel for the City, stood for questions from the City Council.

**MOTION:** Councilmember Smith moved to approve A Letter of Intent to issue Industrial Revenue Bonds for Integra Technologies, Inc and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

**E. Special Presentation and Recess.**

Mayor Benage presented a plaque to City Attorney Jacqueline Kelly and thanked her for her service.

**MOTION:** Councilmember Smith moved to take a 15- minute recess. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

The meeting was in recess. At 7:35 p.m., Mayor Benage called the meeting to order.

**F. Consideration of accepting a quote for development of a new Comprehensive Development Plan. Quotes were received from three companies:**

<u>Contractor</u>	<u>Amount</u>
Multistudio	\$39,815
PEC	\$53,000
RDG	\$125,000

Jay Cook, Director of Community Development, stood for questions from the Council. The Council requested more information from the contractors regarding start and completion dates for the project.

**MOTION:** Councilmember Smith moved to table Item F. Councilmember Davied seconded the motion. ***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.**

City Attorney Kelly advised that the maintenance of the retaining walls will be the responsibility of the property owners going forward. Councilmembers asked that City staff send a courtesy letter to the property owners, notifying them of this responsibility.

**MOTION:** Councilmember Smith moved to approve 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, and also to send a letter to the property owners, and authorize the Mayor to sign all related documents. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**H. Consideration of the quote from Dondlinger Construction for the lowering of the 18” water line and plugging the 6” water line at 44<sup>th</sup> and Woodlawn in the amount of \$44,500.00.**

Jay Anglemyer, MKEC, and City Engineer Anne Stephens stood for questions from the City Council.

**MOTION:** Councilmember Smith moved to approve the quote from Dondlinger Construction in an amount not to exceed \$44,500.00 for lowering the 18” water line and plugging the 6” water line at 44th and Woodlawn, and to work with MKEC on an appropriate cost-sharing agreement as determined by the City Manager, and authorize the Mayor to sign all related documents. Councilmember Welch seconded the motion. *Motion carried 5-0.*

**I. Consideration of A Consent To and Agreement For Annexation for a parcel located on the South Side of 53rd Street (Kilgore property).**

City Attorney Kelly requested that Items I and J be tabled, and the City seek attorney counsel within the next 30 days regarding whether to pursue annexation by consent or by another method.

**MOTION:** Councilmember Hamburg moved to table the Consent To and Agreement For Annexation for the Kilgore property. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**J. Consideration of An Ordinance Annexing And Incorporating [the Kilgore Property] Into The Boundaries Of The City Of Bel Aire, Kansas.**

**MOTION:** Councilmember Smith moved to table Item J to ask for advice from counsel on whether to pursue annexation in this manner or a different one. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**XII. CITY REQUESTED APPEARANCES**

**A. 45th Street Update - Ken Lee and Chris Bohm, Garver**

Ken Lee and Chris Bohm stood for questions from City Council and gave a brief presentation on the projected timeline for the project design.

**XIII. EXECUTIVE SESSION**

**MOTION:** Councilmember Smith moved to go into executive session for the sole purpose of discussion of the subject of: Attorney-client privilege regarding contractual obligations,

pursuant to the KSA 75-4319 exception for: Attorney-client privilege. Invite the City Manager and the City Attorney. The meeting will be for a period of 15 minutes, and the open meeting will resume in City Council Chambers at 9:10 p.m. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

The City Council then held an executive session. At 9:15 p.m., the Council returned to the Council Chambers. Mayor Benage stated no binding action had been taken and called the meeting back to order in open session.

#### **XIV. DISCUSSION AND FUTURE ISSUES**

##### **A. Monthly Workshop – March 14, 2023 at 6:30 pm?**

The Council briefly discussed the agenda for the next workshop, which will be held on March 14<sup>th</sup> at 6:30 p.m.

#### **XV. ADJOURNMENT**

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

The meeting adjourned at 9:21 p.m.