



**MINUTES**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**December 07, 2021 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 Jeff Elshoff, Dr. Joel Schroeder, Justin Smith, John Welch, and Diane Wynn.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, City Engineer Anne Stephens 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 the Minutes of the November 16, 2021 City Council meeting.**
- B. Acceptance of Petitions for Paving, Sanitary Sewer, Storm Water Drain, and Water Distribution System Improvements to serve Chapel Landing Addition Phase 2.**
- C. Approval of Resolutions Authorizing Paving, Sanitary Sewer, Storm Water Drainage, and Water Distribution System Improvements to serve Chapel Landing Addition Phase 2**
- D. Appoint Greg Davied to the Bel Aire Land Bank. The Land Bank consists of all members of the Bel Aire Governing Body.**
- E. Reappoint Mayor Jim Benage to the Wichita Area Metropolitan Planning Organization (WAMPO) Policy Board**
- F. Reappoint City Engineer Anne Stephens as an alternate official to the WAMPO Policy Board.**
- G. Reappoint Mayor Jim Benage to the Bel Aire Public Building Commission (PBC). The Mayor is one member.**

- H. Reappoint Dr. Joel Schroeder to the Bel Aire Public Building Commission. A Governing Body member is another position and was previously held by Dr. Schroeder.**
- I. Approval of a 2022 Limited Retailer Cereal Malt Beverage License for Dollar General, located at 45<sup>th</sup> and Woodlawn.**

City Attorney Kelly requested that consent agenda items D, E, and G be added to the regular agenda after item XV G.

**MOTION:** Councilmember Smith moved to approve Consent Agenda Items A, B, C, F, H, and I and authorize the Mayor to sign. Councilmember Schroeder seconded the motion. *Motion carried 5-0.*

## **VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCES**

- A. Consideration of Appropriations Ordinance 21-22 in the amount of \$1,073,604.52.**

**MOTION:** Councilmember Elshoff to approve Appropriations Ordinance 21-22. Councilmember Smith seconded the motion. *Motion carried 5-0.*

## **VIII. SPECIAL RECOGNITION FOR OUTGOING GOVERNING BODY MEMBER - Jeff Elshoff**

Mayor Benage presented Jeff Elshoff with a plaque for his service on the Council. Mr. Elshoff thanked his family, God, and Bel Aire citizens for supporting him during his time on the Council.

## **IX. SEATING OF NEW GOVERNING BODY MEMBERS**

Mayor Jim Benage and Council Members Justin Smith, John Welch, and Greg Davied took the oath of office, administered by the City Clerk.

## **X. RECESS FOR 15 MINUTES**

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

## **XI. ROLL CALL OF NEW COUNCIL**

Mayor Benage called the meeting back to order at 7:25 p.m. Present were Greg Davied, Dr. Joel Schroeder, Justin Smith, John Welch, and Diane Wynn.

## **XII. CITY REQUESTED APPEARANCES**

- A. Bel Aire Lions Club presentation**

Members of the Bel Aire Lions Club presented a check in the amount of \$3,300 to the City to be used for a disc golf course in Alley Park.

**B. Dakota Zimmerman, Garver - Woodlawn Construction Update**

Mr. Zimmerman provided an update on construction progress on Woodlawn.

**XIII. CITIZEN CONCERNS:** No one spoke.

**XIV. REPORTS**

**A. Council Member Reports**

Councilmember Smith reported he attended the Christmas event at City Hall on Saturday and he thanked staff for their work on the event.

Councilmember Welch thanked the businesses that donated for the fireworks at the Christmas event. He also noted that Bel Aire residents are receiving their annual property tax statements. The taxes collected will be dispersed among many different entities. The City of Bel Aire is the only local entity that lowered their tax rate this year. Regarding recent increases in cases of COVID-19, he urged people to take precautions.

Councilmember Davied reported he attended the November 17<sup>th</sup> Woodlawn Construction meeting at Isely Elementary School.

**B. Mayor's Report**

- Mayor Benage noted that today is the 80<sup>th</sup> Anniversary of the attack on Pearl Harbor. He also noted the passing of World War II veteran and former Kansas Senator Bob Dole over the weekend. He asked that citizens remember the family of Senator Dole and all World War II veterans.
- On December 1<sup>st</sup> he spoke at the Bel Aire Chamber's meeting regarding his outlook on his new term of office.
- Mayor Benage met with Wichita Mayor Brandon Whipple on December 2<sup>nd</sup> regarding issues of road maintenance.
- Regarding COVID-19, KDHE reports a 1.9 percent increase in vaccinated Kansans. Sedgwick County reports a positive test rate of 9.25%. He asked residents to continue to support each other and continue to follow guidelines to prevent the spread of the disease.

**C. City Attorney Report** – No report was given.

**D. City Manager Report**

City Manager Lasher reported that City Hall will be closed for Christmas on December 23<sup>rd</sup> and 24<sup>th</sup> and for New Year's on December 31<sup>st</sup>.

## **XV. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS**

### **A. Consideration of An Ordinance Authorizing The City Of Bel Aire, Kansas To Issue Its Taxable Industrial Revenue Bonds, Series 2021 (Speculative Buildings Project) For The Purpose Of The Acquisition, Construction And Equipping Commercial Facility; And Authorizing Certain Other Related Documents And Actions.**

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

**MOTION:** Councilmember Smith moved to approve An Ordinance Authorizing The City Of Bel Aire, Kansas To Issue Its Taxable Industrial Revenue Bonds, Series 2021 (Speculative Buildings Project) For The Purpose Of The Acquisition, Construction And Equipping Commercial Facility; And Authorizing Certain Other Related Documents And Actions and authorize the Mayor to sign. Councilmember Welch seconded the motion.

#### **Roll Call Vote:**

Greg Davied - Aye      Dr. Joel Schroeder - Abstain

Justin Smith - Aye      John Welch - Aye      Diane Wynn - Aye

*Motion carried 4-0-1* with Councilmember Schroeder abstaining from the vote.

### **B. Consideration of confirming the Mayor's appointment of Heath Travnichek to the Planning Commission.**

**MOTION:** Councilmember Schroeder moved to approve the Mayor's appointment of Heath Travnichek to the Planning Commission. Councilmember Smith seconded the motion. *Motion carried 4-0-1* with Councilmember Welch abstaining from the vote.

### **C. Consideration of An Ordinance Changing The Zoning Classification From AG Agricultural To R-5 Residential And C-1 Neighborhood Commercial On Certain Property Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas (Rock Spring 5th).**

City Engineer Anne Stephens stood for questions from Council.

**MOTION:** Councilmember Schroeder moved to approve An Ordinance Changing The Zoning Classification From AG Agricultural To R-5 Residential And C-1 Neighborhood Commercial On Certain Property Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Wynn seconded the motion.

#### **Roll Call Vote:**

Jim Benage – Aye      Greg Davied - Aye      Dr. Joel Schroeder - Aye

Justin Smith - Aye      John Welch - Aye      Diane Wynn - Aye

*Motion carried 6-0.*

**D. Consideration of accepting a bid for Deer Run Sidewalk Improvements. Three bids were received:**

<b>Contractor</b>	<b>Total Bid</b>
Opp Concrete	\$25,900.00
PPJ	\$20,000.00
Rochel Concrete	\$22,000.00

City Engineer Anne Stephens stood for questions from Council.

**MOTION:** Councilmember Schroeder moved to accept the bid from PPJ in the amount of \$20,000.00 for Deer Run Sidewalk Improvements and authorize the Mayor to sign all related documents. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

**E. Consideration of appointing Greg Davied as a Governing Body representative to the Chisholm Creek Utility Authority (CCUA) Board.**

**MOTION:** Councilmember Smith moved to appoint Greg Davied as a Governing Body representative to the CCUA Board. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

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

**MOTION:** Councilmember Schroeder moved to elect Justin Smith as Council President for 2022. Council Member Wynn seconded the motion. ***Motion carried 4-0-1*** with Councilmember Smith abstaining from the vote.

**G. Consideration of A Resolution Of The City Of Bel Aire, Kansas, Approving The Execution And Delivery Of An Agreement To Release And Assign The City's Opioid Claims To The Kansas Attorney General And Certifying Costs Attributable To Substance Abuse And Addiction Mitigation In Excess Of \$500.**

City Attorney Jacqueline Kelly answered questions from Council.

**MOTION:** Councilmember Smith moved to approve A Resolution Of The City Of Bel Aire, Kansas, Approving The Execution And Delivery Of An Agreement To Release And Assign The City's Opioid Claims To The Kansas Attorney General And Certifying Costs Attributable To Substance Abuse And Addiction Mitigation In Excess Of \$500, and authorize the Mayor to sign. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**H. Appoint Greg Davied to the Bel Aire Land Bank. The Land Bank consists of all members of the Bel Aire Governing Body.**

**MOTION:** Councilmember Welch moved to Appoint Greg Davied to the Bel Aire Land Bank. The Land Bank consists of all members of the Bel Aire Governing Body. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

**I. Reappoint Mayor Jim Benage to the Wichita Area Metropolitan Planning Organization (WAMPO) Policy Board.**

**MOTION:** Councilmember Welch moved to reappoint Mayor Jim Benage to the Wichita Area Metropolitan Planning Organization (WAMPO) Policy Board. Councilmember Schroeder seconded the motion. ***Motion carried 5-0.***

**J. Reappoint Mayor Jim Benage to the Bel Aire Public Building Commission (PBC). The Mayor is one member.**

**MOTION:** Councilmember Schroeder moved to Reappoint Mayor Jim Benage to the Bel Aire Public Building Commission. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**XVI. EXECUTIVE SESSION**

**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 and the City Attorney. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 8:34 p.m. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

The Council then adjourned to executive session. At 8:47 p.m. the Council returned to the Council Chambers. Mayor Benage called the meeting back to order in open session and stated no binding action was taken.

**MOTION:** Councilmember Smith moved to extend the executive session for 15 minutes, and the open meeting will resume in Council Chambers at 9:03 p.m. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

The Council then adjourned to executive session. At 9:03 p.m. the Council returned to the Council Chambers. Mayor Benage called the meeting back to order in open session and stated no binding action was taken.

**MOTION:** Councilmember Schroeder moved to add agenda item XVI. K. "CCUA water allocation agreements". Councilmember Smith seconded the motion. ***Motion carried 5-0.***

**MOTION:** Councilmember Schroeder moved to terminate any and all existing legally valid water allocation agreements signed in 2012 and 2015 between Bel Aire and Park City as of December 31, 2021. Bel Are shall request that Park City/ CCUA install meters to accurately determine both parties usage. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

**XVII. DISCUSSION AND FUTURE ISSUES**

**A. December Workshop – December 14<sup>th</sup> at 6:30 pm?**

**B. December 21<sup>st</sup> City Council Meeting?**

The Council briefly discussed the upcoming meeting schedule. There was consensus to hold the December 14<sup>th</sup> workshop at 7:00 p.m. and cancel the December 21, 2021 regular City Council meeting.

**MOTION:** Councilmember Welch moved to cancel the December 21<sup>st</sup> City Council meeting. Councilmember Wynn seconded the motion. ***Motion carried 5-0.***

#### **XVIII. ADJOURNMENT**

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

The meeting adjourned at 9:19 p.m.