



**MINUTES**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**January 07, 2025 7:00 PM**



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**I. CALL TO ORDER:** Mayor Jim Benage called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

Councilmembers Tyler Dehn, Emily Hamburg, Tom Schmitz, and John Welch were present. Councilmember Greg Davied was absent. Also present were City Manager Ted Henry, City Attorney Maria Schrock, City Engineer Anne Stephens, Community Development Director Paula Downs, City Clerk Melissa Krehbiel, Bond Counsel Kevin Cowan of Gilmore and Bell, PA and Kurt Jurgensen of Professional Engineering Consultants, and Matthew Hamm of Schaefer Architects.

**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. PROCLAMATION**

**A. Martin Luther King Jr Day - January 20, 2025**

Mayor Benage read and signed the proclamation.

**VI. DETERMINE AGENDA ADDITIONS:** There were no additions.

**VII. CONSENT AGENDA**

**A. Approval of Minutes of the December 17, 2024 City Council meeting.**

**MOTION:** Councilmember Welch moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Schmitz seconded the motion. ***Motion carried 4-0.***

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

**A. Consideration of Appropriations Ordinance No. 24-24 in the amount of \$1,175,502.54.**

**MOTION:** Councilmember Dehn moved to approve Appropriations Ordinance No. 24-24. Councilmember Hamburg seconded the motion. ***Motion carried 4-0.***

**IX. CITY REQUESTED APPEARANCES**

**A. Aaron Maxwell - Bel Aire Chamber of Commerce**

Mr. Maxwell gave a brief end-of-year report for 2024.

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

**XI. REPORTS**

**A. Council Member Reports**

Councilmember Hamburg gave a brief report on the Dec 19th meeting of the Chisholm Creek Utility Authority (CCUA).

Councilmember Dehn thanked Public Works staff for clearing roads.

**B. Mayor's Report**

Mayor Benage briefly reported on the latest meetings of CCUA and the Wichita Regional Economic Area Partnership (REAP). Regarding upcoming meetings, the Sedgwick County Association of Cities (SCAC) will meet on January 11<sup>th</sup> and the K-254 Corridor Development Association will meet on January 17<sup>th</sup>.

Mayor Benage gave his annual report for 2024. Among the highlights were the appointment of Ted Henry to City Manager following Ty Lasher's retirement, paving Cozy Drive and 53<sup>rd</sup> Street, a new cost of service agreement with CCUA, implementation of the sewer pre-treatment ordinance, the appointment of Tom Schmitz to fill the seat of long-time councilmember Justin Smith, implementation of a new ERP software system, contracting with Sedgwick County for commercial building inspections, and ongoing work in 12 different developments.

**C. City Attorney Report**

City Attorney Maria Schrock gave a brief regarding camping on public property. She anticipates this will be a topic at the next City Council workshop.

**D. City Manager Report**

City Manager Ted Henry reported on snow removal procedures.

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

### **A. Consideration of A Resolution Authorizing And Providing For The Construction And Equipping Of A New Public Works Facility Building In The City Of Bel Aire, Kansas; And Providing For The Payment Of The Costs Thereof.**

**MOTION:** Councilmember Welch moved to adopt A Resolution Authorizing And Providing For The Construction And Equipping Of A New Public Works Facility Building In The City Of Bel Aire, Kansas; And Providing For The Payment Of The Costs Thereof and authorize the Mayor to sign. Councilmember Dehn seconded the motion. ***Motion carried 4-0.***

### **B. Consideration of selecting a bid for Construction of the new Public Works Facility. Four bids were received:**

	<u>Commerce</u>	<u>Crossland</u>	<u>Eby</u>	<u>Icon</u>
Base Bid	\$4,977,500	\$4,853,000	\$5,180,000	\$5,055,000
<i>Calendar Days</i>	<i>330</i>	<i>220</i>	<i>290</i>	<i>365</i>
Alternate #1 (Vehicle Storage)	\$543,000	\$435,000	\$416,400	\$460,000
Alternate #2 (Material Storage)	\$398,000	\$360,000	\$329,400	\$348,000
Alternate #3 (Concrete Blocks)	(\$18,500)	(\$48,000)	(\$40,000)	(\$39,000)
Alternate #4 (Metal Panel 2)	\$190,000	\$178,000	\$97,300	\$180,000
Alternate #5 (Metal Panel 1)	\$217,000	\$205,000	\$125,700	\$207,000

**MOTION:** Councilmember Welch moved to accept the base bid from Crossland Construction in the amount of \$4,853,000 and Alternate #1 in the amount of \$435,000, and Alternate #2 in the amount of \$360,000. Councilmember Hamburg seconded the motion. ***Motion carried 4-0.***

### **C. Consideration of Work Order No 24-11 from Professional Engineering Consultants for 2025 Street Preservation Projects Engineering Services.**

**MOTION:** Councilmember Dehn moved to accept Work Order 24-11 from PEC in the amount of \$125,000.00 for the design, bidding and construction observation and administration services for the 2025 Street Preservation Program Projects and authorize the Mayor to sign. Councilmember Schmitz seconded the motion. ***Motion carried 4-0.***

### **D. Consideration of approving reimbursement to Dondlinger Construction for waterline replacement in Aurora Park in the amount of \$15,442.00.**

**MOTION:** Councilmember Dehn moved to approve reimbursement to Dondlinger Construction for waterline replacement in Aurora Park in the amount of \$15,442.00 and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. ***Motion carried 4-0.***

**E. Consideration of An Ordinance Concerning The Amendment Of Chapter 18, Of The City Code Of Bel Aire, Kansas, In Connection With The Zoning Map, All Within The City Of Bel Aire, Sedgwick County, Kansas.**

**MOTION:** Councilmember Schmitz moved to approve An Ordinance Concerning The Amendment Of Chapter 18, Of The City Code Of Bel Aire, Kansas, In Connection With The Zoning Map, All Within The City Of Bel Aire, Sedgwick County, Kansas and authorize the Mayor to sign. Councilmember Welch seconded the motion.

Roll Call Vote:

Jim Benage - Aye

Greg Davied – [Absent]

Tyler Dehn - Aye

Emily Hamburg - Aye

Tom Schmitz - Aye

John Welch - Aye

***Motion carried 5-0.***

**F. PUD-24-02 Consideration of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending a zone change request in the City, from R-4 to R-5 and R-6, in a Preliminary PUD for Spring Pines (formerly called “Homestead at Spring PUD”), generally located at North and east of East 53<sup>rd</sup> Street North and North Oliver.**

Mayor Benage announced agenda item XII.F. Before proceeding with the hearing, 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 asked if anyone on the Council had received any ex-parte verbal or written communications prior to this agenda item. No one reported ex-parte communication. The City Clerk confirmed that she has not received any protest petitions regarding this case. All Councilmembers confirmed that they had reviewed the minutes of the November Planning Commission meeting, when the public hearing for this case was held.

Community Development Director Paula Downs then stood for questions from the Council and provided a brief presentation, referencing the staff report provided in the Council’s information packet for the January 7<sup>th</sup> meeting.

The City Clerk confirmed that no written communication had been received regarding this case. Mayor Benage invited public comments. No one spoke. The applicant was not present.

**MOTION:** Councilmember Welch moved to approve the findings of fact and recommendation of the Planning Commission for PUD-24-02, Adopt the Ordinance as Presented, and authorize the Mayor to sign. Councilmember Dehn seconded the motion.

Roll Call Vote:

Greg Davied – [Absent]

Tyler Dehn - Aye

Emily Hamburg - Aye

Tom Schmitz - Aye

John Welch - Aye

Jim Benage - Aye

***Motion carried 5-0.***

**G. Consideration of the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Final Plat of Spring Pines Subdivision (SD-24-03).**

Councilmembers noted that Development Agreement had not been drafted for this development.

**MOTION:** Councilmember Welch moved to table the dedications within the Final Plat for Spring Pines Subdivision. Councilmember Schmitz seconded the motion. ***Motion carried 4-0.***

**MOTION FOR RECESS:** Councilmember Welch moved to take a 7-minute recess. Councilmember Dehn seconded the motion. ***Motion carried 4-0.***

**H. PUD-24-04 Consideration of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending a zone change request in the City for a Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in a R-4 zoning district as built (Chapel Landing Phase 2,) generally located at East 53rd Street North and Pinecrest Street. (A protest petition was not filed with the Bel Aire City Clerk within 14 days, after conclusion of the public hearing on 12/12/24.)**

Mayor Benage announced agenda item XII.H. Before proceeding with the hearing, 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 asked if anyone on the Council had received any ex-parte verbal or written communications prior to this agenda item, which they would like to share. Mayor Benage shared that when he contacted the Chairman of the Planning Commission regarding an appointment to the Commission, the Chairman had mentioned this case. According to Mayor Benage, the Chairman said he was trying to pattern this similar to another case like this in his discussions. That was the only ex-parte communication the Mayor had.

The City Clerk confirmed that she had not received any protest petitions on this case. Everyone on the Council then confirmed that they had received the Unapproved Minutes of the Planning Commission for December 12, 2024, which summarizes the public hearing for this case.

Mayor Benage then called upon City Staff to provide a report on the case. Paula Downs, Community Development Director, stood for questions from the Council and presented the staff recommendation, referring to the staff report provided in the Council's information packet for this meeting. Ms. Downs recommended that City Council return the case to the Planning Commission so that City staff could work with the applicant to revise the PUD agreement. Ms. Downs explained that in preparation for tonight's meeting, City staff reevaluated the case with assistance from Professional Engineering Consultants (PEC). However, the Planning Commission did not have access to this new, in-depth analysis at the time of their meeting on December 12<sup>th</sup>. Further, staff does not recommend requiring the supplementary documentation from the applicant that was referenced in the Planning Commission's recommendation. Staff does not recommend the supplementary documentation, because that is outside of the City's zoning and subdivision regulations. Also, Ms. Downs noted that returning the case to the Planning Commission would allow for the Commission to provide a more detailed analysis of Golden Factors as they relate to this case, specifically Golden Factors #4 and #6 listed in the staff report.

Following the staff report, the City Clerk confirmed that she had not received any written communication regarding this case. Mayor Benage then invited the applicant to speak on the case.

Jay Cook, Baughman Company, spoke on behalf of the applicant and stood for questions from the Council. Mr. Cook noted that it was unusual for staff to provide a different recommendation than Planning Commission. Mr. Cook stated that the client was unaware that the process for lot splits is different in Bel Aire than it is in Wichita. Immediately after his client was made aware of the zoning problem created by the lot splits, he contacted Baughman to fix the problem. The representative for the applicant then met with staff and the applicant has done everything that staff has asked as far as getting the PUD drawn up.

He stated that minimum lot sizes and widths were not mentioned by the Planning Commission. Mr. Cook stated the applicant would be willing to accept one condition of the Planning Commission's recommendation regarding street trees. The applicant is not willing to accept the other conditions regarding supplementary documentation. Mayor Benage then invited public comments. No one spoke.

The Council then deliberated. Councilmembers asked further questions of Mr. Cook and City staff during their deliberation. Councilmembers discussed concerns of the applicant, concerns of city staff, the applicant's suggestion to update the platter's text, the applicant's concerns about changes in Golden Factors listed in staff reports, and concerns that the new case analysis from PEC was not available to the Planning Commission on December 12<sup>th</sup>.

**MOTION:** Councilmember Welch moved to return the findings of fact and recommendation of the Planning Commission for PUD-24-04 to the Planning Commission for further consideration, with a statement specifying the basis for failure to approve or disapprove, the statement is: It needs further discussion with City staff, need to review the Golden Factors and make sure all parties agree to what's listed, and address individual lot requirements such as trees and sizing. Councilmember Schmitz seconded the motion.

Roll Call Vote:

Greg Davied – [Absent]

Tyler Dehn - Aye

Emily Hamburg - Aye

Tom Schmitz - Aye

John Welch - Aye

Jim Benage - Aye

***Motion carried 5-0.***

### **XIII. EXECUTIVE SESSION**

#### **A. City Attorney's performance review**

**MOTION:** Councilmember Welch moved to recess into executive session to discuss the City Attorney's performance review. The discussion will be pursuant to K.S.A. 75-4319 (b)(1) to discuss personnel matters of non-elected personnel. The meeting will be for a period of 15 minutes minutes, and the open meeting will resume in City Council Chambers at 10:20 p.m. Councilmember Dehn seconded the motion. ***Motion carried 4-0.***

The Council then recessed for executive session. At 10:21 p.m., Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

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

##### **A. City Council Workshop - January 14th at 7:00 p.m.?**

##### **B. Sedgwick County Shared Roads Discussion**

City Manager Ted Henry briefly discussed the proposed agenda for the workshop which will be held at 7:00 p.m. on January 14<sup>th</sup>.

Mayor Benage reported he met with County representatives regarding shared roads agreements. The Council briefly discussed the possibility of shared roads agreements. No action was taken.

#### **XV. ADJOURNMENT**

**MOTION:** Councilmember Welch moved to adjourn. Councilmember Dehn seconded the motion. *Motion carried 4-0.*