



**MINUTES**  
**CITY COUNCIL MEETING**  
7651 E. Central Park Ave, Bel Aire, KS  
May 07, 2024 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**

Present were Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch. Also present were City Manager Ted Henry, City Attorney Maria Schrock, Director of Public Works Marty McGee, City Engineer Anne Stephens, City Clerk Melissa Krehbiel, Bond Counsel Kevin Cowan of Gilmore and Bell, consultant Ken Lee of Garver.

**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. Older Americans Month, May 2024**
- B. Public Service Recognition Week, May 5-11, 2024**

Councilmembers Davied and Smith read the proclamations aloud and Mayor Benage signed both proclamations.

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

**VII. CONSENT AGENDA**

- A. Approval of Minutes of the April 16, 2024 City Council meeting.**
- B. Accept Petitions for Paving, Sanitary Sewer, Stormwater, and Water Distribution System Improvements to serve Chapel Landing 6th Addition.**
- C. Adopt Resolutions Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving, Sanitary Sewer, Stormwater Sewer, and Water Distribution Improvements/Chapel Landing 6th Addition).**

- 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 Retail 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 Retail Sales Permit pending Sedgwick County Fire Marshall inspection.**
- F. **Accept the Mayor's reappointment of Dee Anne Roths to the Planning Commission. The term will be three years and will expire on 6/1/2027.**
- G. **Accept the Mayor's reappointment of Philip Jordan to the Planning Commission. The new term is three years and will expire on 4/1/2027.**

**MOTION:** Councilmember Welch moved to approve the Consent Agenda as listed 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 No. 24-08 in the amount of \$2,291,672.24.**

**MOTION:** Councilmember Smith moved to approve Appropriations Ordinance No. 24-08. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**IX. CITY REQUESTED APPEARANCES**

- A. **Ken Lee, Garver – 45th Street roundabout preliminary design sketch**

Mr. Lee presented a project overview and stood for questions from the Council.

- B. **Gary O'Neal, Bel Aire Lions Club – Application for Fireworks Retail Sales Permit**

Gary O'Neal spoke to the Council and stood for questions. This year, there was uncertainty about Lions Club's usual location due to construction in the area causing Lions Club to submit an incomplete application. The Lions Club's partner, Bellino Fireworks, submitted the complete application on Friday. Mr. O'Neal asked the Council to consider approving the application.

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

**XI. REPORTS**

- A. **Council Member Reports**

Councilmember Dehn reported on a recent meeting with USD 259 officials and community members regarding bike-walk to school programs and bike safety education at Isely Elementary School. He plans to attend a strategic planning meeting of the K-254 Coordinator Development

Association on May 14<sup>th</sup>. He reminded residents about upcoming events: an informational meeting about summer camp will be held at the Bel Aire Recreation Center on May 16<sup>th</sup>; and the Bel Aire Police Department will host their annual “Cops and Bobber’s” fishing clinic on May 18<sup>th</sup>. Also, monthly walking events are planned; more information can be found at the Rec Center’s Facebook page.

Councilmember Hamburg briefly reported on the ribbon-cutting for Homestead Senior Residences, her volunteer time for E-recycle and Shred Day, and the latest meeting of the CCUA. She noted that the Bel Aire Breeze had incorrectly reported her vote on April 16<sup>th</sup> for the Cozy Drive paving bid; she in fact voted against the motion.

Councilmember Davied reported on the latest meeting of the Chisholm Creek Utility Authority (CCUA).

Councilmember Welch reported on the Lions Club’s E-recycle and Shred Day at City Hall and the grand opening of Homestead Senior Residences.

Councilmember Smith announced that he is moving to a new home outside of Bel Aire and therefore he has submitted a letter of resignation. His resignation from City Council will be effective on July 31<sup>st</sup>, 2024 or as soon as a new Councilmember is appointed to his seat. He resigned from the Public Building Commission, effective immediately. He will continue to serve on CCUA. He stated it has been a privilege and an honor to serve Bel Aire and he will miss the community.

## **B. Mayor's Report**

Mayor Benage reviewed the process for appointing a new Councilmember to fill the vacancy created by Justin Smith’s resignation. Letters of Interest and Resumes will be taken until June 7, 2024 and a new appointment will be made by September 4, 2024. Letters of Interest and Resumes can be sent by mail to City Hall or by email to Mayor Benage at [jbenage@belaireks.gov](mailto:jbenage@belaireks.gov). Please “CC” (carbon copy) the City Clerk at [mkrehbiel@belaireks.gov](mailto:mkrehbiel@belaireks.gov). Regarding the vacancy on the Public Building Commission, a Councilmember will need to be appointed to this seat. The appointment will be on the agenda at the May 21<sup>st</sup> City Council meeting.

Mayor Benage reported on a letter he sent last weekend to the Governor’s chief of staff regarding support for Senate Bill 37 and opposition to CCR-2096. He briefly reviewed the grand opening of Homestead Senior Residences, the latest meeting of the CCUA, and the April 20<sup>th</sup> Celebrate Trees event. Regarding upcoming events, he encouraged residents to attend the regional transportation plan meeting that will be held at City Hall on June 5th. Mayor Benage congratulated Aaliyah Alvarado, Wichita Northeast Magnet High School, for winning best in category for her photograph in the 2024 Congressional Art Competition.

## **C. City Attorney Report**

City Attorney Maria Schrock briefly reported on the addition of notices and legal publications to the City’s website.

**D. City Manager Report**

City Manager Ted Henry reported on City procedures for expected severe weather under the Emergency Operations Plan. Regarding upcoming events, on May 18<sup>th</sup> both Curbside Cleanup and the Police Department’s fishing clinic will be held.

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

**A. Consideration of an application from Bel Aire Lions Club for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.**

**MOTION:** Councilmember Davied moved to approve the application from Bel Aire Lions Club for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

**B. Consideration of an application from Shocker Fireworks for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.**

Councilmembers asked questions of the applicant regarding lighting and the correct address for the vacant lot where the fireworks stand has traditionally been located. Dennis Frasco, Shocker Fireworks, stood for questions from the Council. Mr. Frasco stated that new lighting, low to the ground, would be installed instead of a light tower. City Attorney Maria Schrock stated that staff would work with the applicant to clarify the lot address with all relevant parties; she recommended amending the address on the application to 4608 E 45<sup>th</sup> Street North.

**MOTION:** Councilmember Davied moved to approve the application from Shocker Fireworks at 4608 E. 45<sup>th</sup> for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

**C. Consideration of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Authorizing The Sale And Conveyance Of Certain Property To North Webb, LLC.**

**MOTION:** Councilmember Smith moved to adopt the Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Authorizing The Sale And Conveyance Of Certain Property To North Webb, LLC and authorize all required signatures. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**D. Consideration of Work Order No. 24-04 with PEC for Civil Engineering Design Services for the 2024 Street Maintenance Program.**

**MOTION:** Councilmember Hamburg moved to approve Work Order No. 24-04 with PEC for Civil Engineering Design Services for the 2024 Street Maintenance Program and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

**E. Consideration of a Bid for Paving Improvements to serve Aurora Park (40th & Parkwood). Bids were received from three companies:**

	<u>Eng. Estimate</u>	<u>APAC</u>	<u>KS Paving</u>	<u>Pearson</u>
<b>Base Bid</b>	<b>\$519,098.50</b>	<b>\$927,791.00</b>	<b>\$717,257.00</b>	<b>\$786,926.50</b>
Alt 1: Intersection	(\$5,200.00)	(\$5,980.00)	(\$5,720.00)	(\$9,100.00)
<b>Base + Alt 1</b>	<b>\$513,898.50</b>	<b>\$921,811.00</b>	<b>\$711,537.00</b>	<b>\$777,826.50</b>
Alt 2: Ditch	\$101,355.00	\$255,702.00	\$173,577.00	\$359,352.00
<b>Base + Alt 2</b>	<b>\$620,453.50</b>	<b>\$1,183,493.00</b>	<b>\$890,834.00</b>	<b>\$1,124,464.50</b>
<b>Base + Alt 1 &amp; 2</b>	<b>\$615,253.50</b>	<b>\$1,177,513.00</b>	<b>\$885,114.00</b>	<b>\$1,115,364.50</b>
Alt 3: Concrete	\$128,340.00	\$147,591.00	\$102,672.00	\$147,591.00
<b>Base + Alt 3</b>	<b>\$647,438.50</b>	<b>\$1,075,382.00</b>	<b>\$819,929.00</b>	<b>\$934,517.50</b>
<b>Base + Alt 1, 2 &amp; 3</b>	<b>\$743,593.50</b>	<b>\$1,325,104.00</b>	<b>\$987,786.00</b>	<b>\$1,262,955.50</b>

**MOTION:** Councilmember Welch moved to accept the base bid from Kansas Paving and Alternate 2 for a total bid amount not to exceed \$840,834, with the City paying \$131,000 for deferred maintenance on the ditches plus the \$173,577 for the Alt 2 ditch repair and authorize the Mayor to sign. Motion died for lack of second. Discussion followed.

**MOTION:** Councilmember Dehn moved to accept the amended base bid amount of \$667,257 from Kansas Paving and Alternate 2 in the amount of \$173,577 for a total not to exceed \$840,834; to further clarify, of the base bid amount we are electing to save costs on pipe by taking a \$50,000 deduct for use of HDPE pipe for the driveway culvert pipes; and of the base bid, \$131,747 is being paid by the City of Bel Aire for deferred maintenance on the Storm Sewer ditches. Councilmember Davied seconded the motion. *Motion carried 4-1*, with Councilmember Hamburg voting against the motion.

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

Following a brief recess, Mayor Benage called the meeting back to order.

**MOTION:** Councilmember Davied motioned to take up Item XIII Executive Session. Councilmember Smith seconded the motion. *Motion carried 5-0.*

**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, pursuant to the KSA 75-4319 exception for: contract negotiations. Invite the City Manager 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 9:43 p.m. Councilmember Welch seconded the motion. *Motion carried 5-0.*

The Council then recessed into executive session. At 9:43 p.m. Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

*(Section XII. Ordinances, Resolutions And Final Actions continued)*

**F. Consideration of a Charter Ordinance exempting the City of Bel Aire, from the provisions of K.S.A. 12-1651.**

**MOTION:** Councilmember Smith moved to adopt Charter Ordinance No. 25 exempting the City of Bel Aire from the provisions of K.S.A. 12-1651, relating to designation of an official city newspaper and providing substitute and additional provisions on the same subject. Councilmember Welch 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.***

**G. Consideration of An Ordinance Calling A Referendum Election To Approve Proposed Charter Ordinance 25 Of The City Of Bel Aire, Kansas And Setting The Election For The Same In Conjunction With The State-Wide August Primary Election.**

**MOTION:** Councilmember Welch moved to adopt An Ordinance Calling A Referendum Election To Approve Proposed Charter Ordinance 25 Of The City Of Bel Aire, Kansas And Setting The Election For The Same In Conjunction With The State-Wide August Primary Election. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

**XIV. DISCUSSION AND FUTURE ISSUES**

**A. City Council Workshop - May 14th at 6:30 p.m.**

The Council briefly discussed the agenda for the next City Council workshop which will be held on May 14<sup>th</sup> at 6:30 p.m. It will be a joint workshop with Planning Commission.

**XV. ADJOURNMENT**

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