



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
October 17, 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 Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch. Also present were City Manager Ty Lasher, City Attorney Maria Schrock, Assistant City Manager Ted Henry, City Engineer Anne Stephens, Director of Public Works Marty McGee, City Clerk Melissa Krehbiel, and Bond Counsel Kevin Cowan of Gilmore and Bell, P.A.

III. OPENING PRAYER: John Barkett provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. PROCLAMATION:

A. Red Ribbon Week - October 23rd through 31st

Mayor Benage read and signed the proclamation.

VI. DETERMINE AGENDA ADDITIONS: There were no additions.

VII. CONSENT AGENDA

A. Approve Minutes of the October 3, 2023 City Council meeting.

B. Accept a Petition for Water Main Improvements on Webb Rd - 53rd Street to 1/2 Mile North.

C. Approve A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Main Improvements/North Webb Road).

MOTION: Councilmember Smith 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. 23-19 in the amount of \$885,555.84.

MOTION: Councilmember Davied moved to approve Appropriations Ordinance No. 23-19. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

IX. CITY REQUESTED APPEARANCES: None

X. CITIZEN CONCERNS: No one spoke.

XI. REPORTS

A. Council Member Reports

Councilmember Hamburg reported she attended the annual conference for the League of Kansas Municipalities (LKM) and the most recent meeting of the Bel Aire Chamber of Commerce, where Senator Carolyn McGinn was the featured speaker. She noted that Fall Fest will be held on Saturday.

Councilmember Smith and Councilmember Davied reported they also attended the LKM conference.

Councilmember Dehn reported that he attended the LKM conference, the Bel Aire Chamber of Commerce monthly meeting, and a meeting with Wichita USD 259 officials and Mayor Benage regarding pedestrian crossings and safe routes to schools. Tomorrow, he plans to attend an event hosted by the Wichita Metropolitan Planning Organization (WAMPO). He encouraged citizens to attend upcoming Bike-Walk events.

B. Mayor's Report

Mayor Benage reported he recently attended the LKM conference, the Kansas Economic Outlook Conference hosted by WSU, and the meeting with Wichita USD 259 officials concerning safe routes to schools. On October 5th, he attended the KDOT Local Consult meeting in Newton. KDOT will hold another local Consult meeting tomorrow at WSU; he encouraged citizens to attend and offer input on K-254.

C. City Attorney Report

City Attorney Maria Schrock gave a brief update on the SAFER Coalition hearing with the Kansas Corporation Commission (KCC), regarding energy rates for municipalities. A final decision by the KCC is expected in December.

D. City Manager Report

City Manager Ty Lasher gave a brief presentation about Bel Aire's Charter Ordinance No. 24 and a related protest petition that was recently filed. The petition requires a special election be

held. City Manager Lasher briefly reviewed the possible cost, dates, and options for holding the special election. The Council will consider the options at their first meeting in November.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of A Resolution Authorizing The Offering For Sale Of General Obligation Bonds, Series 2023A And General Obligation Temporary Notes, Series 2023B, Of The City Of Bel Aire, Kansas.

MOTION: Councilmember Smith moved to approve the Resolution Authorizing The Offering For Sale Of General Obligation Bonds, Series 2023A And General Obligation Temporary Notes, Series 2023B, Of The City Of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 5-0.*

B. Consideration of a Reassessment Agreement with Bayside Development for drainage improvements in lots 1-8, Block 1, Sunflower Commerce Park 2nd Addition.

MOTION: Councilmember Hamburg moved to approve the Reassessment Agreement with Bayside Development for drainage improvements in lots 1-8, Block 1, Sunflower Commerce Park 2nd Addition, and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 5-0.*

C. Consideration of a Reassessment Agreement with Sham Way, LLC (Bel Aire Lakes).

MOTION: Councilmember Davied moved to approve Reassessment Agreement with Sham Way, LLC (Bel Aire Lakes) and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

D. Consideration of a contract For Engineering Services with Certified Engineering Design, P.A. for Webb Rd Water Main.

MOTION: Councilmember Dehn moved to approve the contract For Engineering Services with Certified Engineering Design, P.A. for Webb Rd Water Main and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

E. Consideration of accepting a quote from JCI in the amount of \$39,500 to replace a Floserve pump with a new Flygt Chopper Pump.

MOTION: Councilmember Smith moved to accept the quote from JCI for a replacement Flygt Chopper Pump at a cost not to exceed \$42,000 for pump and shipping and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

XIII. EXECUTIVE SESSION

Mayor Benage requested a change to the agenda. He requested that the Executive Session with Neil Gosch be held first, then the other executive sessions should follow.

A. Executive Session

MOTION: Councilmember Welch moved to go into executive session for the sole purpose of discussing the subject of: attorney-client consultation regarding contractual obligations pursuant to K.S.A. 75-4319(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship. Invite the City Manager, City Attorney, Assistant City Manager, City Engineer and Neil Gosch. The meeting will be for a period of 30 minutes, and the open meeting will resume in City Council Chambers at 8:20 p.m. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 8:24 Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

MOTION: Councilmember Dehn moved to extend the executive session for a period of 15 minutes returning to Council Chambers at 8:40 p.m. Councilmember Hamburg seconded the motion. ***Motion carried 4-0,*** with Councilmember Smith absent from the vote.

The Council then returned to executive session. At 8:45 p.m., Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

B. 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 K.S.A. 75-4319(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship. Invite the City Manager, Assistant City Manager, and City Attorney. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 9:05 p.m. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 9:07 p.m., Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

C. Executive Session

MOTION: Councilmember Welch moved to go into executive session for the sole purpose of discussing the subject of: non-elected personnel pursuant to K.S.A. 75-4319(b)(1) to discuss personnel matters related to non-elected personnel. Invite the City Manager and City Attorney. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 9:30 p.m. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 9:30 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. Special Meeting – October 25, 2023

Councilmembers briefly discussed the agenda for a special City Council meeting to be held on October 25, 2023.

MOTION: Councilmember Welch moved to Instruct the City Attorney to request Park City and Bel Aire schedule mediation between the two cities to find common ground for an agreement addressing the concerns and request of each city related to Chisholm Creek Utility Authority (CCUA). Councilmember Smith seconded the motion. ***Motion carried 5-0.***

XV. ADJOURNMENT

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