



**MINUTES**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**June 06, 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 Assistant City Manager Ted Henry, Interim City Attorney Jennifer Hill, City Engineer Anne Stephens, and City Clerk Melissa Krehbiel.

**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. National Flag Week, June 11–17, 2023**

Mayor Benage read and signed the proclamation.

Mayor Benage asked that Item XIII. A., Executive Session, be addressed at this time.

**MOTION:** Councilmember Smith moved to go into executive session for the sole purpose of discussing matters privileged in the attorney/client relationship regarding a consultation with that outside counsel pursuant to K.S.A. 75-4319(b)(2). Invite the Assistant City Manager, Interim City Attorney, and the attorney from Triplett Woolf Garretson. The executive session would be for a period of twenty (20) minutes, and the open meeting would resume in City Council Chambers at 7:25 p.m. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 7:27 p.m. Mayor Benage called the meeting back to order in open session. He stated that no binding action had been taken.

**MOTION:** Councilmember Welch moved that, based on the advice of legal counsel, Zoning Case No. ZON-23-01 (which was tentatively scheduled for to be heard by this Council on June 20<sup>th</sup>) be sent back to the Planning Commission for reconsideration once a new and complete application can be presented by the Applicant, and that the item accordingly be removed from the June 20

City Council agenda for rescheduling after proper reconsideration by City's Planning Commission. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

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

**VII. CONSENT AGENDA**

- A. Approve Minutes of the May 16, 2023 City Council meeting.**
- B. Approve the Mayor's appointment of Edgar Salazar to the Planning Commission, term expiring on June 1, 2026.**
- C. Approval of the Mayor's reappointment of Gary O'Neal to the Public Building Commission, term expiring June 1, 2027.**

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

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

- A. Consideration of Appropriations Ordinance 23-10 in the amount of \$1,474,107.93.**

**MOTION:** Councilmember Davied moved to approve Appropriations Ordinance 23-10. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

**IX. CITY REQUESTED APPEARANCES**

- A. Woodlawn Construction Update - Pat Herman, Garver**
- B. Brian Meier, Managing Associate, Burns & McDonnell**

Pat Herman, Garver Engineering, gave a brief presentation on the progress of the Woodlawn construction project.

Brian Meier, Burns & McDonnell, gave a brief report on upcoming deadlines and recommendations related to the Chisholm Creek Utility Authority (CCUA) expansion plan.

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

**XI. REPORTS**

- A. Council Member Reports**

Councilmember Dehn briefly reported on the opening ceremony held last week for the I-135 and K-254 junction bridge. He reported that he recently filed to run for office. Tomorrow, the Bel Aire Area Chamber of Commerce will hold their monthly lunch followed by a tour of the Goodwill training facility. Recreation Center baseball and summer camp have started; Councilmember Dehn thanked staff and volunteers for their work on these programs.

Councilmember Davied and Councilmember Smith briefly reported on the latest Chisholm Creek Utility Authority (CCUA) meeting.

Councilmember Hamburg reported she attended the latest CCUA meeting and noted that CCUA will meet again soon to finalize a response to the KDHE consent order.

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

Mayor Benage congratulated Parker Costly, who was the regional winner of the “My City, My Home” essay contest sponsored by the League of Kansas Municipalities (LKM). Parker is a student at Resurrection Catholic School in Bel Aire.

Mayor Benage briefly reported on two events he attended: the ribbon cutting for the I-135/K-254 junction and a change of command ceremony at McConnell Air Force Base.

## **C. City Attorney Report**

Jennifer Hill noted that her service as Interim City Attorney will end soon, and she thanked the City Council for the opportunity to serve in this role.

## **D. City Manager Report**

Assistant City Manager Ted Henry thanked Jennifer Hill for her service to the City. He noted that professional planning staff will be present at the Recreation Center ball games on June 27<sup>th</sup> to get input from residents for the Parks Master Plan.

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

## **A. Consideration of A Resolution Establishing Solid Waste Utility And Curbside Recycle System Fees Within The Corporate Limits Of The City Of Bel Aire, Kansas.**

**MOTION:** Councilmember Welch moved to accept A Resolution Establishing Solid Waste Utility And Curbside Recycle System Fees Within The Corporate Limits Of The City Of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 5-0.*

## **B. Consideration of a request for additional driveway locations off Woodlawn for Bel Aire 2nd Addition without detailed building plans for structures.**

Property owner Bill King and City Engineer Anne Stephens stood for questions from the Council.

**MOTION:** Councilmember Smith moved to approve the Developer’s requested location for two driveways into Bel Aire 2nd Addition per the site plan dated September, 2020 by Baughman Company in accordance with all City Specifications and conditioned upon the approval of the required permits from the City Zoning Administrator and the installation be done at the Developer’s expense. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

- C. **Consideration of the Change Order Request from Pearson Construction for the extension of the 18” storm sewer from east of Woodlawn to St. James along 45<sup>th</sup> Street in the amount of \$11,327.75.**

**MOTION:** Councilmember Welch moved to approve the Change Order Request from Pearson Construction in the amount of \$11,327.75 for the extension of the 18” storm sewer from east of Woodlawn to St. James along 45th Street and authorize the Mayor to sign all related documents. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

- D. **Consideration of a Resolution to Designate Authorized Signers for the City bank account at Southwest National Bank.**

**MOTION:** Councilmember Davied moved to accept the Resolution to Designate Authorized Signers for the City bank account at Southwest National Bank and authorize the Council President and designated City staff to sign. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

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

The Council then held a 5-minute recess. At 8:40 p.m. Mayor Benage called the meeting back to order.

### **XIII. EXECUTIVE SESSION**

- A. **Executive Session:** This item was addressed earlier in the meeting.

- B. **Executive Session**

**MOTION:** Councilmember Hamburg 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 exception for attorney-client privilege. Invite the Assistant City Manager, Interim City Attorney, and Brian Meier. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 9:00 p.m. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 9:02 p.m., Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

**MOTION:** Councilmember Smith moved to extend the Executive Session for 10 minutes, with the open meeting resuming at 9:12 p.m. in City Council Chambers. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

The Council then returned to executive session. At 9:16 p.m., Mayor Benage called the meeting to order in open session and stated 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 matters of non-elected personnel contracted employees; pursuant to the K.S.A. 75-4319 exception for the same. The meeting will be for a period of 10 minutes, and the open meeting will resume in Council Chambers at 9:30 p.m. Councilmember Hamburg 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. Workshop - June 13, 2023 at 6:30 p.m.?**

The Council briefly discussed the agenda for the next City Council workshop, which will be held at 6:30 p.m. on June 13, 2023. The Council also discussed the July meeting schedule and the July 4<sup>th</sup> holiday.

**MOTION:** Councilmember Smith motioned to move the July 4<sup>th</sup> regular City Council meeting to July 11<sup>th</sup> at 6:30 p.m. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**XV. ADJOURNMENT**

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