



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
September 05, 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, Assistant City Manager Ted Henry, City Attorney Pro Tempore Jennifer Hill, City Engineer Anne Stephens, Director of Public Works Marty McGee, 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. DETERMINE AGENDA ADDITIONS: There were no additions.

VI. CONSENT AGENDA

A. Minutes of the August 15, 2023 City Council meeting.

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.***

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 23-16 in the amount of \$925,612.51.

MOTION: Councilmember Davied moved to approve Appropriations Ordinance 23-16. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

VIII. CITY REQUESTED APPEARANCES

A. Woodlawn Construction Update - Pat Herman, Garver

Pat Herman gave a brief update on the Woodlawn construction project.

IX. PUBLIC HEARING

A. Revenue Neutral Rate - The purpose of the public hearing is to give property owners and other interested parties the opportunity to speak on exceeding the Revenue Neutral Rate of 36.409 mills.

Carol Russell, 6218 E 45th St N, asked questions of the Council regarding the proposed mill levy and her property taxes. Mayor Benage and City Manager Lasher responded with general information about the increase in assessed property values throughout the city and the increases in the costs of providing City services.

MOTION: Councilmember Hamburg moved to close the public hearing. Councilmember Welch seconded the motion. *Motion carried 5-0.*

B. Consideration of A Resolution Of The City Of Bel Aire, Kansas To Levy A Property Tax Rate Exceeding The Revenue Neutral Rate.

MOTION: Councilmember Welch moved to approve A Resolution Of The City Of Bel Aire, Kansas To Levy A Property Tax Rate Exceeding The Revenue Neutral Rate and authorize the Mayor to sign. Councilmember Smith seconded the motion.

Roll Call Vote:

Greg Davied - Aye Tyler Dehn - Aye Emily Hamburg - Aye

Justin Smith - Aye John Welch – Aye

Motion carried 5-0.

C. 2024 City of Bel Aire Budget - The purpose of the public hearing is to give property owners and other interested parties the opportunity to speak on the proposed 2024 City of Bel Aire Budget.

MOTION: Councilmember Smith moved to close the public hearing. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

D. Consideration of Approving the 2024 City of Bel Aire Budget.

MOTION: Councilmember Smith moved to approve the 2024 City of Bel Aire Budget as presented and authorize all required signatures. Councilmember Davied seconded the motion. *Motion carried 5-0.*

X. CITIZEN CONCERNS: No one spoke.

XI. REPORTS

A. Council Member Reports

In response to a phone call from a resident, Councilmember Hamburg briefly reported about the best way to get emergency services. She reported that the best way is to call 911 directly and stay on the line. She also reported that Fall sports will begin soon, and she encouraged residents to patronize the Lions Club concessions to support the community.

Councilmember Welch reported that 911 will provide assistance for any medical need. If you have a medical need, please don't hesitate to call.

Councilmembers Davied and Smith gave brief reports on the latest Chisholm Creek Utility Authority (CCUA) meeting.

Councilmember Dehn briefly reported on the joint water/ wastewater conference he recently attended. Regarding upcoming events, he noted that the Bel Aire Area Chamber will hold their monthly lunch tomorrow at City Hall. On September 20-22, KDOT will host the Walk/Bike/Roll Active Transportation Summit in McPherson.

B. Mayor's Report

Mayor Benage briefly reported on the August 17th meeting of the Sedgwick County Fire District No. 1 Steering Committee and the Woodlawn construction project. He noted that Woodlawn is now open to two-way traffic, and the City is investigating solutions to some pavement issues. He encouraged citizens to support businesses on Woodlawn during the construction.

Mayor Benage reported he invited State Representative Patrick Penn to the Bel Aire Area Chamber luncheon this Wednesday. He noted this is an opportunity for residents in the 85th district to meet their representative.

Mayor Benage also briefly commented on a quote from the September 1st edition of the Wichita Business Journal stating that Bel Aire is "probably the hottest market we have in terms of new industrial and residential growth". Mayor Benage noted that the City is working on positioning itself to support this growth while maintaining its small-town feeling. Street and water/wastewater studies are currently underway.

C. City Attorney Report – No report was given.

D. City Manager Report

City Manager Lasher reported that Public Works staff worked over the holiday weekend to repair a water main break. Gravel work on 53rd street has been completed; the new gravel surface is much smoother. Bids for paving 53rd street will be requested next month. Sewer main lining is being completed in the Park Vista and Lawn Terrace neighborhoods. Vance Brothers will be working on scrub seal and slurry seal in certain areas at the end of the month. He encouraged residents to follow the City on Facebook to stay up to date on street repairs or water/sewer repairs.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of the Following Actions related to Special Assessments:

- 1. Approval of the Statement of Final Costs, Assessment Roll Certification, Notice of Public Hearing, and Form of Notice of Hearing and Statement of Cost Proposed to be Assessed;**
- 2. Establish September 19, 2023 at 7:00 p.m. to meet for the purpose of hearing any and all written or oral objections to the respective assessments set forth therein;**
- 3. Authorize the publication by the City Clerk of Exhibit C (Notice of Public Hearing) in the official City newspaper, not less than 10 days prior to such public**

meeting date;

4. Mail Exhibit D (Notice of Public Hearing and Statement of Cost Proposed to be Assessed) to each and all owners of property affected by such assessments at their last known post office address on the same date as the publication of Exhibit C (Notice of Public Hearing); and

5. File each of said documents of record in the office of the City Clerk and make the same available for public inspection.

Kevin Cowan of Gilmore and Bell, PA, bond counsel for the city, stood for questions from the Council.

MOTION: Councilmember Davied moved to approve:

1. Approval of the Statement of Final Costs, Assessment Roll Certification, Notice of Public Hearing, and Form of Notice of Hearing and Statement of Cost Proposed to be Assessed;
2. Establish September 19, 2023 at 7:00 p.m. to meet for the purpose of hearing any and all written or oral objections to the respective assessments set forth therein;
3. Authorize the publication by the City Clerk of Exhibit C (Notice of Public Hearing) in the official City newspaper, not less than 10 days prior to such public meeting date;
4. Mail Exhibit D (Notice of Public Hearing and Statement of Cost Proposed to be Assessed) to each and all owners of property affected by such assessments at their last known post office address on the same date as the publication of Exhibit C (Notice of Public Hearing); and
5. File each of said documents of record in the office of the City Clerk and make the same available for public inspection.

Councilmember Dehn seconded the motion. *Motion carried 5-0.*

B. Consideration of approving the Sidewalk Replacement Program of \$15,000.00 for Fiscal Year 2023.

MOTION: Councilmember Smith moved to approve the Sidewalk Replacement Program for 2023 at \$15,000.00 and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

C. Consideration of accepting a quote for water sampling station equipment. Four quotes were received:

<u>Suppliers</u>	<u>Quote Per Unit</u>	<u>Total Cost for 45 Units</u>
Hajoca	\$1,446.25	\$65,081.25
Core & Main	\$1,222.00	\$54,990.00
Wichita WinWater	\$1,104.66	\$49,709.70
Municipal Supply	\$1,100.00	\$49,500.00

MOTION: Councilmember Hamburg moved to accept the quote from Municipal Supply in the amount not to exceed \$49,500.00 total for water sampling station equipment. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

- D. Consideration of an Agreement for Professional Services with Short Elliott Hendrickson (SEH) for Construction Observation services for the water, sanitary sewer, storm sewer and paving improvements to serve the first phase of Sunflower Commerce Park 3rd in the amount of \$236,000.**

MOTION: Councilmember Welch moved to approve an Agreement for Professional Services with Short Elliott Hendrickson (SEH) for Construction Observation services for the water, sanitary sewer, storm sewer and paving improvements to serve the first phase of Sunflower Commerce Park 3rd in the amount of \$236,000 and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 5-0.*

- E. Consideration of accepting a bid for Sunflower Commerce Park 3rd Overlot Grading Project. Three bids were received:**

<u>Contractor</u>	<u>Total Bid</u>
<i>Engineer's Estimate</i>	<i>\$1,100,000.00</i>
Andale Construction	\$2,075,000.00
Mies Construction	\$1,361,659.10
Unruh Excavating	\$914,727.95

MOTION: Councilmember Smith moved to accept the bid from Unruh Excavating in the amount of \$914,727.95 for the Sunflower Commerce Park 3rd Overlot Grading Project and authorize the Mayor to sign all related documents. Councilmember Welch seconded the motion.

- F. Consideration of the Change Order Request from Pearson Construction for Pedestrian Push Button Poles at 45th and Woodlawn in the amount of \$22,127.70.**

Jay Anglemeyer, MKEC, and City Engineer Anne Stephens stood for questions from the Council.

MOTION: Councilmember Hamburg moved to approve the Change Order Request from Pearson Construction in the amount of \$22,127.70 for pedestrian push button poles at 45th and Woodlawn and authorize the Mayor to sign all related documents.

Mayor Benage requested an executive session. Councilmember Hamburg tabled her previous motion.

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(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 Ms. Hill, and City Engineer. The meeting will be for a period of 10 minutes and be back at 8:08 p.m. here in Council

Chambers for the open meeting to resume. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 8:10 p.m. Mayor Benage called the meeting back to order in open session. He stated that no binding action had been taken.

MOTION: Councilmember Hamburg moved to approve the Change Order Request from Pearson Construction in the amount of \$22,127.70 for pedestrian push button poles at 45th and Woodlawn and authorize the Mayor to sign all related documents. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

G. Consideration of a Supplemental Agreement for Professional Services with Garver for Construction Engineering services for the Woodlawn Project in the amount of \$199,297.70.

Dakota Zimmerman, Garver, gave a brief presentation and stood for questions from the Council.

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, Jennifer Hill, and City Engineer. The meeting will be for a period of 10 minutes and the open meeting will resume in City Council Chambers at 8:31 p.m. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 8:33 p.m. Mayor Benage called the meeting back to order in open session. He stated that no binding action had been taken.

MOTION: Councilmember Smith moved to table a Supplemental Agreement for Professional Services with Garver for Construction Engineering services for the Woodlawn Project until the next meeting. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

H. Consideration of the Change Order Request from Nowak Construction for additional backyard easement grading in the amount of \$29,624.93 in Cedar Pass.

MOTION: Councilmember Smith moved to approve the Change Order Request from Nowak Construction in the amount of \$29,624.93 for additional backyard easement grading in Cedar Pass and authorize the Mayor to sign all related documents. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

I. Consideration of accepting a bid for Cedar Pass Paving Improvements. Four bids were received:

<u>Contractor</u>	<u>Asphalt</u>	<u>Concrete</u>
<i>Engineer's Estimate</i>	\$746,040.00	\$746,040.00
APAC	\$649,328.35	\$747,030.35
Kansas Paving	\$578,085.10	\$650,739.86

Pearson	\$624,745.60	\$829,031.60
Prado	No Bid	\$692,678.40

MOTION: Councilmember Welch moved to accept the bid from Kansas Paving for concrete paving in the amount of \$650,739.86 for the Cedar Pass Paving Improvements and authorize the Mayor to sign all related documents. Councilmember Smith seconded the motion. *Motion carried 5-0.*

J. Consideration of a Consent and Agreement to Annexation by and between the City of Bel Aire, Kansas and James and Narnie Woolley.

MOTION: Councilmember Welch moved to approve the Consent and Agreement to Annexation by and between the City of Bel Aire, Kansas and James and Narnie Woolley, and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

K. Consideration of An Ordinance Annexing And Incorporating A Portion Of Section 20-26-2E Into The Boundaries Of The City Of Bel Aire, Kansas (Woolley property).

MOTION: Councilmember Dehn moved to accept An Ordinance Annexing And Incorporating A Portion Of Section 20-26-2E Into The Boundaries Of The City Of Bel Aire, Kansas, and authorize the Mayor to sign. Councilmember Hamburg seconded the motion.

Roll Call Vote:

Greg Davied - Aye Tyler Dehn - Aye Emily Hamburg - Aye
Justin Smith - Aye John Welch – Aye

Motion carried 5-0.

L. Consideration of a Resolution of the governing body of the City of Bel Aire, Kansas making application in accordance with K.S.A. 74-4954b to become a participating employer in the Kansas Police and Fireman's Retirement System to provide for the inclusion of all currently eligible Police Officers and to transfer the membership of all Police Officers presently covered under the Kansas Public Employees Retirement System to the Kansas Police and Firemen's Retirement System.

MOTION: Councilmember Smith moved to accept a Resolution makes application in accordance with K.S.A. 74-4954b to become a participating employer in the Kansas Police and Fireman's Retirement System to provide for the inclusion of all currently eligible Police Officers and to transfer the membership of all Police Officers presently covered under the Kansas Public Employees Retirement System to the Kansas Police and Firemen's Retirement System effective January 1, 2024, and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 5-0.*

XIII. EXECUTIVE SESSION

MOTION: Councilmember Smith moved to take a 10-minute recess. Councilmember Welch seconded the motion. *Motion carried 5-0.*

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, and City Engineer. The meeting will be for a period of 30 minutes, and the open meeting will resume in City Council Chambers at 9:26 p.m. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 9:28 p.m., Mayor Benage called the meeting back to order in open session. He stated that no binding action had been taken.

MOTION: Councilmember Smith moved to extend the executive session for an additional 30 minutes with the open meeting to resume in Council Chambers at 9:58 p.m. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

The Council then held an executive session. At 9:58 p.m., Mayor Benage called the meeting back to order in open session. He stated that no binding action had been taken.

XIV. DISCUSSION AND FUTURE ISSUES

A. Workshop - September 12th at 6:30 p.m.?

The Council briefly discussed the time and agenda for the next City Council workshop, which will be held on September 12th at 6:30 p.m.

XV. ADJOURNMENT

MOTION: At 10:01 p.m. Councilmember Welch moved to adjourn. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***