



MINUTES SPECIAL CITY COUNCIL MEETING

7651 E. Central Park Ave, Bel Aire, KS
October 08, 2024 6:30 PM



I. **CALL TO ORDER:** Mayor Jim Benage called the meeting to order at 6:30 p.m.

II. **ROLL CALL**

Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, Tom Schmitz, and John Welch were present.

Also present were City Manager Ted Henry and City Attorney Maria Schrock.

III. **READING BY CITY ATTORNEY:** The written request for special meeting was read and is attached to these minutes.

IV. **EXECUTIVE SESSION**

MOTION: Councilmember Davied moved to recess into executive session to discuss with legal council and receive legal advice regarding contracts and potential litigation, all related to the Woodlawn Roadway Project. This discussion will be pursuant to K.S.A. 75-4319 (b)(2) for legal consultation with Neil Gosch which would be deemed privileged in the attorney-client relationship. Invite the City Manager, City Attorney, City Engineer, and Katherine Chlumsky. The meeting will be for a period of 5 minutes, and the open meeting will resume in City Council Chambers at 6:38 p.m. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

The Council then recessed into executive session. At 6:39 p.m. Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

V. **DISCUSSION**

MOTION: Councilmember Welch moved to terminate for cause the Contract for Engineering Services between the City of Bel Aire and MKEC, to design the Woodlawn Roadway Project, dated 08/07/18. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

MOTION: Councilmember Welch moved to accept the Contract for Engineering Services between Bel Aire and PEC, for \$268,500, to design the reconstruction of the Woodlawn Roadway Project and authorize the Mayor to sign. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

MOTION: Councilmember Welch moved to authorize Neil Gosch with Triplett Woolf Garretson to file suit against Mid-Kansas Engineering Consultants (MKEC), Pearson Construction, LLC, and Garver, LLC, for professional negligence and breach of contract, regarding the Woodlawn Roadway Project. Councilmember Davied seconded the motion. *Motion carried 5-0.*

VI. ADJOURNMENT

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

Approved by the City Council this _____ day of _____, 2024.

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk



REQUEST FOR A SPECIAL CITY COUNCIL MEETING



October 1, 2024

THE HONORABLE JIM BENAGE,
MAYOR OF THE CITY OF BEL AIRE:

We, the undersigned council members of the City of Bel Aire, Kansas, hereby respectfully request you to call a special meeting of the Bel Aire City Council to be held at the Bel Aire City Hall, 7651 E. Central Park Avenue, Bel Aire, Kansas, on Tuesday, October 8, at 6:30 p.m., for the purpose of:

- An executive session to discuss with legal counsel and receive legal advice regarding contracts and potential litigation, all related to the Woodlawn Roadway Project. The discussion will be pursuant to K.S.A. 75-4319 (b)(2) for legal consultation with Neil Gosch which would be deemed privileged in the attorney-client relationship. Invite the City Manager, City Attorney, City Engineer, and Katherine Chlumsky.
- The Governing Body may convene after executive session to take binding action(s).

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Greg Davied

Tom Schmitz

Tyler Dehn

John Welch

Emily Hamburg

Pursuant to a Request for a Special Council Meeting dated October 1, 2024, and signed by at least three (3) members of the Council, I hereby call a Special Meeting of the Governing Body of Bel Aire, Kansas, pursuant to Bel Aire City Code 2.1.5, to be held at the time, place, and purpose as specified in the above request.

Jim Benage, Mayor

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