



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
January 06, 2026 7:00 PM



I. CALL TO ORDER: Mayor Jim Benage called the meeting to order at 7:00 p.m.

II. ROLL CALL

Councilmembers present were Greg Davied, Emily Hamburg, Brandon McIntosh, and Mike Proctor. Councilmember Tyler Dehn participated via videoconference. No one was absent.

Also present were City Manager Ted Henry, City Attorney Maria Schrock, Community Development Director Paula Downs, City Clerk Melissa Krehbiel, and City Bond Counsel Kevin Cowan of Gilmore & Bell, P.A.

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. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance No. 25-24 in the amount of \$2,141,742.77.

MOTION: Councilmember Davied moved to approve Appropriations Ordinance No. 25-24. Councilmember McIntosh seconded the motion. *Motion carried 5-0.*

VII. CITY REQUESTED APPEARANCES

A. Kenly Zehring, Sedgwick County Register of Deeds - Property and Notary Fraud Alert Programs

Ms. Zehring gave a brief presentation about the free programs offered by the Sedgwick County Register of Deeds office.

VIII. CITIZEN CONCERNS: No one spoke.

IX. REPORTS

A. Council Member Reports

Councilmember Dehn reported that a KDOT open house will be held on February 5th at Northeast Magnet High School regarding the K-254: Rock, Webb & Greenwich Road Interchange Study.

Councilmember Hamburg thanked public works staff for installing blinking stop signs at 53rd and Oliver.

Councilmember McIntosh thanked Public Works staff for fixing an issue at the tennis courts.

B. Mayor's Report

Mayor Benage reported that all 4 schools in Bel Aire will participate in the WAMPO Safe Routes to School study.

He also reported on the monthly meeting of the CCUA and a retirement party for Mayor Tom Brown of McPherson.

He reminded City Councilmember that SCAC will host its monthly meeting on January 10th at Walton's facility in Bel Aire.

Mayor Benage gave an annual report. Highlights of the report included the construction of the new Public Works Facility which was funded by a BASE grant, authorization of bonds for CCUA's new wastewater treatment facility, implementation of Tyler ERP software, replacement of sanitary sewer lift station pumps, approval of the 2035 Comprehensive Plan, the completion of the K-254 Corridor Management Plan for Greenwich Rd to El Dorado; awards to 3 Bel Aire Police Officers for life-saving efforts; among other City accomplishments.

C. City Attorney Report

City Attorney Maria Schrock gave a brief report about the statutory process for considering a zoning case, such as a special use request.

D. City Manager Report

City Manager Ted Henry reported on upcoming goals for 2026. Highlights included reconstruction of Woodlawn, the 2026 Street Maintenance Program, preparations for the reconstruction of 45th Street in 2027, 53rd Street sidewalk construction, new improvements to Parks, improvements to water and sewer infrastructure, new commercial facilities locating in Bel Aire and policy updates to building codes, water code, and zoning and subdivision codes.. He also reported that new building permits increased in 2025; 132 new building permits were issued in 2025, compared to 125 new building permits issued in 2024.

X. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of SD-24-02, Final Plat of the Chapel Landing 8th Addition, Generally Located at Southwest Corner of 53rd Street North and Woodlawn Blvd.

Mayor Benage noted that all City Council Members had received an email from a citizen, Rebecca Armstrong, requesting that trees be preserved in the Chapel Landing 8th Addition. Mayor Benage noted that under current city code there is no obligation for the developer to preserve existing trees. However the Developer has proposed to preserve some existing trees; although they had no obligation to do so.

Councilmembers Dehn commented on the email and commended the developer. He recalled in the staff report there was potential protection of the west and south sides, which are basically hedgerows some bigger trees, and the idea to move the utilities to the front of the lots and move the backs so there wasn't issues with placement and access. He also recalled a discussion with staff about minimum entrances and sidewalks. He noted the diagonal pipeline easement that has been identified as a potential bicycle pedestrian path is nearby and asked if it could be rerouted or connected through this area. Staff stated that at this moment there does not seem to be an opportunity to reroute the path; but they could open discussions with the developer in the future.

Councilmember Hamburg asked staff questions about the smaller lots that had been zoned R-5 in the plat. Paula Downs, Director of Community Development, confirmed that it is noted on the plat that these lots will be single-family lots.

MOTION: Councilmember Proctor moved to approve the Final Plat of the Chapel Landing 8th Addition and authorize the Mayor to sign. Councilmember Hamburg seconded the motion.

Roll Call Vote:

Greg Davied – Aye Tyler Dehn – Aye Emily Hamburg – Aye

Brandon McIntosh – Aye Mike Proctor – Aye

Motion carried 5-0.

B. Consideration of Development Agreement for the Chapel Landing 8th Addition.

MOTION: Councilmember Hamburg moved to approve the Development Agreement for the Chapel Landing 8th Addition and authorize the Mayor to sign. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

C. Consideration of An Ordinance Approving the Recommendation of The Bel Aire Planning Commission Recommending a Special Use Request in the City to Allow a Group Home-Limited Use in One-Half of a Two-Family Duplex Unit, Generally Located at North 53rd Street and Toben Road.

Mayor Benage called Agenda Item 10 C. Mayor Benage asked if anyone on the Council intended to disqualify themselves from participating in this case because they have a conflict of interest. No one was disqualified.

Mayor Benage asked if anyone on the Council received any ex parte verbal or written communications prior to this agenda item, which they would like to share. All Councilmember responded that they had not.

Mayor Benage asked if the City Clerk received any protest petitions on this case The City Clerk responded no, none have been received.

Mayor Benage asked if everyone on the Council had received the Unapproved Minutes of the Planning Commission for December 11, 2025, which summarizes the public hearing for this case. All Councilmembers responded yes.

Mayor Benage then called on City staff to provide a report on the case. Paula Downs, Community Development Director, presented the report which was included in the City Council's information packet for this hearing. The property is currently developed with a 2 property duplex residence. The applicants are proposing to convert one half of the duplex into an elderly group home. The R-5 district does not allow group home use as a permitted use or conditional use, which means they must submit an application for a special use permit. Ms. Downs noted that in the application included in the Council's packet, the stated they are the staff for this group home; and so they claim that their parking will not exceed 1 to 2 cars at a time. The applicants are planning to convert the garage to accommodate 3 additional bedroom spaces. No additions are planned, so the home will not appear different from any other homes in the neighborhood. Ms. Downs noted that the meeting minutes are included in the Council's packet, which summarize the Planning Commission's discussion of the case. The City did receive 3 written communications from citizens who do not live within the 200 ft notification area; these were included in the City Council's information packet for this meeting and were read into the record at the Planning Commission meeting. One resident who owns a duplex rental property in the neighborhood also spoke to the Planning Commission. The residents expressed concerns about setting precedents and the type of group home use, potential parking and traffic congestion, potential problems for code enforcement, if the garage would need to be restored to a garage if the group home use is discontinued; and that this use does not enhance the property values and livability of the area. The Planning Commission discussed the concerns and reviewed the Golden Factors and zoning code review criteria; ultimately they recommended that the special use be approved with the condition that the group home use be approved and restricted to only the current property owner and not transferrable in accordance with the code.

Councilmember Davied asked if the garage would need to be redone if the home was sold; referred to the residence concerns about group home types; and if it requires a special license to operate.

Ms. Downs stated that Planning Commission and applicants have been told by staff that there is no such thing as setting precedence; each case is reviewed on its own merits. The City Attorney provided information that under state law, the applicant is not required to disclose the type of group home, and [City officials] are not allowed to base the zoning case decision on that. Regarding the plans to convert the garage, the appearance from the exterior will not change. From a parking perspective, the code only requires 1 garage; if the home is offered for sale in the future, a potential buyer would understand that the

property did not include garage parking space. There is no way to predict home values, livability, or code enforcement problems. Regarding parking concerns, the applicants responded that the cars present should be no more than would be present with a large family. A business license will be required.

Councilmember Hamburg asked if a new application for special use would be required if a different type of group home were located on the property in the future. Ms. Downs responded that no, a change in the type of group home would not trigger the need for a new application.

Mayor Benage noted that there is no on- street parking in the cul-de-sac where the subject property is located. He noted that his mother-in-law had lived at an elderly care home and that it is a good solution for some families.

Councilmember Dehn asked how common group homes requests are at Planning Commissions in the area; and if there is a limit to the density of homes in an area, its impact on the residential feel and the other neighborhood residents. Ms. Downs stated that the prevalence in the area is unknown; she has been made aware of several other properties in the City that may be currently utilized as group home; she will be reaching out to the property owners in the near future to make them aware of zoning code requirements and business licensing requirements. Councilmember Dehn noted that the number of bedrooms will exceed those in other homes in the neighborhood; if the group home use is discontinued, would there be potential for a rental property with six bedrooms. Ms. Downs noted that some communities are addressing questions of density through their zoning codes.

Mayor Benage asked if any new written communication had been received since the Planning Commission hearing. City staff responded no.

Mayor Benage invited the applicant to speak; the applicant was not present.

Mayor Benage then invited everyone interested in this agenda item to come to the podium to make comments. He asked that comments be limited to 3 minutes. No one spoke.

Mayor Benage then reminded the Council that during council deliberation statements made should include agreement or disagreement with the staff recommendation; agreement or disagreement with the Planning Commission's findings and agreement or disagreement with the Planning Commission's recommendations.

Councilmember Hamburg stated her appreciation for the Planning Commission's detailed discussion of this case in the minutes of the meeting; she stated her appreciation for the increased need for these types of living arrangements with aging population. However, this didn't feel like it fit the spirit of the code and thinking about the expectations for that area. The financial hardship was not compelling to her. Citizen input is one factor she will consider against supporting this request.

Councilmember Proctor stated that the Planning Commission did a very good job of thoroughly reviewing the case. He asked staff if group homes are protected at the state

level from municipalities saying they can't be in a certain area. City Attorney Maria Schrock stated that municipalities are allowed to use zoning regulations regarding the special use permit. But municipalities cannot deny simply because a specific property is going to be zoned as a group home. There are Federal and State laws that are very clear that if individuals are going to be at a group home, it can be because of mental, physical or other types of disability, that those individuals at group homes are protected and they are allowed to have housing. However, if the governing body with the zoning regulations feels there is an issue, for example, with the golden factors, access, noise, screening, parking, services, as long as they are reasonable, the municipality could deny based on those reasons.

Councilmember Proctor asked for clarification about what is a reasonable concern. City Attorney Maria Schrock gave examples of what other governing body's have cited when considering denial; concerns such as parking; commercial waste in a residential neighborhood; plans for handling parking and traffic congestion. Those discussions to deny were not focused on the fact that the homes were going to be used by a group of people in a group home setting. The Planning Commission asked if it is possible for the group home to be used in a sober facility; it was further discussed that that comment would center on who is using the facility and is not an allowable consideration.

Mayor Benage asked staff if it would be appropriate to request a parking plan now, or when the applicant applies for a business license. City Attorney Schrock noted that the governing body could require a parking plan as a condition of approval. Ms. Downs noted that a parking plan could also be required at the business licensing phase. Mayor Benage stated his support for a parking plan to be required during business licensing.

Councilmember McIntosh asked what can be done if parking issues occur. Ms. Downs noted that it could be addressed through code enforcement. If a parking plan were required for licensing, then violation of the parking plan could violated the ability to continue to hold that business license.

Councilmember Hamburg asked City Attorney Schrock to confirm that under the law, the governing body should not discriminate based on the types of individuals that could be in the group home. City Attorney Schrock stated that was correct. She further reviewed the allowable considerations under the general regulations in city code; these regulations were listed in the staff report.

Councilmember Dehn asked if it would be appropriate to make specific conditions; City Attorney Schrock confirmed that specific conditions of approval could be made, as long as they are supported by the zoning regulations. Paula Downs noted that the applicants stated in the application that they expected no more than 1 or 2 cars to be parked at the property at one time and there would be a total of 6 parking spaces in the driveway and garage.

Councilmember McIntosh stated that based on these findings of facts from the Planning Commission, specifically that the residence will blend in with the rest of the community structures, and it does not appear to have any negative impact on public facilities, infrastructure and utilities, and does not pose threats to adjacent residential properties; on the condition that we receive a parking plan, he will be supporting the special use.

Councilmember Proctor stated that he will be supporting the special use because he does not know that the governing body has a lot of standing to say anything different, because it's protected.

Councilmember Dehn stated that he will be supportive of this too; he noted that with the City's zoning codes we have a long way to go, future code adjustments are needed. He thinks that it is honorable that the applicant applied when there are others who are operating group homes that have not followed the special use process that is required. There is clearly a need for this type of facility. He is concerned about density but thinks that can be solved with future code adjustments. He agrees with the comment about a parking plan; it may be very similar to what the applicant has already committed to.

Councilmember Davied stated that he would support this because of all of the above-mentioned reasons, and that the Planning Commission did a very nice job with this, and that we still have a little bit of leeway with the business license to address some of the concerns.

MOTION: Councilmember Davied moved to approve the findings of fact and recommendation of the Planning Commission for SP-25-01, Adopt the Ordinance as Presented, and authorize the Mayor to sign. Councilmember Dehn seconded the motion.

Roll Call Vote:

Greg Davied – Aye Tyler Dehn – Aye Emily Hamburg – Nay
Brandon McIntosh – Aye Mike Proctor – Aye

Motion carried 4-1.

Following the vote Mayor Benage stated that Persons aggrieved by the final decision of the City Council on this matter have rights provided at law. We want to thank everyone for participating in this matter.

Mayor Benage also commented for City staff to make sure that the parking plan is reviewed in the business licensing phase and that it be recognized that medical waste is hazardous and cannot be placed in the regular trash; other entities may regulate this, but it should be clearly stated somewhere.

XI. CONSENT AGENDA

- A. Approval of Minutes of the December 16, 2025 City Council meeting.**
- B. Accept a Petition for Paving Improvements to serve Phase 1 of Chapel Landing 8th.**
- C. Accept a Petition for Sanitary Sewer Improvements to serve Phase 1 of Chapel Landing 8th**
- D. Accept a Petition for Storm Water Drain Improvements to serve Chapel Landing 8th.**
- E. Accept a Petition for Water Distribution System Improvements to serve Phase 1 of Chapel Landing 8th.**

- F. **Adopt A Resolution 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 (Phase 1 Paving Improvements/Chapel Landing 8th Addition).**
- G. **Adopt A Resolution 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 (Phase 1 Sanitary Sewer Improvements/Chapel Landing 8th Addition).**
- H. **Adopt 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 (Storm Water Sewer Improvements/Chapel Landing 8th Addition).**
- I. **Adopt A Resolution 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 (Phase 1 Water Distribution Improvements/ Chapel Landing 8th Addition).**

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

XII. EXECUTIVE SESSION

MOTION: Councilmember Davied moved to recess into executive session to discuss with legal counsel and receive legal advice related to pending litigation. The discussion will be pursuant to K.S.A. 75- 4319 (b)(2) for legal consultation, which would be deemed privileged in the attorney-client relationship. Invite the City Manager and City Attorney. The meeting will be for a period of 5 minutes, and the open meeting will resume in City Council Chambers at 8:57 p.m. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

The Council then recessed for Executive Session. At 8:59 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

XIII. DISCUSSION AND FUTURE ISSUES

A. City Council Workshop - January 13th at 7 p.m.

City Manager Ted Henry briefly mentioned topics that may appear on the January 13th agenda for discussion. No action was taken.

XIV. ADJOURNMENT

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

Approved by the City Council this _____ day of _____, 2026.

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk