



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
October 15, 2024 7:00 PM



I. CALL TO ORDER: Mayor Jim Benage called the meeting to order at 7:00 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, City Attorney Maria Schrock, City Engineer Anne Stephens, Community Development Director Paula Downs, Director of Finance Barry Smith, and Bond Counsel Kevin Cowan of Gilmore and Bell, P.A.

III. OPENING PRAYER: Father Terry Hedrick 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 to 31st, 2024

Councilmember Davied read the Proclamation before it was signed by Mayor Benage.

VI. DETERMINE AGENDA ADDITIONS: There were no additions.

VII. CONSENT AGENDA

A. Approval of Minutes of the October 1, 2024 City Council meeting.

B. Approval of Minutes of the October 8, 2024 City Council Special Meeting.

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

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

- A. Consideration of Appropriations Ordinance No. 24-19 in the amount of \$1,295,281.77.**

MOTION: Councilmember Dehn moved to approve Appropriations Ordinance No. 24-19. Councilmember Schmitz seconded the motion. *Motion carried 5-0.*

IX. CITY REQUESTED APPEARANCES

- A. Special Presentation to Keith Price**

Mayor Benage presented a plaque to Keith Price, who is retiring from the City of Bel Aire after 22 years of service.

- B. Aaron Maxwell, President, Bel Aire Area Chamber of Commerce - Quarterly Report**

Mr. Maxwell gave a brief update on the Chambers activities and expenditures.

- C. Ken Lee, Garver - Aurora Park Project**

Mr. Lee gave a brief update on the project. Some unexpected utility relocations have been necessary.

- D. Schaefer Architecture - New Public Works Facility**

Matt Hamm, Schaefer Architecture, gave an update on preliminary design work for the new public works facility.

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

XI. REPORTS

- A. Council Member Reports**

Councilmember Hamburg reported that the Utility Advisory Committee (UAC) is holding a public meeting on Thursday, to seek input on the water conservation plan. She encouraged residents to attend.

Councilmember Schmitz and Councilmember Davied briefly reported on the League of Kansas Municipalities (LKM) Conference.

Councilmember Dehn attended the ribbon cutting for the new Wichita water plant. He also attended the final public meeting for the K-254 Corridor Management Plan and the Kansas Economic Outlook Conference.

B. Mayor's Report

Mayor Benage briefly reported on a meeting he attended with the Wichita school district superintendent – Isely Elementary will move to a Kindergarten through eighth-grade school. Upon application, Bel Aire resident students will now be accepted automatically to Wichita Northeast Magnet High School. Mayor Benage also briefly reported on the ribbon cutting at the water treatment facility, the Kansas Economic Outlook Conference, the LKM conference, the Kansas Mayor's Conference, and the latest meeting of the WAMPO TPB. He encouraged residents to attend the UAC meeting on Thursday, and asked for prayers for rain to end the drought.

C. City Attorney Report

City Attorney Maria Schrock reported on a recent training she attended regarding Planning Commission training. She briefly reviewed the “golden factors” of zoning and the legal history behind them.

D. City Manager Report

City Manager Ted Henry briefly reported on Professional development day, which was held October 14th. He recognized and thanked Keith Price for his years of service. He also reminded residents that Fall Fest will be held this Saturday at the Bel Aire Recreation Center.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration Of A Resolution Authorizing The Offering For Sale Of General Obligation Bonds, Series 2024A And General Obligation Temporary Notes, Series 2024B, Of The City Of Bel Aire, Kansas.

MOTION: Councilmember Welch moved to accept the Resolution Authorizing The Offering For Sale Of General Obligation Bonds, Series 2024A And General Obligation Temporary Notes, Series 2024B, Of The City Of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

B. Consideration of a Government Service Agreement For Plan Review Code, Inspection And Enforcement Of Building, Electrical, Mechanical And Plumbing Codes By Sedgwick County In The City Of Bel Aire, Kansas (MABCD).

MOTION: Councilmember Schmitz moved to approve the Government Service Agreement For Plan Review Code, Inspection And Enforcement Of Building, Electrical, Mechanical And Plumbing Codes By Sedgwick County In The City Of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

C. (PUD-24-03) Consideration of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending a Final PUD Planned Unit Development containing approved duplexes to be converted to townhouses with zero interior lot lines on a reduced lot size in a R-4 Single-Family Residential District as

built. (A protest petition was not filed with the Bel Aire City Clerk within 14 days, after conclusion of the public hearing on 09/12/24.)

Mayor Benage asked if any member of the governing body wished to disqualify themselves from consideration of this matter. He also asked the governing body members if any ex-parte verbal or written communication had occurred. Mayor Benage stated that the applicant, Ben Farha, contacted Mayor Benage via email last week to set up a meeting regarding this matter. However, after reviewing some of the information on the Planning Commission minutes, Mayor Benage declined the meeting. Councilmembers did not disclose any ex-parte communication and did not disqualify themselves. The City Clerk has not received any protest petitions related to this case. Councilmembers confirmed that they had reviewed the unapproved Planning Commission meeting minutes for September 12, 2024, which summarize the public hearing for this case.

City Manager Ted Henry provided a brief report regarding the zoning case and the current problem of non-conformance of the lots with the City zoning code. Councilmembers then commented and asked questions of staff.

Mayor Benage confirmed that no written communications had been received regarding this case. Mayor Benage then opened the public comments section. The applicants, Ben Farha and Phil Ruffo, spoke to the Council and answered questions from the Council. The agent for the applicant, Ken Lee of Garver, also spoke to the Council and answered questions from the Council. City Zoning Administrator Keith Price then answered questions from the Council.

No others requested to speak on this matter, and the public comments section was then closed. Mayor Benage noted that there were three choices listed in the agenda for the Council to consider, and that Councilmembers should consider the golden factors and provide reasons for their decision in the record.

Discussion among the governing body ensued and questions from the governing body were answered by City staff, the applicants, and the agent for the applicants. Discussion centered around zoning statutes and procedures, concerns of fire safety, conformance with City zoning code, access to utilities, stormwater drainage, financial implications for future buyers of the properties, and if covenants for this development could be drafted to address concerns.

MOTION: Mayor Benage moved to table with the understanding that the developer will do two things: 1) address detailed plans for additional structures under this particular development; and 2) draft appropriate covenants to address all conceivable issues of common matters together to address the shared connections between the properties, so that those will be covenants and they will then be indisputable as part of the property title record. Councilmember Davied seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Tyler Dehn – Aye

Emily Hamburg – Nay

Tom Schmitz – Yes

John Welch – Nay

Mayor Jim Benage – Aye

Motion carried 4-2.

D. Consideration of A Planned Unit Development Agreement Concerning The Development Of Bristol Hollows Addition To The City Of Bel Aire, Kansas (PUD-24-03).

MOTION: Councilmember Welch moved to table the Planned Unit Development Agreement Concerning The Development Of Bristol Hollows Addition to the City of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

MOTION: Councilmember Davied moved to recess into executive session to discuss with legal council and receive legal advice regarding contracts, 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 meeting will be for a period of 10 minutes, and the open meeting will resume in City Council Chambers at 9:14 p.m. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

The Council then recessed into executive session. At 9:14 p.m., Mayor Benage called the meeting to order and stated that no binding action had been taken.

E. Consideration of Supplemental Agreement # 2 with Garver for daily inspections required by KDOT for the Woodlawn Reconstruction Project.

MOTION: Councilmember Davied moved to accept Supplemental Agreement # 2 with Garver for daily inspections required by KDOT for the Woodlawn Reconstruction Project and authorize the Mayor to sign. Councilmember Schmitz seconded the motion. *Motion carried 5-0.*

F. Consideration of Incorporating by Reference, the Standard Traffic Ordinance for Kansas Cities (51st Edition), as published by the League of Kansas Municipalities in 2024. (STO 2024)

MOTION: Councilmember Dehn moved to adopt the Ordinance as presented and authorize the Mayor to sign. Councilmember Schmitz seconded the motion. *Motion carried 5-0.*

G. Consideration of Incorporating by Reference, the Uniform Public Offense Code for Kansas Cities (40th Edition), as published by the League of Kansas Municipalities in 2024. (UPOC 2024)

MOTION: Councilmember Dehn moved to adopt the Ordinance as presented and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

XIII. EXECUTIVE SESSION: No executive session was held at this time.

XIV. DISCUSSION AND FUTURE ISSUES: No further discussion was held.

XV. ADJOURNMENT

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