



**AGENDA**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**September 05, 2023 7:00 PM**



**I. CALL TO ORDER:** Mayor Jim Benage

**II. ROLL CALL**

Greg Davied \_\_\_\_ Tyler Dehn \_\_\_\_ Emily Hamburg \_\_\_\_  
Justin Smith \_\_\_\_ John Welch \_\_\_\_

**III. OPENING PRAYER:** Mark Posson

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

**V. DETERMINE AGENDA ADDITIONS**

**VI. CONSENT AGENDA**

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

**Action:** Motion to (approve / table / deny) the Consent Agenda as (listed / amended) and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

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

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

**Action:** Motion to (approve / deny / table) Appropriations Ordinance 23-16.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**VIII. CITY REQUESTED APPEARANCES**

**A. Woodlawn Construction Update - Pat Herman, Garver**

## 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.**

**Action:** Motion to close the public hearing.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

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

**Action:** Motion to (approve/ deny / table) 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.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Roll Call Vote:

Greg Davied \_\_\_\_\_ Tyler Dehn \_\_\_\_\_ Emily Hamburg \_\_\_\_\_

Justin Smith \_\_\_\_\_ John Welch \_\_\_\_\_

- 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.**

**Action:** Motion to close the public hearing.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

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

**Action:** Motion to (approve / deny / table) the 2024 City of Bel Aire Budget as (presented/ amended) and authorize all required signatures.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

- X. CITIZEN CONCERNS:** *If you wish to speak, please fill out a "Request to Speak" card at the podium and give it to the City Clerk before the meeting begins. When you are called on by the Mayor, please go to the podium, speak into the microphone, and state your name and address before giving your comments. Please limit your comments to 3 minutes in the interest of time. If more time is needed, you may request an extension from the Mayor.*

## XI. REPORTS

- A. Council Member Reports**
- B. Mayor's Report**
- C. City Attorney Report**
- D. City Manager Report**

## **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.**

**Action:** Motion to (approve / deny / table):

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.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

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

**Action:** Motion to (approve / deny / table) the Sidewalk Replacement Program for 2023 at \$15,000.00 and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**C. Consideration of a 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

**Action:** Motion to (accept / deny / table) the quote from \_\_\_\_\_ in the amount not to exceed \_\_\_\_\_ for water sampling station equipment.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**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.**

**Action:** Motion to (approve / deny / table) 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 \$\_\_\_\_\_ and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**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

**Action:** Motion to (accept / deny / table) the bid from \_\_\_\_\_ in the amount of \$\_\_\_\_\_ for the Sunflower Commerce Park 3rd Overlot Grading Project and authorize the Mayor to sign all related documents.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

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

**Action:** Motion to (approve / deny / table) 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.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**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.**

**Action:** Motion to (approve / deny / table) a Supplemental Agreement for Professional Services with Garver for Construction Engineering services for the Woodlawn Project in the amount of \$\_\_\_\_\_ and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**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.**

**Action:** Motion to (approve / deny / table) 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.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**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

**Action:** Motion to (accept / deny / table) the bid from \_\_\_\_\_ for (concrete / asphalt) paving in the amount of \$\_\_\_\_\_ for the Cedar Pass Paving Improvements and authorize the Mayor to sign all related documents.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

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

**Action:** Motion to (approve/ deny / table) 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.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**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).**

**Action:** Motion to (accept /deny / table) 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.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Roll Call Vote:

Greg Davied \_\_\_\_\_ Tyler Dehn \_\_\_\_\_ Emily Hamburg \_\_\_\_\_

Justin Smith \_\_\_\_\_ John Welch \_\_\_\_\_

**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.**

**Action:** Motion to (accept / deny / table) 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 \_\_\_\_\_, and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**XIII. EXECUTIVE SESSION**

**Action:** Motion 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 (\_\_\_\_) minutes, and the open meeting will resume in City Council Chambers at (\_\_\_\_) p.m.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**XIV. DISCUSSION AND FUTURE ISSUES**

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

## **XV. ADJOURNMENT**

**Action:** Motion to adjourn.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

### *Additional Attachments*

- A.** Task Force Draft Minutes - August 2023
- B.** Manager's Report - September 5, 2023

### **Notice**

*It is possible that sometime between 6:30 and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Video of this meeting can be streamed at [www.belaireks.gov](http://www.belaireks.gov) and on YouTube. Please make sure all cell phones and other electronics are turned off and put away.*