



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
July 19, 2022 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 Greg Davied, Justin Smith, John Welch. Tyler Dehn and Emily Hamburg were absent.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, Assistant City Manager/ Director of Finance Ted Henry, City Engineer Anne Stephens, City Clerk Melissa Krehbiel, and Bond Counsel Kevin Cowan of Gilmore and 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. CONSENT AGENDA

A. Minutes of the July 5, 2022 City Council meeting.

MOTION: Councilmember Smith moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Welch seconded the motion. ***Motion carried 3-0.***

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 22-13 in the amount of \$298,485.47

MOTION: Councilmember Davied moved to approve Appropriations Ordinance 22-13. Councilmember Smith seconded the motion. ***Motion carried 3-0.***

VIII. CITY REQUESTED APPEARANCES: None

IX. CITIZEN CONCERNS:

Gary Breault, 4046 N. Harding, spoke in favor of a paving petition for his neighborhood. He stated he hopes that the petition passes. Even if the petition does not pass, he hopes that Council will consider improving the ditches in the area.

Dennis McCallum, 4650 Hillcrest, spoke about concerns regarding road conditions and dust in his neighborhood. He also spoke in opposition to a proposed development in Arthur Heights Addition.

Melvin Harms, 4172 N Battin, spoke regarding the road conditions in his neighborhood and the paving petition for the neighborhood. He is concerned that if the petition fails, nothing will change. He suggested adding a better rock surface to the street to control the dust.

Chad Crittenden, 4130 Harding Street, spoke regarding the road conditions in his neighborhood. In order to control the dust, he would like for the Council to look into reducing the speed limit, enforcing speed limits, and using a different material for the gravel road.

X. REPORTS

A. Council Member Reports

No reports were given.

B. Mayor's Report

Mayor Benage reported on the Kansas Infrastructure Summit and a virtual seminar he attended regarding project bundling hosted by the Federal Highway Administration. He also reported on the most recent meetings of SCAC and WAMPO. He reminded citizens of upcoming deadlines for the August 2nd Primary Election. Any registered voter may vote in the election, regardless of party affiliation.

C. City Attorney Report

City Attorney Kelly reviewed regulations and enforcement activities related to street tree trimming and water system backflow prevention.

D. City Manager Report

City Manager Lasher briefly reported on the paving improvement petitions that were recently mailed to some residents. A public meeting was held today, prior to the Council meeting to allow residents to ask questions about the proposed paving projects. The meeting was well attended. If enough petitions in support of the projects are received, the paving projects may move forward.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of the Following Actions related to GO Bond Issuance and Special Assessments:

- 1. Approval of the Assessment Roll Certification, Notice of Public Hearing and Form of Notice of Hearing and Statement of Cost Proposed to be Assessed;**
- 2. Establish August 2, 2022 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: Councilmember Welch moved to approve each of the following actions:

1. Approval of the Assessment Roll Certification, Notice of Public Hearing and Form of Notice of Hearing and Statement of Cost Proposed to be Assessed;
2. Establish August 2, 2022 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 Smith seconded the motion. *Motion carried 3-0.*

B. Consideration of a Letter of Intent to Issue (LOI) an Industrial Revenue Bond (IRB) for Block 49, LLC for Storage Units Located in Bel Aire.

MOTION: Councilmember Smith moved to approve the LOI for an IRB with Block 49, LLC as presented and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 3-0.*

- C. **Consideration of an Agreement for Professional Services with Baughman for Sanitary Sewer Improvements to serve Lot 1, Block A, Homestead Senior Landing and Lots 1 through 16, Block E and Lots 1 through 24, Block F, Chapel Landing in the amount of \$26,500.00.**

MOTION: Councilmember Davied moved to approve an Agreement for Professional Services with Baughman for Sanitary Sewer Improvements to serve Lot 1, Block A, Homestead Senior Landing and Lots 1 through 16, Block E and Lots 1 through 24, Block F, Chapel Landing in the amount of \$26,500.00 and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 3-0.*

- D. **Consideration of An Ordinance establishing no parking along Prairie Court in the Prairie Preserve addition.**

MOTION: Councilmember Smith moved to approve An Ordinance Regulating Street Parking By Prohibiting The Parking Of Vehicles On Prairie Court In Bel Aire, Kansas And Providing Penalties For Violation Thereof and authorize the Mayor to sign. Councilmember Davied seconded the motion.

Rollcall Vote:

Greg Davied- Aye Justin Smith – Aye John Welch -Aye

Motion carried 3-0.

- E. **Consideration of An Ordinance Changing The Zoning Classification From AG Agricultural Zoning To R-5 Residential Use On Certain Property, Bel Aire Lakes Addition Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas.**

MOTION: Councilmember Davied moved to approve An Ordinance Changing The Zoning Classification From AG Agricultural Zoning To R-5 Residential Use On Certain Property, Bel Aire Lakes Addition Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas, and authorize the Mayor to sign. Councilmember Smith seconded the motion.

Rollcall Vote:

Jim Benage- Aye Greg Davied- Aye Justin Smith – Aye John Welch -Aye

Motion carried 4-0.

- F. **Consideration of An Order Vacating A Portion Of A Platted Building Setback Line On Certain Property Located In The Lawn Terrace Addition Within The Corporate City Limits Of The City Of Bel Aire, Kansas.**

MOTION: Councilmember Smith moved to approve An Order Vacating A Portion Of A Platted Building Setback Line On Certain Property Located In The Lawn Terrace Addition Within The Corporate City Limits Of The City Of Bel Aire, Kansas.

Councilmember Welch seconded the motion.

Rollcall Vote:

Jim Benage- Aye Greg Davied- Aye Justin Smith – Aye John Welch -Aye

Motion carried 4-0.

- G. Consideration of a bid for installation of 4,602 linear feet of 8" Cured-In-Place-Pipe (CIPP) and 2,020 linear feet of 10" CIPP in Lawn Terrace. One of the three contractors that were contacted responded with a bid that met specifications:**

<u>Contractor</u>	<u>Total Bid</u>	<u>Protruding Tap Removal</u>
Insituform	\$228,196.80	\$220.00
UMC	No Bid	
Mayer Specialty Services	Could not meet specs	

The Council discussed combining this project with other projects, in order to possibly receive a better price per linear foot.

MOTION: Councilmember Smith moved to deny the bid from Insituform.
Councilmember Davied seconded the motion. ***Motion carried 3-0.***

- H. Consideration of the Revised Tax Increment Financing (TIF) Policy for the City of Bel Aire.**

MOTION: Councilmember Welch moved to approve the Revised Tax Increment Financing Policy for the City of Bel Aire and authorize the Mayor to sign.
Councilmember Davied seconded the motion. ***Motion carried 3-0.***

- I. Consideration of appointing three voting delegates to the League of Kansas Municipalities 2022 Annual Business Meeting and Convention of Voting Delegates on October 10, 2022 at noon in Overland Park.**

MOTION: Councilmember Smith moved to appoint Ty Lasher, Tyler Dehn and Jim Benage as Bel Aire Voting Delegates to the 2022 League of Kansas Municipalities Annual Business Meeting. Councilmember Davied seconded the motion. ***Motion carried 3-0.***

- J. Consideration of appointing three alternate voting delegates to the League of Kansas Municipalities 2022 Annual Business Meeting and Convention of Voting Delegates on October 10, 2022 at noon in Overland Park.**

MOTION: Councilmember Smith moved appoint Jaqueline Kelly as Bel Aire Alternate Voting Delegate to the 2022 League of Kansas Municipalities Annual Business Meeting. Councilmember Davied seconded the motion. ***Motion carried 3-0.***

XII. EXECUTIVE SESSION

MOTION: Councilmember Smith moved to take a 5-minute recess. Councilmember Welch seconded the motion. ***Motion carried 3-0.***

The meeting was in recess from 8:07 p.m. to 8:12 p.m. At 8:12 p.m. Mayor Benage called the meeting back to order.

- A. **MOTION:** Councilmember Welch moved to go into executive session for the sole purpose of discussing the subject of: attorney-client consultation regarding litigation, pursuant to the KSA 75-4319 exception for: attorney-client privilege. Invite the City Manager and the City Attorney. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 8:35 p.m. Councilmember Smith seconded the motion. ***Motion carried 3-0.***

The Council then conducted an executive session. At 8:34 p.m., the Council returned to the Council Chambers. Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

MOTION: Councilmember Smith moved to go into executive session for the sole purpose of discussing the subject of: matters related to Council employees, pursuant to the KSA 75-4319 exception for: non-elected personnel. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 8:57 p.m. Councilmember Davied seconded the motion. ***Motion carried 3-0.***

The Council then conducted an executive session. At 8:57 p.m., the Council returned to the Council Chambers. Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

MOTION: Councilmember Smith moved to extend the executive session and invite in the City Manager and City Attorney. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 9:17 p.m. Councilmember Davied seconded the motion. ***Motion carried 3-0.***

The Council then returned to executive session. At 9:20 p.m., the Council returned to the Council Chambers. Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

B. **Consideration of the revised Employment Agreement with the City Manager.**

MOTION: Councilmember Smith moved to table the Revised Employment Agreement with City Manager Lasher. Councilmember Welch seconded the motion. ***Motion carried 3-0.***

XIII. **DISCUSSION AND FUTURE ISSUES** – No future issues were discussed.

XIV. **ADJOURNMENT**

MOTION: Councilmember Smith moved to adjourn. Councilmember Davied seconded the motion. ***Motion carried 3-0.***

The meeting adjourned at 9:21 p.m.

Approved by the City Council this 2nd day of August, 2022.

Jim Benage

Jim Benage, Mayor

ATTEST:



Melissa Krehbiel

Melissa Krehbiel, City Clerk