



**MINUTES**  
**CITY COUNCIL MEETING**  
7651 E. Central Park Ave, Bel Aire, KS  
November 15, 2022 7:00 PM



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

**II. ROLL CALL**

Present were Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, City Engineer Anne Stephens, Assistant City Manager / Director of Finance Ted Henry, Director of Community Development Jay Cook and City Clerk Melissa Krehbiel.

**III. OPENING PRAYER:** Dr. Rob Lindsted 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. Approve the Minutes of the November 1, 2022 City Council meeting.**
- B. Accept a Petition for Phase 2 Sanitary Sewer Improvements to serve Bristol Hollow**
- C. Approve 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; Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/Bristol Hollows Addition - Phase 2); And Amending, Restating And Repealing Resolution No. R-22-10.**

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

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

**A. Consideration of Appropriations Ordinance 22-21 in the amount of \$3,506,440.41**

**MOTION:** Councilmember Davied moved to approve Appropriations Ordinance 22-21. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

**VIII. CITY REQUESTED APPEARANCES:** There were none.

**IX. CITIZEN CONCERNS:**

Gary O'Neal, 4867 N. Hillcrest, spoke on behalf of the Bel Aire Lions Club regarding the fireworks ordinance on the agenda. He stated that many local non-profit organizations rely on proceeds from fireworks sales. He gave many examples of how Lions Club fundraisers have benefited the local community. He stated he is concerned that for-profit businesses will take over fireworks sales, pushing non-profits out of their traditional locations. He urged the Council to vote for Option B regarding the fireworks amendment.

Mona Greg, 5700 Memphis, spoke in opposition to the fireworks ordinance. She is concerned about safety and the effects of fireworks noise on pets and residents who have conditions like PTSD. She questioned why this ordinance was being considered in November and what role profits have in this matter. She is against extending the days when fireworks can be detonated.

Gavin Greg, 5700 Memphis, stated he is alarmed that the proposed change to the fireworks ordinance was not communicated to Bel Aire citizens. He is against extending the days when fireworks can be detonated.

**X. REPORTS**

**A. Council Member Reports**

Councilmember Davied reported that he attended a League of Kansas Municipalities luncheon with governing body members from other cities.

Councilmember Smith thanked the Lions Club for their contributions to the community.

Councilmember Hamburg briefly reported on recent meeting and events she attended: the Homestead Senior Living groundbreaking, the Sedgwick County Association of Cities (SCAC) meeting in Haysville, and the Bel Aire Lions Club's Taste of Italy fundraiser.

**B. Mayor's Report**

Mayor Benage briefly reported on the most recent meeting of the Sedgwick County Association of Cities (SCAC). He also reported that entrances to Dollar General and Los Cuanados have been re-opened as Woodlawn construction progresses. He urged residents to continue to support businesses on Woodlawn during the construction. He wished everyone a Happy Thanksgiving.

**C. City Attorney Report**

City Attorney Kelly reported that she and City Manager Lasher recently presented educational information at the City Clerk and Municipal Finance Officer's Institute.

**D. City Manager Report**

City Manager Lasher reminded citizens that City Hall will be closed for Thanksgiving on November 24<sup>th</sup> and 25<sup>th</sup>. The Christmas Open House will be held at City Hall on December 3<sup>rd</sup> from 5:30 p.m. to 7:30 p.m.

**XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS**

- A. Consideration of confirming the Mayor's appointment of Terry Ercolani to Seat 2 on the Bel Aire Utility Advisory Committee. The term will be for two years, expiring on August 1, 2024.**

**MOTION:** Councilmember Welch moved to approve the Mayor's appointment of Terry Ercolani to Seat 2 on the Bel Aire Utility Advisory Committee. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

- B. Consideration of an Agreement with Andrew Reese to dedicate lots for a City Park (Skyview at Block 49).**

Andrew Reese, developer of Skyview at Block 49 Addition, spoke to the Council about his plans to donate certain lots in the development to the City in order to create a larger park that would connect with a future bike path.

**MOTION:** Councilmember Smith moved to approve an agreement with Andrew Reese delineating the plan to dedicate lots to the City of Bel Aire on or before July 1, 2023 in exchange for the City owning, installing, maintaining such lots as a City park and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

- C. Consideration of a 2022 Budget Amendment to be published and schedule a public hearing for the December 6, 2022 City Council Meeting.**

**MOTION:** Councilmember Smith moved to approve a 2022 Budget Amendment to be published and schedule a public hearing for the December 6, 2022 City Council Meeting. Councilmember Welch seconded the motion. *Motion carried 5-0.*

- D. Consideration of adopting the City of Bel Aire 2023 Pay Scale.**

**MOTION:** Councilmember Davied moved to approve the City of Bel Aire 2023 Pay Scale as presented. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

- E. Consideration of a quote for the purchase of a new truck for building inspections (Ford F-150 Crew Cab).**

**MOTION:** Councilmember Smith moved to accept the quote from TCS for a Ford F-150 Crew Cab truck in the amount not to exceed \$45,000. Councilmember Welch seconded the motion. *Motion carried 5-0.*

**F. Consideration of accepting a bid for Bristol Hollows, Phase 2 Water and Sanitary Sewer Improvements. Five bids were received:**

<u>Contractor</u>	<u>Total Bid</u>
<i>Engineer's Estimate</i>	\$329,822.50
APEX	\$382,050.00
Dondlinger	\$526,293.65
McCullough	\$396,437.00
Mies	\$755,049.40
<b>Nowak</b>	<b>\$335,288.20</b>

**MOTION:** Councilmember Hamburg moved to accept the bid from Nowak in the amount of \$335,288.20 for the Bristol Hollows, Phase 2 Water and Sanitary Sewer Improvements and authorize the Mayor to sign all related documents. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**G. Consideration of an Ordinance amending Chapter 6 of the Municipal Code related to fireworks sales qualifications and detonation times.**

**MOTION:** Councilmember Smith moved to approve ordinance option A amending Chapter 6 of the Municipal Code related to fireworks sales qualifications and detonation times. Councilmember Hamburg seconded the motion.

Rollcall Vote:

Greg Davied – Nay      Tyler Dehn – Aye      Emily Hamburg – Aye  
Justin Smith – Aye      John Welch – Nay

*Motion carried 3-2*, with Councilmembers Davied and Welch voting against the motion.

**H. Consideration of approval of the City of Bel Aire Media Policy 2022.**

**MOTION:** Councilmember Welch moved to approve the City of Bel Aire Media Policy 2022 as presented and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

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

At 8:42 p.m., following the recess, Mayor Benage called the meeting back to order in open session.

**XII. EXECUTIVE SESSION**

**MOTION:** Councilmember Smith moved to go into executive session for the sole purpose of discussion the subject of: contractual obligations, 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 15 minutes, and the open meeting will resume in City Council Chambers at 9:03 PM. Councilmember Welch seconded the motion. *Motion carried 5-0.*

The Council then held an executive session. At 9:06 p.m. Mayor Benage called the meeting back to order in open session. He stated that no binding action had been taken.

**MOTION:** Councilmember Smith moved to extend the executive session for 10 minutes with the open meeting to resume in Council Chambers at 9:16 p.m. Councilmember Welch seconded the motion. *Motion carried 5-0.*

### **XIII. DISCUSSION AND FUTURE ISSUES**

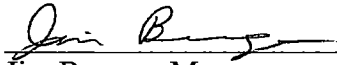
#### **A. Special Meeting December 13th and no meeting December 20th?**

The Council briefly discussed the agenda for the next workshop and agreed to hold the workshop on the 13<sup>th</sup> at 6:30 p.m. and keep the regular meeting on December 20<sup>th</sup>.


### **XIV. ADJOURNMENT**

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

Approved by the City Council this 6<sup>th</sup> day of December, 2022.

  
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Jim Benage, Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa Krehbiel, City Clerk

