



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
Video Available at belaireks.gov
July 06, 2021 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 Jeff Elshoff, Dr. Joel Schroeder, Justin Smith, John Welch, and Diane Wynn.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, City Engineer Anne Stephens and City Clerk Melissa Krehbiel.

III. OPENING PRAYER: Gary Green 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 June 15, 2021 City Council meeting.

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

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 21-12 in the amount of \$3,018,999.50.

MOTION: Councilmember Welch moved to approve Appropriations Ordinance 21-12. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

VIII. CITY REQUESTED APPEARANCES: None.

IX. CITIZEN CONCERNS:

Bonnie Stinson, 3800 N. Harding, addressed the Council. Ms. Stinson noted that the last appropriations ordinance was mislabeled "20-11"; it should have been labeled "21-11". Regarding Item B on the agenda tonight, she is concerned about the traffic in the area. In the

Planning Commission documents she did not see any provision for a crosswalk near Isely Elementary. She has picked up her grandchildren from Isely and has seen the traffic firsthand. One time, traffic was backed up all the way down on Woodlawn. Regarding the dust improvement in her neighborhood which was mentioned at the last meeting, she would not know that there were any changes in the aggregate put on the road because public works has stopped giving their staff report. The last report she saw was in December 2019. She shared a picture of cars raising dust on the road and invited councilmembers to view a video she posted on Next Door. Lastly, after the last meeting she requested and received documents from the City, at a cost of five dollars. The Attorney General's opinion states that cities can charge for records but they don't have to.

X. REPORTS

A. Council Member Reports

Councilmember Welch reported that the Battin Street reconstruction is progressing, and the slurry seal project is wrapping up in his neighborhood. He noted that some residents were setting off fireworks over the weekend on days when it is not allowed, and he hopes the police department will pay more attention to that next year.

Councilmember Smith reported on the last CCUA meeting on June 24th where the board approved the annual budget and a well rehab.

B. Mayor's Report

Mayor Benage thanked David Floyd for attending the last Chisholm Creek Utility Authority (CCUA) meeting in his place.

He reported that at their meeting on June 17th the Public Building Commission (PBC) agreed to sell land located along Webb Road in the Sunflower Commerce Park. On June 18th he signed contracts for this real estate sale. He also signed a cancellation of real estate contract for the land across from City Hall, at the request of the developer.

On June 18th and 19th, he attended a leadership summit and the Kansas Mayor's Conference in Lawrence.

He corrected comments made on June 15th about Andover: they treat 100% of their city's sanitary sewer and they receive 100% of their water from the City of Wichita.

He reminded council members that the Sedgwick County Association of Cities (SCAC) will meet on July 17th at the Kansas Aviation Museum.

Regarding COVID-19, KDHE is now reporting 44.4% of Kansans are vaccinated with at least one dose of vaccine. There has been a recent uptick in cases since June 15th but positive cases in Sedgwick County have remained relatively low for the past four and a half months, between 2.3 and 5.2 percent. He encouraged residents to continue practicing good handwashing, covering sneezes and other practices aimed at reducing the spread of germs.

C. City Attorney Report

City Attorney Kelly reported on a case that will be reviewed by the Supreme Court regarding the City of Austin's sign code. The Planning Commission may discuss Bel Aire's sign code after the ruling.

D. City Manager Report – No report was given.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of a Resolution Adopting the Kansas Homeland Security Region G Hazard Mitigation Plan.

Cody Charvat, Sedgwick County Emergency Management, stood for questions from Council.

MOTION: Councilmember Schroeder moved to accept a Resolution Adopting the Kansas Homeland Security Region G Hazard Mitigation Plan and authorize the Mayor to sign. Councilmember Elshoff seconded the motion. ***Motion carried 5-0.***

B. Consideration of An Ordinance Changing The Zoning Classification From C-2 Commercial To R-4 Residential On Certain Property Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas.

City Engineer Anne Stephens stood for questions from Council.

MOTION: Councilmember Elshoff moved to approve An Ordinance Changing The Zoning Classification From C-2 Commercial To R-4 Residential On Certain Property Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas, and authorize the Mayor to sign. Councilmember Schroeder seconded the motion.

Rollcall vote:

Jim Benage -Aye	Jeff Elshoff -Aye	Dr. Joel Schroeder -Aye
Justin Smith -Aye	John Welch -Aye	Diane Wynn - Nay

Motion carried 5-1, with Councilmember Wynn voting against the motion.

MOTION TO RECESS: Councilmember Elshoff moved to take a 5-minute recess. Councilmember Schroeder seconded the motion. ***Motion carried 5-0.***

At 8:02 p.m. the Council went into recess. At 8:07 p.m., Mayor Benage called the meeting back to order.

C. Consideration of An Ordinance Changing The Zoning Classification From AG Agricultural To C-1 Neighborhood Commercial On Certain Property Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas.

City Engineer Anne Stephens stood for questions from Council.

MOTION: Councilmember Smith moved to approve An Ordinance Changing the Zoning Classification from AG Agricultural to C-1 Neighborhood Commercial On Certain Property Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas, and authorize the Mayor to sign. Councilmember Welch seconded the motion.

Rollcall vote:

Jim Benage -Aye	Jeff Elshoff -Aye	Dr. Joel Schroeder -Aye
Justin Smith -Aye	John Welch -Aye	Diane Wynn - Aye

Motion carried 6-0.

D. Consideration of An Ordinance Authorizing and Approving the Sale of Certain Property by the City Of Bel Aire, Kansas Public Building Commission.

MOTION: Councilmember Schroeder moved to approve An Ordinance Authorizing and Approving the Sale of Certain Property by the City Of Bel Aire, Kansas Public Building Commission, and authorize the Mayor to sign. Councilmember Smith seconded the motion.

Rollcall vote:

Jeff Elshoff -Aye	Dr. Joel Schroeder -Aye	Justin Smith -Aye
John Welch -Aye	Diane Wynn - Aye	

Motion carried 5-0.

E. Consideration of Accepting Revised Petitions for Sanitary Sewer and Water Distribution Improvements to serve Chapel Landing And Chapel Landing 4th.

MOTION: Councilmember Schroeder moved to accept Revised Petitions for Sanitary Sewer and Water Distribution System Improvements (Chapel Landing And Chapel Landing 4th). Councilmember Smith seconded the motion. ***Motion carried 5-0.***

F. Consideration of Accepting a Revised Petition for Water Distribution System Improvements for Skyview at Block49 Addition.

MOTION: Councilmember Smith moved to accept a Revised Petition for Water Distribution System Improvements (Skyview at Block49) and authorize the Mayor to sign. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

G. Consideration of 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 (Sanitary Sewer

Improvements/Chapel Landing And Chapel Landing 4th Additions); And Amending, Restating And Repealing Resolution No. R-21-16.

Kevin Cowan of Gilmore and Bell, bond counsel for the City, stood for questions from Council regarding agenda items G, H, and I.

MOTION: Councilmember Schroeder moved to approve 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 (Sanitary Sewer Improvements/Chapel Landing And Chapel Landing 4th Additions); And Amending, Restating And Repealing Resolution No. R-21-16, and authorize the Mayor to sign. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

- H. Consideration of 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 (Water Distribution Improvements/Chapel Landing And Chapel Landing 4th Additions); And Amending, Restating And Repealing Resolution No. R-21-18.**

MOTION: Councilmember Elshoff moved to approve 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 (Water Distribution Improvements/Chapel Landing And Chapel Landing 4th Additions); And Amending, Restating And Repealing Resolution No. R-21-18, and authorize the Mayor to sign. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

- I. Consideration of 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 (Water Distribution System Improvements/Skyview At Block 49 - Phase 1); And Amending, Restating And Repealing Resolution No. R-21-07.**

MOTION: Councilmember Smith moved to 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; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution System Improvements/Skyview At Block 49 - Phase 1); And Amending, Restating And Repealing Resolution No. R-21-07, and authorize the Mayor to sign. Councilmember Wynn seconded the motion. ***Motion carried 5-0.***

J. Consideration of a bid for Sanitary Sewer and Water Distribution System Improvements in Chapel Landing 4th Addition. Five bids were received:

Contractor	Water	Sewer	Total
APEX	\$57,956.00	\$84,606.00	\$142,562.00
McCullough	\$99,510.00	\$135,765.00	\$235,275.00
Mies	\$85,793.00	\$99,207.00	\$185,000.00
Nowak	\$60,890.00	\$108,248.00	\$169,138.00
UMC	\$94,590.00	\$73,922.00	\$168,512.00
<i>Engineer's Estimate</i>	<i>\$43,970.00</i>	<i>\$60,325.00</i>	<i>\$104,295.00</i>

City Engineer Anne Stephens stood for questions from Council.

MOTION: Councilmember Schroeder moved to accept the bid from Apex at a cost not to exceed \$142,562.00, for Sanitary Sewer and Water Distribution System Improvements (Chapel Landing 4th Addition) and authorize the Mayor to sign. Councilmember Elshoff seconded the motion. ***Motion carried 5-0.***

K. Consideration of Accepting a Bid for Phase 1 Water Distribution System Improvements for Skyview at Block49 Addition. Four bids were received:

Contractor	Water
APEX	\$239,311.00
McCullough	\$330,675.00
Mies	\$235,159.00
Nowak	\$249,616.00
<i>Engineer's Estimate</i>	<i>\$172,326.00</i>

City Engineer Anne Stephens stood for questions from Council.

MOTION: Councilmember Smith moved to accept the bid from Mies at a cost not to exceed \$235,159.00, for Phase 1 Water Distribution System Improvements (Skyview at Block49 Addition) and authorize the Mayor to sign. Councilmember Wynn seconded the motion. ***Motion carried 5-0.***

L. Consideration of Accepting a Bid for Sanitary Sewer and Water Distribution System Improvements for The Villas at Prestwick, Phase 2. Six bids were received:

Contractor	Sewer	Water	Total
APEX	\$244,570.00	\$89,230.00	\$333,800.00
Dondlinger	\$223,277.50	\$91,840.00	\$315,117.50
Dutton	\$149,370.00*	\$65,440.00	\$214,810.00
McCullough	\$258,765.00	\$124,140.00	\$382,905.00
Mies	\$335,085.00	\$159,915.00	\$495,000.00
Nowak	\$234,576.00	\$84,671.00	\$319,247.00
<i>Engineer's Estimate</i>	<i>\$170,390.00</i>	<i>\$103,795.00</i>	<i>\$274,185.00</i>

City Engineer Anne Stephens stood for questions from Council. She noted that Dutton submitted a letter to Council, explaining their error in the final published bid and requesting Council approve additional funds for the contract if Dutton is selected for this project. The letter from Dutton was included in the staff report regarding this agenda item.

MOTION: Councilmember Smith moved to accept the bid from Dutton at a cost not to exceed \$241,810.00 for Sanitary Sewer and Water Distribution System Improvements (The Villas at Prestwick, Phase 2), and authorize the Mayor to sign. Councilmember Elshoff seconded the motion. *Motion carried 5-0.*

M. Consideration of Approving a Bid for Arterial Street Repair on Certain Streets. Three bids were solicited and two bids were received:

	PPJ	Kansas Paving
Thermal Crack, Oliver 37th to 45th	\$70,750.00	\$49,680.00
Thermal Crack, Oliver 45th to 53rd	\$76,990.00	\$53,620.00
Thermal Crack, Woodlawn 45th to 53rd	\$54,006.00	\$54,870.00
Thermal Crack, 45th Woodlawn to Rock	\$32,580.00	\$80,240.00
Rock Road Patch Work	\$15,300.00	\$28,300.00
53rd Street Patch Work	\$37,480.00	\$46,310.00
<i>Total:</i>	\$287,106.00	\$313,020.00

City Engineer Anne Stephens stood for questions from Council. She noted that in the time since the bids were solicited, the condition of 53rd Street has deteriorated rapidly. Staff now recommend that the 53rd Street patch work be removed from this project and recommend that Council consider more extensive work to 53rd Street in the near future.

MOTION: Councilmember Welch moved to accept the bid from PPJ at a cost not to exceed \$250,000.00 for Arterial Street Repair and remove the quote for 53rd Street patch work and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 5-0.*

N. Consideration of Approving Change Order No. 02 for the Woodlawn – 37th to 45th Utility Relocation Project.

City Engineer Anne Stephens stood for questions from Council.

MOTION: Councilmember Welch moved to approve Change Order Number 2 for the Woodlawn – 37th to 45th Utility Relocation Project and authorize the mayor to sign. Councilmember Smith seconded the motion. *Motion carried 5-0.*

O. Consideration of a bid for cleaning and installation of a protective liner in the wet well of the Rock Road sanitary sewer lift station. Two bids were received:

<u>Contractor</u>	<u>Total Bid</u>
UMC	\$27,480.00
Mayer	\$26,480.00
<i>Preliminary Opinion of Cost</i>	<i>\$25,000.00</i>

City Engineer Anne Stephens stood for questions from Council.

MOTION: Councilmember Schroeder moved to accept the bid from Mayer at a cost not to exceed \$26,480.00, for cleaning and installation of a protective liner in the wet well of the Rock Road sanitary sewer lift station and authorize the Mayor to sign. Councilmember Elshoff seconded the motion. ***Motion carried 5-0.***

P. Consideration of a bid for cured-in-place pipe lining for sewer lines in Pearson's Addition. Two bids were received:

<u>Contractor</u>	<u>Total Bid</u>	<u>Protruding Tap Removal</u>
UMC	\$294,453.75	\$250.00
Insituform	\$286,551.50	\$220.00
Municipal Pipe Service	No Bid	
<i>Preliminary Opinion of Cost</i>	<i>\$320,000</i>	

City Engineer Anne Stephens stood for questions from Council.

MOTION: Councilmember Elshoff moved to accept the bid from Insituform at a cost not to exceed \$286,551.50 for cured-in-place pipe lining for sewer lines in Pearson's Addition, and authorize the Mayor to sign. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

XII. EXECUTIVE SESSION

MOTION: Councilmember Elshoff moved to go into executive session for the sole purpose of discussion the subject of Attorney-Client consultation regarding 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 30 minutes, and the open meeting will resume in City Council Chambers at 10:21 p.m. Councilmember Schroeder seconded the motion. ***Motion carried 5-0.***

The Council then went into executive session. At 10:21 p.m. the Council returned to the Council chambers and the meeting resumed in open session. Mayor Benage stated no binding action was taken.

MOTION: Councilmember Elshoff moved to extend the executive session for 25 minutes and the open meeting will resume in City Council Chambers at 10:47 p.m. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

The Council then returned to executive session. At 10:47 p.m. the Council returned to the Council chambers and the meeting resumed in open session. Mayor Benage stated no binding action was taken.

XIII. DISCUSSION AND FUTURE ISSUES

Council briefly discussed the agenda for the next Council workshop to be held on Saturday, July 10th at 9:00 a.m.

XIV. ADJOURNMENT

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

Approved by the City Council this 20th day of July, 2021.



Jim Benage, Mayor



ATTEST:



Melissa Krehbiel, City Clerk