



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
September 07, 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, Emily Hamburg, Justin Smith, and John Welch. Tyler Dehn was 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, Bond Counsel Kevin Cowan of Gilmore and Bell, PA and Financial Advisor Adam Pope of Columbia Capital Management, LLC.

III. OPENING PRAYER: John Barkett provided the opening prayer.

IV. PRESENTATION OF COLORS: Boy Scout Pack #585 presented the colors.

V. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Boy Scout Pack #585 led the pledge of allegiance.

VI. DETERMINE AGENDA ADDITIONS: There were no additions.

VII. CONSENT AGENDA

A. Approval of Minutes of the August 16, 2022 City Council meeting.

B. Accept a Petition for Water Distribution System Improvements to serve Phase 1 of Skyview at Block 49 2nd Addition.

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/ Skyview At Block 49 2nd Addition - Phase 1); And Amending, Restating And Repealing Resolution No. R-22-28.

- D. 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 (Water Distribution System Improvements/Skyview At Block 49 2nd Addition- Phase 1); And Amending, Restating And Repealing Resolution No. R-22-31.**

MOTION: Councilmember Smith moved to approve the Consent Agenda as listed. Councilmember Davied seconded the motion. *Motion carried 4-0.*

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

- A. Consideration of Appropriations Ordinance No. 22-16 in the amount of \$1,108,026.56.**

MOTION: Councilmember Hamburg moved to approve Appropriations Ordinance No. 22-16. Councilmember Smith seconded the motion. *Motion carried 4-0.*

IX. CITY REQUESTED APPEARANCES

- A. Woodlawn Construction Update - Dakota Zimmerman, Garver**
- B. Gary O'Neal, Bel Aire Area Chamber of Commerce**
- C. Larry Kleeman, Ranson City Code Financial**

Dakota Zimmerman provided an update on construction progress on Woodlawn.

Gary O'Neal reported on the growth in membership and recent activities of the Chamber.

Larry Kleeman gave a demonstration of a draft of the online City Code.

X. 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 39.722 mills.

James Siever, 4242 N Rushwood Circle, asked how the mill levy affects individual property taxes.

MOTION: Councilmember Smith moved to close the public hearing. Councilmember Welch seconded the motion. *Motion carried 4-0.*

Staff requested that Agenda Item XIII A be considered at this time.

[XIII. A.] Consideration of A Resolution Of The City Of Bel Aire, Kansas To Levy A Property Tax Rate Exceeding The Revenue Neutral Rate.

City Manager Lasher gave a brief presentation on the Revenue Neutral Rate and stood for question from the Council.

MOTION: Councilmember Welch moved to approve 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. Councilmember Davied seconded the motion.

Rollcall Vote:

Greg Davied – Aye

Emily Hamburg – Aye

Justin Smith – Aye

John Welch - Aye

Motion carried 4-0.

- B. 2023 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 2023 City of Bel Aire Budget.

No one spoke.

MOTION: Councilmember Smith moved to close the public hearing. Councilmember Welch seconded the motion. ***Motion carried 4-0.***

XI. CITIZEN CONCERNS: No one spoke.

XII. REPORTS

A. Council Member Reports

Councilmember Welch reported that patches were done on 53rd Street. He would like to see the patches completed this year and a solution for the traffic on 53rd Street at Isely Elementary during pickup and drop off times.

Councilmember Smith gave a brief report on the latest meeting of the Chisholm Creek Utility Authority (CCUA).

Councilmember Hamburg briefly reported on the latest meeting of the Bel Aire Lion's Club, a ribbon cutting for the new disc golf course at Alley Park, and the Lion's Club District Cabinet meeting. She also met with the Bel Aire Senior Center Coordinator and attended a performance at the Kechi Playhouse. She encouraged residents to patronize the Bel Aire Lions Club concessions at Rec Center games; much of the proceeds go back to community events. Also, she reminded residents that October 1st is Fall Curbside Cleanup day.

B. Mayor's Report

Mayor Benage reported on the need to continue to support businesses on Woodlawn during the construction. He attended the disc golf course ribbon cutting and thanked the Lions Club for donating the equipment for the course. Mayor Benage also attended a meeting on the K-96 Improvement Plan; a public meeting is planned for January 2023. He noted that the Wichita area is the 5th largest community for human trafficking in the United States; he encouraged people who are concerned about the issue to contact Hope Ranch for Women. Regarding upcoming events,

McConnell Air Force Base will host an air show on September 24-25, Church of the Resurrection will hold a blood drive September 10th, and Sedgwick County Association of Cities will meet on September 10th at Kechi City Hall.

C. City Attorney Report

City Attorney Kelly briefly reported on the sidewalk abatement program and enforcement of the noise ordinance. Also, no petitions were received against the Charter Ordinances passed earlier this year, so they will go into effect.

D. City Manager Report

City Manager Lasher reported that the City was recently awarded an improved bond rating of AA-. The improved rating will allow the City to have lower interest rates for bonds and those lower rates will translate into savings for taxpayers.

XIII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

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

This item was addressed earlier in the meeting.

B. Consideration of adopting the 2023 City of Bel Aire budget.

Assistant City Manager/ Director of Finance Ted Henry stood for questions from the Council.

MOTION: Councilmember Hamburg moved to adopt the 2023 City of Bel Aire budget as presented and authorize the Governing Body to sign. Councilmember Welch seconded the motion. *Motion carried 4-0.*

C. Consideration of An Ordinance Authorizing And Providing For The Issuance Of General Obligation Bonds, Series 2022A, Of The City Of Bel Aire, Kansas; Providing For The Levy And Collection Of An Annual Tax For The Purpose Of Paying The Principal Of And Interest On Said Bonds As They Become Due; Authorizing Certain Other Documents And Actions In Connection Therewith; And Making Certain Covenants With Respect Thereto.

Financial Advisor Adam Pope of Columbia Capital Management, LLC. presented the bids for both the Bonds and Notes (Item XIII.E.) and stood for questions from Council.

MOTION: Councilmember Smith moved to accept An Ordinance Authorizing And Providing For The Issuance Of General Obligation Bonds, Series 2022A, Of The City Of Bel Aire, Kansas; Providing For The Levy And Collection Of An Annual Tax For The Purpose Of Paying The Principal Of And Interest On Said Bonds As They Become Due; Authorizing Certain Other Documents And Actions In Connection Therewith; And Making Certain Covenants With Respect Thereto and authorize all required signatures. Councilmember Davied seconded the motion.

Rollcall Vote:

Greg Davied – Aye

Emily Hamburg – Aye

Justin Smith – Aye

John Welch - Aye

Motion carried 4-0.

- D. Consideration of A Resolution Prescribing The Form And Details Of And Authorizing And Directing The Sale And Delivery Of General Obligation Bonds, Series 2022A, Of The City Of Bel Aire, Kansas, Previously Authorized By Ordinance No. 696 Of The Issuer; Making Certain Covenants And Agreements To Provide For The Payment And Security Thereof; And Authorizing Certain Other Documents And Actions Connected Therewith.**

MOTION: Councilmember Smith moved to approve A Resolution Prescribing The Form And Details Of And Authorizing And Directing The Sale And Delivery Of General Obligation Bonds, Series 2022A, Of The City Of Bel Aire, Kansas, Previously Authorized By Ordinance No. 696 Of The Issuer; Making Certain Covenants And Agreements To Provide For The Payment And Security Thereof; And Authorizing Certain Other Documents And Actions Connected Therewith and authorize all required signatures. Councilmember Davied seconded the motion. ***Motion carried 4-0.***

- E. Consideration of A Resolution Authorizing And Directing The Issuance, Sale And Delivery Of General Obligation Temporary Notes, Series 2022B, Of The City Of Bel Aire, Kansas; Providing For The Levy And Collection Of An Annual Tax, If Necessary, For The Purpose Of Paying The Principal Of And Interest On Said Notes As They Become Due; Making Certain Covenants And Agreements To Provide For The Payment And Security Thereof; And Authorizing Certain Other Documents And Actions Connected Therewith.**

MOTION: Councilmember Davied moved to approve A Resolution Authorizing And Directing The Issuance, Sale And Delivery Of General Obligation Temporary Notes, Series 2022B, Of The City Of Bel Aire, Kansas; Providing For The Levy And Collection Of An Annual Tax, If Necessary, For The Purpose Of Paying The Principal Of And Interest On Said Notes As They Become Due; Making Certain Covenants And Agreements To Provide For The Payment And Security Thereof; And Authorizing Certain Other Documents And Actions Connected Therewith, and authorize all required signatures. Councilmember Smith seconded the motion. ***Motion carried 4-0.***

EXECUTIVE SESSION

MOTION: Councilmember Hamburg moved to go into executive session for the sole purpose of discussion the subject of: attorney-client consultation regarding pending litigation, pursuant to the KSA 75-4319 exception for: attorney-client privilege. Invite the City Manager, the City Attorney, Jennifer Hill and representatives from Burns and McDonnell. The meeting will be for a period of 30 minutes, and the open meeting will resume in City Council Chambers at 9:12 PM. Councilmember Smith seconded the motion. ***Motion carried 4-0.***

The Council then held an executive session. At 9:12 p.m. the Council returned from executive session. Mayor Benage stated no binding action had been taken and called the meeting back to order in open session.

MOTION: Councilmember Smith moved to extend the executive session for 20 minutes and for the open meeting to resume in Council Chambers at 9:34 p.m. Councilmember Davied seconded the motion. *Motion carried 4-0.*

The Council then returned to executive session. At 9:34 p.m. the Council returned from executive session. Mayor Benage stated no binding action had been taken and called the meeting back to order in open session.

F. Consideration of acquiring easements from Envision Management, Inc. for the Oliver Street Lift Station and associated sanitary sewer mains.

MOTION: Councilmember Hamburg moved to approve the receipt of easements from Envision Management, Inc., for the Oliver Street Lift Station and associated Gravity Sanitary Sewer Mains and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 4-0.*

G. Consideration of accepting a bid for Water, Sanitary Sewer and Drainage Improvements to serve Skyview at Block 49 2nd. Five bids were received:

<u>Contractor</u>	<u>Water</u>	<u>Sewer</u>	<u>Drainage</u>	<u>Total</u>
Apex	\$128,825.00	\$221,030.00	\$252,920.00	\$602,775.00
Dondlinger	\$86,602.20	\$151,709.00	\$206,217.90	\$444,528.90
McCullough	\$91,493.00	\$133,746.00	\$195,079.20	\$420,318.20
Mies	\$89,599.00	\$160,026.00	\$230,059.00	\$479,684.00
Nowak	\$98,795.00	\$180,622.00	\$212,472.50	\$491,889.50
<i>Engineer's Estimate</i>	<i>\$83,824.00</i>	<i>\$124,129.00</i>	<i>\$230,883.00</i>	<i>\$438,836.00</i>

MOTION: Councilmember Smith moved to accept the bid from McCullough in the amount of \$420,318.20 for Water, Sanitary Sewer and Drainage Improvements to serve Skyview at Block 49 2nd and authorize the Mayor to sign all related documents. Councilmember Welch seconded the motion. *Motion carried 4-0.*

H. Consideration of approving a bid for Chapel Landing, Phase 2 and Homestead Senior Landing Sanitary Sewer Projects Part "A", "B", & "C", Water Line Part "D", and Storm Water Drain Improvements. Three bids were received:

<u>Project Part</u>	<u>Engineer's Est.</u>	<u>Mies</u>	<u>Nowak</u>	<u>Dondlinger</u>
A. Mains, Lift Station	<i>\$1,136,868.00</i>	\$859,476.00	\$901,854.50	\$1,124,780.22
B. Sanitary Sewer	<i>\$113,073.00</i>	\$80,972.00	\$101,113.50	\$90,572.46
C. Sanitary Sewer	<i>\$400,632.00</i>	\$318,149.50	\$385,743.00	\$415,911.59
D. Water	<i>\$212,156.00</i>	\$219,365.00	\$239,550.00	\$355,491.00
E. Storm Water	<i>\$368,704.50</i>	\$420,088.20	\$366,322.00	\$403,116.50
Total	<i>\$2,231,433.50</i>	\$1,898,050.70	\$1,994,583.00	\$2,389,871.77

MOTION: Councilmember Smith moved to accept the bid from Mies in the amount of \$1,898,050.70 for Chapel Landing, Phase 2 and Homestead Senior Landing Sanitary Sewer Projects Part "A", "B", & "C", Water Line Part "D", and Storm Water Drain Improvements Part "E" and authorize the Mayor to sign all related documents. Councilmember Welch seconded the motion. *Motion carried 4-0.*

I. Consideration of a bid for Cured In Place Pipe to be installed in Aurora Park and Lawn Terrace. Three companies were contacted and two bids were received:

Insituform Technologies USA	\$631,792.80
Municipal Pipe Tool Co. LLC	\$703,674.34

MOTION: Councilmember Welch moved to approve the bid from Insituform Technologies USA in the amount not to exceed \$631,792.80 for Cured in Place Pipe to be installed in the Aurora Park and Lawn Terrace neighborhoods and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 4-0.*

J. Consideration of a Development Agreement for Elk Creek 3rd.

MOTION: Councilmember Hamburg moved to approve the Development Agreement for Elk Creek 3rd and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 4-0.*

K. Consideration of a Development Agreement for Chapel Landing 6th.

MOTION: Councilmember Welch moved to approve the Development Agreement for Chapel Landing 6th and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 4-0.*

L. Consideration of the revised Employment Agreement with City Manager Lasher.

MOTION: Councilmember Davied moved to approve the revised Employment Agreement with City Manager Lasher and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 4-0.*

M. Consideration of an Agreement for Professional Services with PEC for Construction Administration and Construction Observation services for the 2022 Street Repairs in the amount of \$62,500.00.

MOTION: Councilmember Smith moved to approve an Agreement for Professional Services with PEC for Construction Administration and Construction Observation services for the 2022 Street Repairs in the amount not to exceed \$62,500 and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 4-0.*

N. Consideration of accepting a proposal for the Water and Sanitary Sewer Master Plans. Three proposals were received:

PEC	\$134,000.00
Garver	\$211,117.00
Burns & McDonnell	\$236,700.00

MOTION: Councilmember Hamburg moved to accept the proposal from PEC in the amount of \$134,000.00 for the Water and Sanitary Sewer Master Plans and authorize the Mayor to sign all related documents. Councilmember Smith seconded the motion. *Motion carried 4-0.*

XIV. EXECUTIVE SESSION: There was no need for another executive session.

XV. DISCUSSION AND FUTURE ISSUES

A. Workshop - September 13th at 6:30 pm?

Councilmembers briefly discussed the agenda for the Council Workshop. There was consensus to hold a special meeting on September 13th at 6:30 p.m., which will be followed by the workshop at 7:00 p.m.

XVI. ADJOURNMENT

MOTION: Councilmember Smith moved to adjourn. Councilmember Welch seconded the motion. *Motion carried 4-0.*

The meeting adjourned at 10:11 p.m.

Approved by the City Council this 20th day of September, 2022.

Jim Benage
Jim Benage, Mayor

ATTEST:

Melissa Krehbiel
Melissa Krehbiel, City Clerk

