



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
December 03, 2024 7:00 PM



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

II. ROLL CALL

Councilmembers Tyler Dehn, Tom Schmitz, and John Welch were present. Councilmember Greg Davied participated via videoconference. Councilmember Emily Hamburg arrived at 7:57 p.m. after agenda item XII.B.

Also present were City Manager Ted Henry, City Attorney Maria Schrock, Director of Recreation Brian Hayes, City Engineer Anne Stephens, Director of Community Development Paula Downs, City Clerk Melissa Krehbiel, and Bond Counsel Sarah Steele of Gilmore and Bell, PA.

III. OPENING PRAYER: Father Andrew Labenz provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. PROCLAMATION

A. Purple Heart City

Mayor Benage read and signed the Proclamation and then recognized a local veteran in the audience for his service.

VI. DETERMINE AGENDA ADDITIONS: There were no additions.

VII. CONSENT AGENDA

A. Approval of Minutes of the November 19, 2024 City Council meeting.

B. Confirm the Mayor's appointment of Brian Mackey to the Planning Commission, term expiring 12/01/2027.

MOTION: Councilmember Welch moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Dehn seconded the motion. ***Motion carried 4-0.***

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance No. 24-22 in the amount of \$907,723.84.

MOTION: Councilmember Schmitz moved to approve Appropriations Ordinance No. 24-22. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

IX. CITY REQUESTED APPEARANCES

A. Update and Presentation on Bel Aire's Sewer Monitoring Program by Rebecca Lewis (Burns & McDonnell)

Rebecca Lewis, Burns & McDonnell, gave a presentation and stood for questions from the Council.

X. CITIZEN CONCERNS: No one spoke.

XI. REPORTS

A. Council Member Reports

Councilmember Dehn reported he plans to attend the Strategic Planning Committee meeting for the K-254 Corridor Plan next Monday. In answer to citizen's questions about the light blue posts that have been installed around town, he explained that these are water sampling test stations. He noted the new Utility Billing portal was rolled out this week and encouraged citizens to register.

B. Mayor's Report

Mayor Benage briefly reported on the latest CCUA meeting and the Bel Aire Chamber of Commerce event. In the last week, he has reported several blue street lights to Evergy to be replaced. Regarding upcoming meetings, he noted that the next CCUA meeting will be held on December 19th, and KDOT will hold a Zoom meeting on December 11th regarding the Heartland Flyer passenger rail.

C. City Attorney Report

City Attorney Maria Schrock gave a brief report about left turn only lanes.

D. City Manager Report

City Manager Ted Henry reported on the new utility billing portal, and increases in the total value of building permits. He reported that the Police Department is currently fully staffed, which has not been seen in many years. He congratulated employee Shane Wolf for passing his water treatment chemical applicator test. He noted that an RFP will be distributed later this week for the design of the new Public Works facility and the Christmas in Bel Aire event will be held this Saturday at City Hall.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Authorizing The Sale And Conveyance Of Certain Property To WAM Investments, LLC.

MOTION: Councilmember Dehn moved to adopt A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Authorizing The Sale And Conveyance Of Certain Property To WAM Investments, LLC and authorize the Mayor to sign all related documents. Councilmember Schmitz seconded the motion. ***Motion carried 4-0.***

B. Consideration of An Ordinance Authorizing The City Of Bel Aire, Kansas To Issue Its Taxable Industrial Revenue Bonds, Series 2024 (Bayside Development Project) For The Purpose Of The Acquisition, Construction And Equipping Of A Commercial Facility; And Authorizing Other Related Documents And Actions.

MOTION: Councilmember Schmitz moved to adopt An Ordinance Authorizing The City Of Bel Aire, Kansas To Issue Its Taxable Industrial Revenue Bonds, Series 2024 (Bayside Development Project) For The Purpose Of The Acquisition, Construction And Equipping Of A Commercial Facility; And Authorizing Other Related Documents And Actions and authorize the Mayor to sign. Councilmember Davied seconded the motion. ***Motion carried 4-0.***

Councilmember Hamburg arrived at 7:57 p.m.

C. Consideration of selecting a Proposal for Improvements to Eagle Lake Park. Four Proposals were received:

<u>Company</u>	<u>Budget</u>	<u>Bid</u>
VersaSport	\$150,000	\$126,308
Fry	\$150,000	\$161,156
Athco	\$150,000	\$185,270
Crouch	\$150,000	\$185,664

Brian Hayes, Director of Recreation, and Marty McGee, Public Works Director, gave a brief presentation on plans for installing the playground equipment from this bid. Staff noted that the volleyball court must be relocated or removed and asked for direction from Council. Discussion followed.

MOTION: Councilmember Welch moved to accept the Proposal from VersaSport in the amount not to exceed \$126,308 and authorize the Mayor to sign. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

MOTION: Councilmember Welch moved to allow Marty to take all the sand out, do whatever work he needs to do, save the sand back and use his discretion on where to build a new court in the future. Councilmember Dehn seconded the motion. Discussion followed. ***Motion failed 2-3*** with Councilmembers Hamburg, Schmitz and Davied voting against the motion.

MOTION: Councilmember Hamburg moved that Marty take the sand out and store it at his discretion and then we revisit this issue about where to place it. Councilmember Davied seconded the motion. *Motion carried 5-0.*

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

The Council then held a brief recess. At 8:30 p.m. Mayor Benage called the meeting to order.

- D. PUD-24-07 (previously PUD-24-03) Consideration of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending a zone change request in the City from Single-Family Residential District (R-4) to a Planned Unit Development Residential District (R-PUD) to create the Bristol Hollows Addition R-PUD, for the purpose of bringing structures that were conforming in 2020 and made non-conforming in 2023, due to lot splits that were completed without City notice and approval, generally located at 53rd Street North and Bristol Street. (A protest petition was not filed with the Bel Aire City Clerk within 14 days, after conclusion of the public hearing on 11/14/24.)**

Mayor Benage announced the agenda item. He asked if any Councilmember had received any ex-parte verbal or written communications, and if any Councilmember intended to disqualify themselves from participating in the case due to a conflict of interest. No one reported any ex-parte communication and no one disqualified themselves. The City Clerk confirmed that a protest petition had not been received for this case. Mayor Benage allowed time for Councilmembers to read the unapproved minutes from the November 12, 2024 Planning Commission, which are included Council's agenda packet for December 3rd and which summarize the public hearing for this case. After a few minutes, all Councilmembers confirmed that they had read the minutes.

City staff gave a brief presentation of the case and the Planning Commission's recommendation, and stood for questions from the Council. In answer to Council's concerns, Staff referenced documents that City staff had drafted with the cooperation of the Developer. These documents were included in the Council's information packet for the December 3rd meeting. The documents include a Party Wall Agreement, First Amendment to the Development Agreement, Restrictive Covenants, the updated plat, and the PUD Ordinance.

The applicant was not present to speak. City Staff confirmed that no written communications had been received regarding this case. Mayor Benage invited anyone interested in the agenda item to come forward to speak at the podium. No one responded, therefore the public comments session was closed.

The Council then deliberated and considered the recommendation of the Planning Commission. In support of the recommendation, Councilmembers cited the Planning Commission meeting minutes, and staff recommendations, and the opinions of nearby property owners.

MOTION: Councilmember Hamburg moved to approve the findings of fact and recommendation of the Planning Commission for PUD-24-07, Adopt the Ordinance as Presented, and authorize the Mayor to sign. Councilmember Welch seconded the motion.

Roll Call Vote:

Greg Davied - Aye

Tyler Dehn - Aye

Emily Hamburg - Aye

Tom Schmitz - Aye

John Welch - Aye

Mayor Jim Benage – Aye

Motion carried 6-0.

EXECUTIVE SESSION

MOTION: Councilmember Dehn moved to recess into executive session to discuss with legal counsel and receive legal advice related to pending litigation. The discussion will be pursuant to K.S.A. 75- 4319 (b)(2) for legal consultation with Neil Gosch which would be deemed privileged in the attorney-client relationship. Invite 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 9:33 p.m. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

The Council then recessed for Executive Session. At 9:34 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

- E. Consideration of approving an update to page 20, Section C, 'Overtime Requirements' of the Personnel Policy to change the Police Department's hourly staff pay schedule to a 40-hour pay period.**

MOTION: Councilmember Welch moved to approve the update to page 20 of the Personnel Policy as presented. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

XIII. EXECUTIVE SESSION – This item was addressed earlier in the meeting.

XIV. DISCUSSION AND FUTURE ISSUES

- A. No Council Workshop in December**

- B. Discussion on improvements along K-254**

The Council briefly discussed the meeting schedule and agreed that there was no need to hold a workshop in December. City Manager Ted Henry gave a brief presentation, and the Council discussed possible future improvements along K-254 and 53rd Street. No action was taken.

XV. ADJOURNMENT

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

Approved by the City Council this 17th day of December, 2024.


Jim Benage, Mayor

ATTEST:


Melissa Krehbiel, City Clerk