



AGENDA SPECIAL CITY COUNCIL MEETING

7651 E. Central Park Ave, Bel Aire, KS
June 14, 2022 6:30 PM



I. CALL TO ORDER: Mayor Jim Benage

II. ROLL CALL

Greg Davied ____ Tyler Dehn ____ Emily Hamburg ____

Justin Smith ____ John Welch ____

III. CITIZEN CONCERNS

IV. NEW BUSINESS

- A. **Consideration of A Charter Ordinance Exempting The City Of Bel Aire From KSA 14-103 And 14-204 And Amending Relevant Sections Of Charter Ordinance 16 And 17 Related To Terms Of Elected Officials Of The City Of Bel Aire, Kansas, And Providing Substitute And Additional Provisions For The Same (Term Limits for Council Members).**

Action: Motion to (approve/ deny/ table) A Charter Ordinance Exempting The City Of Bel Aire From KSA 14-103 And 14-204 And Amending Relevant Sections Of Charter Ordinance 16 And 17 Related To Terms Of Elected Officials Of The City Of Bel Aire, Kansas (Charter Ordinance No. ____), And Providing Substitute And Additional Provisions For The Same, and authorize the Mayor to sign.

Motion ____ Second ____ Vote:

Greg Davied ____ Tyler Dehn ____ Emily Hamburg ____

Justin Smith ____ John Welch ____

B. Consideration of A Charter Ordinance Exempting The City Of Bel Aire From KSA 14-204 And Amending Relevant Sections Of Charter Ordinance 16 And 17 Related To Terms Of Elected Officials Of The City Of Bel Aire, Kansas, And Providing Substitute And Additional Provisions For The Same (Duration of Term for the Mayor).

Action: Motion to (approve/ deny/ table) A Charter Ordinance Exempting The City Of Bel Aire From KSA 14-204 And Amending Relevant Sections Of Charter Ordinance 16 And 17 Related To Terms Of Elected Officials Of The City Of Bel Aire, Kansas (Charter Ordinance No. ____), And Providing Substitute And Additional Provisions For The Same ., and authorize the Mayor to sign.

Motion _____ Second _____ Vote:

Greg Davied ____ Tyler Dehn____ Emily Hamburg____

Justin Smith____ John Welch_____

C. Consideration of A Charter Ordinance Exempting The City Of Bel Aire From KSA 14-103 And 14-204 And Amending Relevant Sections Of Charter Ordinance 16 And 17 Related To Terms Of Elected Officials Of The City Of Bel Aire, Kansas, And Providing Substitute And Additional Provisions For The Same (Term Limit for the Mayor).

Action: Motion to (approve/ deny/ table) A Charter Ordinance Exempting The City Of Bel Aire From KSA 14-103 And 14-204 And Amending Relevant Sections Of Charter Ordinance 16 And 17 Related To Terms Of Elected Officials Of The City Of Bel Aire, Kansas (Charter Ordinance No. ____), And Providing Substitute And Additional Provisions For The Same, and authorize the Mayor to sign.

Motion _____ Second _____ Vote:

Greg Davied ____ Tyler Dehn____ Emily Hamburg____

Justin Smith____ John Welch_____

V. OTHER BUSINESS

VI. EXECUTIVE SESSION

Action: Motion to go into executive session for the sole purpose of discussion the subject of: (_____), pursuant to the KSA 75-4319 exception for: (_____). Invite the City Manager and the City Attorney. The meeting will be for a period of (__) minutes, and the open meeting will resume in City Council Chambers at (_____) PM.

Motion _____ Second _____ Vote _____

VII. ADJOURNMENT

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____

Additional Attachments:

- A. Special Meeting Request 6-14-2022
- B. Term Limits Survey Results - November 2021
- C. Manager's Report - June 14, 2022 Special Meeting

Notice

It is possible that sometime between 6:30 and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Cox Cable Channel 7 rebroadcasts of this meeting are scheduled daily or can be streamed on YouTube and at www.belaireks.gov . Please make sure all cell phones and other electronics are turned off and put away.

(First published in The Ark Valley News on _____ and again on _____)

CHARTER ORDINANCE NO. ____

A CHARTER ORDINANCE EXEMPTING THE CITY OF BEL AIRE FROM KSA 14-103 and 14-204 AND AMENDING RELEVANT SECTIONS OF CHARTER ORDINANCE 16 and 17 RELATED TO TERMS OF ELECTED OFFICIALS OF THE CITY OF BEL AIRE, KANSAS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME.

Be it ordained by the Governing Body of the City of Bel Aire, Kansas,

Section 1. Exemption.

Pursuant to the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, the City of Bel Aire, Kansas does hereby elect to exempt itself from and make inapplicable to this City all portions of the following statutes which are Acts of the Kansas Legislature that are non-uniform in application: KSA 14-103 and 14-204 regarding terms for elected officials, and to adopt the following substitute provisions:

Section 2.

A. Term Limitations for Council.

No person shall qualify to run as a candidate for a City of Bel Aire Council seat if that person has served **more than** eight (8) years consecutively as a duly elected Council Member of the City of Bel Aire. The term of office for each duly elected Council member shall commence upon that member being sworn in to a council seat. Any break in service less than four (4) years shall be considered consecutive for the purpose of this section. A person's term will not be considered to be consecutive if there is at least a four year break between the conclusion of an elected term and the commencement of that same person's newly elected term.

No person shall qualify to run for Council seat if that person cannot qualify to complete an entire term at the time of the election.

B. Exception to Term Limitations for Council.

The term limitations set by this section shall not apply to Council appointments so serving in an appointed term shall not count towards consecutive terms. Any terms served as a Council member prior to November 2023 shall not count towards consecutive terms for the purpose of this section.

Section 3. Saving Clause.

If any phrase, clause, paragraph or section of this Charter Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, it is hereby declared that the Governing Body would have enacted the remaining portions of this Charter Ordinance without such phrase, clause, paragraph or section so held unconstitutional or invalid.

Section 4. Effective Date.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper, and shall take effect sixty-one days after its final publication, unless a sufficient petition for a referendum is filed in conformance with Article 12, Section 5 of the Constitution of the State of Kansas. If a referendum is held, this ordinance shall become effective on the day after approved by a majority of the electors voting thereon.

Passed by two-thirds vote of the members elect of the Bel Aire City Council this ____ day of June, 2022.

Approved by the Mayor this ____ day of June, 2022.

MAYOR JIM BENAGE

ATTEST:

MELISSA KREHBIEL, CITY CLERK

SEAL

(First published in The Ark Valley News on _____ and again on
_____)

CHARTER ORDINANCE NO. ____

A CHARTER ORDINANCE EXEMPTING THE CITY OF BEL AIRE FROM KSA 14-204 AND AMENDING RELEVANT SECTIONS OF CHARTER ORDINANCE 16 and 17 RELATED TO TERMS OF ELECTED OFFICIALS OF THE CITY OF BEL AIRE, KANSAS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME.

Be it ordained by the Governing Body of the City of Bel Aire, Kansas,

Section 1. Exemption.

Pursuant to the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, the City of Bel Aire, Kansas does hereby elect to exempt itself from and make inapplicable to this City all portions of the following statutes which are Acts of the Kansas Legislature that are non-uniform in application: KSA 14-103 and 14-204 regarding terms for elected officials, and to adopt the following substitute provisions:

Section 2. Duration of a Single Term of Office for the Mayor.

The Mayor shall be elected for a four year term and until a successor has been duly elected and qualified. The Mayor whose term expires in December of 2023 shall continue to serve until that Mayor's successor is duly elected and qualified following the elections held on the Tuesday following the first Monday of November 2023. The Mayor elected in November of 2023 shall serve a four year term.

Section 3. Saving Clause.

If any phrase, clause, paragraph or section of this Charter Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, it is hereby declared that the Governing Body would have enacted the remaining portions of this Charter Ordinance without such phrase, clause, paragraph or section so held unconstitutional or invalid.

Section 4. Effective Date.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper, and shall take effect sixty-one days after its final publication, unless a sufficient petition for a referendum is filed in conformance with Article 12, Section 5 of the Constitution of the State of Kansas. If a referendum is held, this ordinance shall become effective on the day after approved by a majority of the electors voting thereon.

Passed by two-thirds vote of the members elect of the Bel Aire City Council this ____ day of June, 2022.

Approved by the Mayor this ____ day of June, 2022.

MAYOR JIM BENAGE

ATTEST:

MELISSA KREHBIEL, CITY CLERK

SEAL

(First published in The Ark Valley News on _____ and again on _____)

CHARTER ORDINANCE NO. ____

A CHARTER ORDINANCE EXEMPTING THE CITY OF BEL AIRE FROM KSA 14-103 and 14-204 AND AMENDING RELEVANT SECTIONS OF CHARTER ORDINANCE 16 and 17 RELATED TO TERMS OF ELECTED OFFICIALS OF THE CITY OF BEL AIRE, KANSAS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME.

Be it ordained by the Governing Body of the City of Bel Aire, Kansas,

Section 1. Exemption.

Pursuant to the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, the City of Bel Aire, Kansas does hereby elect to exempt itself from and make inapplicable to this City all portions of the following statutes which are Acts of the Kansas Legislature that are non-uniform in application: KSA 14-103 and 14-204 regarding terms for elected officials, and to adopt the following substitute provisions:

Section 2.

A. Term Limitations for Mayor. No person shall qualify to run as a candidate for Mayor of the City of Bel Aire if that person has served more than eight (8) years consecutively as a duly elected Mayor of the City of Bel Aire. The term of office for each duly elected Mayor shall commence upon that candidate being sworn in as Mayor. Any break in service less than four (4) years shall be considered consecutive. A person’s term will not be considered to be consecutive if there is at least a four (4) year break between the conclusion of serving a duly elected term as Mayor and the commencement of that same person’s newly elected term as Mayor.

No person shall qualify to run for Mayor if that person cannot qualify to complete an entire term at the time of the election.

B. Exception to Term Limitations for Mayor. Any time a person served filling a vacancy or by virtue of completing Mayor duties as Council president shall not count towards consecutive terms. Any time a person served as Mayor prior to 2023 shall not count towards consecutive terms for the purpose of this section.

Section 3. Saving Clause.

If any phrase, clause, paragraph or section of this Charter Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, it is hereby declared that the Governing Body would have enacted the remaining portions of this Charter Ordinance without such phrase, clause, paragraph or section so held unconstitutional or invalid.

Section 4. Effective Date.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper, and shall take effect sixty-one days after its final publication, unless a sufficient petition for a referendum is filed in conformance with Article 12, Section 5 of the Constitution of the State of Kansas. If a referendum is held, this ordinance shall become effective on the day after approved by a majority of the electors voting thereon.

 Passed by two-thirds vote of the members elect of the Bel Aire City Council this ____ day of June, 2022.

 Approved by the Mayor this ____ day of June, 2022.

MAYOR JIM BENAGE

ATTEST:

MELISSA KREHBIEL, CITY CLERK

SEAL

REQUEST FOR SPECIAL COUNCIL MEETING
BEL AIRE, KANSAS

June 14, 2022

TO THE HONORABLE JIM BENAGE,
MAYOR OF THE CITY OF BEL AIRE:

We, the undersigned council members of the City of Bel Aire, Kansas hereby respectfully request you to call a special meeting of the Bel Aire City Council to be held at the Bel Aire City Hall, 7651 E. Central Park Avenue, Bel Aire, Kansas on June 14, 2022 at 6:30 p.m.

For the purpose of:

- 1. Charter Ordinance Establishing Term Limits for City Council Members
- 2. Charter Ordinance Establishing Term Limits for the Mayor
- 3. Charter Ordinance Increasing the Mayors term to Four Years from Two Years

Greg Davied

Tyler Dehn

Justin Smith

Emily Hamburg

John Welch

I, Jim Benage, Mayor of the City of Bel Aire, Kansas, do hereby call a Special Meeting of the Governing Body of Bel Aire, Kansas to be held at the time and place as specified in the above request.

Jim Benage, Mayor



City of Bel Aire, Kansas

STAFF REPORT

DATE: November 4, 2021

TO: City Manager and City Council

FROM: Tristin Terhune, Director of HR and Communications

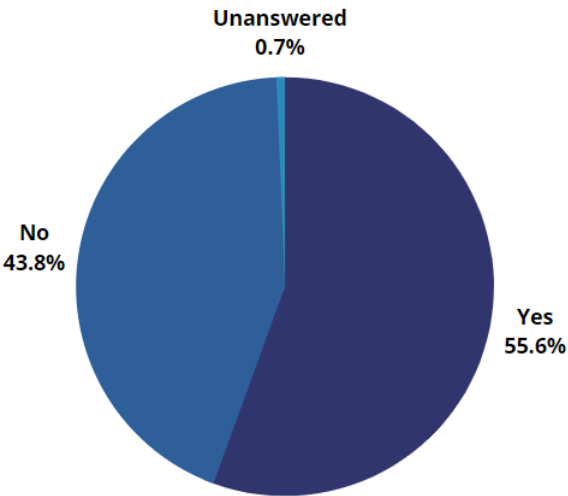
RE: Mayor and City Council Term Feedback



Staff was able to collect feedback from citizens on the proposed mayor and city council term questions at various events including both meet the candidate forums, Fall Festival, a town hall held on October 26th, and throughout early voting and on Election Day. An online form was available as well. A total of 153 forms were collected. Below are the results:

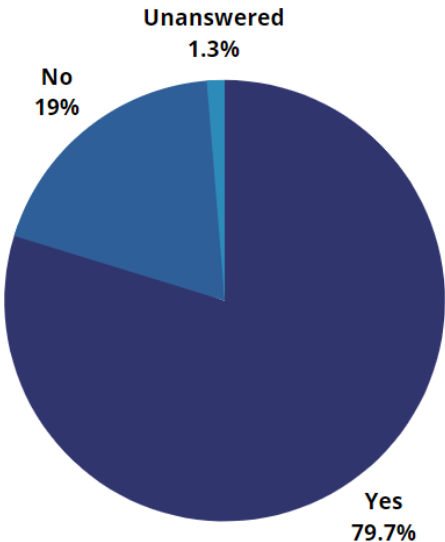
Question 1: Should the City of Bel Aire Mayor’s term change from 2 years to 4 years?

Yes = 85
No = 67
Unanswered = 1



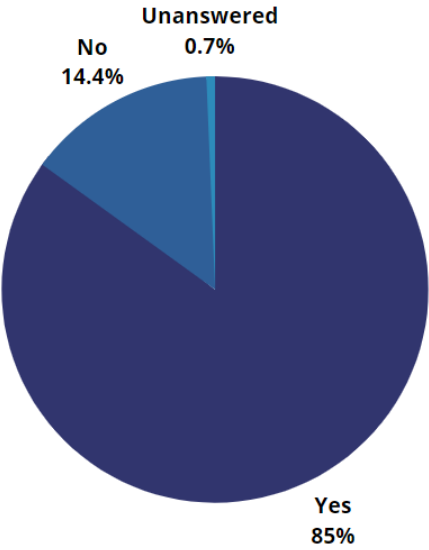
Question 2: Should the number of consecutive terms for the mayor of Bel Aire be limited?

Yes = 122
No = 29
Unanswered = 2



Question 3: Should the number of consecutive terms for the city council of Bel Aire be limited to two four-year terms?

Yes = 130
No = 22
Unanswered = 1





MANAGERS REPORT

DATE: June 10, 2022
TO: Mayor Benage and City Council
FROM: Ty Lasher, City Manager
RE: June 14, 2022 Special Meeting Agenda

Charter Ordinances Amending The Terms Of Elected Officials (Items A-C)

Council held several workshops regarding terms and term limits last spring and summer. In 2021, Council requested a survey be collected during the November election period to gather public input on term limits. The results were provided to Council in January for review and discussion. They are also included in your packet. The Governing Body wanted to hold a referendum during the 2021 election but was not allowed due to state prohibitions. Mayor Benage requested a Charter Ordinance be drafted and placed on the June 7, 2022 Council Meeting Agenda for consideration. At that meeting, discussion occurred on whether it was best to include the term limits for Mayor and Council as well as term adjustment from two years to four years for the Mayor in one ordinance or whether they should be separated. Council tabled the action to allow the City Attorney to draft three separate ordinances. A special meeting was requested for council to take action. Timing is important as Charter Ordinances require a 60 day protest period and Mayor Benage wanted to make sure, should there be a protest filed, the questions could be included on the November 2022 ballot. If approved, the Charter Ordinances shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect sixty-one days after its final publication, unless a sufficient petition for a referendum is filed. If a referendum is held, these ordinances shall become effective on the day after approved by a majority of the electors voting thereon.