



# AGENDA

## CITY COUNCIL WORKSHOP

7651 E. Central Park Ave, Bel Aire, KS

Video Available at [belaireks.gov](http://belaireks.gov)

November 08, 2022 6:30 PM



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### I. POLICIES

[A.](#) 2023 Salary Schedule

[B.](#) Fireworks Ordinance

[C.](#) Ballot questions

### II. OTHER?

### III. DISMISS

#### *Additional Attachments*

[A.](#) Manager's Report - November 8, 2022

#### **Notice**

*It is possible that sometime between 6:00 and 6:30 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. Channel 7 rebroadcasts of this meeting are scheduled daily or can be streamed on YouTube. Please make sure all cell phones and other electronics are turned off and put away.*

City of Bel Aire - 2022 Pay Scale -

Section I, Item A.

Classification	Job Title		1	2	3	4	5	6	7	8	9	10	11	12	13	14	
E1	Assistant City Manager/ Finance Director	YR	75,546	77,434	79,370	81,354	83,388	85,473	87,610	89,800	92,045	94,346	96,705	99,122	101,600	104,140	106,744
	Police Chief	HR	36.32	37.23	38.16	39.11	40.09	41.09	42.12	43.17	44.25	45.36	46.49	47.65	48.85	50.07	51.32
	City Engineer																
E2	Director of HR / Communications	YR	65,122	66,753	68,422	70,132	71,886	73,683	75,525	77,413	79,348	81,332	83,365	85,449	87,586	89,775	92,020
	Director of Planning and Development	HR	31.31	32.09	32.90	33.72	34.56	35.42	36.31	37.22	38.15	39.10	40.08	41.08	42.11	43.16	44.24
	Public Works Director / Parks Director																
	Police Lieutenant																
E3 / N1	Building and Zoning Director	YR	56,222	57,628	59,069	60,545	62,059	63,610	65,201	66,831	68,502	70,214	71,969	73,769	75,613	77,503	79,441
	Police Sergeant	HR	27.03	27.71	28.40	29.11	29.84	30.58	31.35	32.13	32.93	33.76	34.60	35.47	36.35	37.26	38.19
E4 / N2	Recreation Director	YR	52,146	53,449	54,785	56,155	57,559	58,998	60,473	61,985	63,534	65,123	66,751	68,420	70,130	71,883	73,680
	Police Detective	HR	25.07	25.70	26.34	27.00	27.67	28.36	29.07	29.80	30.55	31.31	32.09	32.89	33.72	34.56	35.42
E5 / N3	Police Officer	YR	49,046	50,273	51,529	52,818	54,138	55,491	56,879	58,301	59,758	61,252	62,784	64,353	65,962	67,611	69,301
	Public Works Supervisor	HR	23.58	24.17	24.77	25.39	26.03	26.68	27.35	28.03	28.73	29.45	30.18	30.94	31.71	32.51	33.32
E6 / N4	City Treasurer	YR	44,429	45,540	46,678	47,845	49,041	50,267	51,524	52,812	54,132	55,485	56,873	58,294	59,752	61,246	62,777
	Equipment Operator III	HR	21.36	21.89	22.44	23.00	23.58	24.17	24.77	25.39	26.03	26.68	27.34	28.03	28.73	29.44	30.18
	Assistant Recreation Director																
E7 / N5	City Clerk	YR	37,835	38,781	39,751	40,744	41,763	42,807	43,877	44,974	46,099	47,251	48,432	49,643	50,884	52,156	53,460
	Utility Clerk II	HR	18.19	18.64	19.11	19.59	20.08	20.58	21.09	21.62	22.16	22.72	23.28	23.87	24.46	25.08	25.70
	Court Clerk / Police Clerk II																
	Equipment Operator II																
	Code Enforcement Officer																
	Administrative Assistant II																
E8 / N6	Utility Clerk I	YR	33,675	34,517	35,380	36,265	37,171	38,100	39,053	40,029	41,030	42,056	43,107	44,185	45,289	46,422	47,582
	Court Clerk/ Police Clerk I	HR	16.19	16.59	17.01	17.43	17.87	18.32	18.78	19.24	19.73	20.22	20.72	21.24	21.77	22.32	22.88
	Equipment Operator I																
	Recreation Coordinator																
	Senior Coordinator																
	Administrative Assistant I																
N7	Seasonal Pool Manager	YR	31,200	31,980	32,780	33,599	34,439	35,300	36,182	37,087	38,014	38,965	39,939	40,937	41,961	43,010	44,085
	PT Recreation Desk Attendant	HR	15.00	15.38	15.76	16.15	16.56	16.97	17.40	17.83	18.28	18.73	19.20	19.68	20.17	20.68	21.19
	PT Rec Program Assistant																
N8	Seasonal Senior Life Guard	YR	27,040	27,716	28,409	29,119	29,847	30,593	31,358	32,142	32,946	33,769	34,613	35,479	36,366	37,275	38,207
	Seasonal Parks Worker	HR	13.00	13.33	13.66	14.00	14.35	14.71	15.08	15.45	15.84	16.24	16.64	17.06	17.48	17.92	18.37
N9	Seasonal Life Guard	YR	20,800	21,320	21,853	22,399	22,959	23,533	24,122	24,725	25,343	25,976	26,626	27,291	27,974	28,673	29,390
		HR	10.00	10.25	10.51	10.77	11.04	11.31	11.60	11.89	12.18	12.49	12.80	13.12	13.45	13.79	14.13
N10	Police Officer (Training)	YR	38,106	39,058	40,035	41,036	42,061										
		HR	18.32	18.78	19.25	19.73	20.22										
C1	Mayor	MO	500.00														
C2	Council Member	MO	250.00														
C3	City Manager	YR	Per Contract														
C4	City Attorney	YR	Per Contract														
C5	City Prosecutor	YR	Per Contract														
C6	Assistant Prosecutor	HR	110.00														
	Municipal Judge	MO	Per Contract														

E=Exempt (Salaried)  
 N=Non-Exempt (Hourly)  
 C=Contract/Elected

City of Bel Aire - 2022 vs 2023 Pay Scale

Section I, Item A.

Classification	Job Title		-		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
			1	2															
E1	Assistant City Manager/ Finance Director	YR	<del>75,546</del>	<del>77,434</del>	79,373	81,357	83,391	85,476	87,613	89,803	92,048	94,349	96,708	99,112	101,608	104,148	106,752	109,421	112,156
	Police Chief	HR	<del>36.32</del>	<del>37.23</del>	38.16	39.11	40.09	41.09	42.12	43.17	44.25	45.36	46.49	47.65	48.85	50.07	51.32	52.61	53.92
	City Engineer																		
E2	Director of HR / Communications	YR	<del>65,122</del>	<del>66,753</del>	65,122	70,143	71,885	73,682	75,524	77,412	79,347	81,331	83,364	85,448	87,585	89,774	92,019	94,319	96,677
	Director of Planning and Development	HR	<del>31.31</del>	<del>32.09</del>	32.90	33.72	34.56	35.42	36.31	37.22	38.15	39.10	40.08	41.08	42.11	43.16	44.24	45.35	46.48
	Public Works Director / Parks Director																		
	Police Lieutenant																		
	City Treasurer / Supervisor																		
E3 / N1	Building Inspector	YR	<del>56,222</del>	<del>57,628</del>	59,072	60,549	62,063	63,614	65,204	66,835	68,494	70,221	71,976	73,776	75,608	77,498	79,436	81,422	83,457
	Recreation Director	HR	<del>27.03</del>	<del>27.71</del>	28.40	29.11	29.84	30.58	31.35	32.13	32.93	33.76	34.60	35.47	36.35	37.26	38.19	39.14	40.12
	Police Sergeant																		
	Assistant Public Works Director																		
E4 / N2	Police Detective	YR	<del>52,146</del>	<del>53,449</del>	54,787	56,157	57,561	58,989	60,464	61,975	63,544	65,133	66,747	68,416	70,138	71,891	73,674	75,515	77,403
	Public Works Supervisor	HR	<del>26.07</del>	<del>26.70</del>	26.34	27.00	27.67	28.36	29.07	29.80	30.55	31.31	32.09	32.89	33.72	34.56	35.42	36.31	37.21
E5 / N3	Police Officer	YR	<del>49,046</del>		50,274	51,530	52,819	54,139	55,493	56,880	58,302	59,760	61,253	62,774	64,355	65,964	67,613	69,304	71,036
		HR	<del>23.58</del>		24.17	24.77	25.39	26.03	26.68	27.35	28.03	28.73	29.45	30.18	30.94	31.71	32.51	33.32	34.15
E6 / N4	Equipment Operator III	YR	<del>44,429</del>	<del>45,540</del>	46,675	47,842	49,038	50,264	51,521	52,809	54,129	55,494	56,867	58,302	59,760	61,235	62,766	64,335	65,944
	City Clerk	HR	<del>21.36</del>	<del>21.89</del>	22.44	23.00	23.58	24.17	24.77	25.39	26.02	26.68	27.34	28.03	28.73	29.44	30.18	30.93	31.70
	Assistant Recreation Director																		
	Utility Clerk III																		
	Court Clerk III / Police Clerk III																		
	Administrative Assistant III																		
E7 / N5	Equipment Operator II	YR	<del>37,835</del>	<del>38,781</del>	39,749	40,743	41,761	42,805	43,875	44,972	46,096	47,249	48,430	49,641	50,882	52,166	53,456	54,792	56,162
	Utility Clerk II	HR	<del>18.19</del>	<del>18.64</del>	19.11	19.59	20.08	20.58	21.09	21.62	22.16	22.72	23.28	23.87	24.46	25.08	25.70	26.34	27.00
	Court Clerk II / Police Clerk II																		
	Administrative Assistant II																		
	Recreation Coordinator II																		
	Senior Coordinator II																		
	Code Enforcement Officer																		
	City Arborist																		
E8 / N6	Equipment Operator I	YR	<del>33,875</del>	<del>34,517</del>	35,381	36,254	37,161	38,106	39,058	40,019	41,038	42,064	43,098	44,179	45,284	46,416	47,590	48,780	50,000
	Utility Clerk I	HR	<del>16.19</del>	<del>16.59</del>	17.01	17.43	17.87	18.32	18.78	19.24	19.73	20.22	20.72	21.24	21.77	22.32	22.88	23.45	24.04
	Court Clerk/ Police Clerk I																		
	Administrative Assistant I																		
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N7	Seasonal Pool Manager	YR			31,200	31,980	32,780	33,599	34,439	35,300	36,182	37,087	38,014	38,965	39,939	40,937	41,961	43,010	44,085
	PT Recreation Desk Attendant	HR			15.00	15.38	15.76	16.15	16.56	16.97	17.40	17.83	18.28	18.73	19.20	19.68	20.17	20.68	21.19
	PT Rec Program Assistant																		
N8	Seasonal Senior Life Guard	YR			27,040	27,716	28,409	29,119	29,847	30,593	31,358	32,142	32,946	33,769	34,613	35,479	36,366	37,275	38,207
	Seasonal Parks Worker	HR			13.00	13.33	13.66	14.00	14.35	14.71	15.08	15.45	15.84	16.24	16.64	17.06	17.48	17.92	18.37
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		HR			10.00	10.25	10.51	10.77	11.04	11.31	11.60	11.89	12.18	12.49	12.80	13.12	13.45	13.79	14.13
N10	Police Officer (Training)	YR			38,106	39,058	40,035	41,036	42,061										
		HR			18.32	18.78	19.25	19.73	20.22										
C1	Mayor	MO					500.00												
C2	Council Member	MO					250.00												
C3	City Manager	YR																	
C4	City Attorney	YR																	
C5	City Prosecutor	YR																	
C6	Assistant Prosecutor	HR																	
	Municipal Judge	MO																	

E=Exempt (Salaried)  
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City of Bel Aire - 2023 Pay Scale -

Section I, Item A.

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		HR	24.17	24.77	25.39	26.03	26.68	27.35	28.03	28.73	29.45	30.18	30.94	31.71	32.51	33.32	34.15
E6 / N4	Equipment Operator III	YR	46,675	47,842	49,038	50,264	51,521	52,809	54,129	55,494	56,867	58,302	59,760	61,235	62,766	64,335	65,944
	City Clerk	HR	22.44	23.00	23.58	24.17	24.77	25.39	26.02	26.68	27.34	28.03	28.73	29.44	30.18	30.93	31.70
	Assistant Recreation Director																
	Utility Clerk III																
	Court Clerk III / Police Clerk III Administrative Assistant III																
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	Senior Coordinator II																
	Code Enforcement Officer																
	City Arborist																
E8 / N6	Equipment Operator I	YR	35,381	36,254	37,161	38,106	39,058	40,019	41,038	42,064	43,098	44,179	45,284	46,416	47,590	48,780	50,000
	Utility Clerk I	HR	17.01	17.43	17.87	18.32	18.78	19.24	19.73	20.22	20.72	21.24	21.77	22.32	22.88	23.45	24.04
	Court Clerk/ Police Clerk I																
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	Recreation Coordinator I Senior Coordinator I																
N7	Seasonal Pool Manager	YR	31,200	31,980	32,780	33,599	34,439	35,300	36,182	37,087	38,014	38,965	39,939	40,937	41,961	43,010	44,085
	PT Recreation Desk Attendant	HR	15.00	15.38	15.76	16.15	16.56	16.97	17.40	17.83	18.28	18.73	19.20	19.68	20.17	20.68	21.19
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N9	Seasonal Life Guard	YR	20,800	21,320	21,853	22,399	22,959	23,533	24,122	24,725	25,343	25,976	26,626	27,291	27,974	28,673	29,390
		HR	10.00	10.25	10.51	10.77	11.04	11.31	11.60	11.89	12.18	12.49	12.80	13.12	13.45	13.79	14.13
N10	Police Officer (Training)	YR	38,106	39,058	40,035	41,036	42,061										
		HR	18.32	18.78	19.25	19.73	20.22										
C1	Mayor	MO			500.00												
C2	Council Member	MO			250.00												
C3	City Manager	YR			Per Contract												
C4	City Attorney	YR			Per Contract												
C5	City Prosecutor	YR			Per Contract												
C6	Assistant Prosecutor	HR			110.00												
	Municipal Judge	MO			Per Contract												

E=Exempt (Salaried)  
 N=Non-Exempt (Hourly)  
 C=Contract/Elected



## STAFF REPORT

DATE: October 5, 2022

TO: Governing Body

FROM: City Attorney

RE: Amending the Fireworks ordinance to limit who can qualify for permit to sell **and detonation days**

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**Background:** Residents raised a concern that the current fireworks code allows anyone to qualify for a license to sell fireworks in Bel Aire regardless of their affiliation with a Bel Aire business or non-profit. This eliminated the incentive for distributors to partner with Bel Aire non-profits or Bel Aire brick and mortar businesses when applying for a permit to sell fireworks. Local non-profits rely on the funds they make by volunteering to assist with sales. The below proposed language would require any entity selling fireworks in Bel Aire to be affiliated with a Bel Aire commercial business or a non-profit.

**UPDATE:**

**At the October 4th Council meeting Council requested options for amending code to have the detonation dates correspond with the sale dates. Currently fireworks are authorized to be sold from June 27<sup>th</sup> – July 4<sup>th</sup>, this change would allow fireworks to also be detonated during that same 8 day window instead of just on July 4<sup>th</sup>.**

### **Section 6.4.1                      Fireworks**

Except as hereinafter provided, it shall be unlawful for any person to sell display, detonate, discharge, and/or ignite fireworks as defined by the regulations of the Fire Marshal of the State of Kansas, within the corporate limits of the City.

### **Section 6.4.2                      Permit to Sell or Transfer Fireworks; Purpose**

The purpose of issuing a permit for the sale or transfer of fireworks pursuant to this Article is to permit a location for the sale of fireworks within the City while controlling the inconvenience, interference with pedestrian and vehicular traffic and danger to the public that may arise from the unregulated placement of said sale location(s).

### **Section 6.4.3                      Sale or Transfer of Fireworks; Permit Required**

It shall be unlawful for any person to sell, display for sale, offer to sell or give away any type of fireworks with the City without first [qualifying for and](#) paying the appropriate permit fee per

establishment or premises. To qualify, each applicant must own or operate an existing business with a physical commercial, nonresidential, location in Bel Aire at the time of application and sale or be affiliated with and financially support a non-profit located in Bel Aire. The application and permit fee must be remitted to the City Clerk ~~securing a permit~~ prior to June 16<sup>th</sup> of the year for which such permit is requested. All references to “permit” within this Article shall refer to a permit issued pursuant to this section, unless specifically identified as a “Public Display Permit.”

[...]

**Section 6.4.16 Sale Times and Location**

Any permit holder who has first obtained a valid permit to sell fireworks under this Article may sell fireworks only between the hours of 8:00 a.m. and 10:00 p.m., at the permitted establishment or premises location, from June 27<sup>th</sup> through July 4<sup>th</sup> of that same year. Such solicitation, sale, and transfer of fireworks shall be permitted only at the site of the establishment or premises inspected and approved by the Sedgwick County Fire Marshall in accordance with section 6.4.6 of this Article.

**Section 6.4.17 Detonation Times and Location**

Fireworks, which may be displayed, detonated, discharged, and/or ignited within the city limits shall only be those devices commonly known as fireworks as defined by the regulations of the Fire Marshal of the State of Kansas. Individuals age fourteen (14) and older, and individuals under the age of fourteen with adult supervision, may detonate fireworks permitted under this Article beginning at 9:00 a.m. ~~July 4<sup>th</sup>~~ June 27<sup>th</sup>, and ending at midnight when July 4<sup>th</sup> falls on a Friday or Saturday, and 11:00 p.m. when July 4<sup>th</sup> falls on a Sunday – Thursday. Fireworks may be detonated at a private residence, with the permission of an adult residing at that residence, or within the authorized shooting area as described by a Resolution of the Governing Body. However, no firework may be displayed, detonated, discharged, and/or ignited in a manner that may cause personal injury or property damage. Any adult granting permission to detonate fireworks shall clear the front yard of that private residence and all adjacent public right-of-way areas of all debris arising from the detonation of the fireworks before 10:00 p.m. on July 5<sup>th</sup> of that same year.

# MANAGERS REPORT



**DATE:** November 3, 2022  
**TO:** Mayor Benage and City Council  
**FROM:** Ty Lasher, City Manager  
**RE:** Fireworks Ordinance

At the October 11<sup>th</sup> workshop, Council requested staff look at more enforcement, detonation days and sales days to consider in the revised fireworks ordinance. I contacted three Bel Aire vendors to get their input and here is what I heard:

1. Should Bel Aire go from one day, July 4<sup>th</sup>, for detonation to two days or more for detonation? Why?

Bel Aire should add more days. It is easier for people to know when they can shoot. People have busy schedules and may want to do a small family shoot one night then celebrate with friends on the actual holiday. Most shooting is kids and parents playing during the summer evenings. 80% of sales are small fountains and kids items, they should be able to play when they have the available time.

That is a great question. My straightforward answer would be to allow for detonation from June 27<sup>th</sup> - July 5<sup>th</sup>. Why? Whether permissible or not, people of all ages will be setting off fireworks, nonetheless. I would like to see our local rules parallel with the State of Kansas. What needs to be regulated more than dates is the times that fireworks can be detonated. No one wants to hear fireworks going off early in the morning or late, late at night.

- o Yes, Bel Aire should allow for two days of discharge. A couple reasons why. First sometimes July 4<sup>th</sup> day isn't the ideal day of the week for consumers to discharge. This year was a great example. The 4<sup>th</sup> was on a Monday but the majority of consumers had their celebrations on July 3<sup>rd</sup> Sunday. The actual 4<sup>th</sup> this year was slower sales wise for us compared to the 3<sup>rd</sup>. Consumers had to go back to work on July 5<sup>th</sup> so their celebrations on July 4<sup>th</sup> were limited while on July 3<sup>rd</sup> they could celebrate easier. Second reason is we have seen the more days given for consumers to discharge the likelier they are to follow and obey those days rather than go outside of them. Hard to tell a consumer you can buy something but you can't actually use it for a few days and you only have one day to use it. If consumers were given the weekend before the 4<sup>th</sup> and the 3<sup>rd</sup> and 4<sup>th</sup> to discharge your compliance rate will increase dramatically.

2. Should sales be limited from 7 days to 4 or 5 days? Why or why not? Definitely DO NOT shorten the days. Fireworks have 7 days to be sold all year. We need every one of them to stay afloat. The Wichita area is a 3<sup>rd</sup> shift town as they say. People need to be able to buy when they have the time not forced. Also, the days change every year so that way we always get at least one weekend

For vendors who have a lot of money tied up in fireworks, marketing, insurance, permits, labor, overhead etc. less is not better. I as a business and a vendor would desire the full June 27<sup>th</sup> - July 5<sup>th</sup> period to sell fireworks.

Unlike other businesses that could be open 365 days per year, we have nine days to make back our investment. If the City of Bel Aire decides to alter their policies regarding the length and time fireworks can be sold, we will lose out to other cities whose firework policies are more liberal and open to the sale of fireworks like Andover, Maize etc.

- Our thought would be 7 days of sales. Couple reasons why again. First a full 7 days ensures fireworks retailers at least one full weekend will be included in our sales cycle. This goes back to what day of the week the 4<sup>th</sup> of July lands on. If it lands on a Friday and we are only allowed 4-5 days of sales we never capture a weekend. As you can imagine sales on weekends are better than weekdays. For the majority of fireworks retailers this is a year-round business. We are allowed a certain amount of time to capture a years' worth of business. It helps tremendously if we can always be guaranteed a full weekend.

3. What days do you receive the most revenue for sales?

Revenue is revenue. When you only have 7 days to make a year's sales every dollar counts. Taking away selling opportunities would cause more people to go to other communities. Costing Bel Aire tax revenue.

I am going to be the one business with the least experience. I have only been selling fireworks for two years and this year was the first that we actually did any advertising. My answer, that completely depends upon when the 4<sup>th</sup> falls. This year, our first two days were really busy but then our sales flattened out of the next few days. Sales then picked up again through the weekend and was strongest on the 4<sup>th</sup>. Though we advertised and offered deep discounts on the 4<sup>th</sup>. Next year we plan on an even more robust advertising approach to hopefully attract more business to Bel Aire.

2023 July 4<sup>th</sup> falls on a Tuesday. It will be hard to tell how robust firework sales will be on holidays that fall in the middle of the week. My mentors



who have been in the business for 30+ years feel like most people will celebrate the 4th on the weekend instead of Tuesday.

Once again, Waz Up Fireworks has only been selling fireworks for two years now. We have very limited data points to refer to. Check back in five years.

- Typically the best day is July 4<sup>th</sup>. This slightly depends on the day of the week the 4<sup>th</sup> is on. As mentioned above this year July 3<sup>rd</sup> was our best sales day of the year. From there typically July 2<sup>nd</sup> and 1<sup>st</sup> are the next best days of sales. This does depend way more on the days of the week these dates fall. If June 29<sup>th</sup> and 30<sup>th</sup> are Saturday and Sunday then June 29<sup>th</sup> & 30<sup>th</sup> will out perform July 1<sup>st</sup> and probably be even with July 2<sup>nd</sup>. Weekends increase sales.

#### 4. Other considerations?

The permit cost for one week is already high. Look at what you charge any other business to operate all year. We need every day we can get.

As a business, I would ask that the city council consider any changes carefully. It is all our desire to keep our neighbors safe and to prevent injury. Changing when fireworks can be sold or detonated will not change the fact that people will go out and buy fireworks somewhere and will lawfully or unlawfully detonate those fireworks. I would ask that you allow your local businesses the ability to compete with other firework businesses located in neighboring cities and counties that allow fireworks to be sold during the fully allottable time period per the State of Kansas. Please do not limit our sales dates. Please do not raise our permit fees. Allow citizens the opportunity to shoot off fireworks during the whole June 27<sup>th</sup> - July 5<sup>th</sup> period which is in line with the State of Kansas rules. Fine those that break the time curfews and become an annoyance to their neighbors.

- If the amount of sales days is reduced will the \$3,200 permit fee for fireworks retailers also be reduced? Less sales days should correspond with a lower permit fee.

Red – Wholesale Fireworks    Black – Belinno Fireworks    Orange – Waz Up Fireworks

In conclusion, I feel the sales dates should be left as they are now and consider allowing more days for detonation. In regard to enforcement, if it were legal to detonate more days, less enforcement would be needed. If the detonation days stays at one day, the police can increase staff during these 7 days and issue more warnings or tickets if that is the will of council. Chief will be at the meeting to discuss challenges of enforcement.

City of Bel Aire, Kansas

**STAFF REPORT**

DATE: November 2, 2022

TO: Governing Body

FROM: City Attorney

RE: School Districts ability to add ballot question

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**Background:** The County Election office advised the City of Bel Aire that it would not be adding questions related to term limits to the county ballot and recommended the City run its own election or conduct a survey. So why then was the School board allowed to add their question related to changing their current voting plan to the ballot?

Here is the School Board’s question:

*2022 Ballot Question*

*At the regular meeting on August 22, 2022, the Board of Education approved BOE Resolution 2022-12. This resolution places the following title and question on the November 8, 2022 ballot:*

*BALLOT TITLE*

*Six (6) board member positions for the U.S.D. 259 Board of Education are now elected from separate districts and one board member is elected at-large. Voters in primary elections vote for member positions from the district where they reside and for an at-large member position. Voters in general elections vote for member positions from all six (6) districts and for the at-large member position.*

*It is proposed the method of electing board members be changed to a system wherein voters in both primary and general elections vote for the member position from the district where they reside and for the at-large member position.*

*QUESTION*

*SHALL A CHANGE IN THE METHOD OF ELECTION AS DESCRIBED ABOVE BE APPROVED?*

*YES \_\_\_ NO \_\_\_*

**Discussion:**

The answer is that the School Board is required by Statute to seek its electorate on the matter, therefore their voting plan question is a **binding question**. If the school board were to disagree with the outcome of the vote it would still be required to abide by the results, and future school

boards would have to abide as well. No changes could be made to the statute until the matter was taken back before the electorate.

Not so with the City’s question, even if our current Council agreed to bind itself to the results of the outcome of a vote on terms, future councils would retain the direct legislative authority to change the council terms by ordinance—without a vote from the public—even if this council promised not to. On certain legislative matters a council cannot give up its obligation to legislate. The County Elections office could run separate elections for cities on advisory questions, understanding they are non-binding, but they feel it would be cost prohibitive to do so.

**Jacqueline Kelly**

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**From:** Jacqueline Kelly <[JKelly@belaireks.gov](mailto:JKelly@belaireks.gov)>  
**Sent:** Wednesday, September 8, 2021 1:58 PM  
**To:** Ty Lasher <[TLasher@belaireks.gov](mailto:TLasher@belaireks.gov)>

Council,

This morning I received a call from the new County Election Officer (CEO), Ms. Angela Caudillo. She advised that after further review they will not be approving our ballot questions for this election, though their prior guidance was opposite. The issue they found is that the nature of our question is advisory. That means it is a non-binding question of public concern submitted to gather the preferences of the people. These questions are distinct from statutory questions which are required to be presented to the public (changing forms of government, purchase of utility plants, authorizing of certain public improvements, street improvements, establishment of a library, trash collection expenses, or grant of certain franchises). Although we are operating under home rule and the statute does not clearly prohibit it, the prevailing interpretation of the law in this area is that during a county operated general election, advisory questions should not be included. These elections are for binding questions submitted which by statute are proscribed for voter input and voters are participating in a, "legislative activity by which an ordinance will stand or fall". In our case, even if our Council promised to follow the majority of voters, you wouldn't be statutorily bound to pass the language. According to the Secretary of State election guidelines, the CEO is not required to have it included in the election. Additionally the CEO argues it is actually more difficult to address an advisory questions during a general election because they'd have to make a separate ballot and use separate voting rolls to track our 3 questions -- on the same day of the general election—that is too much.

Mrs. Caudillo apologized for the incorrect guidance we received over the past 2 county administrations up until today, when we explained our goal we were told the ballot question was an appropriate solution to our desire for public input, so it is very disappointing to find this out only *after* the county had already reviewed and approved our question. Caudillo did say she only found out it was wrong when she was doing the publication analysis, (we didn't fit under any of her statutory publication requirements) and contacted her legal and alerted us right away.

I've spent the morning reviewing their guidelines, case law and opinions, and do not believe it would be worth us fighting this one-- the advisory election interpretation is consistent.

Here are our options at this point:

1. Send out our own mail in ballot in October or include it in the water bill.
2. Pass a charter ordinance which would trigger the protest period and if enough voters petitioned in 60 days, force it to be added to a County election/special election as a binding question. (this was the original alternative we talked about)
3. Bel Aire can conduct an election with just this item on the ballot on a different day, CEO may be willing to help provide machines and administration, but our City would have to pay costs of the election.

Please let me know your preferences by September 15<sup>th</sup> so I can prepare agenda items as necessary.

**Jacqueline Kelly**  
City Attorney  
City of Bel Aire

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Phone: 316-744-2451 Ext 103  
Fax: 316-744-3739

Section I, Item C.



# MANAGERS REPORT



**DATE** November 3, 2022  
**TO:** Mayor Benage and City Council  
**FROM:** Ty Lasher, City Manager  
**RE:** November 8, 2022 Workshop Agenda

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**2023 Proposed Salary Schedule:**

In 2021, the Police Department lost half its force in a few months due to low salaries. The city hired WSU to complete a salary and benefits study. They found that our benefits were above average however many positions were under average in pay. Police had the greatest disparity with all positions needing increased. The study also identified a number of supervisors and other staff that were below the market. Council felt the police department was an immediate need and had an impact on the budget, so they concentrated on putting those positions at the top for the market. The result was all police positions were filled and we have had no issues in retaining or hiring since that time.

Over the last year, the job market has changed dramatically, and we are now finding that the positions which were not addressed in the last salary schedule have fallen farther behind. Cities in our region are giving anywhere from 10% - 15% salary adjustments and revising their pay schedules to reflect that. We have several positions open with few applicants. I have heard some staff are looking at other cities due to the higher wages. We know there is a cost to hiring and training good employees, making retainment key. Ted and I have spent the last few months reviewing the WSU study, pacing the market, and trying to speculate the future. As a result, we have drafted a revised salary schedule that we feel matches the market and will allow us to retain our good employees as well attract new staff to our open positions.

The City of Bel Aire has 43 full-time employees on the pay scale. Jaci and I are negotiated via our employment agreements. In September, the City Council approved a 5% increase (merit or COLA was not decided) for each employee in the 2023 Budget. City Council also continued the bonus program that pays for “exceptional” performance. Ted will give his updated FY22 budget performance at the workshop. Current budget revenues are

exceeding expectations due to growth and budget expenditures are on trend. This gives the city money needed to make the proposed salary changes adopted by council. We are proposing all 43 full-time employees receive a 2.5% COLA on the first pay period in 2023 (budgeted). All 43 full-time staff could receive another 2.5% merit step after the completion of their annual evaluation (budgeted). All 43 full-time employees **could** receive a bonus of up to 2% via the bonus program (budgeted). Any full-time employee hired before January 1, 2022 and who did not receive a salary adjustment in February of 2021 will receive an additional 2.5% COLA (5% COLA total) on the first pay period in 2023. We feel this proposal addresses the issues we are seeing in pay differentials as well as falls within the 2023 budget for salary increases. In the end, some employees could get a 9% increase if they are exceptional and have been here for a few years. These are the people we want to keep. This amount is less than most cities are giving but we feel that with our excellent insurance benefits, it puts us on an even playing field. Not to mention, we strive for a great work culture.

I would like to remind the governing body that staff from all departments will be watching this meeting. So, I recommend keeping comments positive to ensure morale stays positive. It is also important that you understand some position descriptions may contain only one person. If you call out a certain title, everyone will know who you are talking about. Ted has spent many hours working through the budget ramifications of our recommendation and would not have proposed this schedule if he thought there was a negative impact on future budgets. We ask that you simply look at the overall picture: how spending roughly \$30,000 to keep staff, reduce the stress caused when workers leave, and reduce the amount of time and money it takes to onboard new staff, is well worth those dollars. You have spent \$50,000 fixing potholes along 53<sup>rd</sup> street that will return in a few years. Staff brings much more to the organization than fixing a pothole. So we are asking you to simply consider the schedule and subsequent expenditure as an easy decision, to provide the best service we can to our citizens. If you have specific questions, feel free to contact me.

**Fireworks Ordinance:**

Prior to 2009, fireworks were not allowed to be sold or detonated in Bel Aire. After much discussion amongst the Governing Body and input from citizens, fireworks were approved in Bel Aire. Said ordinance allowed fireworks to be sold for one week prior to July 4<sup>th</sup>, only 4 sales permits were allowed which had to be affiliated with a non-profit and fireworks could only be detonated on July 4<sup>th</sup> between specific hours. In 2015, the ordinance

was amended to allow public displays as well as remove the requirement for non-profit affiliation. This was done as Wholesale Fireworks was purchasing a building along Woodlawn to sell fireworks from that location. The revised ordinance allowed for fireworks to be sold out of a building that meets zoning, fire and building codes. Being associated with a non-profit was removed. The Bel Aire Lions Club expressed concern earlier this year as they receive a substantial donation from a fireworks company for having a tent in Bel Aire. Any fireworks company could choose not to work with a nonprofit and still receive a Bel Aire permit. At the October 11<sup>th</sup> workshop, council discussed this issue with language allowing support of local non-profits as well as businesses who have a building. During the workshop, Council wanted to look at possibly reducing sales days, increasing detonation days and more enforcement. Included in your packet is a report detailing what our vendors had to say on these topics.

**Ballot Questions:**

Councilmember Welch asked for Jaci to clarify what can go on the election ballots as questions. Specifically, why USD 259 had a question similar to the one Bel Aire requested regarding term limits and Mayor's term in office. Jaci will have that information to share.