



MINUTES
CITY COUNCIL MEETING
City Hall – Bel Aire, Kansas
January 21, 2020 7:00 P.M.



I. CALL TO ORDER: Mayor Jim Benage called the meeting to order.

II. ROLL CALL

Present were Council Members Jeff Elshoff, Dr. Joel Schroeder, Diane Wynn, and Justin Smith.

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

III. OPENING PRAYER: Pastor Mark Posson gave the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS

Council Member Elshoff requested to add to the agenda discussion of the contents of some of the emails Mayor Benage sent to the Council regarding the ranking candidates for the open council seat.

VI. CONSENT AGENDA

A. Minutes of the January 7, 2020 City Council Meeting.

MOTION: Council Member Smith moved to approve the consent agenda as listed and authorize the Mayor to sign. Council Member Schroeder seconded the motion. *Motion carried 4-0.*

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 20-01 in the amount of \$525,005.35.

MOTION: Council Member Elshoff moved to approve Appropriations Ordinance 20-01. Council Member Smith seconded the motion. *Motion carried 4-0.*

VIII. CITY REQUESTED APPEARANCES: None

IX. CITIZEN CONCERNS:

Bonnie Stinson, 3800 N Harding, said she opposes the items on the agenda incentivizing land sales. She said the Council should postpone the decision until the open seat on the Council is filled and the annual bank report is released. The City Manager and City Attorney have both received raises in their contract renewals and she feels the reward percentages are too high and not necessary. Everyone has to go above and beyond at their jobs, and sometimes you don't get paid for it. She questions the terms of the agreements: if there is an ending date or end after a certain percentage of land is sold, could they be given above the stated percentage, does the contract apply to land owned by Land Bank or PBC, LOIs signed in 2019 but not yet sold. She thinks Tierra Verde, some of Elk Creek and some of Kappelman's should be exempted.

X. REPORTS

A. Council Member Reports

Council Member Wynn reported she attended the SCAC meeting on Saturday and toured the Sedgwick County Emergency Communications headquarters. There have been rumors that water rates are going to be raised by a certain percentage, but no decision has been made.

B. Mayor's Report

Mayor Benage reported he attended the SCAC meeting on Saturday, January 18. He also met with USD 259 representatives and Isely Elementary staff to discuss traffic solutions for the neighborhood. City offices were closed on Monday, in remembrance of Dr. Martin Luther King, Jr. Mayor Benage wanted the public to know that although a proclamation was not made this year, he plans to make one next year. He remembers the shock and sadness when Dr. Martin Luther King, Jr. was assassinated. He said we continue to work towards and pray that Dr. King's dream that all people will be judged by the content of their character will come true, and it will not be just someday but today.

C. City Attorney Report- No report was given.

D. City Manager Report

City Manager Lasher reported that the city had 66 new residential housing starts in 2019. Bel Aire recently received the Tree City USA award for the 24th year in a row. Thanks to the Tree Board and Public Works department for their hard work. The City also received the gold star award from KMIT, the city's workman's comp insurance provider, for providing a high level of work safety for City workers. The award includes a discount of \$6,400 for the City in workman's comp premiums. The City received a \$1,100 census grant to publicize the importance of participating in the

census. Annual Shred day will be May 2nd from 9 a.m. to Noon at City Hall. Curbside Cleanup is scheduled for May 9th and October 10th. This Thursday, Bel Aire Chamber of Commerce will host a presentation by Jay Price on the history of Bel Aire. This is the first event for the 40th Anniversary of the City.

E. Committees/Boards/Commissions Reports- No report was given.

XI. EXECUTIVE SESSION

MOTION: Council Member Smith moved to go into executive session for the sole purpose of discussing the subject of: Personnel matters related to non-elected personal, pursuant to the KSA 75-4319 exception for Personnel matters and to invite the City Manager and the City Attorney. The meeting will be for a period of 15 minutes, and the open meeting will resume in City Council Chambers at 7:43 p.m. Council Member Schroeder seconded the motion. *Motion carried 4-0.*

The Council left the Council Chambers. The council then returned to the Council Chambers at 7:43 p.m. and resumed the open meeting. Mayor Benage announced no binding action had been taken.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of approving the First Amendment to the Employment Agreement between the City of Bel Aire and City Manager Lasher.

MOTION: Council Member Smith moved to approve the First Amendment to the Employment Agreement with City Manager Lasher and authorize the Mayor to sign. Council Member Schroeder seconded the motion. *Motion carried 4-0.*

B. Consideration of approving the First Amendment to the Employment Agreement between the City of Bel Aire and City Attorney Kelly.

MOTION: Council Member Smith moved to approve the First Amendment to the Employment Agreement with City Attorney Kelly as amended and authorize the Mayor to sign. Council Member Wynn seconded the motion. *Motion carried 4-0.*

XIII. DISCUSSION AND FUTURE ISSUES

Discussion of the contents of some of the emails sent by Mayor Benage to the City Council regarding the ranking candidates for the open council seat.

MOTION: Council Member Smith moved to go into executive session for the sole purpose of discussing the subject of: attorney-client privilege related to procedural matters on the City Council vacancy policy pursuant to the KSA 75-4319 exception for attorney-client privilege and to invite the City Manager and the City Attorney. The meeting will be for a period of 15 minutes, and the open meeting will resume in City

Council Chambers at 8:07 p.m. Council Member Schroeder seconded the motion. Discussion followed.

Council Member Elshoff said he would vote against the motion. He said he brought up the topic because he thinks it should be discussed publicly and does not think it is appropriate to talk about it in executive session.

Council Member Smith said he thought the council would have an executive session to discuss a few privileged items and asked if Mayor Benage still planned to have an open discussion about some other aspects of this topic as well. Mayor Benage said yes, he planned to have an open discussion, and the Council needed to understand what was under attorney-client privilege procedural matters.

Mayor Benage requested a vote. *Motion carried 3-1*, with Council Member Elshoff voting against the motion.

The Council left the Council Chambers at 8:54 p.m. The council then returned to the Council Chambers at 8:09 p.m. and resumed the open meeting. Mayor Benage announced no binding action had been taken.

Mayor Benage stated that the Council would now discuss Council Member Elshoff's concerns about the candidate selection process for the vacant city council seat and he read the names of the candidates. He said he has shared the candidates' application information with the Council and has requested their feedback.

Council Member Elshoff stated he was concerned about some emails sent by the mayor to the council. In the emails, the mayor asked council members for their input on candidates for the vacant council seat, and had asked the council members to rank the candidates. Mr. Elshoff stated he was concerned about the legality of this process, and possible legal entanglements that could arise from the request. Mr. Elshoff stated that he did not feel comfortable ranking candidates.

Council members discussed possible legal and ethical consequences of the request and alternative methods of providing feedback, and asked questions of staff.

City Attorney Kelly stated that she had not observed anything illegal happening. If she had, she would have advised the council to cease. The decision of who to appoint comes before the council at the time that it is on the agenda, and at that time council members are to make an independent decision of who they want to appoint or not. An individual council member or the mayor may have a discussion with another person on the council to ask questions, but that cannot be with the intent of coming to a consensus or coming to an agreement on something that will be binding action before the group. She has not seen that happen here.

Mayor Benage stated that he had intended to seek the Council's input on candidates in order to make the process transparent. He stated that if council members did not feel comfortable providing feedback to him by ranking candidates, they were not required to do so. They are

welcome to provide their opinions to him in a way that makes them feel comfortable with the process. He expects to make his decision soon and will select a candidate for appointment at the next City Council meeting.

XIV. ADJOURNMENT

MOTION: Council Member Elshoff moved to adjourn. Council Member Smith seconded the motion. *Motion carried 4-0.*

The meeting adjourned at 8:58 p.m.

Approved by the City Council this 5th day of February, 2019.



Jim Benage, Mayor

ATTEST:



Melissa Krehbiel, City Clerk