



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
Video available at belaireks.gov
July 7, 2020 7:00 P.M.



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

II. ROLL CALL

Present were Dr. Joel Schroeder, Justin Smith, John Welch, and Diane Wynn. Jeff Elshoff was absent.

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

III. OPENING PRAYER – John Barket provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS – City Manager-

MOTION: Council Member Welch moved to add an item to discuss the Governor’s mask mandate and to remove the Bel Aire Emergency Operations Plan and Letter of Promulgation [Item XI. B.]. Council Member Schroeder seconded the motion. *Motion carried 4-0.*

VI. CONSENT AGENDA

A. Minutes of the June 16, 2020 City Council Meeting.

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

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 20-12 in the amount of \$689,278.87.

MOTION: Council Member Schroeder moved to approve Appropriations Ordinance 20-12. Council Member Smith seconded the motion. *Motion carried 4-0.*

VIII. CITY REQUESTED APPEARANCES: None

IX. CITIZEN CONCERNS:

Gary O’Neal, President of the Bel Aire Chamber of Commerce, spoke on behalf of the organization. Mr. O’Neal said for budget year 2020, the City budgeted \$10,000 for a part-time chamber director. An individual was hired in March, but due to the COVID-19 pandemic she was unable to start work. She has since accepted another opportunity and has resigned. There was discussion at the last City Council workshop to cancel funding for the Chamber Director position. The Chamber has struggled with staffing since it began. However, the Chamber raises funds for the community and helps to attract businesses to the area. Mr. O’Neal asked the council to reconsider funding the position for the coming fiscal year. He also invited Mayor Benage to be guest speaker for the Chamber meeting on August 5.

X. REPORTS

A. Council Member Reports- No formal reports were given.

B. Mayor’s Report

Mayor Benage reported that the playground surface in Bel Aire Park has been replaced, but cautioned residents not to use the equipment to prevent spreading coronavirus. He learned of an economic development grant opportunity on June 24th when he listened to Whitehouse biweekly call. Director of Finance Ted Henry is investigating the grant opportunity. Mayor Benage also attended the most recent CCUA meeting and the fortieth anniversary celebration for Bel Aire. The fortieth anniversary celebration held on July 4th had good attendance but did not seem to have issues with maintaining social distancing. He thanked the Rec Center staff, Bel Aire Lions and local business sponsors that coordinated the event. The event was completely funded by donations. Also on July 11th, he will hold Coffee with the Mayor at the Senior Center. All are welcome.

C. City Attorney Report

City Attorney Kelly reported that the Kansas legislature has adjourned until January 2021. The governor’s emergency order is in place until September. Before adjourning the Legislature passed HB 2016, which allowed counties to opt out of governor’s orders. Sedgwick County gave a strong recommendation for masks. The enforcement method of the governor’s orders are civil action that would be pursued through the district attorney’s office, not law enforcement. In other news, utility shut-offs are now resuming as the laws now revert to the

customary laws for shut offs and fees for nonpayment. Bel Aire staff are working to get customers on payment plans if they have a past due balance.

D. City Manager's Report

City Manager Lasher noted that signs are posted at all entrances to City Hall and the Rec Center, recommending visitors to wear a mask. The City is not requiring mask wearing but is requesting visitors wear them. The brush site will be open this weekend. He also thanked the Police Department, the Rec Center and local sponsors for their work and contributions for the fortieth anniversary celebration.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of An Ordinance Authorizing An Amendment To Agreements For Payment In Lieu Of Taxes For A Property Tax Abatement Relating To The City Of Bel Aire, Kansas Taxable Industrial Revenue Bonds, Series 2014 And Series 2015 (Wichita Hoops, LLC) Issued For The Purposes Of Acquiring, Constructing, Furnishing And Equipping A Sports Facility; And Authorizing The Execution Of Documents Necessary Or Desirable To Effect The Transaction Contemplated Hereby.

Evan McCory, co-owner of Wichita Hoops, made a presentation about the business and stood for questions from Council.

Council members discussed the total amount of the tax abatement, the duration of the abatement and the economic value of the facility in Bel Aire.

MOTION: Council Member Smith moved to table Item A to the next meeting to give [the Council] the opportunity to consult with the [City's] CFO on the financial implications of this item. Council Member Schroeder seconded the motion. *Motion carried 4-0.*

B. Consideration of approving the Bel Aire Emergency Operations Plan and Letter of Promulgation

[This item was removed by motion at the beginning of the meeting.]

C. Consideration of approving An Ordinance Concerning The Amendment Of Chapter 2, Article 10, Of The Municipal Code Of Bel Aire, Kansas, Modifying The Voting Authority Of The Land Bank Chairman, Within The City Of Bel Aire, Kansas.

MOTION: Council Member Schroeder moved to approve An Ordinance Concerning The Amendment Of Chapter 2, Article 10, Of The Municipal Code Of Bel Aire, Kansas, Modifying The Voting Authority Of The Land Bank Chairman, Within The City Of Bel Aire, Kansas and authorize the Mayor to sign. Council Member Smith seconded the motion.

Roll Call Vote

Jeff Elshoff – [Absent] Dr. Joel Schroeder – Aye
Justin Smith- Aye John Welch- Aye Diane Wynn – Aye

Motion carried 4-0.

D. Consideration of approving the Revised Council Meeting Rules of Order. Language was added to allow for meetings to be conducted in person or electronically.

MOTION: Council Member Smith moved to approve the revised Council Meeting Rules of Order as presented and authorize the Mayor to sign. Council Member Schroeder seconded the motion. *Motion carried 3-0-1* with Council Member Wynn abstaining from the vote.

E. Discussion of the governor’s mask mandate.

On July 2, 2020, the governor of Kansas issued an executive order mandating that masks or other face coverings be worn in public to prevent the spread of coronavirus. However, counties and local governments may exercise their authority to not require mask wearing. Also on July 2, 2020, the Sedgwick County Commission voted to recommend the wearing of masks but did not require them. On July 3, 2020, the City of Wichita passed an ordinance mandating the wearing of masks or other face coverings in public in Wichita.

The Council discussed the City’s role, public confusion over state, county and local government actions, and what enforcement authority is held by businesses and county and local governments.

MOTION: Council Member Welch moved to make a Resolution that [the governing body] strongly endorses the governor’s mandate on wearing masks; and that it be published in the Bel Aire Breeze and on Facebook to get it out to the public; and posted on the doors of City Hall and the Rec Center.

Discussion followed. Council Member Welch then amended his motion.

MOTION: Council Member Welch moved that [the governing body] issue a Resolution that states “Whereas, wearing a mask in public is the easiest and most effective way to protect each other and help keep our businesses open and our economy running; Whereas, wearing a mask in public is not only safe and easy, it is necessary to avoid more restrictive local measures that could involve closing businesses, schools, organized youth sports, and other important activities; Therefore, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for and ensure the health, safety, security, and welfare of the people of Bel Aire, Kansas, the City Council of Bel Aire, Kansas strongly suggests that masks or other face coverings be worn in public spaces, as is necessary to promote and secure the safety and protection of the civilian population.” Council Member Smith seconded the motion. *Motion carried 4-0.*

RECESS: Council Member Smith moved that the council recess for 10 minutes. Council Member Schroeder seconded the motion. *Motion carried 4-0.*

The Council went into recess at 8:54 p.m. The open meeting resumed in council chambers at 9:04 p.m.

XII. EXECUTIVE SESSION

A. Executive Session

MOTION: Council Member Smith moved to go into executive session for the sole purpose of discussing the subject of: **Consultation with Attorney to discuss legal assessment of a certain matter**, pursuant to the KSA 75-4319 exception for: Attorney Client Privilege. Invite the City Manager, Finance Director and the City Attorney. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 9:25 PM. Council Member Welch seconded the motion. *Motion carried 4-0.*

The Council went into executive session at 9:05 p.m. and returned to open session at 9:25 p.m. Mayor Benage announced no binding action had been taken.

XIII. DISCUSSION AND FUTURE ISSUES

- Workshop – July 14th at 6:30 pm?

The council briefly discussed the workshop agenda for July 14th.

XIV. ADJOURNMENT

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

The meeting adjourned at 9:30 p.m.

Approved by the City Council this 21st day of July, 2020.


Jim Benage, Mayor

ATTEST:


Melissa Krehbiel, City Clerk