



MINUTES
CITY COUNCIL MEETING
City Hall – Bel Aire, Kansas
February 18, 2020 7:00 P.M.



I. CALL TO ORDER: Mayor Jim Benage

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: John Barkett provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS – There were no additions.

VI. CONSENT AGENDA

A. Minutes of the February 4, 2020 City Council Meeting.

MOTION: Council Member Smith moved to approve the consent agenda as listed and authorize the Mayor to sign.

Council Member Elshoff noted that the vote to table Item XI. A. was incorrectly recorded. It should read “*Motion carried 3-1* with Council Member Elshoff voting against the motion.”

MOTION: Council Member Smith amended his motion to approve the consent agenda as amended and authorize the Mayor to sign. Council Member Wynn seconded the motion. *Motion carried, 4-0.*

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 20-03 in the amount of \$703,878.35.

MOTION: Council Member Elshoff moved to approve Appropriations Ordinance 20-03. Council Member Schroeder seconded the motion. *Motion carried 4-0.*

VIII. CITY REQUESTED APPEARANCES: None

IX. CITIZEN CONCERNS: No one requested to speak.

X. REPORTS

A. Council Member Reports

Council Member Schroeder reported that he attend the Planning Commission meeting, where the commission received information about cell towers, the new 5G technology and policy considerations. He expects Planning Commission will send ideas regarding this to council in the future.

Council Member Wynn attended the REAP meeting regarding tax bills being considered that are not well written. She also attended the Chamber of Commerce meeting today. They have interviewed a candidate to work for the Chamber. They are also talking about having more events.

B. Mayor's Report

The meeting on February 5th with stakeholders regarding the Isely school traffic concerns at St James was productive. The meeting resulted in a high level of agreement on how to address the problem. A follow-up meeting has been scheduled for March 4th. Hopefully that meeting will result in a memorandum of understanding that will be signed by stakeholders.

Coffee with the Mayor will held on March 14th at 9:00 a.m. at City Hall. Mayor Benage invited the public and City Council to attend. This event is designed to be an open dialogue and interaction, to have conversations on topics important to citizens.

Regarding Council member appointment, Mayor Benage said he will not make another appointment until there is consensus among council on a plan to go forward. He apologized to the citizens, and to the candidates who were nominated but not confirmed at the February 4th meeting. He does not want others to be discouraged from applying for public service positions. The current policy for appointing candidates for the vacant council seat has been in place since before most of the Council members joined the governing body. The policy is flawed because it fails to look at all contingencies. For example, in September of 2015, Ken Lee resigned from the Council, leaving a vacancy. Mayor Austin attempted to fill the vacancy and had two candidates rejected by the Council.

Mayor Benage reviewed the nomination process for the current vacant Council seat. There were seven applications, and one dropped out, leaving six candidates. He asked council members to review each candidate's application and suggested that council members meet with the candidates on their own and then individually provide the mayor with their ranking of the candidates. He thought this would protect the privacy of candidates, allow council to make an informed decision when it came time to present the nominee, and allow the mayor to consider the council members' thoughts in his nomination. He consulted City Attorney Kelly, to make sure this process would follow the Kansas Open Meetings Act. City Attorney Kelly also consulted with the Kansas Attorney General's office to make sure the process was in compliance with the law.

At the February 4th meeting, he thanked all of the candidates. He listed several points regarding why he believed his nomination was the best choice. He then gave opportunity for discussion. The council asked some questions of the nominee, but there was no discussion among council members. The motion to appoint the nominee failed in a tied vote. A similar scenario repeated with the second nominee. The council vacancy policy does not allow the mayor to vote in the case of a tied vote. Mayor Benage was concerned by the lack of discussion preceding the votes. He thought that if there were major concerns, they would have come up during the discussion period before the votes, or even before the meeting when he requested feedback. Toward the end of the meeting, council members discussed why council members voted against the nominations.

To prevent this from happening again, Mayor Benage would like the Council to sort out how they can best foster discussion of the candidates within the group, in a way that works for all council members, preferably before the vote. He has no clear sense on how the council would vote on any candidate he might put forward. If this process continues, he fears that there is not one single candidate that could garner a majority vote. He does not wish to further embarrass the city. Therefore, he requested this topic be discussed at the City Council workshop later this evening. During the workshop, options will be discussed and he encourages council members to share their thoughts about the process. His goal is to resolve this matter in a way that allows Council to become informed while not embarrassing the candidates.

C. City Attorney Report

City Attorney Kelly reported that Planning Commission met to review the new cell tower regulations. An attorney from Washington D.C. presented information to the Planning Commission regarding the new federal regulations on cell towers and how they will affect local government policies. Next month Planning Commission will meet with representatives from City of Wichita, to understand their policies.

In other news, the attorney general recently issued a reprimand to city for overcharging Kansas Open Records fees. The attorney general's office opinion is

concerned about unreasonable fees. The city will review their fees to be sure they are reasonable.

D. City Manager Report

City Manager Lasher reminded citizens that the latest Bel Aire Beacon is out. Citizens may sign up for the free e-newsletter on the city website.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of a marketing agreement extension with John T Arnold until March 18, 2020.

MOTION: Council Member Schroeder moved to approve the marketing contract extension agreement with John T Arnold and authorize the Mayor to sign. Council Member Smith seconded the motion. *Motion carried 4-0.*

XII. EXECUTIVE SESSION – No executive session was held.

XIII. DISCUSSION AND FUTURE ISSUES

- City Council Strategic Planning – February 22nd from 9:00 am – 1:00 pm?

The Council briefly discussed the agenda for the meeting on February 22nd.

XIV. ADJOURNMENT

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

The meeting adjourned at 7:24 p.m.

Approved by the City Council this 3rd day of March, 2020.



Jim Benage, Mayor

ATTEST:



Melissa Krehbiel, City Clerk