



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
Video available at belaireks.gov
September 1, 2020 7:00 P.M.



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

II. ROLL CALL

Council members present were Jeff Elshoff, Dr. Joel Schroeder, Justin Smith, John Welch and Diane Wynn.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, City Engineer Anne Stephens, Recreation Director Brian Hayes, and City Clerk Melissa Krehbiel.

III. OPENING PRAYER – Mark Posson 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

There were no additions.

VI. CONSENT AGENDA

A. Minutes of the August 18, 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 4-0-1* with Council Member Elshoff abstaining from the vote.

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 20-16 in the amount of \$458,377.88.

Council Member Smith asked that a typo on page 3, line 12 of the ordinance be amended to reflect a reimbursement, not a desk-top printer contract.

MOTION: Council Member Smith moved to approve Appropriations Ordinance 20-16 as amended. Council Member Wynn seconded the motion. *Motion carried 5-0.*

VIII. CITY REQUESTED APPEARANCES: None

IX. PUBLIC HEARING: The purpose of the public hearing is to give property owners and other interested parties the opportunity to speak on the proposed Industrial Revenue Bond and associated exemption from ad valorem taxation of property constructed or purchased with the proceeds from the IRB for Clinic in a Can.

No one requested to speak.

MOTION: Council Member Wynn moved to close the public hearing. Council Member Smith seconded the motion. *Motion carried 5-0.*

X. CITIZEN CONCERNS: No one requested to speak.

XI. REPORTS

A. Council Member Reports

Council Member Elshoff reported on his recent liver transplant. He has received positive reports from his doctors and has been released to go back to work. He is delighted to be back to serving the citizens and attending city council meetings. He thanked the governing body, citizens and city for their support and praised God for blessing his journey of recovery.

Council Member Welch reported that all appointments were full at the blood drive at City Hall on Saturday and thanked residents for donating blood.

Council Member Smith reported he attended the last Chisholm Creek Utility Authority meeting and was glad to see no large expense approvals came up.

B. Mayor's Report

- Mayor Benage reported on how city staff have followed up on concerns about fire hydrants not functioning properly. The city has a program to systematically replace fire hydrants as they age. Eight scheduled replacements have been done in the last few years, and many others have been replaced as the need arose. Mayor Benage and staff have communicated with the local fire station about the recent concerns and will continue to keep an open line of communication.
- Mayor Benage attended the latest CCUA meeting.
- Road construction by the City of Wichita at 45th and Rock Road was delayed by weather, but should resume soon.

- The League of Kansas Municipalities will hold their annual conference October 13-16. The conference will be virtual this year. Mayor Benage encouraged council members to attend.
- Mayor Benage attended the Sedgwick County Association of Cities (SCAC) meeting on August 20th, where they received a presentation about local pandemic conditions by Dr. Garold Minns, Sedgwick County Public Health Officer. Dr. Minns reported on contact tracing procedures, and that saliva tests may be soon be available in Sedgwick County, which will improve turn-around time for test results.
- Mayor Benage encouraged citizens to keep up the good practices of mask wearing, hand washing, and social distancing,
- Sedgwick County has allotted some CARES Act funds to Wichita State University to expand COVID-19 testing. The County conducted a needs assessment for local businesses and is expected to also provide CARES Act funds for local businesses.

C. City Attorney Report

- City Attorney Kelly briefly reviewed advice from the Kansas Attorney General regarding emergency declarations and executive power that could have implications for local governments.
- Also, Kelly cautioned citizens to research any organizations that may be requesting donations after the recent natural disasters. Residents can go to kscharitycheck.org will see if an organization is authorized to fundraise in Kansas and should check with their HOA to see if soliciting is allowed.

D. City Manager Report

City Manager Lasher reported on upcoming events:

- September 6th is the last day to swim at Central Park pool this year
- September 7th the City will be closed for Labor Day
- September 12th the brush site will be open from 9 a.m. to 1 p.m.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of an amended Letter of Intent to Issue an IRB for Clinic in a Can (CIAC, LLC).

Kevin Cowan, of Gilmore and Bell, bond counsel for the city, stood for questions from the council. Amending the letter will move the IRB issuance date to December of 2021, thereby allowing Clinic In A Can to have full benefit of the property tax abatement.

MOTION: Council Member Welch moved to approve the Amended Letter of Intent to issue an IRB for Clinic in a Can and authorized the Mayor to sign. Council Member Schroeder seconded the motion. *Motion carried 5-0.*

B. Consideration of A Resolution of the Governing Body of the City Of Bel Aire, Kansas Determining the Advisability of Issuing Taxable Industrial Revenue Bonds for the Purpose of Financing the Acquisition, Construction and Equipping

of a Warehouse and Office Facility to be Located in Said City; And Authorizing Execution of Related Documents (CIAC, LLC).

Kevin Cowan, of Gilmore and Bell, bond counsel for the city, stood for questions from the council. Mr. Cowan noted that the public hearing required for this resolution was conducted earlier in the meeting. The Resolution will allow the company to apply for a sales tax exemption certificate.

MOTION: Council Member Smith moved to Approve A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Taxable Industrial Revenue Bonds For The Purpose Of Financing The Acquisition, Construction And Equipping Of A Warehouse And Office Facility To Be Located In Said City; And Authorizing Execution Of Related Documents and authorize the Mayor to sign. Council Member Elshoff seconded the motion.
Motion carried 5-0.

C. Consideration of approving a Developer’s Agreement with Homestead Senior Residences Bel Aire, LLC.

City Attorney Kelly noted that language on page 4 of the agreement was amended to include a provision requiring the developer to pay for any damage to Oliver or 53rd Street that might occur during construction.

MOTION: Council Member Elshoff moved to approve the Developer’s Agreement with Homestead Senior Residences Bel Aire, LLC as amended on page 4 [of the agreement] and authorize the Mayor to sign. Council Member Schroeder seconded the motion. *Motion carried 5-0.*

D. Consideration of approving dedication of land for public purposes by Homestead Senior Residences Bel Aire, L.L.C

City Engineer Stephens stood for questions from council. The plat is one large lot, for one owner, and the location of private roads will be finalized later. The developer will maintain the roads and storm sewer. The dedication of the land prior to construction will allow the city to have the necessary easements, while allowing design flexibility for the developer.

MOTION: Council Member Schroeder to approve the dedication of land for public purposes as provided for in the notes on the final plat (Homestead Senior Residence, Bel Aire, Sedgwick County, Kansas). Land for public use shall be granted to the City by separate instrument to be filed with the County prior to the start of any construction. Council Member Elshoff seconded the motion.

Roll Call Vote:

Jim Benage- Aye Jeff Elshoff – Aye Dr. Joel Schroeder - Aye
Justin Smith- Aye John Welch – Aye Diane Wynn - Aye

Motion carried 6-0.

E. Consideration of approving a quote from Utility Maintenance Contractors to rehab sewer manholes at a cost of \$65,530.00.

City Engineer Stephens stood for questions from council. A similar project for manhole rehab was approved by the council in August. If this project is approved, all manholes in the city will be brought up to standards. The repairs should last for thirty to forty years.

MOTION: Council Member Smith moved to accept the quote from Utility Maintenance Contractors at a cost of \$65,530.00 for sewer manhole rehab and authorize the Mayor to sign. Council Member Welch seconded the motion. *Motion carried 5-0.*

F. Consideration of approving an agreement with Garver, LLC for professional services related to paving, sanitary sewer, and water line improvements to serve Rock Spring Addition, Phase 7.

MOTION: Council Member Schroeder moved to accept the Agreement with Garver, LLC for professional services related to paving, sanitary sewer, and water line improvements to serve Rock Spring Addition, Phase 7 and authorize the Mayor to sign. Council Member Wynn seconded the motion. *Motion carried 5-0.*

G. Consideration of approving a quote to repair the Bel Aire Recreation Center parking lot. Three bids were received:

• PP&J Construction	\$24,230
• South Central Sealing & Paving	\$26,640
• Pave the Way	\$50,339

Brian Hayes, Recreation Director, stood for questions from council. This item was tabled at the last council meeting to seek more quotes. Since then, staff have found another company that does similar work. The processes for these companies are different. Staff recommends the quote from PPJ, as it will provide sufficient repairs without going over budget.

MOTION: Council Member Elshoff moved to accept the quote from PP&J Construction at a cost of \$24,230 for repair of the Bel Aire Recreation Center parking lot and authorize the Mayor to sign. Council Member Smith seconded the motion. *Motion carried 5-0.*

XIII. 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 negotiations**, pursuant to the KSA 75-4319 exception for: **Attorney client privileged consultation**. Invite the City Manager 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 8:10 p.m. Council Member Welch seconded the motion. *Motion carried 5-0.*

The council then conducted an executive session. At 8:10 p.m. the council returned to open session in the council chambers. Mayor Benage stated no binding action had been taken.

XIV. DISCUSSION AND FUTURE ISSUES

- Council Workshop – September 8th at 6:30 pm.
- Land Bank Meeting – September 3rd at 5:30 pm?

The Council briefly discussed the agendas for the two meetings and agreed to hold the council workshop on September 8th at 6:30 p.m., and to hold the Land Bank meeting on September 3rd at 5:30 p.m.

XV. ADJOURNMENT

MOTION: Council Member Smith moved to adjourn. Council Member Welch seconded the motion. *Motion carried 5-0.*

The meeting adjourned at 8:15 p.m.

Approved by the City Council this 15th day of September, 2020.



Jim Benage, Mayor

ATTEST:



Melissa Krehbiel, City Clerk