



Minutes
COUNCIL MEETING
City Hall – Bel Aire, Kansas
September 6, 2016
7:00 P.M.



-
- I. CALL TO ORDER** - Mayor David Austin called the City of Bel Aire Council meeting to order, September 6, 2016 at 7:00 pm.
- II. ROLL CALL** Council Members present Dr. Ramona Becker, Guy MacDonald, Betty Martine, Peggy O'Donnell, and Diane Wynn. Also present City Attorney Alison McKenney Brown, City Manager Ty Lasher, City Clerk/Utility Clerk Jamie Hayes, and Building and Zoning Assistant Stacey Cook.
- III. MOMENT OF SILENT PRAYER** - A moment of silent prayer was led by Mayor David Austin.
- IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG** – The Pledge of Allegiance to the American Flag was led by Mayor David Austin
- V. DETERMINE AGENDA ADDITIONS:** None
- VI. CONSENT AGENDA**
- A.** Minutes of the August 16, 2016 City Council Meeting.
- MOTION:** Dr. Becker made a motion to approve the consent agenda as listed and authorize the Mayor to sign. Seconded by Mrs. O'Donnell. **Motion carried 5-0.**
- VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**
- A.** Appropriations Ordinance 16-17 in the amount of \$448,727.30.
- MOTION:** Mrs. O'Donnell made a motion to approve appropriations Ordinance 16-17. Seconded by Mr. MacDonald. **Motion carried 5-0.**
- VIII. CITY REQUESTED APPEARANCES:** None

IX. CITIZEN CONCERNS: Oral communication from the audience (*Please move to the podium and state your name & address so that you can be clearly heard by the viewing public as well as the Governing Body. Comments are limited to three (3) minutes unless additional time is granted by the Mayor.*)

X. REPORTS:

A. Council Members Reports

Dr. Becker: Well it was nice to have a lot of time off, not having City meetings and that type of thing. Not that I don't just love and enjoy all of our meetings, but it was nice to have time to do some other things. I've been pretty busy because I got a new great-grandchild on August 19th. A beautiful little baby girl and she was born while I was at my cousin's reunion in Kansas City, came a little bit early so that was real exciting. And we're real thankful for her being a nice healthy baby. Classes started for all my students on August 22nd so I've been keeping busy with all my students and classes. I've been loving this nice fall weather whenever I get a chance to go out and enjoy it. And we're going to get a new redbud tree planted in our front yard tomorrow from Tree Top. So I'm real excited about that. The one that fell over in the storm in the spring we're getting a new one planted so that's exciting. We're Tree City, Guy, we're getting another tree here.

Mayor Austin: And from a Bel Aire nursery.

Dr. Becker: Yes. Absolutely from one of our businesses here in town. So that's all I had mayor.

Mr. MacDonald: No report Mr. Mayor.

Mrs. O'Donnell: I just want to wish our City Manager Happy Belated Birthday and I'm like Mrs. Becker I've been in the full swing of school and keeping busy so no other report.

Ms. Wynn: I really have no report either. We've been super busy at work and that's where

Ms. Martine: No report Mayor.

B. Mayor's Report

Mayor Austin: A couple things to point out, we, as far as I know we've not, I think as everybody here knows about the earthquake we had on Saturday that woke me up earlier on my day off than I wanted to be but hey it was fine, as far as we know no damage. Of course we're going to continue to keep an eye on that. It was a great time off as well, my lovely wife and I celebrated 21 years of marriage on Friday. Just on top of that there's just a bunch of excitement I have here tonight, I truly am excited about. The agenda, I joked here earlier that we needed to keep the minutes to 30

minutes because we have the granddaughter tonight, but we have nine pages. I don't think I've ever seen an agenda this big before. A lot of reasons to be excited, a lot of reasons to be excited about our City. Ya know last month, it seems like a long time since we've met, but guys last month we pass our zero mill budget without an increase. Just a lot of exciting times. We're building those relationships with the County and the City of Wichita, we're looking forward to road improvements that are coming up. Those relationships are going to save millions of dollars for our tax payers. Earlier this evening, it might still be going on, it was going on when I got here, but we had citizens for the second time now that are able to give input in the future of our City and sustaining the excitement for the future of what Bel Aire is going to look like and those will continue. Like I said this agenda we have nine pages here, two new businesses that want to come to Bel Aire, lot of development projects on the agenda for council to approve those. All of these are things that can build our tax base, create new jobs, and diversify our community. So like I said these are just exciting times here in Bel Aire and finally I think all of the councilmembers have in their packets and in front of them a copy of a letter we were made late last week regarding the sewer overcharges. I want to let everybody know that we have received a letter from the Sedgwick County DA's office stating they are not going to pursue criminal charges, council received a copy of the letter and it is available to the public if so requested. Right now I have nothing more I can say on this and am looking forward to closing this chapter and I want to move on with the agenda, before that lets further our reports here with Mr. Lasher.

C. City Manager Report

Mr. Lasher: Thank you Mayor, just a couple of items, reminder that the brush site is open this Saturday. Hopefully it won't be as busy as it has been, I don't think we've had a serious storm here in the last month so maybe it'll be less busy than it has been. An exciting thing. We sent a letter to the bank that carries our loan for the land and we are putting an additional \$370,000 towards principle this November for our payment. That's above our other payment and that makes a total of \$3.7 million the City has put towards principle the last 3 years with all the sales and development that's going on. The last thing I thought was interesting that was in your packet was an update from the pool. The pool closed last month and revenues are up about 25% from last year. Some of that is due to the increase in pool fees, but our daily passes went up quite a bit. So its always nice when you have some additional revenue coming in especially from the pool. That's all I had Mayor.

D. Committees/Boards/Commissions Reports

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS:

- A. Consideration of approving assessment proceedings for authorized infrastructure improvements in the Courtyards at Elk Creek Addition, Rock Spring Addition Phase 3, Wolff Addition, Tierra Verde South Addition and Lycee Heights Addition.

MOTION: Mrs. O'Donnell made a motion to approve the following actions:

- Establish September 20, 2016 at 7:00 p.m. to meet for the purpose of hearing any and all written or oral objections to the respective assessments set forth therein;
- Authorize the publication by the City Clerk of *Exhibit C* in the official City newspaper, not less than 10 days prior to such public meeting date;
- Mail *Exhibit D* to each and all owners of property affected by such assessments at their last known post office address on the same date as the publication of *Exhibit C*; and
- File each of said documents of record in the office of the City Clerk and make the same available for public inspection.

Seconded by Ms. Martine. **Motion carried 5-0.**

B. Consideration of AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM “C-1” TO “C-2(PLANNED UNIT DEVELOPMENT)” ON CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF BEL AIRE, BEL AIRE, SEDGWICK COUNTY, KANSAS. (North West corner of 45th & Woodlawn for storage facility and future retail / commercial).

MOTION: Dr. Becker made a motion to approve **AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM “C-1” TO “C-2(PLANNED UNIT DEVELOPMENT)” ON CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF BEL AIRE, BEL AIRE, SEDGWICK COUNTY, KANSAS** as amended with item number 9 as discussed with buildings being removed and authorize the Mayor to sign. Seconded by Mrs. O'Donnell. **Motion carried 4-2.** Mr. MacDonald and Ms. Martine opposed the motion.

Roll Call:

Dr. Ramona Becker: aye Guy MacDonald: nay Betty Martine: nay

Peggy O'Donnell: aye Diane Wynn: aye David Austin: aye

C. Consideration of AN ORDINANCE APPROVING A SPECIAL USE ON CERTAIN PROPERTY ZONED R-1 LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS (4645 N Hillcrest Street for the purpose of a home based catering delivery business).

MOTION: Mrs. O'Donnell made a motion to approve **AN ORDINANCE APPROVING A SPECIAL USE ON CERTAIN PROPERTY ZONED R-1 LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS** and authorize the Mayor to sign. Seconded by Ms. Wynn. **Motion carried 6-0.**

Roll Call:

Dr. Ramona Becker: aye Guy MacDonald: aye Betty Martine: aye

Peggy O'Donnell: aye Diane Wynn: aye David Austin: aye

D. Consideration of AN ORDER APPROVING A CONDITIONAL USE ON CERTAIN PROPERTY ZONED R-5 LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS.
(In ground pool on Lot 14, Block 4 of Rock Spring Addition).

MOTION: Ms. Martine made a motion to approve **AN ORDER APPROVING A CONDITIONAL USE ON CERTAIN PROPERTY ZONED R-5 LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS** and authorize the Mayor to sign. Seconded by Dr. Becker. **Motion carried 5-0.**

E. Consideration of an Engineering Services Agreement with Baughman Company, P.A. for design, bid solicitation and construction administration of Sewer, Water and Street Improvements for the Chapel Landing 2nd Addition.

MOTION: Ms. Martine made a motion to approve the Engineering Services Agreement with Baughman Company P.A. for Chapel Landing 2nd Addition and authorize the Mayor to sign. Seconded by Ms. Wynn. **Motion carried 5-0.**

F. Consideration of A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (STREET PAVING IMPROVEMENTS—PHASE I/DEER RUN ADDITION).

MOTION: Mr. MacDonald made a motion to approve **A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (STREET PAVING IMPROVEMENTS—PHASE I/DEER RUN ADDITION).** Seconded by Ms. Martine. **Motion carried 5-0.**

G. Consideration of A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING

CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS—PHASE I/DEER RUN ADDITION).

MOTION: Dr. Becker made a motion to approve A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS—PHASE I/DEER RUN ADDITION) and authorize the Mayor to sign. Seconded by Ms. Martine. **Motion carried 5-0.**

H. Consideration of A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SIDEWALK IMPROVEMENTS—PHASE I/DEER RUN ADDITION).

MOTION: Ms. Wynn made a motion to approve A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SIDEWALK IMPROVEMENTS—PHASE I/DEER RUN ADDITION) and authorize the Mayor to sign. Seconded by Mrs. O'Donnell. **Motion carried 5-0.**

I. Consideration of A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (STORM WATER DRAINAGE IMPROVEMENTS—PHASE I/DEER RUN ADDITION).

MOTION: Mrs. O'Donnell made a motion to approve A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND

AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (STORM WATER DRAINAGE IMPROVEMENTS—PHASE I/DEER RUN ADDITION) and authorize the Mayor to sign. Seconded by Mr. MacDonald. **Motion carried 5-0.**

J. Consideration of A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER DISTRIBUTION SYSTEM IMPROVEMENTS—PHASE I/DEER RUN ADDITION).

MOTION: Ms. Wynn made a motion to approve **A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER DISTRIBUTION SYSTEM IMPROVEMENTS—PHASE I/DEER RUN ADDITION)** and authorize the Mayor to sign. Seconded by Dr. Becker. **Motion carried 5-0.**

K. Consideration of an Engineering Services Agreement with Ruggles & Bohm, P.A. for design and bid solicitation of a water main along 53rd street from Rocks Spring to Webb Road.

MOTION: Ms. Martine made a motion to approve the Engineering Services Agreement with Ruggles & Bohm for a water main along 53rd Street from Rock Spring to Webb Road and authorize the Mayor to sign. Seconded by Dr. Becker. **Motion carried 5-0.**

L. Consideration of accepting a bid for water and sewer main installations in Chapel Landing 2nd from one of the following companies:

Mies Construction	\$124,718.00
Duling Construction	\$144,008.00
Dondlinger Construction	\$146,167.00
Nowak Construction	\$147,622.80
<i>Engineers Estimate</i>	<i>\$138,865.00</i>

MOTION: Ms. Wynn made a motion to accept the bid from Mies Construction for installations of water and sewer mains in Chapel Landing 2nd and authorize the Mayor to sign all related contracts. Seconded by Ms. Martine. **Motion carried 5-0.**

M. Consideration of accepting the Water, Sidewalk, Sanitary Sewer and Paving Petitions for Rock Spring 2nd Addition – Phase 1.

MOTION: Dr. Becker made a motion to accept the Water, Sidewalk, Sanitary Sewer and Paving Petitions for Rock Spring 2nd Addition – Phase 1. Seconded by Mrs. O’Donnell. **Motion carried 5-0.**

N. Consideration of an Engineering Services Agreement with Ruggles & Bohm, P.A. for design, bid solicitation and construction administration of Sewer, Water, Sidewalk and Street Improvements for Rock Spring 2nd Addition – Phase 1.

MOTION: Ms. Martine made a motion to approve the Engineering Services Agreement with Ruggles & Bohm for Rock Spring 2nd Addition – Phase 1 and authorize the Mayor to sign. Seconded by Dr. Becker. **Motion carried 5-0.**

O. Consideration of **A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING IMPROVEMENTS / ROCK SPRING 2ND ADDITION - PHASE I).**

MOTION: Mr. MacDonald made a motion to approve **A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING IMPROVEMENTS / ROCK SPRING 2ND ADDITION - PHASE I)** and authorize the Mayor to sign. Seconded by Ms. Martine. **Motion carried 5-0.**

P. Consideration of **A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER IMPROVEMENTS / ROCK SPRING 2ND ADDITION - PHASE I).**

MOTION: Mrs. O’Donnell made a motion to approve **A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER**

IMPROVEMENTS / ROCK SPRING 2ND ADDITION - PHASE I) and authorize the Mayor to sign. Seconded by Mr. MacDonald. Motion carried 5-0.

Q. Consideration of A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS SIDEWALK IMPROVEMENTS / ROCK SPRING 2ND ADDITION - PHASE I).

MOTION: Mr. MacDonald made a motion to approve A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS SIDEWALK IMPROVEMENTS / ROCK SPRING 2ND ADDITION - PHASE I) and authorize the Mayor to sign. Seconded by Mrs. O'Donnell. **Motion carried 5-0.**

R. Consideration of A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS / ROCK SPRING 2ND ADDITION - PHASE I).

MOTION: Ms. Wynn made a motion to approve A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF BEL AIRE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS / ROCK SPRING 2ND ADDITION - PHASE I) and authorize the Mayor to sign. Seconded by Ms. Martine. **Motion carried 5-0.**

S. Consideration of selecting two voting delegates and two voting alternates to the 2016 League of Kansas Municipalities Annual Business & Policy Meeting on October 10th.

MOTION: Dr. Becker made a motion to appoint Betty Martine and Diane Wynn as voting delegates and Ty Lasher and Anne Stephens as alternate voting delegates to the 2016 League of Kansas Municipalities Annual Business & Policy Meeting. Seconded by Mrs. O'Donnell. **Motion carried 5-0.**

T. Consideration of appointing Mayor Austin's recommendation of Jeff Elshoff to the Community Development Committee for an open seat.

MOTION: Ms. Martine made a motion to appoint Jeff Elshoff to the Community Development Committee. Seconded by Mrs. O'Donnell. **Motion carried 5-0.**

U. Consideration of appointing Mayor Austin's recommendation of Jessica Scholes to the Community Development Committee for an open seat.

MOTION: Ms. Wynn made a motion to approve Jessica Scholes to the Community Development Committee. Seconded by Dr. Becker. **Motion carried 5-0.**

V. Consideration of a Police Services Agreement with Sunrise Christian Academy for security at Home High School Football Games.

MOTION: Ms. Martine made a motion to approve the Police Services Agreement with Sunrise Christian Academy for Security at Home Football Games and authorize the Mayor to sign. Seconded by Dr. Becker. **Motion carried 4-0-1.** Mrs. O'Donnell recused herself due to fiduciary duties.

XII. DISCUSSION AND FUTURE ISSUES:

- Workshop – September 13, 2016 at 6:30 pm

XIII. EXECUTIVE SESSION: None

XIV. ADJOURNMENT

MOTION: Ms. Martine made a motion to adjourn. Seconded by Dr. Becker. **Motion carried 5-0.**

Meeting adjourned at 9:44 pm

Submitted by Jamie Hayes, City Clerk/Utility Clerk

Next scheduled meeting September 20, 2016 at 7:00 pm

Notice

It is possible that sometime between 6:30 and 7:00 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 lobby of City Hall. No one is excluded from these areas during those times. Channel 7 rebroadcasts of this meeting are scheduled daily. Please make sure cell phones are turned off and put away.