



**MINUTES  
COUNCIL MEETING  
City Hall – Bel Aire, Kansas  
October 20, 2009  
7:00 P.M.**

- I. CALL TO ORDER** By Mayor Harold Smith - Mayor Harold Smith called the City of Bel Aire Council meeting to order, October 20, 2009 at 7:00 p.m.
- II. ROLL CALL** Council Members present, David Austin, Dr. Gary Breault, Peggy O'Donnell Dave Sly. Members Absent, Carolyn Marlier. Also present, City Administrator Ty Lasher, City Attorney Lee Parker, City Clerk Vicki Bradford.
- III. MOMENT OF SILENT PRAYER** – A moment of silent prayer was led by Mayor Harold Smith.
- IV. PLEDGE OF ALLEGIANCE TO THE FLAG** – Led by Mayor Harold Smith.
- V. DETERMINE AGENDA ADDITIONS:** None
- VI. CONSENT AGENDA**
  - A.** Approval of the minutes of the October 6, 2009 Council Meeting.  
**MOTION:** Gary Breault made a motion to approve the consent agenda as listed and authorized the Mayor to sign. Seconded by Dave Sly . **Motion carried 4-0.**
- VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**
  - A.** Appropriations Ordinance 09-19 in the amount of \$269,993.06.  
**MOTION:** Peggy O'Donnell made a motion to approve Appropriations Ordinance 09-19, withhold payment of \$2,999.15 to Sedgwick County for September prisoner holding fees and authorized the Mayor to sign. Seconded by Dave Sly. **Motion carried 4-0.**

**VIII. CITY REQUESTED APPEARANCES:**

Schwab-Eaton Engineers – Leon Brown will present the Bel Aire Parks Master Plan that was initiated in the fall of 2008.

**IX. CITIZEN CONCERNS:**

Scott Schul addressed council members with the questions of when a decision will be made about selling the Recreation Building. Council assured Mr. Schul that there is no immediate decision that is going to be made concerning the sale of the building. Council stated that it could be several years before any action would be taken.

James Schmidt also addressed the council asking if a new appraisal had been completed on the Recreation Building. Mr. Lasher responded that the appraisal had been completed and he would furnish Mr. Schmidt a copy.

**X. REPORTS:**

**A. Mayor's Report:** None

**B. Council Member Reports:** None

**C. City Attorney Report:** None

**D. City Administrator Report:**

Mr. Lasher reminded residents that recycling is picked up every other week instead of weekly.

Mr. Lasher reported The Wichita Family Magazine wrote a very positive article about the City Bel Aire.

Mr. Lasher stated that Mrs. Marlier is doing well and hopes to be able to attend the next council meeting.

**E. Committees/Boards/Commission Reports:** None

**XI. PROCLAMATIONS:**

- America Diabetes Month – November 2009
- Red Ribbon Kansas Drug Free Week – October 23 – 31, 2009

## **XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS**

**MOTION:** Gary Breault made a motion to move Item "I" Consideration of **AN ORDINANCE REGULATING FIREWORKS WITHIN THE CORPORATE LIMITS OF CITY OF BEL AIRE as the next item on the agenda to be discussed.** Seconded by David Austin. **Motion carried 4-0.**

**Action:** This item is for introduction purposes only and will be voted on at the November 16th Council meeting.

**A.** Consideration of approving the builder's agreements with Moeder Construction and Leewood Homes in Central Park.

**MOTION:** Dave Sly made a motion to approve the builder's agreement with Moeder Construction in Central Park. Seconded by David Austin. **Motion carried 4-0.**

**B.** Consideration of accepting the bid from Mies Construction for water and sewer infrastructure installation in Phase 1 of Central Park Third addition.

**MOTION:** Dave Sly made a motion to accept the bid from Mies Construction at a cost of \$160,792.00 for water and sewer infrastructure improvements in Phase 1 of Central Park 3<sup>rd</sup> Addition and authorized the Mayor to sign. Seconded by Peggy O'Donnell **Motion carried 4-0.**

**C.** Consideration of accepting the bid from Unruh Excavating for storm water improvements in Phase 1 of Central Park Third Addition.

**MOTION:** Dave Sly made a motion to accept the bid from Unruh Excavating at a cost of \$258,808.20 for storm water improvements in Phase I of Central Park 3<sup>rd</sup> Addition and authorized the Mayor to sign. Seconded by Peggy O'Donnell. **Motion carried 4-0.**

**D.** Consideration of accepting the bid from Kansas Paving for paving in Phase 1 of Central Park 3<sup>rd</sup> addition.

**MOTION:** Dave Sly made a motion to accept the bid from Kansas Paving at a cost of \$190,934.50 for paving in Phase 1 of Central Park 3<sup>rd</sup> Addition and authorized the Mayor to sign. Seconded by Peggy O'Donnell. **Motion carried 4-0.**

**E.** Consideration of approving the developer's agreement with USD 259 on the K -8 School and High School.

**MOTION:** Gary Breault made a motion to approve the two developer's agreements, as amended, accept the petitions for water distribution system, paving and sanitary sewer for the high school and paving for the K-8 school and approve Resolutions R-09-25; R-09-26; R-09-27 and R-09-28 and authorize the Mayor to sign upon execution of the necessary documents by USD 259 and staff review. Seconded by Peggy O'Donnell.  
**Motion carried 4-0.**

**F. Consideration AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF A SEWAGE DISPOSAL IMPROVEMENTS TO SERVE THE CITY OF BEL AIRE, KANSAS; PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY; AND AUTHORIZING THE EXECUTION OF A TEMPORARY FINANCING AGREEMENT RELATED THERETO.**

**MOTION:** Gary Breault made a motion to approve Ordinance 484 and authorized the Mayor to sign. Seconded by Dave Sly.

David Austin Yea Dr. Gary Breault Yea Carolyn Marlier Absent

Peggy O'Donnell Yea Dave Sly Yea

**G. Consideration of A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$6,275,000\* PRINCIPAL AMOUNT OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES B, 2009, OF THE CITY OF BEL AIRE, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.**

**MOTION:** Dave Sly made a motion to approve Resolution R-09-29 and authorized the Mayor to sign all related documents. Seconded by David Austin.  
**Motion carried 4-0.**

**H. Consideration of A CHARTER ORDINANCE ESTABLISHING THE OFFICE OF CITY MANAGER, EXEMPTING THE CITY OF BEL AIRE, KANSAS FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-201, K.S.A. 14-301 AND K.S.A. 14-307, AND PROVIDING SUBSTITUTE PROVISIONS RELATING TO THE POWERS AND DUTIES OF CERTAIN OFFICERS OF THE CITY, INCLUDING THE OFFICE OF CITY MANAGER.**

**Action:** This item is for introduction purposes only and will be voted on at the next Council meeting.

**XIII. DISCUSSION AND FUTURE ISSUES:**

**XIV. EXECUTIVE SESSION:** None

**XV. ADJOURNMENT**

**Action:** Motion to adjourn.

**MOTION:** Dave Sly made a motion to adjourn. Seconded by Peggy O'Donnell.

**Motion carried 4-0. TIME: 9:00 p.m.**

Submitted by Vicki Bradford, City Clerk  
Next Regular Meeting: Nov. 3, 2009 at 7:00 P.M.