



**MINUTES
COUNCIL MEETING
City Hall – Bel Aire, Kansas
September 1, 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, September 1, 2009 at 7:00 p.m.

- II. ROLL CALL** Council Members present, David Austin, Carolyn Marlier Peggy O'Donnell Dave Sly. Members Absent, Gary Breault. 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 minutes of the August 18, 2009 Council Meeting.

MOTION: Dave Sly made a motion to approve the consent agenda as listed and authorized the Mayor to sign. Seconded by David Austin **Motion carried 4-0.**

- VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**
 - A.** Appropriations Ordinance 09-16 in the amount of \$405,268.16.

MOTION: Dave Sly made a motion to approve Appropriations Ordinance 09-16 and authorized the Mayor to sign. Seconded by Carolyn Marlier. **Motion carried 4-0.**

- VIII. CITY REQUESTED APPEARANCES:** None

IX. CITIZEN CONCERNS:

Jackie O'Neal, President of the Bel Aire Senior Center, addressed the Governing Body and announced that the spring garage sale held on May 29 and 30th, the Senior Center raised \$1900.00 with help and donations from Bel Aire residents and the family of Willard and Betty West.

The Senior Center in turn used those funds to purchase an AED-Automated External Defibrillator for the Senior Center. Mrs. O'Neal also stated that upon approval, the Senior Center applied for a grant through Sam's Club and Wal-Mart to purchase a second defibrillator and place it at the Bel Aire Recreation Center.

Pat MacDonald also shared with council members the importance of having access to AED units in time of crisis.

Lloyd Endicott expressed his concerns about the City budget and made a request that the Appropriations Ordinance be made available for residents prior to each council meeting.

X. REPORTS:

A. Mayor's Report: No Report

B. Council Member Reports:

Peggy O'Donnell asked residents to display the American Flag on Friday, September 11th, the seventh anniversary of 9/11, to honor those who lost their lives that day and to also honor the families and friends who continue to endure the pain of their lost loved ones.

Mrs. Marlier has begun organizing the Compost Committee. Any resident that would be willing to volunteer their time for this committee is asked to contact Mrs. Marlier.

Mr. Austin stated he has received several favorable e-mails concerning the new recycling cart program that is going to begin in October.

C. City Attorney Report: No Formal Report. Mr. Parker requested a 30 minute executive session for Attorney/Client Relations and Non-Elected Personnel.

D. City Administrator Report:

Mr. Lasher reported on the following:

Recycle carts will be delivered October 6th, 7th & 8th. Pick-up recycling will be October 13th, 14th, and 15th. Pick-up of recycling will be every other week. A packet of information, including a calendar with pick-up dates, will be mailed to residents. More information will be presented at the next meeting.

League of Kansas Municipalities Conference will be held October 3rd thru October 6th in Topeka.

The next Chamber of Commerce Meeting is September 2nd at 12:00 pm at City Hall

E. Committees/Boards/Commission Reports: None

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of appointing two voting members and one alternate to the League of Kansas Municipalities annual meeting on October 6, 2008.

MOTION: Dave Sly made a motion to appoint Peggy O'Donnell and Carolyn Marlier as voting delegates and David Austin as the alternate delegate to the League of Kansas Municipalities' annual meeting on October 6, 2009. Seconded by Peggy O'Donnell.

Motion carried 4-0.

B. Consideration of a request by CCUA to pay for inspection of Bel Aire water wells at a cost of approximately \$5,400.00.

See Attached Report

MOTION: Carolyn Marlier made a motion requesting the CCUA Commission reconsider their prior decision and that they approve the testing of the two Park City wells, the five Bel Aire wells and the one CCUA well and the total cost be paid by CCUA. Seconded by Peggy O'Donnell. **Motion carried 4-0.**

C. Consideration of approving the final plat for the Church of the Resurrection Addition.

MOTION: Dave Sly made a motion to approve the final plat for the Church of the Resurrection Addition and Authorized the Mayor to sign. Seconded by Carolyn Marlier. **Motion carried 4-0.**

D. Consideration of accepting the revised paving petition in Tierra Verde South.

MOTION: Dave Sly made a motion to approve the revised paving petition for Tierra Verde South and authorized the Mayor to sign. Seconded by Dave Austin. **Motion carried 4-0.**

XII. DISCUSSION AND FUTURE ISSUES:

- Recycling container update
See Mr. Lasher's report
- Marketing incentives for Central Park

XIII. EXECUTIVE SESSION:

MOTION: Dave Sly made a motion to go into executive session for Attorney Client Relations and Non-Elected Personnel for a period of 30 minutes, and invite in the City Administrator. Seconded by Peggy O'Donnell. **Motion carried 4-0. Time: 7:50 pm**

Regular Meeting Reconvened at 8:20 pm. Mayor Smith stated an executive session was held for 30 minutes for Attorney Client Relations and Non-Elected Personnel and no binding action was taken.

A discussion was held concerning a contract submitted by USD #259 for the purchase of two tracts of land, totaling 140 acres, for a high school, and adjacent facilities and a K-8 elementary school. The issue of closing on the contract prior to November 1, 2009 was raised. The City Attorney stated that pursuant to Bel Aire Zoning Regulations, the need for platting and a Special Use Permit as a condition for construction of the school facilities on the tracts could be satisfied by an Administrative Exception issued by the City Administrator and the Zoning Administrator.

MOTION: Dave Sly made a motion to accept the offer from USD #259 to purchase the two tracts of land, totaling 140 acres, for a high school and adjacent facilities and a K-8 elementary school for a total \$1,781,000.00 as long as the contract closes before November 1, 2009. Seconded by Carolyn Marlier. **Motion carried 4-0.**

XIV. ADJOURNMENT

Action: Motion to adjourn.

MOTION: Dave Sly made a motion to adjourn. Seconded by Dave Austin.
Motion carried 5-0. TIME: 9:05 pm.

Submitted by Vicki Bradford, City Clerk
Next Regular Meeting: Sept.15, 2009 at 7:00 P.M.

To: City Hall
9-1-09
From: Harold Smith

This comes from Randall Harris, CCUA Plant Manager. His suggestion is to have our 5 wells tested to determine what maintenance may be needed to keep the wells operating. Park City recently waited too long and had the much larger expense of re-drilling 2 or 3 of their wells. CCUA decided to have their one well tested and Park City will decide if they will have their other 2 wells tested. Bel Aire needs to decide about their 5 wells. The cost would be \$1,085 per well. The only question is who should pay this cost.

The following is a little background on this. My personal belief is that CCUA needs to re-consider how costs are spread between the two cities.

First, since CCUA is the only one using the 3 well fields, I believe CCUA should pay the total cost to maintain all of the wells at these three locations. However, the current agreement requires each city to pay for the upkeep of their well fields with CCUA paying only for the upkeep of the CCUA well field.

Second, the decision to split the cost of water 50/50 should be re-considered and that the cost should be split after taking into account the amount of water each city takes from CCUA each month. However, in 2006 CCUA approved a proposal made by Brain Withrow, at that time the mayor of Bel Aire. That proposal was to charge each city 50% of the cost of water production. The idea was that each city would pay for the capacity of CCUA to produce water.

These two issues are on our list of things that we need to research. We are making some progress on finding some of the answers on this.

That's the background. The question before us, of testing our own wells, is a fairly minor issue. However, there is nothing wrong with Bel Aire, as one of the owners of CCUA suggesting a different way to handle a specific issue. As a member of the CCUA Commission trying to do what's right for both cities, I appreciate suggestions from the owners. As a member of the Bel Aire governing body, I think that how we say things is also important. Most people will respond in kind. If we decide to bring this concern to the attention of CCUA, I suggest a motion similar to the following:

I move that the Bel Aire City Council request the CCUA Commission to re-consider their prior decision and that they approve the testing of the 2 Park City wells, the 5 Bel Aire wells and the 1 CCUA well and that the total cost be paid by CCUA.

Another option would be to approve the testing of our 5 wells with Bel Aire paying the cost.

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