

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF FAIRWAY, KANSAS**

The Council of the City of Fairway, Kansas, held their regular meeting at 6:30 P.M. at 5240 Belinder Road, Fairway, Kansas, on Monday, October 9, 2023.

Present: Council Members Jenna Brofsky, David Watkins, Jonalan Smith, Jason Rogers, Dan Bailey, Joe Levin and Tanya Keys.

Absent: Council Member Kelly-Ann Buszek.

Presiding: Mayor Melanie Hepperly.

Staff Present: Nathan Nogelmeier, City Administrator; Richard Cook, City Attorney; J.P. Thurlo, Police Chief; Bill Stogsdill, Director of Public Works.

Visitors: Austin Bradley, EPC Real Estate Group, 8001 Metcalf, Overland Park; Bill Ross, 5621 Aberdeen Road; Kevin Wempe, Gilmore Bell, 2405 Grand Boulevard, Kansas City, Missouri; Melody Schapker, 5919 Catalina.

CALL TO ORDER AND ANNOUNCEMENTS

Mayor Hepperly called the meeting to order. She discussed a revision to Item C under New Business concerning acquisition of police vehicles. The vehicles are Ford Interceptors and not Chevy Tahoes.

City Administrator Nogelmeier also indicated that revisions were made to Ordinance #1791 pertaining to the Tree Protection Ordinance and a revised copy has been provided to Councilmembers. The revisions remove requirements related to shrubs, bushes and other woody vegetation because the City does not maintain those otherwise.

PLEDGE OF ALLEGIANCE

Mayor Hepperly led the Council in the Pledge of Allegiance.

PROCLAMATION – INDIGENOUS PEOPLES DAY

Mayor Hepperly read a Proclamation proclaiming Monday, October 9, 2023 as Indigenous People’s Day in the City of Fairway. She urged all citizens to reflect upon the culturally diverse struggles of Indigenous Peoples on this land.

MONTHLY REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK

Chief Chick gave an annual update concerning Consolidated Fire District No. 2’s 2024 budget. The Fire District continues to interact on mission critical topics with the Board, which is appointed by the County Commissioners. He explained

that 80 percent of the budget is employment-related for firefighters and EMS certified personnel. The Fire District has a very high retention rate.

Chief Chick discussed collaboration and training efforts with other organizations in the County. In 2022, the Fire District had over 900 hours of collaborative training and in 2023, those hours increased to 1,300. This is important because if there is an incident in the District, the closest units will respond and the first few minutes of an incident determines the success long term.

He discussed the specialty services provided by the different organizations, i.e., First District No. 2 partners with Olathe Fire Department in structural collapse and trench and other departments provide water rescue and hazardous materials services. In 2024, they will be look at ways to alleviate duplicate equipment and costs at the same scene in order to right size the departments to allow for better financial decisions.

Chief Chick discussed the success of the Advanced Life Support (ALS) program, which aims to have a paramedic on scene within five minutes. Currently, the average response time is four minutes and three seconds. He believes the program serves the community well.

As for infrastructure, he stated that there is a new station in Prairie Village. The station at 63rd and Mission has some challenges and they are looking to make updates and expand that facility.

He discussed the success of the firefighter intern program which began in response to challenges for hiring qualified applicants. The District has hired two full time firefighters through the program. A third intern is going through the certification and EMT process and is on track to become a full-time fighter and EMT by May 2024.

The Fire District received the highest possible rating for its annual audit. The District is proud of the way it manages taxpayers' money. Employee turnover is extremely low, which allows for experienced firefighters and a much higher level of service to the community. Training hours are exceeding goals, with about 12,000 training hours for firefighters, EMTs and paramedics last year. He explained that fire departments are graded by the insurance services organizations and that is how homeowners and business insurance rates are set. Fire District No. 2 received the best possible rating, a Class 1 rating, and therefore, taxpayers are getting the lowest possible insurance costs available.

Finally, Chief Chick stated that for the fourth year in a row, the Fire District will lower the mil levy. Over the last four years, it has dropped the mil levy by 1.745. He pointed out that the Fire District does not receive any public safety sales tax, while most of the City Fire Departments do because unfortunately, the Fire Districts were left out when that legislation was put into place and this makes a significant difference in budgets. He discussed tax increment financing and related development and stated that the collaboration of Fairway on those issues is

much better than in the past and he thanked the Council for their work on the projects that Fairway has put together. The Fire District also does not receive sales tax and truly operates off of the mil levy so it means a lot that the District has been responsible with taxpayer's dollars. The District as a whole has seen about a 37.57 percent increase in property value over the last five years but the revenues for the Fire District have increased only 15.4 percent. This means that more than half the money collected in taxes went back to the taxpayer. This year the District had about \$660,000 in reserve related to the Dark Store theory and because the County has resolved that issue, those reserve funds have been put back into the budget to help lower the mil levy.

Chief Chick thinks that Fire District has done a responsible job of managing the budget and offered to answer questions from the Council.

Mayor Hepperly thanked Chief Chick for managing the budget so efficiently and for the quality of services being provided by the Fire District.

Mayor Hepperly asked if there were questions.

Councilwoman Brofsky thanked Chief Chick and his team who participated in the Touch-A-Truck event. She also asked Chief Chick whether the District had enough PPE equipment in the event there is another pandemic situation in the future.

Chief Chick responded that the Fire District does have a stockpile of PPE on hand and it is rotated to keep it fresh so it does not go bad.

ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier reported that the Committee did not meet in September and referred to the report in the packet, subject to questions. He stated that the Finance Report shows that sales tax numbers are strong. He discussed the shredding event that took place on September 30, 2023 where over 25,000 pounds of paper and 8,500 pounds of electronics were recycled.

POLICE COMMITTEE, CHIEF THURLO

Monthly Report

Chief Thurlo referred the Council to the report, subject to questions. He discussed several incidents that occurred in September in the City. He explained that all officers have returned to work. The community support following Officer Oswald's tragedy continues as the Police Department receives cards and letters every day. There have also been multiple events benefitting the Oswald family over the past month, including the Kansas Police Officers Association's

motorcycle ride across Kansas, the LEO Open golf tournament, the t-shirt sales and the Hen House project.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill referred to the report in the packet, subject to questions. He stated that the punch list is being formulated for the CIP project and the number one item is installation of the RRFB at the Shawnee Indian Mission. The light has been received but the brackets that hold the solar panels are on national back order. He expects them to arrive this week.

Director Stogsdill also reported that Public Works had two vehicles at the Touch-A-Truck event – a bobcat and a snow plow. The street sweeper is usually available but was being serviced ahead of the busy season.

Responding to Councilwoman Brofsky's question concerning earlier discussions about preparation of a to-do list based on the streetlight assessment, Director Stogsdill stated that he and City Administrator Nogelmeier have been working with Burns and McDonnell concerning the streetlights. He noted that it is not as easy as just adding lights because there is circuitry involved and you have to make sure there is enough power running to each of the lights.

PARKS AND RECREATION COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier reported that Director Soeken is at a conference and is not present at the meeting. He referred the Council to the report in the packet and offered to respond to questions from the Council.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

No report.

APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the three items on the Consent Agenda. The Consent Agenda items include the following: (A) Minutes of Previous Regular City Council Meeting; (B) Claims and Appropriations – Ordinance #1789 – September 2023; (C) Acquisition of Two Ford Interceptor Police Cruisers.

Mayor Hepperly asked for discussion from the Council.

Responding to Councilwoman Brofsky's question, City Administrator Nogelmeier explained how the new police cruisers have been budgeted for and discussed the insurance coverage available for one of the vehicles.

Mayor Hepperly requested public comment on the Consent Agenda items. Hearing none, she closed public comment on this item.

Mayor Hepperly asked for further discussion from the Council. Hearing none, she asked for a motion.

Councilman Smith moved that the Council approve Consent Agenda items A through C on the Consent Agenda. Councilwoman Brofsky seconded the motion and the motion carried unanimously.

NEW BUSINESS

A. Presentation: An Update on the Progress at 4210/4220 Shawnee Mission Parkway by Austin Bradley with EPC.

Austin Bradley, EPC Real Estate Group, 8001 Metcalf, Overland Park, thanked the Council for the opportunity to provide an update on the project.

Mr. Bradley reported that over the last 12 months, they have made a lot of progress and he thinks that the site will begin to change quickly going forward. All the buildings have been demolished and in concert with the sustainability requirements, the garage materials have been crushed and are being used as backfill and a base for concrete slabs. Over the last 6 to 8 months, they have been focused on the garage pad and have encountered an immense amount of rock. EPC is also working on a project at 48th and Roe in Roeland Park so they have been moving dirt that they are not using on the Fairway project to the Roeland Park project. They are currently pouring footings and foundations and they expect to begin putting up vertical forms in the next week or two. The project is on track per the Development Agreement. He offered to answer questions from the Council.

Mayor Hepperly asked for questions from the Council.

Responding to Councilman Watkins question, Mr. Bradley stated that they do feel that they will meet the projected timeline for completion of the project.

Mayor Hepperly asked for additional questions from the Council. Hearing none, she asked for public comment on this item.

Bill Ross, 5621 Aberdeen Road, asked for clarification on the estimated completion date.

Mr. Bradley responded that the completion date is scheduled for May of 2025.

Mr. Ross next stated that he understood initially that the demographic for the project was for high end units with high average rental of \$4,000 per month. He asked if that rental amount had changed as he had heard it had been reduced.

Mr. Bradley responded that some of the units will rent for \$4,000 per month but other units will start at less than \$2,000 per month and will go up from there. The final rental amounts have not yet been determined and they will depend on the market in May of 2025.

Responding to Mr. Ross' comment that he had heard that the average projected rents had come down a lot, Mayor Hepperly stated that is a rumor.

Mayor Hepperly asked for additional public comment. Hearing none, she closed public comment on this item.

- B. Consider Ordinance #1790 -- An Ordinance Authorizing the City of Fairway, Kansas, To Issue Taxable Industrial Revenue Bonds (Fairway AA, LLC Project), Series 2023, in a Principal Amount Not To Exceed \$27,000,000, for the Purpose of Providing Funds to Pay the Cost of Acquiring, Purchasing, Constructing, Installing, Furnishing and Equipping a Commercial Facility, Including Land, Buildings, Structures, Improvements, Fixtures, Machinery and Equipment; Authorizing the Issuer to Enter Into Certain Documents and Actions in Connection With the Issuance of Said Bonds (Sales Tax Exemption Only).

Kevin Wempe, Gilmore Bell, 2405 Grand Boulevard, Kansas City, Missouri, stated that he is bond counsel for the City. He explained that Industrial Revenue Bonds (IRBs) are a vehicle for granting incentives. There are two incentives available with IRBs -- property tax abatement for a maximum term of 10 years (not contemplated for this project) or, sales tax exemption on construction materials, furniture, fixtures and equipment for the project. He pointed out that IRBs are not a true financing mechanism. Usually, when people think of bonds, they think the City is borrowing money and using those proceeds to construct a project. In this situation, the developer purchased the bonds and privately financed the construction costs. The project will traditionally be financed using the developer's money, but by use of the IRBs, they will forego paying sales tax on the construction materials, furniture, fixtures and equipment for the project.

Mr. Wempe explained that the City approved a Resolution of intent to issue IRBs in 2022 and also approved the Development Agreement. As the developer approaches construction and has the final numbers, they now have come back to the City Council for consideration of an Ordinance authorizing issuance of the bonds and execution of all the related documents. This Ordinance is required by Statute to issue the bonds.

Mr. Wempe offered to answer questions.

Responding to Mayor Hepperly's question, Mr. Wempe confirmed that this Ordinance in no way affects Fairway financially. The developer purchases the

bonds and there is no repayment risk for the City and the City's credit is not at risk with the issuance of the IRBs.

Responding to Councilman Bailey's question, Mr. Wempe confirmed that the only effect on the City of Fairway is that it will not receive sales tax on the construction items being purchased.

Responding to Councilwoman Brofsky's question, Mr. Wempe stated that approval of this Ordinance was contemplated with the approvals by the Council last year.

As for the \$27M shown in the Agreement, Mr. Wempe explained that bonds for sales tax exemption are typically sized to cover the amount of costs that would be subject to sales tax. Thus, the \$27M is meant to cover the hard construction costs and furniture, fixtures and equipment.

Councilman Watkins asked if the City receives interest on the bonds because interest rates are a lot higher than when the City entered into the Development Agreement.

Mr. Wempe responded that there is no impact to the City concerning interest rates on the IRBs because the bonds are not publicly offered and there is no third-party purchaser demanding an interest rate.

Mayor Hepperly asked if there were additional questions from the Council. Hearing none, she asked for public comment on this item. Hearing none, she asked for a motion.

Councilman Watkins moved that the Council approve Ordinance #1790 -- An Ordinance Authorizing the City of Fairway, Kansas, To Issue Taxable Industrial Revenue Bonds (Fairway AA, LLC Project), Series 2023, in a Principal Amount Not To Exceed \$27,000,000, for the Purpose of Providing Funds to Pay the Cost of Acquiring, Purchasing, Constructing, Installing, Furnishing and Equipping a Commercial Facility, Including Land, Buildings, Structures, Improvements, Fixtures, Machinery and Equipment; Authorizing the Issuer to Enter Into Certain Documents and Actions in Connection With the Issuance of Said Bonds (Sales Tax Exemption Only), and authorize the Mayor to execute all applicable documents. Councilman Smith seconded the motion and the motion carried unanimously.

C. Consider Ordinance #1791 - An Ordinance Amending the Fairway City Code Pertaining to Public Tree Protection; Amending and Repealing Chapter 11, Article IV of the Fairway City Code.

City Administrator Nogelmeier explained that two proposed Ordinances came out of discussions during the Administration and Finance Committees and the Tree Board. He offered to answer questions.

Councilman Watkins discussed that following the recent storm, residents had questions about whether or not their tree was considered a street tree. He asked where the term “street tree” was defined.

City Administrator Nogelmeier stated that in Ordinance #1791, street trees are defined as trees lying between the front lines on either side of all streets, avenues or ways within the City measured to the center of the right of way. Generally, not including cul-de-sacs, it is 25 feet from the center line of the street on all City streets, but that does not include Shawnee Mission Parkway. And, once the City has further clarification on where the survey lines are for the cul-de-sacs, the City will need to update the Ordinance. He added that anytime anyone calls City Hall about whether a tree is in the right of way, staff are quick to go out and help measure to determine if it is a right of way tree.

Councilman Bailey noted there is now a list of trees that have been exempted on the website. While he knows it would take lots of work and doesn't expect it to be completed immediately, he would like to see a complete list of street trees on every address for the entire City on the website.

City Administrator Nogelmeier responded that in order to provide a complete list of street trees on the website, the City will need to acquire some software. Public Works has requested the GIS software as part of previous budget presentations, but it has never gotten out of Committee. The software allows for a more interactive map and without that software, the City does not have the resources to create the map. He offered to talk with Director Stogsdill about including the software in the 2025 budget request.

Councilwoman Brofsky asked if the City has some internal list of the trees that the City is maintaining.

City Administrator Nogelmeier responded that the contract with the arborist states that they are to maintain all trees within the right of way (defined as 25 feet from the centerline of the street). He doubts that the arborist maintains a specific list of trees that they maintain because they just drive down the street and trim trees within that right of way. He did offer to check with the arborist to see if such a list exists.

Councilman Smith left the meeting at 7:20 P.M.

Councilman Bailey recalled that at an earlier meeting there was reference to a written list of street trees. While an interactive map would be great, he thinks someone could go down each street and list the number of street trees at each address and this list would be 90 percent of the way there.

City Administrator Nogelmeier explained that as a part of the tree inventory, the City has the street trees broken down listing what types of trees there are by Ward; however, there is no assignment of the street or address where those trees are located.

Councilman Watkins agrees it would be good for both Public Works and residents to know where the street trees are located. He suggested placing a medallion of some sort on the tree as a way to designate the street trees.

City Administrator Nogelmeier indicated that the GIS software he referred to earlier not only could identify street trees but could also help track other items for Public Works like street signs, storm boxes, etc. He added that if the Council decides to acquire the GIS software, that once it is created, maintenance and upkeep will be far easier with the software than on an Excel spreadsheet.

Councilman Watkins suggested that the software issue be placed on a future agenda for the Public Works Committee.

Mayor Hepperly asked if there was additional discussion from the Council. Hearing none, she asked if there was public comment on this item. Hearing none, she asked for a motion.

Councilman Levin moved that the Council approve Ordinance #1791 - An Ordinance Amending the Fairway City Code Pertaining to Public Tree Protection; Amending and Repealing Chapter 11, Article IV of the Fairway City Code. Consent Agenda items A through E on the Consent Agenda. Councilman Rogers seconded the motion and the motion carried unanimously.

D. Consider Ordinance #1792 - An Ordinance Amending the Fairway City Code Pertaining to Public Right-Of-Way Use and Excavation; Protection of the Public; Amending and Repealing Chapter 9, Article III, Division 1, Section 9-76 of the Fairway City Code.

City Administrator Nogelmeier explained that the only change made with this Ordinance relates to when a utility company is doing work near a tree and the City believes that damage was caused to the tree. The only recourse in the current Code is to require the utility company to remove the tree and plant a new tree. Under this revised Ordinance, the Public Works Director has discretion, depending on the severity of damage, to require the utility company to pay into the tree fund and the tree does not have to be removed.

Responding to Councilman Watkins' question, City Administrator Nogelmeier explained that State Statutes do allow Evergy to trim trees when those trees are within the easement and the City has no input in how those trees are trimmed. If Evergy is building a trench; however, the Public Works Director has the flexibility of requiring Evergy to bore underground to preserve the root system rather than allowing them to use a trench that would damage the tree.

Mayor Hepperly asked for further discussion from the Council. Hearing none, she asked for public comment on this item. Hearing none, Mayor Hepperly closed public comment on this item and asked for a motion.

Councilman Bailey moved that the Council approve Ordinance #1792 - An Ordinance Amending the Fairway City Code Pertaining to Public Right-Of-Way Use and Excavation; Protection of the Public; Amending and Repealing Chapter 9, Article III, Division 1, Section 9-76 of the Fairway City Code. Councilman Rogers seconded the motion and the motion carried unanimously.

- E. Consider Resolution #2023-E – A Resolution Setting a Hearing to Determine if the Structure Located at 4013 W. 62nd Street, Fairway, Kansas, Should be Condemned and Ordered Repaired or Demolished Pursuant to K.S.A 12-1750 et seq. and Section 108 of The International Property Maintenance Code, 2000 Edition, as Incorporated by Reference with Certain Changes in Sections 6-52 to 6-56 of the Fairway City Code.

Community Service Officer Jamie Baum discussed the property at 4013 W. 62nd Street, Fairway, Kansas. She stated that on September 27, 2023, Officer Skimper received a call regarding a feline that was in rough shape. There was also a concern about two canines that lived at the home. She and Officer Skimper went to the home and took the canines into custody. While at the home, they viewed the inside of the home from the porch. They returned the next day with Lieutenant Bayless and were allowed into the home by the homeowner.

CSO Baum discussed the condition of the home, stating that it was filled with debris and garbage bags, both open and closed, animal urine and feces, dirty dishes and there was evidence of rodent infestation. Both of the pedestrian garage doors to the backyard did not latch and neither did the front door. There was overgrowth in the back yard, volunteer trees and bushes, which had previously been abated by the City on she believes two occasions. The bathroom has a leaking toilet that has caused mold in the basement and could be audibly heard leaking. The bedroom was full of trash and there were boxes and other objects on the bed. The mattress area for sleeping was very small and it was visibly dirty. There was a substantial amount of trash in the basement as well as clothing, blankets and towels that were damp from an unknown substance. It did appear that previously there were several sewage backups and the sewage has now dried and the basement is covered in what could be assumed as feces. The back side of the home has completely separated from the foundation wall so there is a long line where you can see daylight through the back of the structure. The toilet leak in the upstairs is so significant that it has filled up the washing machine, which is now full of mold. Black mold was viewed. There are cracks all throughout the foundation flooring and walls. Based on the above, the Community Development Director and City Administrator Nogelmeier do not feel the home is safe for inhabitation.

City Administrator Nogelmeier explained that photos were taken and will be shown to the Council. He explained that Officer Baum has the authority through the International Residential Code and the International Property Maintenance Code to condemn property. Once the condition of the interior was discovered, Officer Baum made the decision to condemn the property. This condemnation triggers several State Statutes and the first is for the Council to hold a Public

Hearing to affirm the decision of Officer Baum. A Resolution has been prepared for Council's approval to set a hearing for the condemnation. He confirmed that the Council will not be condemning the property tonight.

Officer Baum commended Officer Skimper for his investigation and for researching what was happening at the property. Officer Baum then presented photos of the property depicting the condition of the interior and exterior of the home.

City Administrator Nogelmeier explained that the only task for the Council this evening is to pass a Resolution, which is required by Statute. The Resolution will be published for two consecutive weeks in the City's official newspaper. The hearing cannot occur until a minimum of 30 days after the second publication. The hearing would be set before the December City Council meeting on December 11, 2023 at 6:00 P.M. in the Council chambers. Because staff has already presented their report, they will not make another report at the hearing but will be available to answer questions. The homeowner will have the ability to provide comments on the hearing.

If the Council moves forward with condemnation after the Public Hearing, the Council will then determine when and how the property orders will continue, including whether work can be done to restore the property. The Council will also set a timeline for how long it will take to complete that work. Between now and when the hearing occurs, the property owners will have access to the property if they need to retrieve belongings or if they want to bring in contractors to get quotes for repairs. The property owners can even move forward with the repairs if they so choose. However, if all the concerns identified in the report are not addressed or abated, the hearing will occur on December 11, 2023. It is staff's understanding that the property owner has at least one contractor or engineer scheduled to come to the home. Community Development Director Alani is also an engineer so he would be able to review any information submitted by the homeowner and provide his opinion.

Mayor Hepperly asked if there were questions for staff.

Responding to Councilman Rogers' question, City Administrator Nogelmeier explained that it is difficult to determine how many Code violations there are on the property because staff was only looking at surface issues. The report does list a number of known Code violations that have been identified, but there will likely be more once a further review is conducted.

Officer Baum reported that in the initial letter that was given to the owner, ten violations were identified but there are multiple violations in almost every room.

City Administrator Nogelmeier pointed out that Officer Baum will capture the property maintenance Code violations and Director Alani will capture the building and structural Code violations.

Responding to Councilwoman Brofsky's question, City Administrator Nogelmeier explained that it is his understanding that the property owners have a place they are staying. On the day staff condemned the property, the property owners were put in touch with the Johnson County Mental Health Department. City Administrator Nogelmeier also stated that on previous occasions, the City has tried to get the property owners connected with the Johnson County's minor home repair system but unfortunately, at the time they exceeded the income threshold to be qualified for that service.

Councilwoman Brofsky also asked if, due to the structural soundness of the property, whether there were any safety concerns with the neighboring properties.

City Administrator Nogelmeier noted that the rodents themselves would be a concern for neighboring properties. And, because staff cannot get a clear picture of the backyard, there could be more violations there. There is a large tree in the backyard that has significant deadwood so that could be a concern for the neighbors to the rear.

City Administrator Nogelmeier explained that if the Resolution is passed setting the Public Hearing, the Council will consider a second Resolution at that Public Hearing. The second Resolution will lay out the next steps and one of those steps before any construction or demolition would be to require abatement of the property of rodents. The Resolution could also require the property owners to abate any dangerous limbs on trees that could impact neighboring properties.

Councilman Bailey explained that he did not want the property owners or Council to feel rushed at the Public Hearing and asked if the Public Hearing could occur at 5:30 P.M. rather than 6:00 P.M.

City Administrator Nogelmeier responded that the Public Hearing is scheduled to begin at 6:00 P.M. If the Public Hearing is not finished by 6:30 P.M. when the City Council meeting is scheduled to begin, Mayor Hepperly can open the City Council meeting at 6:30 P.M. and then continue the Public Hearing.

Responding to Councilwoman Brofsky's question, City Administrator Nogelmeier explained that in addition to the publication, Officer Baum will schedule a time to meet with the property owner to personally advise them of the date of the hearing.

Mayor Hepperly asked for further discussion from the Council. Hearing none, she opened public comment on this item. Hearing none, she asked for a motion.

Councilman Watkins moved that the Council approve Resolution #2023-E – A Resolution Setting a Hearing for December 11, 2023 at 6:00 P.M. to Determine if the Structure Located at 4013 W. 62nd Street, Fairway, Kansas, Should be Condemned and Ordered Repaired or Demolished Pursuant to K.S.A 12-1750 et seq. and Section 108 of The International Property Maintenance Code, 2000 Edition, as Incorporated by Reference with Certain Changes in Sections 6-52 to 6-

56 of the Fairway City Code. Councilman Rogers seconded the motion and the motion carried unanimously.

COMMENTS BY GOVERNING BODY

Mayor Hepperly asked for comments by the Governing Body.

Mayor Hepperly discussed an informational meeting held on September 25, 2023 at the Shawnee Indian Mission. While over 60 tribes were invited to the meeting, she was disappointed that only four tribes attended, Those tribes were the Kaw, Shawnee, Prairie Band Potawatomi and Wyandot Nation of Kansas. Two individuals from the State Historical Society also attended the meeting. Information was shared between the City and the tribes and while there was good dialogue, there was also some tense discussions because some of the tribes don't get along well with each other. The parties will meet again in the first quarter of 2024 and will talk about ways to bring the tribes together to allow all 22 tribes that were originally at the Mission to have a place to exhibit and present their stories. There are two buildings available for the exhibits and the tribes would work with the Historical Society in creating their exhibits. The goal is to give every tribe the opportunity to exhibit and tell their story.

Mayor Hepperly asked for other Governing Body comments.

Councilwoman Brofsky reported that the Go Green Fair was a big success. She noted that they are looking for a volunteer from Fairway to be on the Steering Committee and if Councilmembers or any Fairway resident was interested, they should contact her.

Councilman Rogers reported that the Fall Fun Festival is scheduled for Sunday, October 15, 2023 in Ward 1. He stated they still have a few t-shirts from the Oswald Fundraiser that will be available for sale.

Councilman Watkins commented on the success of the Touch-A-Truck event. He thinks the event is a great example of how the various departments and outside agencies work together to get vehicles to the event.

PUBLIC COMMENT

Mayor Hepperly asked if there were members of the public who would like to comment.

Melody Schapker, 5919 Catalina, discussed concerns about VRBOs in her neighborhood. She explained that on her block between 59th and 60th Street, there are 20 homes and three (15%) of them are VRBO's. Last year, when she was out of the country, she received word that there was a party and the street was blocked with cars, not allowing residents to get to their home. Earlier this summer, the day after the major storm where trees were down and power was out, she understands that a film crew of 12 people moved into one of the VRBOs that

had only two bedrooms. After a few days the windows were taped up on the outside with black plastic and this went on for a week. The film crew came back later and moved into the house next door. There were eight cars parked on the street, which caused problems when the trash truck tried to come through on Monday. She has videos of the trash truck having to back all the way down Catalina because they couldn't get through. Today, a resident on Catalina was having tree work done on their property and the tree company had to park three houses down and haul their equipment to the house to do the work. Residents on Catalina are tired and frustrated about the VRBO situation. She doesn't think the City has many rules for VRBOs and she would like the City to look at implementing stricter rules, i.e., restricting the number of cars.

City Administrator Nogelmeier responded that in general, Fairway has some of the most restrictive short-term rental restrictions in all of Johnson County. There are limits on the number of people that can be in the property at any one time, but there are no specific limits on the number of vehicles because the City limits the number of occupants. Proactively, it is difficult to ensure the guidelines are being met because the City does not know when the property is rented out. So, if residents are experiencing problems, it is incumbent on residents to call the Police Department. As for the film crew situation, once the City got involved, the film crew was out within 48 hours. They were allowed to come back to get their equipment but did not spend another night there. The issue was also addressed individually with the property owner.

City Administrator Nogelmeier also pointed out that the City does not have any control over what gets posted by the short-term rental but the City does have control over enforcement. The property owner has been put on notice by the City (in addition to two other short term rental owners) that if they have another violation, their short-term rental license will be revoked. He feels that the City has been accommodating to the property owner, but also to the neighbors. He encouraged residents to call the Police if they have concerns so those concerns can be addressed.

Ms. Schapker asked if the City had a limit on VRBOs in the City or if it would consider that in the future.

City Administrator Nogelmeier stated that he does not know if statutorily there would be a way for the City to limit the number of VRBOs in any particular area. He does know there are some cities that are considering an outright ban on short-term rentals.

Ms. Shaker also suggested that the City consider having a VRBO Committee that would deal specifically with VRBOs so that residents would have someone to contact.

City Administrator Nogelmeier explained that all City employees wear multiple hats and one of Officer Baum's hats is enforcing the Code for short-term rentals. Officer Baum also relies on the Police Department for their assistance. He

believes that all the systems that the City needs to have in place are in place. When a disturbance arises, residents should let the City know.

Councilman Bailey pointed out that the rules that apply to short term rentals can be revised and he agrees that having a discussion about the number of vehicles could be looked into further.

Councilman Rogers also suggested that the City send a reminder outlining the rules for short-term rentals to the property owners.

City Administrator Nogelmeier responded that because the property owners have to register their short-term rental on an annual basis, all of the restrictions are communicated to the property owner on an annual basis.

Responding to Councilwoman Brofsky's question concerning what benefit the City gets from short-term rentals, City Administrator Nogelmeier explained that the City receives the licensing fee and for Airbnb at least, sales tax is added onto the short-term rental rate and that sales tax is revenue for the City.

Councilman Watkins suggested that a limitation for vehicles be discussed as a possible enhancement to the short-term rental regulations. In addition, because this really is an enforcement issue, he suggested that a Constant Contact be sent to residents informing them of the regulations and letting them know who to contact if they believe there are violations.

Mayor Hepperly thanked Ms. Schapker for her comments and stated that the City will continue to look into the issue.

Mayor Hepperly asked for further public comment. Hearing none, she closed the public comment portion of the meeting.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hepperly requested a motion to adjourn.

Councilman Watkins moved that the Council adjourn. Councilman Rogers seconded the motion and the motion carried unanimously.

The meeting was adjourned at 8:18 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary