

**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, January 10, 2022.

Present: Council Members Jenna Brofsky (via Zoom), David Watkins, Tom Cotter (via Zoom), Kelly-Ann Buszek (via Zoom), Jason Rogers (via Zoom), Dan Bailey, Joe Levin and Tanya Keys.

Absent: None.

Presiding: Mayor Melanie Hepperly.

Staff Present: Nathan Nogelmeier, City Administrator; Richard Cook, City Attorney; J.P. Thurlo, Police Chief.

Visitors: Isaiah Britt, Roeser Homes, 11415 Strang Line Rd., Lenexa, Kansas.

CALL TO ORDER AND ANNOUNCEMENTS

Mayor Hepperly called the meeting to order.

City Administrator Nogelmeier explained that this meeting will be conducted in hybrid format, with some Councilmembers being present in person and some attending remotely.

City Administrator Nogelmeier outlined the virtual meeting rules. Prior to consideration of the Consent Agenda, the Mayor will open the meeting for public comment for those items listed on the Consent Agenda. Members of the public that wish to comment should use the raise hand option on their screen and staff will unmute the individual so that they may comment. During the New Business section of the meeting, Mayor Hepperly will call on staff to present their report for each agenda item. Following the report and discussion with the Governing Body, Mayor Hepperly will ask for public comment for that specific agenda item. Members of the public that wish to comment for that specific agenda item should use the raise hand option on their screen and staff will unmute that individual so they may comment. This process will continue for each New Business item. The final Public Comment section of the meeting will be for new items not listed on the Agenda. Those who want to provide public comment should be prepared to give their full name and address for the public record. Proper meeting decorum is expected of all attendees and anyone who fails to act properly may be removed from the meeting. The City reserves the right to discontinue a meeting if any improper behavior occurs which prevents the uninterrupted conduct of business.

Council and staff are asked to identify themselves before they make any comments. This guidance is from the Kansas Attorney General's Office to be

compliant with the Kansas Open Meetings Act. All votes will be taken by roll call. City Administrator Nogelmeier will call the names of each elected official for their votes. If during the meeting a Councilmember should wish to make a comment, he requested that they raise their hand to be called upon.

Mayor Hepperly discussed an article titled “You Have Been Elected” that appears in the League of Kansas Municipalities magazine that should be in each Councilmember’s mailbox at City Hall. She encouraged all Councilmembers to read the article as it includes helpful information.

PLEDGE OF ALLEGIANCE

Mayor Hepperly led the Council in the Pledge of Allegiance.

MONTHLY REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK

Chief Chick reviewed the 2021 call numbers for the Fire District. False fire alarms have increased over last year. They will look into the causes of those false alarms and provide an update to the Council. There has also been a slight increase in EMS calls but that does not surprise him.

Chief Chick indicated that the Fire District’s biggest challenge has been the pandemic. While they have remained very healthy throughout, there were some exposures recently and over the last weekend there were 12 people in quarantine. They have been able to maintain staffing. The Fire Department does hold itself to a higher standard during the quarantine because they respond to homes where there may be elderly or immunocompromised residents.

Councilman Bailey discussed the proposal at the current Office Park for the active senior living facility. He noted that information concerning the proposal has been made public and the developer’s proposal includes an amount of money per year to the Fire District. He asked for Chief Chick’s thoughts on the proposal.

City Administrator Nogelmeier noted that Chief Chick was out of the office toward the end of December and he has not had an opportunity to talk with Chief Chick directly about specifics of the proposal.

Chief Chick stated that he appreciates that thought has been given to the affect a TIF District would have on the Fire District and public safety. He would be happy to comment further once he is provided more information.

Responding to Councilman Watkins, Chief Chick explained that false alarms are coming from both the automated systems, where the call goes to a call center, and from wired smoke detectors. They will be reviewing the information to determine the cause of false alarms. The Fire District believes that fire detection systems

save lives and they do not want to deter anyone from using them but they want residents to understand that alarms need to be properly maintained.

Councilwoman Brofsky pointed out that when the power goes out at her home, everything goes haywire so she wondered if some of the recent power outages and storms could be contributing to the problem.

ADMINISTRATION COMMITTEE, MR. WATKINS

Monthly Report

Councilman Watkins reported that the Administration Committee did not meet in December. He congratulated Assistant City Clerk, Abbie Aldridge, who recently completed the Municipal Clerk Institute sponsored by Wichita State University.

City Administrator Nogelmeier referred the Council to the report in the packet, subject to questions.

POLICE COMMITTEE, MS. KEYS

Monthly Report

Councilwoman Keys reported that the Police Committee did not meet in December.

Chief Thurlo referred to the report in the packet, subject to questions.

Councilwoman Brofsky stated that she was disturbed about the incident outlined in the report where an individual became irate and purposefully coughed on an officer and told him that she was Covid positive. She is thankful for the Police Department and asked if the Department had enough testing and PPE to do their job.

Chief Thurlo stated that the Police Department has enough testing and PPE and noted that the officer involved is fine. He agreed the incident was disturbing.

PUBLIC WORKS COMMITTEE, MS. BUSZEK

Monthly Report

Councilwoman Buszek referred to the report as submitted, subject to questions.

PARKS AND RECREATION COMMITTEE, MR. COTTER

Monthly Report

Councilman Cotter referred to the report in the packet, subject to questions. He thanked staff for all their hard work on the Santa's Workshop, which was wonderful.

FINANCE COMMITTEE, MR. LEVIN

Monthly Report

Councilman Levin reported that the Finance Committee has not met since December 1, 2021.

City Administrator Nogelmeier reported that the City ended the year very strong, allowing for a transfer of about \$700,000 into the Capital Improvement Fund for future capital projects. An additional \$150,000 was transferred into the General Fund Reserve, meeting the Council's adopted policy of having a 20 percent reserve in the General Fund. The City also reported its highest sales tax month ever in December, receiving over \$232,000 when the previous high was \$197,000 but there is a two-month lag as these sales taxes were collected in October. He hopes that trend will continue when revenues are received for the holiday shopping months of November and December. Next month the Council will consider the engagement letter from the auditor. Due to a busy financial year with Kathy's Park and CIP projects, he expects there will be an increase in the cost for the 2021 audit.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

No report.

APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the five items on the Consent Agenda. The Consent Agenda items include the following: (A) Minutes of Previous Regular and Special City Council Meetings; (B) Claims and Appropriations – Ordinance #1754 – December 2021; (C) Letter of Understanding with Johnson County Aging and Human Services for 2022 Utility Assistance Program; (D) 2022 Northeast Johnson County Super Pass Interlocal Agreement; (E) 2022 Swim Meet Interlocal Agreement.

Mayor Hepperly asked for public comment on the Consent Agenda items. Hearing none, she asked for discussion from the Council. Hearing none, she asked for a motion.

Councilman Watkins moved that the Council approve the items on the Consent Agenda. Councilman Bailey seconded the motion.

City Administrator Nogelmeier requested a roll call vote.

The motion carried unanimously.

NEW BUSINESS

A. Consider Contract with Superior Bowen for Improvements to the Belinder Island.

City Administrator Nogelmeier reviewed the traffic studies conducted over the past several years to address traffic calming needs on Belinder Road. Five speed humps were installed some time ago thanks to a generous donation from a Fairway of Fairway. While the speed humps helped with the speed of traffic, a larger impact has come from the reconfiguration of the south side of the Belinder island and the vertical deflectors added.

He pointed out that the City took the intentional step of not spending any tax dollars on that area because the City of Mission Hills has been exploring long term plans for the Belinder low water crossing, which is located just outside of the Mission Hills/Fairway border. To the City's knowledge, Mission Hills has not yet made any decisions concerning the low water crossing.

Recently, a Fairway resident approached the City with a donation to permanently reconfigure the island. The project will remove the vertical deflectors, install new curbs will be installed and fill the area with grass. A channel will be added on the eastern side of the street to allow stormwater to flow downhill toward the creek. The project will soften the curve when travelling from Mission Hills northbound turning right onto Belinder. The sharp curve does not conform with current traffic standards and the project will bring it into compliance.

The contractor plans to begin the work soon for completion in the next two months. Because the project is no cost for the City, it will be flexible with the contractor on time of completion.

Mayor Hepperly asked for discussion from the Council.

Councilman Rogers thinks that the project will be an improvement, especially with the additional greenspace and removal of the deflectors to reduce the speed of traffic. He thanked Superior Bowen for the donation and considers the project a win/win.

Councilwoman Buszek stated that she has been in contact with residents on Belinder Road and all of them support the project. She also heard from neighbors on Aberdeen who expressed reservations about the need of the modification. She asked City Administrator Nogelmeier to discuss why the project is being considered. She knows residents do not like the fact that it is no longer a straightaway; however, she believes the island has decreased speeding and made it much better for residents. She is excited for the project and grateful for the donation from Superior Bowen.

Mayor Hepperly understands that the situation with Belinder Road has been painful at times. She felt strongly that it would be a waste of money if the City were to move ahead using taxpayer dollars on a project with not knowing how Mission Hills planned to address the situation. She has been continuously talking with the Mayor of Mission Hills to check the status of the project and has reviewed the UMKC plans for what they are considering. She knows they are trying to move forward, but the Corps of Engineers became involved and slowed progress. With the generous donation, she thinks that Fairway should move forward, especially when there is no indication that Mission Hills will be doing anything in the foreseeable future.

Responding to Councilwoman Buszek's request, City Administrator Nogelmeier explained that the traffic studies, both pre- and post-installation of calming measures, are available on the website. Prior to the installation of the speed humps and vertical deflectors, the average speed was measured at almost 47 miles per hour by the sensor placed in the south zone of the island. After installation of the speed humps and vertical deflectors, the average speed decreased to 27 miles per hour. Thus, there was a significant impact to traffic speed with the island reconfiguration.

City Administrator Nogelmeier also explained that the County provides a significant amount of assistance with stormwater projects through the Stormwater Advisory Council (SMAC) fund. The deadline for 2023 projects was December 31, 2021 and the deadline for 2024 projects is December 31, 2022. A city would have to plan and design their project then submit the plans to find out if the project qualifies. Should Mission Hills plan to use SMAC funds, the work would not begin until 2024. Finally, Director Stogsdill is the Chair of the Johnson County Watershed District so Fairway would be aware of any projects submitted for funding through the program.

Councilman Watkins stated that he and Councilman Levin received an email from a Ward 3 resident who was initially opposed to softening the curve. Once the resident was told that the curve was not in compliance with current standards, the resident decided it would be a good idea to move forward with the project. Councilman Watkins is in favor of the project and is very appreciative of Matt Bowen and his company volunteering to donate the cost.

Responding to Councilman Watkins question, City Administrator Nogelmeier stated that the island is currently maintained by the HOA. Going forward, the Public Works Department will work with the HOA to confirm who will be responsible for maintaining the area once the work is completed.

Councilwoman Buszek thanked City Administrator Nogelmeier for explaining why the project is needed. She also asked if Chief Thurlo could comment on the issue of speeding on Belinder.

Chief Thurlo stated that the calming measures that have been put in place on Belinder have dramatically impacted speed and have made the neighborhood safer.

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

Mayor Hepperly asked for a motion.

Councilman Levin moved that the Council approve the Contract with Superior Bowen for Improvements to the Belinder Island. Councilman Cotter seconded the motion.

City Administrator Nogelmeier requested a roll call vote.

The motion carried unanimously.

B. Consider Contract with Ace Imagewear for Floor Mat Services at City Hall and Police Station.

City Administrator Nogelmeier explained there have been issues with the current floor mat vendor and Assistant City Clerk Aldridge has researched other vendors. The contract states that mats will be exchanged twice per month in the winter months and once per month during other times of the year. There will be a marginal increase in cost over the current vendor.

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

Mayor Hepperly asked for a motion.

Councilman Watkins moved that the Council approve Contract with Ace Imagewear for floor mat services at City Hall and Police Station. Councilwoman Buszek seconded the motion.

City Administrator Nogelmeier requested a roll call vote.

The motion carried unanimously.

C. Consider Request from Roeser Homes for Building Permit Extension for Permit #20-094 for 6001 Lockton Lane.

City Administrator Nogelmeier explained that the Code currently allows new home construction building permits for 365 days and staff can approve one extension of six months or 180 days. Any further extensions require Council approval. Roeser Homes estimates they will need an additional 30 days to

complete the work. He suggested that the Council get a reasonable estimate from the contractor for completion and then set the extension for that time. The Code requires the contractor to pay half the original permit fee so in order to receive the permit extension, that payment will need to be made.

Mayor Hepperly asked for the applicant to address the Council.

Isaiah Britt, Roeser Homes, 11415 Strang Line Rd., Lenexa, stated that they have had some contractor issues with the home. The home also sold halfway through construction, which also caused delays, and there were pandemic delays. He believes that a 30-day extension would be enough time to finish the home. There are a few items like sod and sprinklers that will carry over, but as for final inspections, he believes 30 days would be sufficient.

Mayor Hepperly asked for questions from the Council.

Chair Bailey understands that the applicant would need to pay the same permit fee whether a 30-day or six-month extension is granted. He assumes that the applicant does not want to pay the fee twice and suggested that the permit be extended for three months.

Mr. Britt agreed.

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

Mayor Hepperly asked for a motion.

Councilman Cotter moved that the Council approve the request from Roeser Homes for building permit extension for Permit #20-094 for 6001 Lockton Lane for a term of three months. Councilwoman Brofsky seconded the motion.

City Administrator Nogelmeier requested a roll call vote.

The motion carried unanimously.

- D. Consider Resolution 2022-A – A Resolution of the City of Fairway, Kansas, Approving the Execution and Delivery of an Agreement to Release and Assign the City’s Opioid Claims to the Kansas Attorney General and Certifying Costs Attributable to Substance Abuse and Addiction Mitigation Excess of \$500.

City Administrator Nogelmeier referred to the memo in the packet outlining the Resolution. Kansas is part of multi-state litigation that holds opium producers and distributors accountable for the effects of opioids on the American public. Kansas received money that they will be sharing with municipalities. The City’s attorneys suggested that Fairway apply to receive those funds. He does not think the City has many direct expenses related to the opioid crisis, except for staff time

by the Police Department, which exceeds the \$500 limit. The funds can only be used for eligible expenses; however, those have not yet been fully defined.

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

Mayor Hepperly asked for a motion.

Councilman Cotter moved that the Council approve Resolution 2022-A – A Resolution of the City of Fairway, Kansas, approving the execution and delivery of an Agreement to release and assign the City’s opioid claims to the Kansas Attorney General and certifying costs attributable to substance abuse and addiction mitigation in excess of \$500. Councilman Watkins seconded the motion.

City Administrator Nogelmeier requested a roll call vote.

The motion carried unanimously.

E. Election of Council President.

Mayor Hepperly requested nominations for Council President.

Councilman Levin nominated Councilman Watkins.

Councilman Bailey nominated Councilwoman Brofsky.

There being no further nominations, Mayor Hepperly closed nominations and asked for a roll call vote of Councilmembers’ votes for those nominated.

Responding to Councilman Rogers question, Mayor Hepperly explained that the Council President would step in if the Mayor is not able to conduct a Council Meeting.

City Administrator Nogelmeier added that the Code and State Statute state that if, for whatever reason, the Mayor cannot continue his or her duties, that the Council President would take over. If it is a permanent situation, then the Council President would step into the Mayoral role until the next general election. The term is for two years.

Councilman Rogers voted for Councilman Watkins.

Councilwoman Buszek voted for Councilwoman Brofsky.

Councilman Cotter voted for Councilwoman Brofsky.

Councilman Bailey voted for Councilwoman Brofsky.

Councilman Levin voted Councilman Watkins.

Councilman Watkins voted Councilman Watkins.

Councilwoman Brofsky voted Councilwoman Brofsky.

Councilwoman Keys voted Councilman Watkins.

Mayor Hepperly voted for Councilman Watkins to break the tie 5-4 and appoint him as Council President.

COMMENTS BY GOVERNING BODY

Mayor Hepperly asked if there were comments from the Council on any item.

Responding to Councilwoman Brofsky's question, City Administrator Nogelmeier explained that Fairway partners with the County on two assistance programs, JOCO Utility Assistance and JOCO Minor Home Repair. The City contributes \$1000 annually to each program. Any balance remaining at the end of the year is carried over to the next year. During his tenure with the City, never has there been a time when all the funds were exhausted. He is still waiting the Agreement from the County for Minor Home Repair.

City Administrator Nogelmeier agreed to put out a Constant Contact email concerning the availability of the programs. In addition, while articles concerning these programs intermittently appear in the newsletter, he indicated he would make sure an article is included in the upcoming issue.

Councilwoman Keys explained that she had received questions from residents who mentioned that Roeland Park and Prairie Village have programs distributing home Covid tests. She wondered if Fairway had information concerning those programs.

City Administrator Nogelmeier explained that both Roeland Park and Prairie Village are acquiring at home tests and providing them to residents on their own. He understands the intention is to use Federal Covid funding to pay the costs of those tests. Fairway has not explored that type of program.

Referring to Chief Chick's comments during his report concerning the increase in false fire alarms, Mayor Hepperly explained that the Code requires a permit for fire alarm systems. She suggested that an article be included in the next newsletter or be sent to residents by Constant Contact regarding this requirement. After the Fire Department determines the causes of the false alarms, that information should be passed along to residents because regular maintenance of those systems is required.

PUBLIC COMMENT

Mayor Hepperly asked if anyone in the audience would like to make public comment on any items not on the agenda.

Hearing none, she closed the public comment portion of the meeting.

ADJOURNMENT

Prior to adjournment, Mayor Hepperly announced that Councilman Cotter, Ward 2, has submitted his resignation effective after the meeting. Councilman Cotter is moving from Fairway. She appreciates his insight throughout the years and thanked him for his work as a Councilmember, as Chair of the Parks and Recreation Department and as a member of the Planning Commission.

Councilman Watkins moved to adjourn. Councilman Levin seconded the motion and the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 7:32 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary