

**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, April 10, 2023.

Present: Council Members David Watkins, Jonalan Smith, Kelly-Ann Buszek, Jason Rogers, Dan Bailey, Joe Levin and Tanya Keys.

Absent: Council Member Jenna Brofsky.

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; Brice Soeken, Director of Parks and Recreation.

Visitors: Steve Chick, Chief, Consolidated Fire Dist. No. 2; Gabi Geller, 10246 Conser Street, Overland Park; Bruce Wendlandt, Wendlandt & Stallbaumer Architecture, 7924 Floyd, Overland Park, Kansas.

**CALL TO ORDER AND ANNOUNCEMENTS**

Mayor Hepperly called the meeting to order. She announced that Item F from the New Business Agenda concerning the Google Franchise needs additional review and will be removed from the Agenda and discussed at the May meeting. In addition, Item D should be corrected from the 2022 Capital Improvement Plan to the 2023 Capital Improvement Plan.

**PLEDGE OF ALLEGIANCE**

Mayor Hepperly led the Council in the Pledge of Allegiance.

**PROCLAMATION: ARBOR DAY**

Mayor Hepperly read a Proclamation proclaiming April 28, 2023 as Arbor Day in the City of Fairway. She urged all citizens to celebrate Arbor Day, to support efforts to protect trees and woodlands, and to plant trees to gladden the heart and promote the well-being of this and future generations.

**MONTHLY REPORTS OF STANDING COMMITTEES**

**CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK**

Chief Chick referred to the report in the packet subject to questions. He discussed the two new fire engines that are now on the street. The two oldest engines were sold and the next oldest engine was put into reserve and will be used on an as needed basis. They plan to order another engine over the next couple of years to

keep the fleet renewed. He encouraged the public to come check out the new fire engines, which are stationed at the Mission Fire Station on Martway and the Prairie Village Station at 78<sup>th</sup> and Mission Road.

Chief Chick stated that the Fire District welcomed back a firefighter who had been deployed in Kuwait. He is proud of those who serve our country and then come back and serve as a firefighter.

The Fire District is playing an active role in Leadership Northeast this month and will be teaching sections on Public Safety Day.

He also discussed new equipment and new procedures for EMS and training they will undergo to learn the proper applications. In April, they will train in a controlled environment at a burn tower where firefighters are put into situations that challenge their decision-making skills.

Chief Chick reported that two paramedics will be graduating this week, which will allow the District to meet its staffing goals.

#### ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER

##### Monthly Report

City Administrator Nogelmeier reported that the Committee met on March 29, 2023 and discussed the Resolution concerning antisemitism that is under New Business for approval this evening. Finances are strong and sales tax continues to increase.

He reported that the House Bill that would have potentially removed local sales tax on groceries is not going to advance. The language concerning local sales tax was added to the Bill at the last minute and was not part of the original tax program put forward by the Governor.

The Finance Committee discussed changing the expenditure approval policy and that item is on the New Business agenda for approval.

#### POLICE COMMITTEE, CHIEF THURLO

##### Monthly Report

Chief Thurlo referred to the report in the packet, subject to questions. He discussed the increased level of activity, noting the number of arrests in March of 2022 was around 500, while the number of arrests in March of 2023 was 772. He reported that in March officers encountered fentanyl, catalytic converter thefts, aggravated assaults on themselves, methamphetamines, guns, and counterfeit currency. The Police Department is busy and officers are risking a lot for safety.

Responding to Mayor Hepperly's question, Chief Thurlo confirmed that the Police Department is fully staffed, with the exception of the additional officer once the active adult community is operating and that cost has been approved in the budget.

#### PUBLIC WORKS COMMITTEE, MR. STOGSDILL

##### Monthly Report

Director Stogsdill referred to the report in the packet, subject to questions. He reported that the 2023 Capital Improvement Program is expected to begin in late July or early August. They will focus on 53<sup>rd</sup> Street to try to get it completed before Bishop Meige reopens for school in the fall.

He also reported that they are trying to finish up the 2022 CIP project with the flashing light in front of the Fairway Creamery. The light is working intermittently, and the project manager thinks the problem is one of two things. The first possible issue is that one of the units is malfunctioning, so they are looking to bring in a replacement and see if that corrects the issue. The second possibility is that the power lines on Mission Road are interfering with the signal due to the proximity to the light. If the power lines are the issue, he is not sure what the solution will be, but noted that they will figure something out.

Responding to Mayor Hepperly's question, Director Stogsdill confirmed that Rick Walker, an engineer, will be looking at all the streets that were paved in 2021 to find out why they are prematurely failing. Mr. Walker will take samples that will be tested for depth and mix. It is important to determine the problem because there is only six to eight months left on the warranty period.

#### PARKS AND RECREATION COMMITTEE, MR. SOEKEN

##### Monthly Report

Director Soeken referred the Council to the report in the packet, subject to questions. He reminded the Council of the Arbor Day celebration scheduled for April 28, 2023 at Peterson Park. The second-grade class from Highlands School will plant a tree (which may be moved later to a different location) and will also be given a tree sapling to take home. He encouraged everyone to attend.

Director Soeken also reported that the summer camp registrations have reached 91 percent capacity. He also discussed the area at Peterson Park where the grass is getting thin because of teams practicing there. They will try to overseed the area in the fall, but may in the future look at limiting the schedule of practices or making zones where practices can be held.

Responding to Mayor Hepperly's question, Director Soeken explained that the Egg Hunt this past weekend was a success. There were three different times scheduled for different age groups. Each participant left with 10 to 15 eggs.

## MONTHLY REPORTS OF SPECIAL COMMITTEES

### Tree Board

City Administrator Nogelmeier reported that a meeting of the Tree Board is scheduled for April 12, 2023.

## APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the four 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 #1781 – March 2023; (C) Multi-City Contract for 2023-2025 Fireworks Display; (D) Agreement with Kirkland Gates for Pickleball Instruction.

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

Mayor Hepperly asked for discussion from the Council.

City Administrator Nogelmeier clarified that Item C on the Consent Agenda is to give the Mayor the authority to execute the contract. The final terms of the contract are still being negotiated.

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

Councilman Watkins moved that the Council approve Consent Agenda items A through D. Councilman Smith seconded the motion and the motion carried unanimously.

## NEW BUSINESS

- A. Consider Resolution 2023-A – Recognizing the Growing Problem of Antisemitism in the United States and Calling for the Adoption of the International Holocaust Remembrance Alliance Working Definition of Antisemitism as an Important Tool to Address the Problem.

Mayor Hepperly read the proposed Resolution 2023-A into the record, as follows:

### RESOLUTION NO. 2023-A

RECOGNIZING THE GROWING PROBLEM OF ANTISEMITISM IN  
THE UNITED STATES AND CALLING FOR THE ADOPTION OF  
THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE

**WORKING DEFINITION OF ANTISEMITISM AS AN IMPORTANT  
TOOL TO ADDRESS THE PROBLEM**

WHEREAS, On August 12, 2019, the Governing Body of the City of Fairway adopted Resolution No. 2019-H in which it was declared the policy of the City is “to reject discrimination of any kind and to respect the inherent worth of every person;” and

WHEREAS, Antisemitism, including harassment based on actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation or faith, remains a persistent and disturbing problem in American society; and

WHEREAS, The Jewish community continues to be targeted in the United States and is consistently the most likely of all religious groups to be victimized by incidents of hate; and

WHEREAS, Incidents motivated by antisemitism are increasing at an alarming rate; and

WHEREAS, The deadliest attack to date against the American Jewish community took place on October 27, 2018, at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, where this senseless act of violence took the lives of 11 members of the Tree of Life, New Light and Dor Hadash congregations; and

WHEREAS, The Kansas Jewish community has experienced firsthand the deadly result of antisemitism when, on April 13, 2014, three people lost their lives due to antisemitic attacks at the Jewish Community Center of Greater Kansas City and the Village Shalom, both located in Overland Park, Kansas; and

WHEREAS, Recent events of antisemitism have occurred in our Johnson County communities; and

WHEREAS, State officials and institutions have a responsibility to protect citizens from acts of hate and bigotry, including antisemitism, and must adopt the tools to do so; and

WHEREAS, Valid monitoring, informed analysis, investigation and effective policymaking benefit from accurate and uniform definitions; and

WHEREAS, In May 2016, the International Holocaust Remembrance Alliance (IHRA), by a consensus vote of its member states, adopted a Working Definition of Antisemitism (see attachment); and

WHEREAS, The IHRA's Working Definition of Antisemitism includes eleven examples of contemporary antisemitism that capture some

of the many ways antisemitism manifests itself, whether in public life, media, schools, the workplace, or the religious sphere; and

WHEREAS, The IHRA's Working Definition of Antisemitism has become the internationally recognized and authoritative definition used by governments, international organizations, and educational institutions; and

WHEREAS, The IHRA's Working Definition of Antisemitism is utilized by numerous government and law enforcement agencies, including the United States Department of State and the United States Department of Education, in monitoring, training and education, and has been adopted through legislative or executive action in an increasing number of U.S. states; and

WHEREAS, The City of Fairway recognizes the important contributions of the Jewish community;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRWAY, KANSAS:

SECTION ONE: The City of Fairway adopts the attached non-legally binding International Holocaust Remembrance Alliance Working Definition of Antisemitism, including the 11 contemporary examples; and

SECTION TWO: The Governing Body of the City of Fairway will ensure that the Working Definition of Antisemitism is made available as an educational resource to all City employees; and

SECTION THREE: Nothing in this resolution shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or the Constitution of the State of Kansas; and

SECTION FOUR: The City Clerk shall send certified copies of this resolution to the Jewish Community Relations Bureau/American Jewish Committee.

Mayor Hepperly explained that this Resolution has been discussed at two separate Committee meetings and has been thoroughly reviewed and considered by the Committee. She asked for discussion from the Council.

Councilwoman Buszek stated that she was not present at the Committee meeting. She thanked Councilman Levin for bringing this Resolution forward. She thinks this is an important step and she supports the Resolution.

Mayor Hepperly noted that Councilwoman Brofsky was not able to attend the meeting this evening, but did send an email outlining her support for the Resolution, as follows:

As a member of the Kansas City Jewish community, a member of the Fairway City Council, I am glad that we are recognizing the real threat antisemitism plays in having an inclusive and welcoming community. Antisemitism is real. I have experienced it. I am hopeful that increased awareness of the term will empower others to stand up and push back when antisemitic language and jokes are used. Thank you to my fellow City Council members for your support of the Resolution.

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

Gabi Geller, 10246 Conser Street, Overland Park, stated that she represents the Jewish Community of Greater Kansas City. She thanked the Council for considering this Resolution. The Council's support means the world to the Jewish community as this is a tangible step that all communities can take to combat the rise of antisemitism.

Mayor Hepperly asked for additional public comment. Hearing none, she closed public comment and asked for a motion.

Councilman Levin moved that the Council approve Resolution 2023-A – Recognizing the Growing Problem of Antisemitism in the United States and Calling for the Adoption of the International Holocaust Remembrance Alliance Working Definition of Antisemitism as an Important Tool to Address the Problem. Councilman Watkins seconded the motion and the motion carried unanimously.

B. Request from William and Sue Pingleton for Removal of a Right-of-Way Feature Tree at 5831 Sunrise.

Director Stogsdill reported that this item is for Council consideration of removal of a feature tree on property at 5831 Sunrise. There are several large diameter pin oaks on the property so the choices are limited for location of the driveway. The existing driveway is on the property line and if the driveway is replaced in that same location, it will require two 90 degree turns to get into the garage.

City Administrator Nogelmeier added that the current driveway is considered legal nonconforming in that it predates applicable Code requirements. The current driveway is on the property line and the Code requires that driveways be at least two feet off the property line. When a project comes forward involving a tear down and rebuild, staff and the Planning Commission prefer that the project fully complies with the Code. This would be considered a clean-up of a driveway that is currently legal nonconforming.

He pointed out that when reviewing the full site plan, there is nowhere to put a driveway on the lot where the driveway would not impact a drip line of a tree. He understands that the property owner wants to retain the tree; however, this would

be a situation where the property owner would have to purchase the tree by paying funds into the Fairway Tree Fund. At that point, it would be up to the property owner whether they try to save or remove the tree.

Responding to Councilman Watkins question, City Administrator Nogelmeier explained that the former house had a side-entry garage and the new home will have a front entry garage so the prior driveway location will not work based on the design of the new home.

Mayor Hepperly asked for further questions for staff. Hearing none, she asked the applicant to address the Council.

Bruce Wendlandt, Wendlandt & Stallbaumer Architecture, 7924 Floyd, Overland Park, stated that he is the architect on the project. This is a unique situation because the lot tapers from the front inwards towards the back. There are four large pin oak trees in the right of way. The property owners do not want to remove the tree. He hopes to be able to taper the driveway to keep it as far away from the tree as possible.

He explained that the property owners contacted Joe Hendrickson, a certified arborist, whose report indicates that adding the new driveway will involve less than 20 percent of the root system of the tree. Since there is already a driveway on that side of the tree, the root system is not developed as much on the north side as on the other three sides. Mr. Hendrickson does not believe that putting in the new driveway will kill the tree. His report suggests that he root prune the tree before construction and treat the tree with a growth regulator so there will be less top growth and more energy can go toward root growth. This treatment will last three years and is regularly used during construction. Mr. Wendlandt thinks the suggestions outlined by Mr. Hendrickson are a good solution for saving the tree.

Responding to Mayor Hepperly's question, City Administrator Nogelmeier explained that if the property owner moves forward with the project, they will be required to pay into the Tree Fund.

Mr. Wendlandt asked if the property owners go through the process outlined by Mr. Hendrickson, whether they would still be required to pay into the Tree Fund.

Mayor Hepperly confirmed that even if the property owners went through the process, they would still be required to pay into the Tree Fund.

Director Stogsdill explained that the City has a specific Ordinance that pertains to the situation. The drip line of the tree is at 30 feet, and the protective perimeter is required to be 75 percent of the drip line, or 20 feet. The location of the proposed driveway will be infringing on that 20-foot protected area. This is considered a violation of the Ordinance, meaning the property owner will be required to pay into the Tree Fund.



Responding to Councilman Bailey's question, Director Stogsdill stated that the tree is 36 inches in diameter so the payment into the Tree Fund would be \$3,600.

Mr. Wendlandt asked if the tree is removed, whether the property owners would be allowed to straighten out the driveway.

City Administrator Nogelmeier confirmed that if the tree was removed the property owner could straighten out the driveway. He noted that staff would need to determine whether that change would require re-approval by the Planning Commission and suggested that Mr. Wendlandt contact Director Alani to ask him that question.

Mr. Wendlandt explained that the report he received from Mr. Hendrickson indicates that the life expectancy of the tree is up to at least 10 years.

City Administrator Nogelmeier reiterated that if a violation of the Tree Protection Ordinance occurs, the payment must be made into the Tree Fund and then the property owner is solely responsible for the tree. Therefore, whether the property owner tries to save the tree or chooses to remove it, is solely up to the property owner.

Discussion followed concerning whether the property owners would be allowed to replace the tree and reduce the amount paid into the Tree Fund and whether that replacement tree would be the responsibility of the City.

Director Stogsdill explained that replacing the tree in the right of way would be difficult based on the other trees already on the site; however, if the tree was replaced in the right of way, the City would maintain the replacement tree. He thinks the property owner would be limited to an understory tree because the Ordinance requires 30 feet between trees. If a two- or three-inch caliper tree is planted, the City would credit the payment into the Tree Fund by \$200 or \$300.

Director Stogsdill noted that once the monies are paid into the Tree Fund, the property owner is responsible for the tree if it is damaged in a storm or if it dies.

Councilman Smith indicated that he likes the site plan as long as the property owner can keep the tree, but he does not like the site plan if the tree has to be removed. He is only in support of the request if the property owner tried to save the tree.

Mayor Hepperly responded that as set out in the Ordinance, once the property owner buys the tree, they can do with it what they want.

Councilman Watkins stated that he walks the street regularly and there is no place on the lot to have a driveway installed that would not violate the Tree Ordinance. He thought initially that perhaps the driveway could be installed in a way that would not affect the drip line of the trees, but from looking at the site plan, he doesn't think that would be possible.

Mr. Wendlandt explained that the current site plan allows for a vehicle parking space in front of the garage. To change the driveway location would also increase the amount of impervious area and the project is already challenged on the greenspace percentages. He could make the driveway narrower, but is concerned that the property owners would be clipping into the yard, creating mud spots.

Councilman Bailey doesn't think reconfiguring the driveway will work for anyone. On the one hand, the tree is worth more than \$3,500 to the City; however, he understands there have to be rules. He is in favor of the site plan if the property owner tries to save the tree, but knows that ultimately, if they purchase the tree, they can do whatever they want.

Mr. Wendlandt stated that if the property owner pays the \$3,600 into the Tree Fund and then decides to try to save the tree, they will likely pay \$3,500 or \$4,000 to Mr. Hendrickson over three years to treat the tree. Then, if the tree dies, they will also have to pay \$4,000 or so to have the tree removed.

Councilman Smith related that if the City sells the property owners the tree and there is an opportunity to save the tree, he doesn't understand why the City would not allow that. He wondered if there is a workaround that would prevent the property owner from having to pay into the Tree Fund if they go to the expense of trying to save the tree.

Mr. Wendlandt added that it does not seem fair that the property owners are getting dinged to pay \$3,600 on speculation that the tree will not survive. He stated that either the property owners buy the tree and they can do what they want with it or perhaps they could work with the City to try to save the tree, even though there will be costs to the property owner for that as well.

City Attorney Cook explained that there is a policy question and a legal question involved. He is not going to speak to the policy question, but the legal question is that there is an Ordinance in place that sets out the pricing for this situation. The public is on notice of the Ordinance and the pricing. If the Council was to deviate from that Ordinance for this project, he thinks that would be inviting an argument that the decision was arbitrary and capricious.

City Administrator Nogelmeier added that the only adjustment the Council is allowed to make according to the Ordinance is an appeal if the City Manager makes a decision, for example, when a contractor violates the Tree Protection Ordinance by putting dirt in the protected zone and the City Manager issues a fine that is paid into the Tree Fund. Because the current situation is not considered an appeal, there is no negotiation available.

He further explained that the purpose of the Ordinance is that the City invests between \$150,000 and \$200,000 per year in the right of way trees throughout the City and in the Park. The Ordinance was put in place as a way for the City to recoup the investment that the City has made in the trees over the last 30 plus

years. If the property owner moves forward with the proposed plan, they will be required to pay into the Tree Fund, which will in essence, pay the City back for the City's investment over the years to provide care and treatment to the tree.

In addition, the City cannot negotiate on the fee because that fee is pre-established in the Ordinance. He agrees it is intentionally a one-two punch because the Ordinance is meant to deter removal of trees. The only question for the Council is whether or not to accept the property owner paying into the Tree Fund.

Councilman Bailey thinks there should be a middle ground for the Council to be able to negotiate in situations like this. However, there is no doubt what the rules say.

Mr. Wendlandt explained that the big picture is that they cannot put in a driveway anywhere on the property that is not in violation of the Tree Ordinance. He doesn't think that is fair to the property owners.

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

Councilman Watkins explained that the tree is a beautiful tree and the City hates to get rid of trees but unfortunately, the logistics of the lot make it impossible. He does not think that the Council has the flexibility to compromise the terms of the Ordinance to roll the dice and see if the tree lives or dies. He suggested that this topic be discussed at the Committee level to see if revisions should be made to the Ordinance.

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

Councilman Smith moved that the Council approve the request from William and Sue Pingleton for removal of a Right-of-Way Feature Tree at 5831 Sunrise. Councilman Watkins seconded the motion and the motion carried unanimously.

C. Agreement with Perry Weather for a Subscription-Based Weather Platform.

Director Soeken explained that Perry Weather is a weather software system that is being proposed to get a more accurate representation of the actual weather in Fairway. The weather station will be located on the roof of the pool. The system will monitor weather and send alerts if lightning strikes within 10 miles of the pool. The system has an automatic 30-minute timer to accurately reflect the time between lightening strikes. A widget can be added to the City's website and social media accounts so people can monitor and if the pool is open. The weather station will also show how much rain has fallen in Fairway. The proposed agreement is for three years and Director Soeken believes the weather station will be beneficial for the City.

City Administrator Nogelmeier added that currently, the latest forecast available is from the night before. This system will allow Public Works or Parks and Recreation to call and speak directly with a meteorologist to get the most current forecast. This will be helpful, for example, if there are swim meets or other special events in the City throughout the year.

Mayor Hepperly asked for discussion from the Council.

Councilwoman Buszek thinks this is an important safety issue and is supportive of approval of the agreement.

Mayor Hepperly asked for additional discussion 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 the Agreement with Perry Weather for a subscription-based weather platform. Councilman Bailey seconded the motion and the motion carried unanimously.

D. Professional Services Agreement for 2023 Capital Improvement Plan - Amendment.

Director Stogsdill explained that this is an amendment to the original contract for construction engineering services and will allow the team at Burns & McDonnell to review submittals to ensure they meet the specifications. The Agreement includes on call services for any field questions during construction. The Agreement also sets out a not-to-exceed amount and he thinks only about half of the amount was used last year.

Mayor Hepperly asked if there were questions for staff.

Responding to Councilman Watkins' question concerning the reason the contracts are amended rather than making it a part of the original contract, Director Stogsdill stated that at the time of the original contract, the actual designs are not finalized so the services are estimated. He prefers to amend the contract after the designs are completed to get more accurate information and also thinks this option saves money in the end.

Mayor Hepperly asked for public comment on this item. Hearing none, she closed public comment on this item and asked for a motion.

Councilman Watkins moved that the Council approve the Professional Services Agreement for 2022 Capital Improvement Plan – Amendment. Councilwoman Buszek seconded the motion and the motion carried with one abstention.

E. Agreement with Larkin for NPDES Compliance Services.

Director Stogsdill explained that the National Pollution Discharge Elimination System (NPDES) Compliance has moved to a point system and has become a

more difficult task. He proposes moving to an outside service to allow a second set of eyes to make sure the City is in compliance. The Kansas Department of Health and Environment has also staggered the permit cycle for seven or eight cities in Northeast Johnson County, which will move up the permit process for those cities, including Fairway, to six months instead of one year. He believes the fee is nominal and it will be helpful to have a second set of eyes to ensure that the City remains in compliance.

Responding to Councilman Watkins' question, Director Stogsdill confirmed that the price is discounted because surrounding cities are also included in the agreement.

Mayor Hepperly asked for public comment on this item. Hearing none, she closed public comment on this item and asked for a motion.

Councilman Levin moved that the Council approve the Agreement with Larkin for NPDES Compliance Services. Councilman Rogers seconded the motion and the motion carried unanimously.

F. Ordinance #1782 – An “Updating” of the Google Franchise.

Mayor Hepperly reported that this item has been removed from the agenda.

G. Land-Use Agreement with Multiple Agencies for 2023-2025 Fireworks Displays.

Director Soeken explained that this agreement formalizes a previously unwritten agreement between the Kansas City Archdiocese, St. Agnes, Bishop Meige and the three cities involved for the location of the fireworks display. This is a three-year agreement so it will not need to be renegotiated every year.

Mayor Hepperly asked if there were questions for staff or discussion from the Council. Hearing none, she asked if there was public comment on this item. Hearing none, she closed public comment on this item and asked for a motion.

Councilwoman Keys moved that the Council approve the Land Use Agreement with Multiple Agencies for 2023-2025 Fireworks Displays. Councilman Smith seconded the motion and the motion carried unanimously.

H. Amendments to Chapter 2 – Expenditure Approval Policy of the City of Fairway Policy Manual.

City Administrator Nogelmeier explained that this item has been discussed at the Committee level and he offered to answer any questions.

Mayor Hepperly explained that Section 2.8 has been revised to make it clearer. She suggested that Councilmembers review the revision if they have not already had the opportunity to do so.

She believes this change to the policy reflects the current policy under which the Council works, and keeps safeguards in place that are needed.

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

Councilman Smith moved that the Council approve the Amendments to Chapter 2 – Expenditure Approval Policy of the City of Fairway Policy Manual. Councilman Watkins seconded the motion and the motion carried unanimously.

#### COMMENTS BY GOVERNING BODY

Councilman Levin announced that this is National Dog Bite Prevention week.

Councilwoman Buszek asked if there have been any more coyote sightings in Fairway.

City Administrator Nogelmeier responded that there have only been coyote sightings in the City and there have been no reported issues.

#### PUBLIC COMMENT

Mayor Hepperly asked for public comment for items not listed on the agenda. Hearing none, she closed public comment.

#### ADJOURNMENT

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

There being no further business to come before the Council, the meeting was adjourned at 8:09 P.M.

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Mayor Melanie Hepperly

Attest:

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Barb Fox, Recording Secretary