

**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 11, 2022.

Present: Council Members Jenna Brofsky, David Watkins, Jonalan Smith, Kelly-Ann Buszek, Jason Rogers, 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; Brice Soeken, Director of Parks and Recreation; Bill Stogsdill, Director of Public Works.

Visitors: Steve Chick, Consolidated Fire District No. 2.

CALL TO ORDER AND ANNOUNCEMENTS

Mayor Hepperly stated that a new item has been added to the New Business Agenda wherein the Council will consider the Agreement for the Mid-America Pool Renovations for repairs to the swimming pool liner. In addition, a second Proclamation has been added to the Agenda for Earth Day.

Mayor Hepperly called the meeting to order.

PLEDGE OF ALLEGIANCE

Mayor Hepperly led the Council in the Pledge of Allegiance.

PROCLAMATION – ARBOR DAY

Mayor Hepperly read a Proclamation designating April 29, 2022 as Arbor Day in the City of Fairway. She urged all citizens to celebrate Arbor Day and to support efforts to protect trees and woodlands and to plant trees to gladden the heart and promote well-being of this and future generations.

PROCLAMATION – EARTH DAY

Mayor Hepperly read a Proclamation designating April 22, 2022 as Earth Day in the City of Fairway. The global theme for Earth Day 2022 is Restore Our Earth, which focuses on natural processes, emerging green technologies and innovative thinking that can restore the world's ecosystems. She encouraged all citizens to take responsibility to care for the world in which we live.

MONTHLY REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK

Chief Chick thanked the Council and staff for their work with the recent redevelopment project.

He reported that a new unit has been put into service at the 63rd and Mission Road station. He noted that about 20 percent of the time there were back-to-back calls and engine 22 would be out on a call when another call came in. The addition of the new unit is paying dividends for residents.

He discussed the Advanced Life Support (ALS) program that the Fire District has instituted. The program began at the boundaries of the District so it could respond to the center. The program was planned to be fully instituted District wide within five years, but they are ahead of schedule and expect to reach it in three years.

Chief Chick also discussed the District's initiative for replacement of fire apparatus. The replacement cycle is established so they can resell the apparatus for the maximum amount and then replace it for the least amount of money. Last year, the District had planned to purchase a fire truck per year for the next several years. The shelf life of the engine, or water hauler, is about 10 to 12 years. Engine 22 is not due to be replaced for several years, but in August 2021 the estimate to replace the engine was about \$820,000. Since then, the cost has increased 18 percent to about \$900,000. They understand the importance of saving taxpayer's money so the District put together a group to build trucks that would do everything the engine can do but without the fluff. The District was able to purchase two new trucks at a cost of \$665,000 before the price increases went into effect. In addition, during the engineering and prebuild stages, they were able to decrease the cost by another \$15,000, to about \$650,000.

Chief Chick noted that they are seeing a marked increase in EMS calls in the northeast area, which is not surprising due to the aging community. They have planned for this as part of the implementation of the ALS program.

Finally, Chief Chick thanked the Police Department for their assistance today when the call came in that a gentleman was down in his home. The Police Department and Fire Department's partnership is very strong, but this is not the case in other parts of the country.

ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier referred the Council to the report in the packet, subject to questions. The Committee met on March 30, 2022 and discussed many topics as set out in the report, including the contract with Witt O'Brien's, which is on the New Business Agenda for consideration by the Council.

POLICE COMMITTEE, CHIEF THURLO

Monthly Report

Chief Thurlo referred to the report in the packet, subject to questions. He explained that officers have been extremely busy with a lot of activity in Fairway and neighboring cities. He noted that officers also back up other agencies where, unfortunately, situations are becoming more violent.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill referred to the report as submitted, subject to questions. The report includes information on the latest round of street sweeping as well as a final tally of total expenditures for the winter. They are now in full spring mode with mowing that will consume their time for the next few months.

PARKS AND RECREATION COMMITTEE, MR. SOEKEN

Monthly Report

Director Soeken referred to the report in the packet, subject to questions. He reported that the annual Arbor Day celebration with the second grade Highlands school children will take place this year at Peterson Park.

Responding to Councilwoman Brofsky's question, Director Soeken stated that the clean-up at the Shawnee Indian Mission went well. A pre-cleanup took place the week before with Bishop Miede High School students who moved a lot of the brush along the creek.

Responding to Councilman Bailey's question, Director Soeken discussed the areas at the Park along Mission Road where grass does not grow. He stated that while grass was planted but has a hard time growing because of shade from the trees. They will be looking into other ways to address the area.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

City Administrator Nogelmeier stated that he understands the Tree Board is working to get a meeting scheduled.

Mayor Hepperly stated that she has asked that the Tree Board become more active and that they meet quarterly and put together an annual plan similar to the other Committees.

APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the two 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 #1761 – March 2022.

City Administrator Nogelmeier stated that he received a spelling correction from Councilwoman Buszek and a non-substantive change from Mayor Hepperly to the draft minutes and those revisions have been incorporated.

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 Levin moved that the Council approve the items A and B on the Consent Agenda. Councilman Watkins seconded the motion and the motion carried unanimously.

NEW BUSINESS

Councilman Bailey noted that a member of the audience is attending the meeting for Item E on the Agenda and asked that Item E be considered first. Mayor Hepperly agreed.

A. Consider Permit Extension Request for 5723 Windsor Drive.

City Administrator Nogelmeier referred to Director Alani's report in the packet and noted that staff is supportive of the extension request.

Mayor Hepperly asked for discussion on this item. 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 permit extension request for 5723 Windsor Drive for an additional six months at the renewal rate. Councilman Bailey seconded the motion and the motion carried unanimously.

B. Consider CARS 5-year Plan.

Director Stogsdill reported that this is the standard CARS 5-year Plan considered annually and for planning years 2023 to 2027. Details of the proposed projects are in the packet. This year the project will involve Buena Vista and 53rd Street to Mission Road. The 2023 project will be 53rd Street from Mission Road to St. Agnes, in front of the Shawnee Indian Mission.

City Administrator Nogelmeier explained that the Council will also need to pass Resolution 2022-C related to the CARS 5-year Plan.

Mayor Hepperly asked for questions from the Council.

Responding to Councilwoman Brofsky's question, Director Stogsdill confirmed that the 2024 project planned for Roe between Shawnee Mission and 63rd Street near the school will be completed during the summer months in order to alleviate issues with the school.

City Administrator Nogelmeier explained that he and Director Stogsdill met with members of the Shawnee Indian Mission Foundation related to the 2023 project on 53rd Street. The Foundation's long-range plan is to create a delineation to let people know when they are passing through the Mission, so they are considering adding stamped concrete boundary lines on each side of the Mission property. They are also discussing the addition of a push button crosswalk where the existing crosswalk is between the west and north buildings for safer pedestrian passage.

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

Councilwoman Brofsky moved that the Council approve the CARS 5-year Plan and Resolution 2022-C. Councilman Watkins seconded the motion and the motion carried unanimously.

C. Consider Letter of Intent to Fund 2023 Suwanee Stormwater Project.

Director Stogsdill explained that this Letter of Intent relates to reimbursement from Johnson County Stormwater for replacement of a small sewer line on Suwanee. The preliminary CCTV report indicated the sewer line needed replaced and it is ranked second of sewer lines in the City needing replaced. There is a small window to apply for 2023 funding and with the Letter of Intent, the City will receive 50 percent funding (\$44,000) for the project from Johnson County Stormwater. The entire project is estimated to cost \$96,000. The City will fund the project with the stormwater utility fee.

Director Stogsdill stated that he is on the Committee that helped rewrite the Johnson County Stormwater Management Program's business model. The original intent of the program was to fund capacity issues by going into older neighborhoods and putting in larger pipes to carry additional capacity. The new business model allows for closed circuit television footage to be taken of stormwater sewers and maintenance of the sewer lines. Cities are now allowed to go back to areas where they would have previously had to pay 100 percent of the replacement costs and are eligible for 50 percent funding of those costs. The rewrite also divided areas into watersheds and will allow for 100 percent funding if the project is deemed to benefit the entire watershed. While not yet finalized, the rough draft shows that three of the top five watershed projects are in Fairway.

Director Stogsdill informed that he is also involved with a separate Committee that will offer a home buy out. There is a broad spectrum of tools that the City can use and residents can apply for. The program is 100 percent voluntary. If

someone approaches the City about a possible buy out, it will likely be at 50 percent of the appraised value of the property. The program will begin in 2023.

City Administrator Nogelmeier clarified that through the buyout program, the County would offer up to 50 percent of the property value, which means that someone else would need to make up the remaining 50 percent -- whether the City would make an offer or if the City were to share in the additional 50 percent with the property owner.

Mayor Hepperly pointed out that while the City has the capability to budget for the buyouts, it would not have a balanced budget at the current mil levy.

Responding to Councilman Smith's question, Director Stogsdill explained that any requests should come to the City.

Responding to Councilman Watkins' question, Director Stogsdill stated that in order for the County to consider a buy out under the program, the property is required to be in the flood zone.

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

Councilman Watkins moved that the Council approve the Letter of Intent to Fund 2023 Suwanee Stormwater Project. Councilman Bailey seconded the motion and the motion unanimously.

D. Consider Agreement with Witt O'Brien's regarding consulting services for ARPA Funds.

Director Nogelmeier explained that this Agreement relates to consulting services that Witt O'Brien's will provide related to the City's use of government funding that the City has received. They will also ensure that the City has submitted necessary paperwork within the appropriate deadlines. The Agreement has a not-to-exceed amount of \$20,000. These consulting services are an eligible expense so those costs would be deducted from the City's overall allotment from the federal government of just over \$600,000.

Mayor Hepperly pointed out that during the Administration/Finance Committee meeting, the Council discussed being prudent in how the funds are spent. Staff will be directing the Committee on what the alternatives will be for the funds.

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

Councilwoman Buszek moved that the Council approve the Agreement with Witt O'Brien's regarding consulting services for ARPA Funds. Councilwoman Keys seconded the motion and the motion unanimously.

E. Consider Cooperative Memorandum of Understanding for Johnson County Mental Health Co-Responder Program.

Chief Thurlo explained that this is a continuation of the program that the City is already operating within. The change is the addition of a co-responder that will support Mission and Merriam, due to the volume of mental health calls. Those cities applied for a grant and received the funding. Fairway is not currently obligated to pay additional funds and will monitor the program. Previously, there was only one co-responder for the entire Northeast Johnson County area. Often, Fairway would receive mental health calls and have to use a hotline or officers would handle the calls themselves. The additional officer that those cities have with the grant will also benefit Fairway.

Mayor Hepperly asked for additional comments or questions. Hearing none, she asked for public comment on this item. Hearing none, she closed the public comment on this item and asked for a motion.

Councilman Levin moved that the Council approve the Memorandum of Understanding for Johnson County Mental Health Co-Responder Program. Councilwoman Brofsky seconded the motion and the motion unanimously.

F. Consider Agreement with Mid-America Pool Renovations, Inc. for Repairs to the Swimming Pool Liner.

Director Soeken explained that during the annual draining of the pool and power washing, significant damage was found to the liner and the tiles at the bottom of the racing lanes. The pool liner is under warranty by Mid America Pools and their estimate for repairs to the liner and tiles was initially \$15,000. After further discussion, the estimate was reduced to \$7,500. The amount of \$10,000 was budgeted for repairs. These repairs will get the pool through the 2022 season, but staff will need to take a more comprehensive look at what to do about the tiles during the 2023 budget process.

City Administrator Nogelmeier stated that the liner was completely replaced in 2007 and has a 25-year warranty. The contract is prorated and the City is now in the years when it will pay a portion of the original contract amount to help offset maintenance of the liner. The tiles in the racing lanes are a separate matter and not under warranty, the same as the fiberglass pool liner, because no one expects ceramic frost proof tile to stay in place under water for 25 years. A vast majority of improvements in 2023 will be related to the tile and any pool liner repairs will fall under the warranty and the contract from 2007.

Mayor Hepperly asked for discussion or comments on this item. 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 Mid-America Pool Renovations, Inc. for repairs to the swimming pool liner.
Councilwoman Bailey seconded the motion and the motion carried unanimously.

COMMENTS BY GOVERNING BODY

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

Councilman Watkins commended Director Soeken and the Parks and Recreation Department staff for being able to recruit a full staff so the pool can be opened full time this summer.

Director Soeken thanked Councilman Watkins for his comment. He noted that Recreation Supervisors Tillery and Dwyer are doing a great job with the culture at the pool and while some of the employees are younger, they are very eager to be working at the pool.

Councilwoman Brofsky announced that she and Councilwoman Keys have scheduled a Ward 4 Town Hall on April 30, 2022 at Peterson Park.

Councilwoman Buszek asked Director Stogdill for an update on the work at the end of State Park Road and Belinder.

Director Stogsdill stated that a Constant Contact message was sent out last week. The work will begin in the next few weeks to make permanent changes to the island.

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

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

There being no further business to come before the Council, the meeting was adjourned at 7:17 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary