

**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, June 13, 2022.

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

Absent: Council Member Dan Bailey.

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: Bryce Gilman, 6132 Delmar; Laurel Wallerstead, 5501 Aberdeen; Penny Gilbert, 6044 Reinhardt.

CALL TO ORDER AND ANNOUNCEMENTS

Mayor Hepperly called the meeting to order.

PLEDGE OF ALLEGIANCE

Mayor Hepperly led the Council in the Pledge of Allegiance.

PROCLAMATION – PRIDE MONTH

Mayor Hepperly read a Proclamation designating the month of June 2022 as Pride Month in the City of Fairway and urged all residents to respect and honor Fairway's diverse community.

MONTHLY REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK

Mayor Hepperly reported that Chief Chick was not present at the meeting and referred the Council to the report in the packet subject to questions.

ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier referred the Council to the report in the packet, subject to questions. He explained that the combined committee met in May and focused on the draft of the 2023 budget. He discussed a transfer of approximately

\$498,000 to the CIP for the 2023 budget. Cash flow and sales tax remain strong. The next meeting of the combined committee is set for June 29, 2022 at 6:30 P.M.

POLICE COMMITTEE, CHIEF THURLO

Monthly Report

Chief Thurlo referred to the report in the packet, subject to questions. The Police Committee met on May 18, 2022. The Department is very grateful to serve the community and values the support from citizens and the Council. He also discussed an emergency road closure for Water One repairs in the 5600 block of Mission Road.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill referred to the report as submitted, subject to questions. He discussed recent storms and stated that Public Works has been responding to emergency situations.

PARKS AND RECREATION COMMITTEE, MR. SOEKEN

Monthly Report

Director Soeken referred to the report in the packet, subject to questions. He reviewed the revenues from the pool, which are higher than last year even with 500 fewer members this year.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

No report.

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 and Special City Council Meetings; (B) Claims and Appropriations – Ordinance #1763 – May 2022; (C) KSHS MOA Extension Amendment; (D) SIMF MOU Extension Amendment.

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 A through D on the Consent Agenda. Councilwoman Brofsky seconded the motion and the motion carried unanimously.

NEW BUSINESS

A. Consider Authorizing Mayor Hepperly to Execute an Agreement for the 2022 NE Johnson County Fireworks Display.

Director Soeken explained the issues with the previous fireworks vendor, who notified the City that they were unable to obtain enough stock for Fairway's display. They reached out to other vendors but only one is available on July 3. He requested that the Council authorize the Mayor to sign the contract that will then be forwarded to the cities of Roeland Park and Westwood for signature. Staff is working on the required insurance documents and excited to bring back the fireworks display this year. Going forward staff will work to get the bids in the late summer or early fall for next year to avoid issues with vendor and stock availability.

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 authorize Mayor Hepperly to execute an agreement for the 2022 NE Johnson County Fireworks Display. Councilman Smith seconded the motion and the motion unanimously.

B. Extension for Building Permit 20-059 for 6132 Delmar as Submitted by Bryce Gilman, Property Owner.

Bryce Gilman, 6132 Delmar, apologized for the length of time it has taken to complete the project, noting there were many Covid setbacks. They have not yet installed the driveway due to recent rains and are also waiting for Every to hook up the meter. The contractor believes that the work can be completed within three to five weeks.

Responding to Councilman Watkins' question, City Administrator Nogelmeier explained that while Council can shorten the time period for the permit, the standard permit extension is for six months and the cost for the extension will not change. Staff is supportive of the request.

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 Brofsky moved that the Council approve the extension for building permit 20-059 for 6132 Delmar, as submitted by Bryce Gilman, property owner. Councilwoman Keys seconded the motion and the motion unanimously.

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 stated that the City could post the upcoming August 2, 2022 primary election on social media. He announced that City Hall will be a polling place for both the primary and general elections this year. The Johnson County Election Office will be sending out notifications to residents concerning the new polling places.

Responding to Councilwoman Buszek's question concerning whether there would be ample parking at City Hall, City Administrator Nogelmeier indicated that the polling workers will park by the former Houlihans. The normal rush for voters is before and after work. Johnson County is on top of the parking situation, has been counting parking spaces, and the City will need to patch the sidewalk in one area to ensure it is ADA compliant.

PUBLIC COMMENT

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

Laurel Wallerstead, 5501 Aberdeen, explained that her car was recently broken into and understands that other cars along the street had also been broken into over the previous ten days. She asked if the City had considered putting security cameras on the street lights.

City Administrator Nogelmeier explained that the Police Department has been working through their budget for this year and next year to strategically add some cameras throughout the City.

Chief Thurlo confirmed that the Police Department will be getting cameras and license plate readers that will be placed in locations around the City and added to patrol cars. The camera and license plate reader systems are able to integrate with Johnson County agencies and neighboring cities. He expects that some of that technology will be implemented this year.

Penny Gilbert, 6044 Reinhardt, recalled that 17 years ago (in 2005) the people in Fairway stopped the City from building a City Hall, concrete parking lot and driveway on the north grounds of the Shawnee Indian Mission. The citizens that heard the plan and knew it was wrong. She said the reasoning was that selling three or four acres of historic ground for \$100,000 per acre to the City would save the Mission and were transparently bogus.

She understands that Fairway, the Kansas Historical Society, and the Foundation they created are making plans to build an event center on the north grounds. This time it is an event center that will be three times the size of the historic North Building, which would be adjacent. The justifications for the project defy

common and business sense. She understands that St. Agnes and Bishop Meige will provide parking in exchange for usage. She does not believe there will be any profit to the Mission after paying for additional employees and ongoing maintenance. Ms. Gilbert believes it would be more financially productive to use donated money to create a working endowment.

Ms. Gilbert said the National Park Service has advised the Kansas Historical Society, the Foundation and Fairway that the introduction of a new building would seriously affect the site and visitor experience. She is disturbed those entities, like the Kansas Historical Society, which was created to protect historic places, continues to participate and cause harm to the places they steward. She is also concerned that Fairway continues to be their prominent partner in bad acts.

Ms. Gilbert explained that the Mission was closed for three years prior to reopening in 2005 because the State had deferred maintenance for so long that the site was in crisis. Local residents Betty Lou Duncan and Barbara Madrigal raised the funds for the repairs by private donations at that time. Contrary to allegations that the site was closed because it didn't have enough money to stay open, the site was closed because the scope of the work was so large it could not stay open during the work.

This year the National Park Service wanted to put the site on their listing of America's 11 Most Endangered Historic Places, but they were dissuaded this year due to the sudden passing of Jennie Chinn, the Director of the Kansas Historical Society. The National Park Service was pretty clear it would be designated in the future unless repairs and changes are made.

Ms. Gilbert believes the last thing the site needs is another building to maintain. She believes Fairway and the Foundation should assist the Kansas Historical Society in lobbying for more funding for historic sites instead of trying to turn this one into a business.

She finds it disturbing that Fairway is willing to participate in building at the Mission after the years of conflict. Fairway does not own the site but manages it, yet Fairway continues to consider the open greenspace available to build. She thinks that is offensive to those who have worked to preserve the site.

When the Kansas Supreme Court saved the site from total destruction in 1927, they intended that the site remain intact in perpetuity for the citizens of Kansas and the country. The Shawnee Indian Mission Foundation was formed as a result of the warfare of 2005 and held its first meeting in April 2006 with representatives from the cities of Roeland Park, Fairway, Mission, Westwood and Westwood Hills, Friends of the Shawnee Indian Mission, Shawnee Indian Mission Historical Society, Shawnee Indian Mission Patriots and Johnson County. As a public non-profit subject to KORA and KOMA requirements, the hope was to support the site and partner with the Kansas Historical Society to prevent future problems.

She noted that Fairway with the Kansas Historical Society formed a different Shawnee Indian Mission Foundation in 2016 and no other cities were included. The Friends of the Mission was required to forfeit independent status and no longer exists. Most importantly, a private organization was created that is not required to answer questions or produce requested materials. She asserted that meetings are invitation only and documents received or produced are not subject to KORA, even as they make plans for a public asset. Anyone who disagrees is not allowed to participate and subjected to disparaging commentary in the minutes. For them to call themselves representatives of the community is a self-serving fiction.

She has requested information about the stakeholders that the newly formed Foundation have chosen to include in deciding the future of the Mission. She believes it is time for Fairway to be transparent and review what constitutes conflicts of interest. Fairway elected officials and employees are in Foundation meetings, participate in solutions and justify denying answers to questions based on the Foundation's designation as private. She believes that Fairway's intended use of the facility raises questions about conflict of interest for its participation in the decisions about who will receive use of the facility.

She understands that none of the current Councilmembers were involved with what happened in 2005, although she would hope that they would agree it was not the right thing to do. She has spent the last twelve months making sure the Council has a comprehensive account of the history and the feelings of citizens and she can make that correspondence available. There can be no excuse in the future that Councilmembers did not know what happened.

Mayor Hepperly stated that it is not common for the Governing Body to comment during the public comment portion of the meeting; however, she has one thing to say. She is extremely passionate about the Shawnee Indian Mission and what it means not only to the City and Northeast Johnson County, but to the State of Kansas and as a National Historic Site. She supports the organization with her time, expertise and also financially. She explained that the comments made this evening are not factual.

Mayor Hepperly asked if there was additional public comment. Hearing none, she closed the public comment portion of the meeting.

ADJOURNMENT

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

There being no further business to come before the Council, the meeting was adjourned at 7:12 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary