

**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, July 11, 2022.

Present: Council Members Jenna Brofsky (via Zoom), 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, Fire Chief, Consolidated Fire District No. 2; Joe Alburty, 5905 Fontana; Sandy Durick, 6029 Delmar Street.

**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 – PARKS AND RECREATION MONTH**

Mayor Hepperly read a Proclamation designating the month of July 2022 as Parks and Recreation Month in the City of Fairway. She thanked Director Soeken and his staff for all their hard work and congratulated the department for all their successful programs this year.

**MONTHLY REPORTS OF STANDING COMMITTEES**

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

Chief Chick referred the Council to the report in the packet. He reported that over the last month four fire professionals have retired from the Fire District who had 80 years of combined service with CFD2 and other fire departments. The Fire District is promoting current fire fighters and recruiting for the new positions. Unfortunately, while normally they would see 40 or more applicants for these positions, they received only 14 applications. The Fire District understands that retention is critical in today's workforce. As a part of the 2023 budget, an initiative is being proposed to enhance retention by offering supplemental retirement benefits. He noted that the Fire District does not currently offer any

employer match for those who are contributing to the pension plan, while most other competing fire departments do offer some sort of matching funds.

Chief Chick explained that the Fire District has done a good job of controlling costs, with mil reductions over the last three years. The District plans to exceed the revenue neutral rate and collect more than the amount last year, resulting in another drop in the mil of between .25 and .33.

#### 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 June 29, 2022 and the Administration Committee discussed moving to a third party for cyber security coverage because of rising costs. Administration also discussed changes to the Employee Manual, which will be covered under New Business.

The Finance Committee discussed the 2023 budget. He noted that cash flow is good. The Council will be considering a Resolution under New Business to approve exceeding the revenue neutral rate.

#### POLICE COMMITTEE, CHIEF THURLO

##### Monthly Report

Chief Thurlo referred to the report in the packet, subject to questions. He explained that the number of arrests has almost doubled over last year. He pointed out that mass casualty shooting that occurred in Westport recently occurred only 2.7 miles away from Fairway, noting that violence is very close to the City.

#### PUBLIC WORKS COMMITTEE, MR. STOGSDILL

##### Monthly Report

Director Stogsdill referred to the report as submitted, subject to questions. He reported that he has been selected as a super delegate for Local Government 2030, which will bring together 50 delegates under the age of 40, all representing cities, counties and regional councils around the United States, to help shape the future of local governance. He is excited for the opportunity to serve.

Responding to Councilwoman Brofsky's question, Director Stogsdill explained that the website has lots of resources concerning tree upkeep and suggested that Councilwoman Brofsky pass that information along to residents.

Responding to Councilman Bailey's question, Director Stogsdill stated that if a tree falls across the street, the City will move the tree out of the street. A private

tree on private property is the homeowner's responsibility to clean up. The City will haul away a Right of Way tree debris.

Responding to Councilman Smith's question, Director Stogsdill explained that he expects to receive the CCTV report in October or November. He has also received data concerning the street evaluation but has not yet had an opportunity to review it. He expects the full report soon.

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

##### Monthly Report

Director Soeken referred to the report in the packet, subject to questions. He discussed the Art Fairway event that occurred on June 29, 2022 during the Administration/Finance Committee meeting and thanked Brandy Pool for organizing the event. He stated that it was neat to see the creative artwork presented and he hopes that Art Fairway will become an annual event.

#### 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 City Council Meeting; (B) Claims and Appropriations – Ordinance #1764 – June 2022; (C) Updates to the City of Fairway Employee Manual; (D) Cyber Security Contract with Arthur J. Gallagher Risk Management Services, Inc.

City Administrator Nogelmeier explained that the revisions to the Employee Manual are highlighted in yellow on the handout provided to the Council. The changes clarify the time and service award language.

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.

Councilwoman Buszek moved that the Council approve the items A through D on the Consent Agenda. Councilwoman Keys seconded the motion and the motion carried unanimously.

#### NEW BUSINESS

- A. Presentation: 2023 Budget Public Forum.

City Administrator Nogelmeier explained that the Budget Public Forum is typically held on a separate evening but this time the Forum is being combined with a Council Meeting. He noted there was no public present in the audience.

He discussed the draft 2023 budget, stating that the mil levy will remain the same. The revenue neutral rate, which will be considered under a separate New Business item, will allow the City to capture the growth in assessed valuation with a specific target of where those funds will be spent. The general fund budget increased for 2023 by 4.41 percent from 2022. The total unrestricted reserve of just over \$1 million will be split between the general fund reserve and the equipment fund reserve. Transfers completed at the end of 2021 fully funded the reserve. As part of the 2023 draft budget, the City's contributions toward those plans will go from 80 to 85 percent. Transfers from the general fund include \$10,000 to the equipment reserve, \$575,000 to Capital Improvement Projects, and \$35,000 to the Shawnee Indian Mission Fund.

As for department budget highlights, City Administrator Nogelmeier reported that the Police Department budget includes funds for license plate readers and traffic cameras. Public Works has funding for a new salt dome door as well as the purchase of a liquid salt sprayer, which will help with street clearing efforts during snow events. The Parks and Recreation Department budget includes new pool furniture as it is seven years old. In addition, tile work and painting will be completed at the zero-depth area of the pool.

City Administrator Nogelmeier also presented an overview of the differences of the department line items from 2022 to 2023.

City Administrator Nogelmeier explained that debt service obligations for 2023 will be just under \$750,000, which is consistent with 2022.

He explained that the fund balances are balanced. Those funds include the Stormwater Utility Fund, which is funded by the stormwater utility fee and covers bond payments for stormwater infrastructure that was previously financed as well as the street sweeper purchase payments (with two more years of payments left after 2023).

He reviewed the Fairway Tree Fund, which receives its only revenue from violations of the public tree protection Ordinance. Fortunately, people have become compliant resulting in fewer violations. Last year those funds were used for the annual tree trimming of the City's right of way trees. For 2023, the fund does not have adequate revenues and the extra expense will be the responsibility of the Public Works Department.

The Shawnee Indian Mission Fund is for operations at the site and is largely funded through contributions from the Shawnee Indian Mission Foundation.

The 2014 Sales Tax Fund covers the lease purchase and renovations for the Public Works facility as well as for pool renovations from 2015. This fund will also be

partially funding the Peterson Park restroom project if approved by the Council later this evening.

The Equipment Reserve Fund currently has \$70,000 of unmarked money and that will be used for future equipment purchases.

The Capital Project Improvement Fund for 2023 to 2027 covers improvements including street maintenance and the CARS project. The fund will also be used to replace vehicles for the Police Department, pool liner repairs, and portions of the Peterson Park restroom project after the 2014 Sales Tax Fund is depleted.

City Administrator Nogelmeier stated that the League of Kansas Municipalities publishes a summary of tax rates through the State of Kansas. With the proposed mil levy for 2023, Fairway will have the third lowest mil levy rate for cities of the second class (based on population). Fairway also has the fifth overall lowest tax rate for cities of the first class. When looking at the total mil levy, which would include all the County levies and the Fire District, Fairway has the fourth lowest rate of cities of the second class and seventh overall for cities of the first and second class combined across the state. This shows that Fairway operates on a fiscally prudent schedule.

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

B. Contract with MegaKC for Design of Peterson Park Restroom.

Director Soeken reported that the Parks and Recreation Committee asked that the project be split into two phases to break out the cost since the original estimate received was much higher than expected. The Committee wanted to refine the costs because there were many unknowns involved related to connections for utilities. MegaKC has submitted a bid of \$27,600, to provide this design work. Once completed, the City can move forward with the construction phase with MegaKC or can rebid the construction phase. He stated that they are still working through some non-substantive changes to the contract, and he asked that the Council authorize the Mayor to sign the contract, subject to reasonable modifications that will be reviewed by the Mayor, City Administrator Nogelmeier, and City Attorney Cook.

Responding to Mayor Hepperly's question, Director Soeken stated that the original construction cost was expected to be between \$125,000 and \$150,000. One bid received was for \$306,000 for a prefabricated restroom and much higher bid was for a built-on-site restroom. The increase is due to unknown fees and costs for Johnson County Wastewater and WaterOne connections and escalating construction costs.

City Administrator Nogelmeier explained there are several items on the New Business Agenda and the Council is being asked to authorize the Mayor to

execute the contracts after review by himself, the Mayor and legal counsel. Staff has been diligent getting the contracts prepared but they are still being finalized. Staff has been busy with other things that have pulled them from their regular work. He commended staff for their hard work in getting the contracts together.

Mayor Hepperly added that about half of the items on the New Business Agenda this evening were affected by what is happening with the economy. The bid received for the Park restroom was the first jolt. The Committee decided to slow down the process and break the bid into two phases. Once the design work is complete, the Council will have alternatives to consider to tighten the costs. The Committee may consider postponing the project or take the project out to bid again. Only one company initially bid on the project and that is not a good sign, although many companies do not want to spend time bidding small projects. The City is being prudent and wise with the funds available.

Mayor Hepperly asked if there were questions for staff.

Responding to Councilman Bailey's question, Director Soeken stated that the anticipated estimate of \$125,000 to \$150,000 came from MegaKC last fall when staff was researching the project. The project was put out on the website, Drexel, where construction companies check for available projects. MegaKC chose to bid on the project. He also sent the bid to other companies. He did not send the bid to home builders and they likely would not be looking at this type of project on Drexel.

Councilman Bailey pointed out that MegaKC's primary focus is construction and he isn't sure it's the best to have MegaKC design the project and then expect other companies to bid it later. He is concerned that the City will be paying for the design work twice if another company bids for construction.

City Administrator Nogelmeier explained that the restroom is prefabricated so the design work involves the supporting infrastructure underneath the building, potentially new taps for the sanitary sewer and a new electric meter. MegaKC will be responsible for identifying those types of items in the design/exploration/construction document development. He is not sure that a home builder would be able to do that or have much interest in a 12' by 14' structure. He agreed to have conversations with home builders if that is what the Council decides.

Councilman Bailey stated that he is pro restroom, but he would feel better about the situation if bids were sought from other design firms. He does not think the design work should cost \$27,000.

Councilman Watkins explained that on first read it seemed like it may be a conflict of interest for the same company to design the project and then construct it because they will design the project to their benefit. He now understands that the design work involves servicing the restroom and there are associated costs. He thinks it would be nice to get the design work completed and then get alternate

bids for the construction. He asked for confirmation that if MegaKC moves forward with the design work, that the City would be able to take that design work to some other contractor for bids.

City Administrator Nogelmeier explained that the contract states that the end deliverable of MegaKC's design work becomes the property of the City and the City can take the design work to get construction bids. As for Councilman Bailey's suggestion that home builders should be considered, staff can request bids if that is the desire of the Council. The Parks and Recreation Committee has expressed that this is a priority, so the urgency is within the Committee and the Council and not staff.

Responding to Councilman Watkins question, City Administrator Nogelmeier confirmed that MegaKC will confirm with the utilities the locations for connections and pipes and any associated permit fees.

Responding to Councilman Bailey's question, Director Soeken explained the bid from MegaKC for \$306,000 included three sections: \$31,000 for site prep work, \$96,000 for the site work and \$179,000 for the pre-fabricated restroom.

Councilman Bailey explained that while he would agree with paying \$27,000 for the design work, he is not convinced that cannot be done for less. He also doesn't think the project overall should cost \$300,000 because the numbers don't add up. There are plenty of sites in northeast Johnson County where there are no utilities on site and he does not think those projects cost \$300,000.

Mayor Hepperly explained that if the Council decides not to approve the contract, a motion can be made requesting that staff take the design work out to bid. The current bid is for \$27,600 so the motion can specify a not to exceed an amount determined by the Council.

Councilman Watkins likes the creativity of seeing if home builders would be interested in the project; however, he does not think a home builder would divert resources to build the small structure since there is a significantly higher profit margin in a new home.

Councilman Bailey indicated he probably made a mistake in bringing up home builders but he does think there are ways to get the project done at a lower cost.

Councilman Watkins agreed that the number sounds high to him. He asked if there was information available about some of the other new restrooms being built in nearby parks.

Director Soeken stated that the restrooms added in the area of the County where he lives are prefabricated restrooms but are not winterized and have no heating component. Those restrooms are shut down in the winter months and a porta potty is brought in.

Mayor Hepperly noted that the direction the Committee gave to Director Soeken is that the restroom should be winterized so it can be used during the winter months.

City Administrator Nogelmeier added that it is difficult to get comparables. For example, the renovations that are taking place in Mission and Prairie Village are much broader than a single restroom. He inquired about the costs of their restrooms but no one could provide specifics; however, everyone is experiencing higher prices.

Councilwoman Brofsky stated that she is in favor of winterizing the restroom as many residents, including her family, use the park in the winter months.

Responding to Councilwoman Brofsky's question, Director Soeken stated that the City does not get a discount from the County for hooking up utilities. Further responding, Director Soeken stated that the cost of winterizing the restroom was a little over \$18,000 and involves adding a gas line and possibly more electricity but is not what is driving up the price of the project.

Councilman Levin pointed out that at \$300,000, at 200 square feet, the cost is \$1,500 per square foot.

Councilman Bailey added that cost does not include a real foundation or a basement or a kitchen, which are the more expensive things in a house.

Councilman Rogers stated that he is on the Parks and Recreation Committee. He calculates that the \$300,000 cost is 5.5 percent of the City's overall budget. The Committee tried to break down the site plan and determine how much the engineering piece related to utilities would cost. He wondered if there were separate engineering firms who could develop a plan like that or if they typically just do construction.

City Administrator Nogelmeier stated that an engineering firm could perform the design work.

Councilman Bailey indicated that any firm that the Council is discussing could perform the design work. He thanked MegaKC for the bid; however, they are also the ones who initially said the project would cost \$125,000 to \$150,000. Now, they are controlling the design costs and he would like to know if that cost is a fair number. He does not think that the City needs to take the lowest bid, but if someone comes in at \$14,000, that would be a substantial difference.

Councilman Smith stated that he is on the Parks and Recreation Committee and he while agrees with everything that has been said this evening, he does think that moving the design piece forward is important and will hopefully solicit more interest from bidders for the construction phase. He is not comfortable with the \$300,000 cost and not sure the design work cost of \$27,600 is the right price either. Regardless, he thinks the City needs more information and without



completing the design work, there will be additional delays. He does not think the money is enough to delay seeking additional design bids. He is in favor of moving forward with the MegaKC contract for the design work.

Responding to Councilman Watkins' question, City Administrator Nogelmeier explained that if the City was going to do a formal bid for the design work, it would be September or October before those bids could be considered by the Council.

Director Soeken added that the original goal was for the project to be completed this fall. The new goal is to have the restroom ready for use before the pool season next year. The last time he checked, there was a four-month lead time for a prefabricated restroom. If there is another formal bid process for design work and then a second bid process for the construction, the project might not happen until after pool season in 2023.

Councilman Watkins is not sure that a formal bid process is needed for the design phase. He would be supportive of having staff reach out to several contractors to see if they were even interested in quoting the design work.

City Administrator Nogelmeier stated that if the Council is willing to authorize the contract with MegaKC in the amount of \$27,600, with the caveat that Director Soeken would contact another company or two for a similar deliverable cost. He estimates that process would take three to four weeks. The additional bids received could be reviewed and considered by himself, Mayor Hepperly, Director Soeken and City Attorney Cook to ensure the bids are comparable. Then a decision could be made who to award the project to. He believes the City could reach out to some firms but if they are not interested then the City will move forward with MegaKC.

Mayor Hepperly asked for additional discussion. 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 Keys moved that the Council authorize city staff to solicit other opportunities for the design work for review and approval and authorize Mayor Hepperly to execute the contract for design of Peterson Park Restroom at an amount not to exceed \$27,600. Councilman Smith seconded the motion and the motion unanimously.

C. Professional Services Agreement for 2022 Capital Improvement Plan - Amendment.

Director Stogsdill reported that this agreement is for construction engineering services for the 2022 Capital Improvement Plan Amendment. The contract includes a not-to-exceed amount. The consulting engineer will review that the asphalt and concrete mix meets specifications and the push button crosswalk in

front of the Fairway Creamery is compliant with the Manual on Uniform Traffic Control Devices (MUTCB).

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 Smith moved that the Council approve the Professional Services Agreement for the 2022 Capital Improvement Plan Amendment. Councilman Rogers seconded the motion. The motion carried unanimously, with an abstention by Councilman Bailey.

D. Agreement with TREKK for Suwanee Stormwater Project Design.

Director Stogsdill stated that this agreement is for design services to replace a very dilapidated storm sewer on Suwanee. Once the design work is completed, the project can be put out for bid.

Mayor Hepperly asked for 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 agreement with TREKK for Suwanee stormwater project design. Councilman Watkins seconded the motion and the motion carried unanimously.

E. Agreement with TREKK for City Wide Streetlight Study.

Director Stogsdill stated that this agreement with TREKK was budgeted for in 2021 to be completed in 2022 and will involve a study of the entire streetlight network in the City and provide recommendations. The initial bid in early 2020 was \$55,000 and that is the amount budgeted for the study. He has worked with TREKK to reduce the scope and hopes to reduce the cost to \$39,895.

Councilwoman Brofsky understands that one of the main reasons this streetlight study is being conducted is that some residents on Alhambra are concerned about lighting when they were walking their dogs at night. She asked that Director Stogsdill pass that information along to TREKK so they can give some consideration to the night lighting.

Director Stogsdill agreed to pass that request along to TREKK.

Councilman Bailey asked how staff is choosing firms for the studies being done.

Director Stogsdill stated that this study went through an RFP process and he recalls that the project was sent to 10 or 12 firms. Four or five responses were received and the TREKK bid was chosen. He has worked with them to reduce the

fee and they were successful in doing so. He thinks the bid is in line and less than expected.

Director Stogsdill added that the City typically puts out RFPs for projects unless they are currently working on a similar project with an engineer. They spread the work around to different engineering firms to try and get the best price.

Responding to Councilman Watkins' question, Director Stogsdill stated that the study will be done at night and is more of a static study. The data will be compared to industry recommendations. The field work will be done in the fall and winter.

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

Joe Alburty, 5905 Fontana, stated that he thinks the streetlights are fine and he does not think more streetlights are needed. He likes to be able to see the stars from his backyard and now he can barely do that.

Mayor Hepperly asked if there was additional public comment. Hearing none, she asked for a motion.

Councilman Watkins moved that the Council approve the agreement with TREKK for the city-wide streetlight study. Councilman Smith seconded the motion and the motion unanimously.

F. Bids for 2022 Capital Improvement Plan.

Director Stogsdill stated that two bids were received for the Capital Improvement Plan -- one was in the mid \$700,000 and the other was in the low \$800,000. The bids exceeded the budget for the project this year. He explained that the cost of concrete is the driving factor in the high cost. The cost comes to \$63 per linear foot for replacement versus last year the cost was \$35 per linear foot. He and City Administrator Nogelmeier will meet with the engineering contractor to revise the scope and hopefully lower the cost. He asked that the Council authorize the Mayor to sign the contract after review and approval by himself, City Administrator Nogelmeier, Mayor Hepperly and City Attorney Cook.

Director Stogsdill explained that the number one priority is the crosswalk by the Fairway Creamery followed by Howe and Glenfield and after the Water One projects are completed.

City Administrator Nogelmeier explained that the City is not be able to do the number of streets originally planned. They will prioritize which streets get completed this year and others will be deferred. This could have a rolling effect on the Capital Improvement Plan for the next few years. Whether this is an inflationary bubble or the new normal, staff cannot recommend moving forward at the cost described. The City budgeted \$520,000 and the lowest bid was

\$788,000. At this point, the City is averaging about \$1 million a year in capital improvement expenses. Spending more now will take away from future years. The hope is that the prices will level off in the future, but for now, labor and materials costs are up.

He and Director Stogsdill discussed holding the cost to around \$655,000 for the mill and overlay and the crosswalk. The City could tap into the Special Highway Fund and probably have enough to proceed with the \$787,000 cost. He would prefer to wait and potentially go further in another year or two.

Director Stogsdill agreed, stating that you cannot unring the bell on some of the things that the City has to take care of this year. Water One did some waterline replacements, which are a benefit to the neighborhoods, but those were done with the assumption that the streets would be paved afterwards.

Responding to Councilman Bailey's question, Director Stogsdill explained that they hope to do the bulk of the work planned and will delay the work on one or two streets.

City Administrator Nogelmeier explained that the City will not go over the \$520,000 budgeted. The excess will come from the Special Highway Fund. Those monies are rolled over year to year and now there is \$200,000 in the Fund to apply toward the project. He suggested that the Council approve the contract with a cap.

Responding to City Administrator Nogelmeier's question, Director Stogsdill suggested that the motion include a cap of \$660,000.

Councilman Smith agrees with everything that has been said; however, he thinks the point of the American Rescue Plan Act (ARPA) funds was to make sure that those funds were spent on things that really matter to the community, including streets. He is hesitant to delay any of the streets being redone with the current financial situation of the City being solid.

City Administrator Nogelmeier agreed that the ARPA funds could be used for capital improvement projects but those funds would likely not be available for use until 2023. That would require an amendment to the 2023 budget, which could be done with a simple majority vote of the Council. The thought is to be conservative until everyone has a better idea of what is going on in the economy.

Councilman Bailey pointed out that first the price of wood increased and then it came down and now the price of concrete has increased. He would be supportive of approving the \$660,000. He asked if a street or two are not completed this year, whether they would be placed first on the list for next year's mill and overlay.

Mayor Hepperly responded that the order will not change. She also noted that the City has had a study conducted assessing the streets and those results will be provided soon.

City Administrator Nogelmeier indicated that the study is the caveat that might change the overall schedule of which streets get done next.

Mayor Hepperly pointed out that historically, mill and overlay projects were delayed and the City had to issue bonds to catch up. Staff has been instructed that the Council will not allow that to happen again.

Councilman Watkins said that it was disappointing that only two bidders responded, and the bids were a 50 percent higher than the City anticipated. He has advocated for adding a street each year with the increased property valuations, but the opposite is happening. He cannot justify the City spending \$787,000. Maybe next year the costs will come down and instead of doing five streets, the City can do seven to catch up.

Councilman Smith agreed with Councilman Watkins' comments. While he thinks residents are shocked by their increased valuations and have an expectation that the increased tax dollars will be spent to repair and maintain the streets, he understands that the increased cost is specific to concrete, so he is more comfortable with delaying one or two streets this year.

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 the Mayor to execute a contract for the 2022 Capital Improvement Plan in an amount not to exceed \$660,000. Councilwoman Buszek seconded the motion and the motion carried unanimously.

G. Authorize Mayor to Execute an Agreement with George Butler & Associates for a Traffic Study of the Alhambra Corridor.

Director Stogsdill explained that staff laid out the area of the corridor for the study for possible enhancement along the route and met with George Butler & Associates to drive the area. He believes the proposal is reasonable and recommends that the Council authorize the Mayor to execute the agreement as soon as the contract is finalized.

Responding to Councilman Bailey's question, Director Stogsdill stated that the Alhambra corridor includes the area from the Fairway Pool where Alhambra dead ends to 59<sup>th</sup> Street and 60<sup>th</sup> Street from Alhambra to Mission Road.

City Administrator Nogelmeier explained there was an incident that occurred with a vehicle and a skateboard or scooter at 60<sup>th</sup> Street. The family involved

requested that the City look at opportunities to enhance safety along the Alhambra corridor because many residents in the area use Alhambra for pedestrian and bicycle traffic during pool season and the summer months. Alhambra has limitations due to the width of the road. The family has a personal contact with knowledge of potential measures that could be implemented.

Director Stogsdill added that the resident mentioned information from the draft MUTCD that has not yet been implemented. He does not know if the City can implement something that has not been finalized but they will look in it.

Responding to Councilman Bailey's question, City Administrator Nogelmeier stated that the deliverable for the \$16,000 cost would be recommendations that the City could implement, whether it be signage, pavement markings or redirection of traffic to enhance the safety of pedestrians and bicycles on Alhambra.

Councilman Bailey stated that the incident is unfortunate. He recalled discussions about this in the past and the problem is parking on both sides of the street. If the City would not allow parking on both sides of the street that would solve the problem, but he guesses the City is going to pay \$16,000 for a study.

City Administrator Nogelmeier explained that it is best if the City takes a neutral position and allow a third party to conduct the study and base any decision on the data from the study. If that means spending \$16,000 to learn that there is little that can be done, he thinks that is money well spent versus the City simply saying no. Another advantage of the study is that it might apply to other streets with the same width and challenges.

Councilwoman Brofsky asked if staff has talked with Bike Walk KC to see if they might have some resources that may be worthwhile.

City Administrator Nogelmeier responded that his only work with Bike Walk KC was to look at safe routes to school for Westwood View Elementary. He has not reached out to anyone at Bike Walk KC on this specific issue, but indicated that he would.

Councilman Watkins thinks that it is logical to approve the study to see if there is something that can be done in that area concerning safety.

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

Sandy Durick, 6029 Delmar Street, stated that she lives in Ward 4 and supports the traffic study so that the data can be reviewed and the City can go from there.

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

Councilman Watkins moved that the Council authorize the Mayor to execute a contract with George Butler & Associates for a traffic study of the Alhambra Corridor, in an amount not to exceed \$16,000. Councilman Smith seconded the motion and the motion carried unanimously.

H. Ordinance #1765, Amending and Repealing Chapter 6, Article 2 of the Fairway Municipal Code.

City Administrator Nogelmeier explained that following discussion at the Administration/Finance Committee meeting, the process of declaring a nuisance was discussed and determined that the Ordinance could be improved. When staff receives a complaint they will document the conditions, notify the property owner of the complaint and the matter will be heard at the next City Council meeting. The complainant and property owner will have the opportunity to present their case to the Council. If the Council determines a nuisance exists, the clock will start immediately for the nuisance to be resolved and if not, staff will then be allowed abate the nuisance.

Mayor Hepperly asked for 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 Ordinance #1765, amending and repealing Chapter 6, Article 2 of the Fairway Municipal Code. Councilman Bailey seconded the motion and the motion carried unanimously.

I. Resolution 2022-D – A Resolution of the Governing Body of the City of Fairway, Kansas, of the City’s Intent to Exceed its “Revenue Neutral Rate”, Establishing the Date and Time of a Public Hearing on Such Matter, and Providing for the Giving of Notice of Such Public Hearing.

City Administrator Nogelmeier explained that due to the tax law passed last year by the Kansas Legislature, cities must notify the County if they intend to exceed their revenue neutral rate. This Resolution does not provide any formal notice to Fairway residents about what the tax rate will be for 2023. This Resolution sets the Public Hearing for both the budget as well to exceed the revenue neutral rate. The City is also required to publish the public hearings for both the budget and the revenue neutral rate and that publication will occur in early September.

Mayor Hepperly asked for 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 Resolution 2022-D – A Resolution of the Governing Body of the City of Fairway, Kansas, of the City’s intent to exceed its “Revenue Neutral Rate”, establishing the date and time of a Public Hearing on such matter, and providing for the giving of notice of such

Public Hearing. Councilman Levin 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.

Councilwoman Brofsky recalled that at the last meeting she discussed the upcoming election and City Administrator Nogelmeier said the City would be post information on social media and the website. She requested that deadline to register to vote be posted on the website.

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

There being no further business to come before the Council, the meeting was adjourned at 8:48 P.M.

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Mayor Melanie Hepperly

Attest:

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Barb Fox, Recording Secretary