

**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, September 11, 2023.

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; Bill Stogsdill, Director of Public Works; Brice Soeken, Director of Parks and Recreation.

Visitors: None.

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.

MOMENT OF SILENCE IN REMEMBRANCE OF 9-11

Mayor Hepperly asked the Council to observe a moment of silence in memory of those who died on 9-11, including the first responders who have lost their lives due to related illnesses from the exposure to events that occurred that day.

PROCLAMATION – NATIONAL SUICIDE PREVENTION AWARENESS MONTH

Mayor Hepperly read a Proclamation proclaiming the month of September 2023 as National Suicide Prevention Awareness Month in the City of Fairway. She encouraged all residents to take the time to inquire as to the wellbeing of their family, friends and neighbors and to genuinely convey their appreciation for their existence by any gesture they deem appropriate.

PROCLAMATION – NATIONAL CO-RESPONDER AND CRISIS RESPONDER WEEK

Mayor Hepperly read a Proclamation proclaiming the week of September 18, 2023 as National Co-Responder and Crisis Responder Week in the City of Fairway, Kansas. She explained that Johnson County Mental Health Center's Co-Responder Program was established in 2011 to embed mental health clinicians

with law enforcement agencies to respond collaboratively to individuals in crisis and provide the right intervention connecting the individuals to appropriate resources.

MONTHLY REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK

Mayor Hepperly stated that Chief Chick was not present at the meeting and she referred the Council to the report in the packet.

ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier referred to the report in the packet, subject to questions. He discussed the status of the Citizen Satisfaction Survey, noting that residents can expect to receive it in the mail by the end of the month. The survey will take about two months to collect responses and then they will begin analyzing the data. He expects results to be available by the end of the year.

As to the Finance Committee, City Administrator Nogelmeier stated that sales tax and cash flow are strong. The Committee reviewed the draft 2024 Budget, which the Council will consider for approval this evening.

POLICE COMMITTEE, CHIEF THURLO

Monthly Report

Chief Thurlo referred the Council to the report, subject to questions. He thanked Mayor Hepperly for the Proclamation concerning suicide prevention, noting that Fairway's Police Department was directly impacted by a suicide in 2014.

He stated that because of Fairway's support for the Co-Responder program since its beginning, he was asked to speak at an upcoming Board of County Commissioner's meeting where the Proclamation will be read. The program is very beneficial to the Department to have individuals who are able to respond and assist with mental health issues.

Chief Thurlo announced that September 12 is National Police Women's Day and asked Councilmembers to reach out to female members of the Police Department and staff on that day.

Chief Thurlo discussed an ongoing investigation into the traffic accident that occurred at Shawnee Mission Parkway and Aberdeen. He stated that an individual at Hen House was taken into custody on a warrant.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill referred to the report in the packet, subject to questions. He discussed the new material used at the new crosswalk on 53rd Street.

Responding to Councilwoman Brofsky's question, Director Stogsdill stated that the curb work on 62nd Terrace is expected to be wrapped up by the end of September.

PARKS AND RECREATION COMMITTEE, MR. SOEKEN

Monthly Report

Director Soeken referred the Council to the report in the packet, subject to questions. He noted that Fairway's pool has closed for the season.

Mayor Hepperly congratulated Director Soeken and his staff for a successful pool season.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

No report.

APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the five items on the Consent Agenda. The Consent Agenda items include the following: (A) Minutes of Previous Regular City Council Meeting; (B) Claims and Appropriations – Ordinance #1788 – August 2023; (C) Annual Maintenance Agreement for all City Facilities with Santa Fe Heating and Cooling; (D) Professional Services Agreement with Trekk Design Group, LLC to Prepare Plans and Specifications for the 2025 Stormwater Improvement Project; (E) Change Order #1 to the Peterson Park Restroom Design Agreement with Mega KC.

Mayor Hepperly asked for discussion from the Council.

Responding to Councilman Watkins question, Director Stogsdill confirmed that the stormwater project will be designed in 2024 and is planned to begin in 2025.

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

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

Councilman Watkins moved that the Council approve Consent Agenda items A through E on the Consent Agenda. Councilwoman Brofsky seconded the motion and the motion carried unanimously.

NEW BUSINESS

A. Public Hearing to Exceed the Revenue Neutral Rate and 2024 Budget Hearing.

Mayor Hepperly opened the Public Hearing and asked members of the public for their comments concerning the 2024 Budget. Seeing no members of the public in the audience or online, Mayor Hepperly closed the Public Hearing.

B. Consider Resolution 2023-D – A Resolution of the City of Fairway, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate.

Mayor Hepperly read the Resolution into the record, as follows:

A RESOLUTION OF THE CITY OF FAIRWAY, KANSAS TO LEVY A
PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE;

WHEREAS, the Revenue Neutral Rate for the City of Fairway was calculated as 18.122 mills by the Johnson County Clerk; and

WHEREAS, the budget proposed by the Governing Body of the City of Fairway will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

WHEREAS, the Governing Body held a hearing on September 11, 2023 allowing all interested taxpayers desiring to be heard an opportunity to give oral testimony; and

WHEREAS, the Governing Body of the City of Fairway, having heard testimony, still finds it necessary to exceed the Revenue Neutral Rate.

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

The City of Fairway shall levy a property tax rate exceeding the Revenue Neutral Rate of 18.122 mills.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

ADOPTED this 11th day of September 2023 and SIGNED by the Mayor.

Mayor Hepperly stated that the Resolution will be signed and adopted following approval by the Counsel.

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

Councilman Watkins moved that the Council approve Resolution No. 2023-D, A Resolution of the City of Fairway, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate. Councilman Levin seconded the motion.

Discussion followed.

Councilman Watkins commented that when reading news articles about other cities who have held votes exceeding the revenue neutral rate, it seems like that is a black mark on those cities. He wished the City did not have to exceed the revenue neutral rate, but that would mean that the City's expenses did not increase or are not projected to increase, and unfortunately, that is not the case. If the City only maintained the revenue neutral rate, the City would be faced reducing services to residents -- like not paving roads or providing Police Officers. Unfortunately, the City must go through the exercise every year to exceed the revenue neutral rate, but the cost of operating the City, even with the same number of employees and the same services, does not stay the same year to year.

Mayor Hepperly added that as long as she has been involved in City government (since 2009), the City has always held a budget forum and welcomed residents to come and speak so the City has been very transparent about the budget.

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

Following discussion, the motion carried 7 to 1.

C. Consider 2024 Budget and 2024-2028 Capital Improvement Plan.

Mayor Hepperly noted that all Councilmembers have reviewed various drafts of the 2024 Budget and the 2024-2028 Capital Improvement Plan provided during the Administration and Finance Committee meetings.

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

Councilman Levin moved that the Council approve the 2024 Budget and the 2024-2028 Capital Improvement Plan. Councilman Smith seconded the motion and the motion carried 7 to 1.

Councilwoman Brofsky voted yes.
Councilman Watkins voted yes.
Councilman Smith voted yes.
Councilwoman Buszek voted no.
Councilman Rogers voted yes.
Councilman Bailey voted yes.

Councilman Levin voted yes.
Councilwoman Keys voted yes.

D. Consider Professional Services Agreement with Burns & McDonnell for the Design of the 2024 CIP Projects.

Director Stogsdill reported that this Professional Services Agreement is for the exact same services provided by Burns & McDonnell in 2023 and is at the same cost. He stated Burns & McDonnell has served the City very well over the past two years and he recommends approval.

Mayor Hepperly asked for discussion from the Council. Hearing none, she asked for public comment on this item. Noting that there are no members of the public in the audience, Mayor Hepperly closed public comment on this item and asked for a motion.

Councilman Watkins moved that the Council approve the Professional Services Agreement with Burns & McDonnell for the Design of the 2024 CIP Projects. Councilman Levin seconded the motion and the motion carried with one abstention by Councilman Bailey.

COMMENTS BY GOVERNING BODY

Mayor Hepperly asked for comments by the Governing Body.

Councilman Levin addressed Mayor Hepperly's earlier comments about transparency by the Council concerning the budget. He recalled that over the last several years during the public forums there has been either zero or one or two attendees. He thinks that is either a mark of doing a great job or public apathy. He hopes is the former. He thinks that staff and the Council have done a great job during the budget process as they do every year.

Councilwoman Brofsky reminded the Council of the Go Green event scheduled on September 23, 2023 from 9:00 A.M. to noon. She stated that they need volunteers and asked that anyone interested in helping to reach out to her.

Councilwoman Brofsky also discussed the article about the vendor at the Overland Park Farmers Market who said some horrific things that were anti-Semitic. She stated she is glad that Fairway passed the Resolution that it did concerning anti-Semitism.

Finally, Councilwoman Brofsky reminded the Council that the Jewish high holidays are this weekend and suggested that Councilmembers wish their Jewish friends a Happy New Year.

Councilman Rogers thanked everyone who was involved with the sales of the t-shirts in memory of Officer Oswald, donations of which will be going to the Oswald family.

City Administrator Nogelmeier stated that total revenue from the sales is just over \$7,200. They have not yet taken into account the costs involved, so the final donation amount is yet to be determined.

PUBLIC COMMENT

Mayor Hepperly noted there was no members of the public present at the meeting or online so there would be no public comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hepperly requested a motion to adjourn.

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

The meeting was adjourned at 7:01 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary