

**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, December 13, 2021.

Present: Council Members Jenna Brofsky (by phone), David Watkins, Tom Cotter, Kelly-Ann Buszek, Dan Bailey, Joe Levin and Tanya Keys.

Absent: Council Member Jason Rogers.

Presiding: Mayor Melanie Hepperly.

Staff Present: Nathan Nogelmeier, City Administrator; Kim Young, City Clerk; Abbie Aldridge, Assistant City Clerk; Richard Cook, City Attorney; J.P. Thurlo, Police Chief.

Visitors: Keith Buszek, 5607 Chadwick, Eugene Young, 5622 Chadwick, Skip Hensler, 5657 State Park Road, Peter Ho, 6106 Lockton Lane and Janet Watkins, 6142 Lockton Lane.

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.

SWEARING-IN OF NEW ELECTED OFFICIALS

City Clerk Young conducted the swearing-in ceremony for the newly elected officials, which included Mayor Melanie Hepperly and Council Members Kelly-Ann Buszek, Tanya Keys, David Watkins and Dan Bailey.

30-MINUTE RECESS FOR RECEPTION

Mayor Hepperly announced a 30 minute recess for a reception at 6:35 P.M.

The Council reconvened at 7:05 P.M.

MONTHLY REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK

Mayor Hepperly referred to the Consolidated Fire District report in the packet as submitted.

ADMINISTRATION COMMITTEE, MR. WATKINS

Monthly Report

Councilman Watkins reported that the Administration Committee did not meet in November.

City Administrator Nogelmeier referred the Council to the report in the packet, subject to questions.

POLICE COMMITTEE, MS. KEYS

Monthly Report

Councilwoman Keys reported that the Police Committee did not meet in November.

Chief Thurlo referred to the report in the packet, subject to questions.

PUBLIC WORKS COMMITTEE, MS. BUSZEK

Monthly Report

Councilwoman Buszek reported that the Public Works Committee did not meet in November but plans to meet after the first of the year.

Director Stogsdill referred to the report in the packet, subject to questions. He noted that Public Works has been actively sweeping the streets.

Responding to Councilman Bailey's question, Director Stogsdill stated that he will review the status of the project at 59th Street and Granada where Water One is replacing a water main.

PARKS AND RECREATION COMMITTEE, MR. COTTER

Monthly Report

Councilman Cotter reported that the Parks and Recreation Committee did not meet in November.

Director Soeken referred to the report in the packet, subject to questions. He discussed the success of the Santa's Workshop event and stated that a new employee, Jackson Dwyer, will begin working with the Parks and Recreation Department in January.

FINANCE COMMITTEE, MR. LEVIN

Monthly Report

Councilman Levin reported that the Finance Committee met on December 1, 2021 during which the Committee discussed cash flow and sales tax revenues.

City Administrator Nogelmeier discussed the anticipated end of year transfers. Sales tax revenues have risen substantially over the year. In December a \$700,000 transfer will be made to the Capital Improvement Fund for future infrastructure and equipment purchases. An additional \$150,000 transfer will be made to the General Fund Reserve, which will meet the City's goal of 20 percent reserve in the General Fund.

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 #1753 – November 2021; (C) 2022 Holiday Schedule; (D) Hen House Cereal Malt Beverage License.

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

NEW BUSINESS

A. Consider Interlocal Agreement for 2022 CARS Program.

Director Stogsdill explained that this Agreement is the standard Interlocal Agreement among the cities of Fairway and Roeland Park and Johnson County for reimbursement of next year's CARS project, which will be mill and overlay and sidewalk installation on Buena Vista and 53rd Street between Buena Vista and Mission Road. The location of the sidewalk has been discussed with Roeland Park for three or four years. An agreement has been reached wherein the majority of the sidewalk will be built on the Roeland Park side of the street, and a small portion will be built on the Fairway side of the street. All construction dollars will be reimbursable at 50 cents on the dollar between the cities and County. Roeland Park is leading the project.

Mayor Hepperly added that part of the discussion was whether or not a portion of the sidewalk would be built on the private property where the dental office is located. This would have resulted in the street crossing at Shawnee Mission Parkway and Buena Vista. No one felt that location would be safe. Therefore, the crossing will be placed to north of the dental office on 53rd Street for safety purposes.

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

Mayor Hepperly asked for a motion.

Councilman Watkins moved that the Council approve the Interlocal Agreement for 2022 CARS Program. Councilman Bailey seconded the motion and the motion carried unanimously.

B. Consider Resolution 2021-D – A Resolution establishing the 2022 Fee Schedule.

City Administrator Nogelmeier explained that every December the Council approves the fee schedule for the following year. There have been several changes, largely to keep up with costs that the City is incurring for the services provided. Several fee increases for the Parks and Recreation Department and a fee for temporary certificate of occupancy fee have also been added. Staff conducted a comprehensive review of fees compared to other cities in 2020 to ensure they are comparable. Staff did not consult other cities concerning the tripling of the permit fee for work outside the building permit. Fairway has seen an increase in work being done outside the permit so this additional fee will hopefully deter that in the future.

Responding to Councilman Watkins question, City Administrator Nogelmeier confirmed that the Administration Committee discussed several other additional fees. Staff is reviewing those additional fees, including looking at a potential road impact fee that will be added on to building permits for tear downs and rebuilds. The fee schedule may be revised at a later date once those additional fees are researched.

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 Cotter moved that the Council approve Resolution 2021-D – A Resolution establishing the 2022 Fee Schedule. Councilman Bailey seconded the motion and the motion carried unanimously.

C. Consider Resolution 2021-E – A Resolution of the Governing Body of the City of Fairway, Kansas Establishing the Date and Time of a Public Hearing Regarding the Adoption of a Redevelopment Project Plan Pursuant to K.S.A. 12-1770 et seq.

City Administrator Nogelmeier explained that the Governing Body recently rezoned a portion of the Office Park from B-2 Office to B3-P Planned Multi Use. The Code requires that the Council set the time and place for a Public Hearing to consider the Project Plan. This is a procedural step and the Council will not be considering any part of the project this evening. Staff sent out a comprehensive email to citizens last week outlining the details of the project. The email was sent to 1500 email addresses and over 800 of those emails were opened. This is a 62 percent open rate while the industry standard is 37 percent. Fairway's normal open rate is closer to 50 to 55 percent. Of the 800 plus emails that were opened, he received three replies, two of which were generally supportive and the other asked several questions which were answered by City Administrator Nogelmeier.

Mayor Hepperly asked for discussion on this item. Hearing none, she asked for public comment. Hearing none, she closed public comment on this item.

Mayor Hepperly asked for a motion.

Councilman Levin moved that the Council approve Resolution 2021-E – A Resolution of the Governing Body of the City of Fairway Kansas Establishing the Date and Time of a Public Hearing regarding the adoption of a Redevelopment Project Plan pursuant to K.S.A. 12-1770 et seq. Councilman Watkins 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 commented that he was excited to continue work as a Councilmember and looked forward to working with staff, other Councilmembers and the Mayor to keep Fairway a great little city to call home.

Councilwoman Keys indicated that she was approached by several residents who wondered if it were possible to in some way honor Bill Guilfoil, for example, by naming the tennis courts after him. She has discussed the suggestion with Director Soeken and understands that those residents will be reaching out to him concerning this issue.

Councilwoman Buszek also stated that she is extremely grateful to be re-elected to the Council. She is looking forward to continuing to work with staff and other Councilmembers over the next four years to make Fairway an even better place to live.

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.

EXECUTIVE SESSION – ATTORNEY CLIENT PRIVILEGE

Councilman Bailey moved that the Council recess into Executive Session to obtain legal advice related to 5553 Fairway Road, Fairway, Kansas, pursuant to the Attorney/Client Consultation Exception, K.S.A. 75-4319(b)2. The Executive Session will include Attorney Joe Erskin, City Administrator Nogelmeier and Councilmembers. The open meeting will resume in Council Chambers at 8:15 P.M. Councilman Cotter seconded the motion and the motion carried unanimously.

The Council recessed into Executive Session at 7:30 P.M.

The Council reconvened at 8:15 P.M

ADJOURNMENT

There being no further business to come before the Council, Mayor Hepperly adjourned the meeting at 8:16 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary