

**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, November 14, 2022.

Present: Council Members David Watkins, Jonalan Smith, Kelly-Ann Buszek, Jason Rogers, Dan Bailey, Joe Levin and Tanya Keys.

Absent: Council Member Jenna Brofsky.

Presiding: Mayor Melanie Hepperly.

Staff Present: Nathan Nogelmeier, City Administrator; Richard Cook, City Attorney; Bill Stogsdill, Director of Public Works; J.P. Thurlo, Police Chief; Brice Soeken, Director of Parks and Recreation.

Visitors: Scott Motush, Infinity Signs Systems, 4900 Lister Avenue, Kansas City, Missouri.

**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 – NATIVE AMERICAN INDIAN HERITAGE MONTH**

Mayor Hepperly read a Proclamation designating November as National American Indian Heritage Month in the City of Fairway, Kansas.

**CITY SERVICE AWARDS – RECOGNITION OF COUNCIL MEMBERS AND STAFF**

Mayor Hepperly presented City Service Awards to Councilmembers Bailey (8 years), Keys (8 years), Watkins (8 years) and Levin (10 years) and also to Lieutenant Bayless (10 years).

City Administrator Nogelmeier explained that the certificates are provided by the Kansas League of Municipalities. The years of service for Councilman Levin and Councilman Bailey include their previous time as City Treasurer and Planning Commission member respectively. Service level recognition of elected officials start at year 8 and then at year 10 and on from there. Service level recognition for employees are at 10, 25 and 40 years. City Clerk Young is working to catch up on several outstanding service awards and those will be presented at a later date.

Mayor Hepperly thanked the recipients for their service to the City.

## MONTHLY REPORTS OF STANDING COMMITTEES

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

Mayor Hepperly explained that Chief Chick is not present at the meeting. She 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 noted that the report indicates that the Administration Committee meeting is scheduled for Wednesday, November 30; however, the meeting has been rescheduled to December 12, 2022 at 5:30 P.M.

With respect to the Finance Committee report, City Administrator Nogelmeier explained an error in sales tax reporting by the State in September and October. The City is in a very good position for 2022 revenue. Of the 46 line items for revenue, 19 have exceeded what was budgeted for this year.

At the December meeting the Committee will discuss some upcoming significant projects, including stormwater and the results of the street light study. The Committee will also discuss how it will handle transfers in light of future projects and a potential recession.

### POLICE COMMITTEE, CHIEF THURLO

#### Monthly Report

Chief Thurlo referred to the report in the packet, subject to questions. He announced that a new officer has been added to the Police Department.

Councilman Bailey referred to the Court Summary in the report and noted that there seems to be more violations occurring; however, the case dispositions are down from last year. He wondered if there was a back log with the Court.

City Administrator Nogelmeier responded that because of the pandemic, many cities are having a back log in their Municipal Court because of continuances being given and, in some instances, they are having a difficult time getting people to show up for Court.

Chief Thurlo added that while some violations are going down compared to last year, others have increased. In addition, some of those arrests are felony arrests for more serious crimes that are handled by the County, and those also contribute to the decrease in case dispositions.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill referred to the report as submitted, subject to questions. He stated Public Works has been actively sweeping streets and are doing their best to catch up with the leaf collection.

PARKS AND RECREATION COMMITTEE, MR. SOEKEN

Monthly Report

Director Soeken referred to the report as submitted, subject to questions. He discussed recent events, including the Fall Festival and Touch-A-Truck event. He added that those two events involve assistance from all four City Departments and he thanked everyone for their help with the events. Currently, both Recreation Supervisors Tillery and Dwyer are hard at work planning the Santa's Workshop event.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

Director Stogsdill stated that the Tree Board is scheduled to meet in a week or two.

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 #1774 – October 2022; (C) Agreement with Trekk for a geographical survey of Peterson Park; (D) Renewal of Information Technology Services Agreement with Johnson County, Kansas for 2023 services; (E) Agreement with KC Gunite for work to be performed at the Swimming Pool, including liner removal and painting.

Mayor Hepperly asked for discussion from the Council.

Responding to Councilman Bailey's question, Director Soeken stated that there were other bids received for the work on the swimming pool; however, all of the bids did not include the same services. A bid closer to \$200,000 was received, but did not include the caulking replacement inside the pool. Other bidders wanted to put another liner on top of the current liner, which was not advised. The bid from KC Gunite matched up with the best price and included the best services and he believes they can complete the work based on their history.

Councilman Bailey noted that the report indicates that the City can expect the pool will need to be repainted every five years. He asked if there would be other significant costs in the next five years.

Director Soeken responded that there should not be other significant costs within the next five years except for perhaps repainting the racing lines when they fade.

Responding to Councilman Bailey's question concerning the one-year warranty, Director Soeken explained that is standard. He added that the paint is in a corrosive environment with the pool and sunlight UV rays breaking it down. If there are any other warranties offered by the paint suppliers, KC Gunite will transfer those to the City to extend the warranty, but he is not anticipating that will be the case.

Councilman Watkins noted that the contract states there would be one base layer and then a second layer on top. He thought there would be more layers of paint which would help it last four or five years.

Director Soeken explained another bidder was going to put down three layers; however, the first layer was a little thinner than what is being proposed by KC Gunite, so in the end, their three layers would equal the same thickness as the two layers being proposed by KC Gunite.

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

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

## NEW BUSINESS

### A. Amendment to Current Agreement with Burns and McDonnell for the Addition of the 2023 CIP Project Design.

Director Stogsdill explained that this amendment is an extension of the City's current Professional Services Agreement with Burns and McDonnell for design of next year's Capital Improvement Project. He said that it makes sense to get a bid from Burns and McDonnell for next year's project since two streets were held over from this year's project and they have already completed the design work. Next year's project includes a full set of plans for the CARS project, which is on 53<sup>rd</sup> Street and will be discussed in the next Agenda item. His goal is to open bids and have a bid before the Council in February with the project beginning in April.

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

Councilman Watkins moved that the Council approve the amendment to the current agreement with Burns and McDonnell for the addition of the 2023 CIP project design. Councilman Smith seconded the motion and the motion carried. Councilman Bailey abstained.

B. Interlocal Agreement for 2023 CARS Project at 53<sup>rd</sup> Street.

Director Stogsdill stated that this Interlocal Agreement is the standard agreement between Fairway, Roeland Park and Johnson County for reimbursement up to 50 percent of construction costs. He noted that many cities have requested funding so he expects the reimbursement to be more along the lines of 47 percent, but that hinges on construction prices. He recommended that the Council approve the Interlocal Agreement so the City can be eligible for the reimbursement.

Mayor Hepperly asked for discussion from the Council.

Discussion followed concerning the location of the work. Director Stogsdill stated the project includes work requested by the Shawnee Indian Mission Foundation for enhancements in front of the Mission. The request is for a pushbutton crosswalk. Mayor Hepperly noted that with more and more busloads of children visiting the Mission that adding the crosswalk will help to safely cross the street.

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

Councilman Bailey moved that the Council approve the Interlocal Agreement for 2023 CARS project at 53<sup>rd</sup> Street. Councilman Smith seconded the motion and the motion carried unanimously.

C. Site Plan and Deviation Request for New Signage – 2712 W. 53<sup>rd</sup> Street, Fairway, Kansas, as submitted by Dan Motush of Infinity Signs Systems on behalf of Stretch Lab, Tenant, and First Washington Real Estate, Property Owner.

City Administrator Nogelmeier explained that Stretch Lab requested three signs, a typical sign above the store similar to the rest of the shops, a window sign, and a blade sign that sets perpendicular to the building facade. The Planning Commission is recommending approval of the first two signs but is not recommending the third perpendicular sign.

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

Scott Motush of Infinity Signs Systems, 4900 Lister Avenue, Kansas City, Missouri, stated that he is the applicant and offered to answer questions. He noted that the Planning Commission denied the perpendicular blade sign, which he agreed was not needed.

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

Councilman Watkins moved that the Council approve the Planning Commission's recommendation to approve the two conforming signs and deny the third non-conforming blade sign for new signage – 2712 W. 53<sup>rd</sup> Street, Fairway, Kansas, as submitted by Dan Motush of Infinity Signs Systems on behalf of Stretch Lab, Tenant, and First Washington Real Estate, Property Owner. Councilman Smith seconded the motion and the motion carried unanimously.

D. Permit Extension for Building Permit 21-000095 for New Home Located at 5600 Neosho, Fairway, Kansas.

City Administrator Nogelmeier explained that the building permit has already been extended once by staff and that is all the Code allows. Any further extensions must be approved by the Council. As indicated in the report, staff is recommending approval of the extension. The fee will be one half the original permit fee, or \$6,418.00 and the permit will be extended for an additional six months.

Mayor Hepperly asked for discussion from the Council.

Responding to Councilman Watkins' question, City Administrator Nogelmeier stated that there was a delay getting the project started because of the site work required and it is a very large project.

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

Councilwoman Buszek moved that the Council approve the permit extension for Building Permit 21-000095 for new home located at 5600 Neosho, Fairway, Kansas. Councilman Smith 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 Bailey discussed a threat on Next Door related to a complaint about speeding on Mission Road around the pool. The complaint has now ballooned beyond that and he asked if Chief Thurlo was aware of the complaint.

Councilman Rogers stated that he had commented on the post and provided a link to the traffic calming information available on the City's website.

City Administrator Nogelmeier thanked Councilman Rogers for providing the traffic calming policy; however, he noted that engineered fixes for traffic calming are limited to residential streets. Mission Road, 53<sup>rd</sup> Street and even Reinhardt

are considered arterials and collectors, and according to the City's traffic calming policy, are not allowed to be considered for traffic calming because the City does not want traffic diverted from the main roads to residential streets. He stated that arterials and collector streets have been designed for more traffic. If the issue is speeding, then that should be brought to the attention of the Police Department. He encouraged residents who have concerns about speeding or public safety to contact Chief Thurlo or Lieutenant Bayless.

Councilman Watkins also thanked Public Works and McAnany for getting the mill and overlay project completed in time for Halloween.

#### PUBLIC COMMENT

Mayor Hepperly asked for public comment not listed on the agenda. Hearing none, she closed public comment.

#### ADJOURNMENT

Councilman Watkins 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 7:31 P.M.

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Mayor Melanie Hepperly

Attest:

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Barb Fox, Recording Secretary