

**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, February 12, 2024.

Present: Council Members Jenna Brofsky, Joe Levin; David Watkins, Jerry Williams; Dan Bailey, Lee Story and Tanya Keys.

Absent: Kelly Ann Buszek.

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: Steve Chick, Consolidated Fire District No. 2; Fairway Police Officer Schemper; Recreation Supervisor Jackson Dwyer; Recreation Supervisor Renee Reis; Robert Heacock, ETC Institute, 725 W. Frontier Lane, Olathe, Kansas.

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 – BLACK HISTORY MONTH

Mayor Hepperly read a Proclamation designating the month of February 2024 as Black History Month in the City of Fairway. She explained that Fairway joins the nation in celebrating National Black History Month by honoring the essential contributions, sacrifices and accomplishments of African Americans in the community, throughout the state and nation as part of American history.

PROCLAMATION – PRINCESS DAY IN THE CITY OF FAIRWAY

Mayor Hepperly read a Proclamation designating February 25, 2024 as Princess Day in Fairway and invited everyone to attend the magical event.

MONTHLY REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK

Chief Chick presented a PowerPoint to the Council. He outlined total calls District-wide, trends, and specific performance metrics. He also discussed the types of calls they are seeing District-wide that could disrupt speedy service to the community and ideas on what actions can be taken in coming years to better serve the community as a whole.

District-wide there were 5,500 calls in 2022 and 6,253 calls in 2023, resulting in a 12 ½ percent increase. He attributes the increase to areas developing and becoming more densely populated. The District did plan for the increased volume as that was part of the strategic plan. He discussed the call volumes at each of the District's Fire Stations and explained how those call volumes are expected to change as development projects are completed.

Specific to Fairway, Chief Chick stated that EMS calls in Fairway decreased by 11 percent between 2022 and 2023. Other calls that are not considered emergency calls, like smoke alarm calls or calls when someone has fallen and cannot get up, stayed consistent. He expects the new 55 and older project on Shawnee Mission Parkway to impact call volumes.

Chief Chick next discussed the performance metrics for EMS calls in Fairway, stating that the turnout time is currently about one minute for both EMS and fire truck calls. Travel times for EMS calls is 3 minutes and 52 seconds and travel time for fire emergency calls is 4 minutes and 17 seconds. He is very happy with those response times.

Chief Chick explained that the average amount of time EMS or the fire truck is at a call is 33 minutes. When the Fire District has 6,300 calls per year, that adds up to a lot of face time with the community.

He explained that the Fire District has handled the increase in calls over the last several years by adding a new fire truck at Station 22 located at 63rd and Mission Road. The recommendation is that when any Station requires assistance of another Station in more than 15 percent of calls, then it is time to start looking to add resources and for this reason, the unit was added 2 years ago.

Chief Chick reported that lift assist calls District-wide have increased over the last year. He believes the increase stems from people who have lived in the community for a long time and do not want to leave their homes. They are also monitoring non-emergent calls from care facilities. While there are not a lot of nursing homes in Fairway, there are a lot of nursing homes in Northeast Johnson County. Those nursing homes do have 24-hour medical staff present but they are seeing an alarming trend where the facilities insurance companies are telling staff not to lift people but are telling them to call the Fire Department. There is also a shortage of transfer resources to get people who are non-emergent from the nursing home to the hospital. The Fire District has seen a 41 percent increase in non-emergent calls from just one of the nursing care facilities. He plans to talk with the nursing facilities in the District concerning how to balance 911 calls and non-emergent transfers so they do not affect the rest of the community that also

needs 911 assistance. He wants to ensure that everyone in the District has fair and equitable access to the 911 resources they need.

Chief Chick also reported that the Fire District will be working on a new 5-year strategic plan and will be reaching out to Mayors and City Administrators across the District so they can be involved in that process. He expects the new strategic plan to include concepts of risk reduction and perhaps staffing of a non-emergent vehicle that can visit those who need supplementary help and/or recommendations for other resources in the community.

Chief Chick offered to answer questions from the Council.

Mayor Hepperly thanked Chief Chick for his presentation and asked for questions from the Council.

Responding to Councilwoman Brofsky's question, Chief Chick explained that the majority of lift assists were indoors from elderly residents. He thinks there are resources the Fire District can link people up with to assist them rather than having them increase the call load of the Fire District.

Responding to Councilman Watkins' question, Chief Chick explained that the unit added to Station 22 is a heavy squad unit, which is considered a quick response vehicle because it is smaller, more economical, and is staffed with two firefighters rather than three.

ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier stated that the Committee met on January 31, 2024 and he referred the Council to the report in the packet subject to questions. The cash carry forward into 2024 was just under \$1M. The budgeted cash carry forward was \$260,000. Once the audit is complete, the Finance Committee will consider ways to distribute the amounts exceeding the budget.

POLICE COMMITTEE, CHIEF THURLO

Monthly Report

Chief Thurlo referred the Council to the report, subject to questions. He stated there were a record number of arrests last month in Fairway and he discussed several of those incidents. He explained there were residential burglaries where people entered homes with unlocked doors and he reminded residents to keep their doors locked.

Councilman Story thanked Chief Thurlo for taking time to meet with him and show him around the Police Department. He thinks it is a testament to Chief Thurlo and the entire Department that they are doing excellent work in such a

limited footprint. He hopes that the City will be able to do something about that in the future.

Chief Thurlo also presented a Certificate of Exemplary Performance to Officer Schemper for actions he took involving a homicide that occurred in Independence, Missouri on August 3, 2023. Surveillance footage was recovered from the homicide and an Attempt to Identify Bulletin was released to numerous Police agencies in the Kansas City metro area. Officer Schemper identified the suspect from prior police contacts and body camera footage. Officer Schemper's identification was sufficient to obtain search warrants that led to the arrest of numerous suspects involved in the homicide. Without Officer Schemper's attention to detail, the homicide would still be unsolved. He believes that Officer Schemper exemplified the Fairway Police Department's high standards of excellence and presented him with the Certificate of Exemplary Performance.

Mayor Hepperly thanked Officer Schemper for his service.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill referred the Council to the report in the packet subject to questions. He discussed the bid opening today for the 2024 Capital Improvement Project, stating that the confirmed low bid is from a contractor that the City has worked with before.

Councilwoman Brofsky recalled that the Council at one time discussed the term "responsible bidder" and she asked if that term was defined somewhere.

Director Stogsdill indicated that the term "responsible bidder" is defined in the contracts. Staff has checked references on the lowest responsible bidder and is comfortable moving forward with that bidder.

Also responding to Councilwoman Brofsky's question, Director Stogsdill explained that he has reached out to Evergy concerning the streetlights on several occasions and he is waiting for a response.

PARKS AND RECREATION COMMITTEE, MR. SOEKEN

Monthly Report

Director Soeken referred the Council to the report in the packet, subject to questions. He provided an update on the Park restroom project, stating that they hope to complete the work by the end of March. The Parks and Recreation Department is also working on hiring staff and getting the pool ready for the summer season.

Responding to Councilwoman Brofsky's question, Director Soeken agreed to look into whether there is room in the new bathroom for a changing table.

Councilman Story referred to the Community Survey stating that all Departments scored very high except that the daily user volume at the pool was one of the lowest of the high scores. He asked how the fact that Roeland Park will not be participating in the Super Pass Program will affect that situation.

Director Soeken responded that it is difficult to understand the data from the Community Survey without knowing whether the responders were members of the pool. He does know that volume has decreased over the last two years but in 2021 it was at an all-time high. He thinks Fairway will be impacted by Roeland Park not being part of the Super Pass Program, but does not expect the difference to be significant.

Director Soeken next introduced Recreation Supervisor Jackson Dwyer, who has been with the Parks and Recreation Department for two years, and Recreation Supervisor - Aquatics Renee Reis, who has been with the Parks and Recreation Department for six months.

Recreation Supervisor Dwyer stated that most of his summer duties at the pool are centered around Kid's Camp, but he is also responsible for the concession stand and he trains lifeguards. The Parks and Recreation Department is working to grow Kid's Camp and will be adding more kids this year. He expects it to be another busy summer.

Recreation Supervisor - Aquatics Renee Reis stated that she was formerly with the City of Overland Park and joined Fairway at the end of the summer last year to help wrap things up. She is excited to be working in Fairway.

Director Soeken presented Recreation Supervisor - Aquatics Reis with a Certificate of Exemplary Performance for assistance she provided a former Overland Park Recreation Department colleague who lost consciousness at the recent State conference in January. Recreation Supervisor - Aquatics Reis attended to her former colleague, accompanied him to the hospital, and stayed with him until he was released four hours later. Recreation Supervisor - Aquatics Reis's actions display the high-quality professional that she is, and he is proud for her to be a part of the team.

Mayor Hepperly thanked Recreation Supervisor - Aquatics Reis for her work and thinks residents will be in good hands whenever she is around.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

No report.

APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the six items on the Consent Agenda. The Consent Agenda items include the following: (A) Minutes of Previous Regular City Council Meetings; (B) Claims and Appropriations – Ordinance #1799 – January 2024; (C) Swim Meet ILA; (D) Super Pass Agreement; (E) Mayoral Appointments; (F) Audit Engagement Letter.

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

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

NEW BUSINESS

A. 2023 Community Survey Presentation.

City Administrator Nogelmeier introduced Robert Heacock from ETC who will be presenting the 2023 Community Survey. He noted that while the Council should feel free to ask questions concerning the results, the data will be further discussed at the Administration and Finance Committee meeting scheduled for February 28, 2024.

Robert Heacock, ETC Institute, 725 W. Frontier Lane, Olathe, Kansas presented the survey results to the Council. He stated there are several reasons why a City would want to conduct a survey. Surveys allow the City to get objective feedback as opposed to just hearing from individuals who may have concerns about a particular issue. They also help residents feel like their opinions are welcomed and matter. Cities can also assess trends and determine what areas may have gone up or down over time. Finally, survey results can be compared to regional and national results.

Mr. Heacock explained that the survey was six pages long, was offered in writing and online, and took about 15 to 20 minutes to complete. The response goal was set at 200 and 240 residents completed the survey. They also received at least 50 responses from each of the four Wards.

He explained that when asked how satisfied Fairway residents are with the overall value received for their tax dollars, the responses show that Fairway residents are 23 percent more satisfied than the Kansas average and 45 percent more satisfied than the national average.

When asked what City services residents think are most important, Police services and maintenance of streets are identified as most important. And, with respect to the future, responses indicated that Police and public safety are the most important.

He highlighted that satisfaction responses were very positive. When asked questions concerning perceptions of the City, 97 percent of residents reported they felt their neighborhood was safe and that their needs were being met. One area with 30 percent satisfaction is the level of City taxation and the value of those tax dollars.

Parks and Recreation had high levels of neutral responses; however, those neutral responses could be that the survey was being answered by someone who doesn't utilize the services provided by the Parks and Recreation Department, and therefore, the response is neutral. Satisfaction with Police and Public Safety was very positive for response times, visibility of the Police in neighborhoods, and the City's efforts to prevent crime. Code Enforcement, including enforcing the clean-up of private and public property had a satisfaction level of 65.4 percent. Maintenance of public areas like cleanliness of streets, snow removal, mowing and trimming also had very high ratings. Trash and recycling services overall had 60 percent satisfaction and 10 percent of responders were dissatisfied. He thinks this may be an area for further discussion to find out why residents are dissatisfied with the trash services. There was also very high satisfaction with the communication provided by the City and specifically, staff is responsive, making the citizen feel like they are being heard.

As for how Fairway compares to other communities, Fairway's level of satisfaction far exceeded the Kansas and national averages in quality of Police services, maintenance of streets, overall quality of life, Parks and Recreation, safety, and communication with residents. Even though some earlier responses indicated that responders were not satisfied with Code enforcement, Fairway's satisfaction is higher than the state and national averages. Satisfaction with trash and recycling services are lower than state and national averages and may be an area for follow up.

Mr. Heacock next discussed a comparison of the 2024 survey results to the survey taken in 2019. The largest increases were in assistance from City employees, level of taxation and quality of the building and permit process. Areas that decreased are special events, feeling of safety in City Parks, youth recreation programs, adult recreation programs, and access to restaurants, entertainment and cultural activities.

Mr. Heacock stated that over the last year all of his clients have seen decreases, some significant, since coming out of Covid. Because Fairway is maintaining satisfaction of residents, it is doing better than most cities across the country.

Mr. Heacock explained that responders think that Police services and public safety are top priorities for the future. Respondents expect the value of their home to go up and they don't want their neighborhood to change. A significant number of respondents were dissatisfied with maintenance of rental properties so that may be an area that needs further review.

Mayor Hepperly asked for questions from the Council.

Councilwoman Brofsky asked if the comparison could be broken down to communities similar to Fairway's size, i.e., comparing Fairway to Westwood.

Mr. Heacock responded that he would need to see which direct city comparisons they could produce. He does not think the entire survey results could be replicated but there may be particular responses that could be compared to certain communities.

Councilwoman Brofsky asked how the determination was made for the goal of 200 people to respond to the survey.

Mr. Haycock stated that they tried to be realistic about how many responses they could get and were also working within a budget. The goal of 200 responses was the same goal set for the survey that was conducted in 2019.

As for the responses about Code enforcement, Councilwoman Brofsky asked if the assumption was that people were concerned about Code enforcement because they thought it was not being enforced or that it was being enforced too much.

Mr. Heacock stated that he didn't know for sure what assumptions could be made from the Code enforcement response and thinks that question could be framed differently in the future. Realistically, he does not think it is the case that the Code is being over enforced.

Councilwoman Brofsky noted that demographic information was not requested in the survey. She asked what the pros and cons were for not having that data.

Mr. Heacock responded that he has seen surveys that do and do not request demographic information and he assumes that lends itself to the length of the survey as they want to make sure that people respond. Demographic information would include age, sex and race, which would show differences in how different demographics might answer the same question.

Mayor Hepperly noted that this is the first year that Fairway has not asked questions on demographics. Demographic information was requested in the 2019 survey, but no comparisons were made of how the different demographics might have answered the same question.

City Administrator Nogelmeier explained that comparisons of how different demographics answered the same question was beyond the scope of the 2019 survey. And, because of the additional space needed for the questions on the 2024 survey concerning specific projects or services, the demographic questions were not a part of the recent survey. Those questions could be asked in future surveys.

Councilman Williams discussed the responses related to rental housing and maintenance and asked whether they indicate that only a few people are concerned.

Mr. Heacock responded that he thinks the concerns about rental property maintenance could be sporadic and is not necessarily a concern over the entire community.

Responding to Councilman Story's question, Mr. Heacock explained that the answers to the two fill-in-the-blank questions will be tabulated and provided to staff as soon as possible.

Councilman Bailey asked if there was any downside to asking more of the population to participate in the survey.

Mr. Heacock responded that they were trying to stay within a cost frame. The initial goal was set at 200 and 240 responses were received so they felt that was positive. They could make changes to the participation goal in the next survey. They were very conscious about how long the survey was because the longer the survey, the fewer people want to take time to respond. He does think there is an optimal level of responses and beyond that, you don't get more bang for your buck.

Councilman Bailey stated that he understands the reasoning from a statistical side, but Fairway is such a small city that there may be some resident out there that isn't being surveyed who would probably have something valuable to say.

Responding to Mayor Hepperly's question, Mr. Heacock stated that he will have to check to confirm how many surveys were sent out. Generally, it is about 10 percent of the goal so if the goal was 200 survey responses, then he would assume that 2,000 surveys were sent out. He stated that he would try to figure out how many surveys were actually mailed to residents and would let the Council know.

Councilwoman Keys thanked Mr. Heacock for the presentation. She also thanked City Administrator Nogelmeier, Director Stogsdill, Director Soeken and Chief Thurlo for their leadership and innovation shown by all the positive responses received from the survey.

Addressing comments concerning Code enforcement, City Administrator Nogelmeier explained that it is difficult to put into context what the satisfaction would be with Code enforcement. For example, if the Code is being enforced on a resident, they are likely not going to be happy about it, while if you live next to a home that has Code issues, then you will be happy about the Code being enforced. This is especially true now that the City has been aggressive in some areas of Code enforcement.

He also discussed rental properties, stating that rental properties are inspected more than any other real property in the City. The goal for rental properties is for

people to be able to drive up and down the streets and not be able to identify a rental property from one that is not.

He also indicated that he will look into the number of neutral responses in the level of satisfaction, especially for Parks and Recreation Department programs. He plans to talk with Director Soeken and review the 2019 survey to try to determine whether those neutral responses are due to programs that are specifically targeted to a certain demographic or if the neutral responses are for other reasons.

Finally, City Administrator Nogelmeier addressed the bulk item trash collection process, indicating that Fairway has one of the most generous bulk item pickups of any of the surrounding cities. Pursuant to the City's contract, every household can put out two items per month and residents just need to call the trash company to schedule an appointment to pick up the bulk item. He understands that there have been delays in the trash company actually picking up the item because of the contractor's priorities or because of staffing. The City will contact the trash company to make sure that the bulk items are being collected.

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

B. Consider Bids for 2024 CIP Projects.

Director Stogsdill explained that the bid from JM Fahey Construction for \$782,767 is the low bid on the project, the bid has been verified by the City's consulting engineer, and he recommends that the Council authorize Mayor Hepperly to sign the contract documents once they are prepared. He noted that one of the bid alternates was an early completion date of June 1 and this alternate would cost an additional \$42,000.

There is a discussion concerning whether there were significant advantages for the City if it uses the bid alternate for an early completion date. Director Stogsdill stated that the contract language indicates that once the work starts, the contractor is not allowed to demobilize and move away from the project. Therefore, other than giving the contractor a hard deadline for completion of the project in order to enforce liquidated damages, he doesn't really think the additional cost for the early completion date is worthwhile.

Councilman Story noted that the bid is significantly lower than the other bids and he asked if the City has worked with the contractor in the past or what the reason might be for the significantly lower bid.

Director Stogsdill indicated that the City has worked with the contractor in the past and was happy with their performance. In addition, the City reviewed the bid and did not see that the contractor had overlooked anything in the bid.

Councilman Bailey added that the contractor may have other projects in the area so it is easier to mobilize or maybe work has been slow and they are willing to submit a lower bid in order to get the work.

Director Stogsdill pointed out that the City budgeted the cost at \$854,000 so the project is below budget.

Mayor Hepperly asked for questions from the Council. Hearing none, she asked for public comment. Hearing none, she asked for a motion.

Councilman Levin moved that the Council approve the bids submitted by JM Fahey Construction for the 2024 CIP Projects. Councilman Watkins seconded the motion and the motion carried unanimously.

C. Consider Amending the Professional Services Agreement with Burns and McDonnell for 2024 Capital Improvement Plan.

Director Stogsdill explained that this agreement is for construction engineering wherein Burns and McDonnell will review shop drawings, design and mixes to make sure they meet specifications.

Responding to Councilman Watkins' question, Director Stogsdill explained that the cost is not to exceed \$14,000.

Mayor Hepperly asked for additional questions from the Council. Hearing none, she asked for public comment. Hearing none, she asked for a motion.

Councilman Watkins moved that the Council approve the amendment to the Professional Services Agreement with Burns and McDonnell for 2024 Capital Improvement Plan. Councilman Story seconded the motion. The motion carried with one abstention.

D. Consider Ordinance #1800 – An Ordinance Amending the Fairway City Code Pertaining to Parking Prohibitions, Repealing and Amending Chapter 10, Article II, Section 10-60 of the Fairway City Code.

City Administrator Nogelmeier explained this Ordinance will make the practice consistent with the policy in terms of parking that is allowed on the one block east of Roe on 62nd Street. He discussed two changes that will be made to the draft Ordinance prior to publication.

Mayor Hepperly asked for questions from the Council. Hearing none, she asked for public comment. Hearing none, she asked for a motion.

Councilwoman Brofsky moved that the Council approve Ordinance #1800 – An Ordinance Amending the Fairway City Code Pertaining to Parking Prohibitions, Repealing and Amending Chapter 10, Article II, Section 10-60 of the Fairway City Code, with the revisions to paragraphs C1 and C2 discussed by City

Administrator Nogelmeier. Councilwoman Keys seconded the motion and the motion carried unanimously.

COMMENTS BY GOVERNING BODY

Mayor Hepperly asked for comments by the Governing Body.

Councilwoman Brofsky stated that she received an email from a resident who expressed support for increasing restrictions on short term rentals.

Mayor Hepperly asked Councilwoman Brofsky to reply to the resident telling them that the Council is discussing the short-term rental issue.

Councilman Bailey reported that his first-grade daughter at Westwood View took a field trip to City Hall and the City Shops. His daughter said it was a very enjoyable field trip and he thanked staff for assisting with the school field trips.

Councilman Watkins commended and thanked Mayor Hepperly for attending the legislative hearing in Topeka, especially in light of the recent passing of her mother.

PUBLIC COMMENT

Mayor Hepperly asked if there were members of the public who would like to comment.

Robert Heacock explained that he had an opportunity to review his records and stated that approximately 1200 surveys were mailed out.

Mayor Hepperly asked for additional public comment. Hearing none, she closed public comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hepperly adjourned the meeting at 8:25 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary