

**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, January 13, 2025.

Present: Council Members Jenna Brofsky, David Watkins, Jerry Williams, Kelly Ann Buszek, Lee Story, Dan Bailey, Joseph Levin and Tanya Keys.

Absent: None.

Presiding: Mayor Melanie Hepperly.

Staff Present: Nathan Nogelmeier, City Administrator; Jim Mossiman, Acting City Attorney; J.P. Thurlo, Police Chief; Brice Soeken, Director of Parks and Recreation.

Visitors: Chief Steve Chick, Consolidated Fire District No. 2; Alex Szerwinski, Managing Engineer, Johnson County Wastewater, 11811 South Sunset Drive, Suite 2500, 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.

**MONTHLY REPORTS OF STANDING COMMITTEES**

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

Chief Chick referred the Council to the 4<sup>th</sup> Quarter report in the packet. He stated that call numbers are holding steady and turnout and response times look good.

Chief Chick related that he has received questions from residents concerning water supply for the Fire Department following the catastrophic fire situation in California. He explained that Water One has done a good job of building out, maintaining and upgrading the water system in the region and the Fire District has scored well in audits conducted by the insurance services organization. He also discussed the collaboration among City and County Fire Departments in the region and plans that are in place in the event of a fire disaster.

**ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER**

**Monthly Report**

City Administrator Nogelmeier referred to the report in the packet subject to questions. He highlighted that the Committee met on December 4, 2024 and discussed the Resolution concerning restrictive covenants, which is on the New Business Agenda this evening. He also discussed the plan in 2025 to replace the roof on City Hall. The City will be looking into the possibility of installing solar panels, but an engineer will need to determine whether the roof can support those panels. The space needs assessment is continuing and will be moving forward in the coming weeks.

As for Finance, City Administrator Nogelmeier explained that the City ended the year at \$2.6M in sales tax revenues, exceeding the budgeted amount of \$2.3M. This will allow a larger transfer into the CIP fund of \$1.5M for future projects, such as mill and overlay and vehicle acquisitions. The budgeted transfer was \$1.1M.

Mayor Hepperly pointed out that this shows the City is in very sound financial position. She thanked the City Council and especially staff for monitoring the Department budgets very carefully.

## POLICE COMMITTEE, CHIEF THURLO

### Monthly Report

Chief Thurlo referred to the report in the packet, subject to questions. He discussed several arrests that occurred over the last month. He also discussed a situation that occurred in early January wherein Fairway officers assisted an outside agency with a subject who fired a weapon inside an apartment complex and also outside that building. The subject did not comply with officers' commands. The outside agency attempted to utilize a tazer that was ineffective because of heavy clothing. A Fairway officer quickly deployed a less lethal beanbag shot, and because of the officer's quick action, the individual was taken into custody without serious injury. The subject did have a gun in his waistband but did not have the opportunity to access it. Chief Thurlo stated that the officer did an outstanding job.

Councilman Story noted that the report indicates that someone had remote started their vehicle and it was stolen. He asked if Chief Thurlo had a recommendation in cold weather about remote starting cars and how easy is it to steal someone's car idling in the driveway.

Chief Thurlo responded that most vehicles should not be operable if they are remote started because the keys are not near the vehicle; however, there may be ways for remote started vehicles to be stolen. He suggested that everyone keep an eye on their vehicle when it is started remotely.

Chief Thurlo also explained that the Police will only extradite individuals they have pulled over for a traffic violation if that individual has an active felony or

extraditable warrant. Typically, individuals are not extradited on normal misdemeanor warrants from outside the state lines.

Finally, Chief Thurlo thanked Public Works for the great job they did in clearing the streets after the recent snowstorm.

#### PUBLIC WORKS COMMITTEE, MR. STOGSDILL

##### Monthly Report

Director Stogsdill was not present at the meeting. City Administrator Nogelmeier referred to the report in the packet, subject to questions.

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

##### Monthly Report

Director Soeken referred to his report in the packet, subject to questions. He thanked Public Works for their help in clearing snow from around the pool house and at the Shawnee Indian Mission. He noted that there were seven rentals this weekend and without Public Works, those parties would not have been possible.

The Parks and Recreation Department has been working on the summer newsletter and registrations will open on March 1, 2025. Facility rentals have been strong. The next meeting is scheduled for February 4, 2025 and the Committee will be discussing the Master Plan.

There is a discussion concerning the restrooms at the Park. Director Soeken stated that because the cleaning company was not doing a satisfactory job, staff is now cleaning the restrooms and it is going well.

Finally, Director Soeken explained that the landscaping project at the pool has been completed and he is excited to see the results in May and June.

#### MONTHLY REPORTS OF SPECIAL COMMITTEES

##### Tree Board

No Report.

#### APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the nine 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 #1820 – December 2024; (C) Agreement between Johnson County and the City of Fairway for a Preliminary Project Study of a Stormwater Management Project known as State Park Road; (D) Agreement between the City of Fairway, Kansas and the City of

Roeland Park, Kansas for the public improvement of 55<sup>th</sup> Street from Shawnee Mission Parkway to Roe Avenue; (E) Agreement among Johnson County, Kansas, the City of Roeland Park, Kansas and the City of Westwood, Kansas, and the City of Fairway, Kansas for the Public Improvement of Mission Road from 47<sup>th</sup> Street to 53<sup>rd</sup> Street; (F) Agreement between Johnson County, Kansas and the City of Fairway, Kansas for a Stormwater System Renewal Project known as Fairway Storm Sewer Rehabilitation and Replacement; (G) Purchase of pool deck furniture from Taylor & Associates, Inc. for an amount not to exceed \$36,000.00; (H) Purchase of Park Patron Counters from Eco-Counter Corp. for an amount not to exceed \$10,000.00; (I) Agreement with the cities of Prairie Village, Kansas and Mission, Kansas for the 2025 Super Pass Program.

Responding to Mayor Hepperly's question concerning where the stormwater work in Item F is being conducted, City Administrator Nogelmeier explained that the work will be tied to the CIP project. In 2025, if stormwater work is needed on those streets that are being milled and overlaid, that stormwater work will take place at the same time. The City has budgeted \$360,000 for that stormwater work and it is anticipated that half of that amount will be refunded by the County.

Mayor Hepperly asked for further discussion. Hearing none, she asked if there were comments from the public related to the Consent Agenda. Hearing none, she asked for a motion.

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

## NEW BUSINESS

### A. Presentation: Johnson County Wastewater – Belinder Pump Station Project.

Alex Szerwinski, Managing Engineer, Johnson County Wastewater, 11811 South Sunset Drive, Suite 2500, Olathe, Kansas, presented a PowerPoint discussing the background, location, importance and service area of the Belinder Pump Station. He outlined that the main drivers are renewal and replacement, regulatory requirements, and the 25-year integrated plan with the Kansas Department of Health and Environment. He presented a slide showing the major improvements from the project and stated that information can also be found on the website - [www.jcwprogram.com/belinder](http://www.jcwprogram.com/belinder). He presented renderings of the proposed building and discussed the public outreach session that occurred on September 11, 2024, including feedback and comments received during the session. Finally, he presented the schedule for the project, indicating that the construction period is 28 months and the project is scheduled to be completed in early 2028. The total project cost is between \$22M and \$25M.

Mayor Hepperly stated that she has not heard any complaints from residents concerning the project and she thanked Mr. Szerwinski for the presentation.

There is a discussion concerning the dollar impact on individual homeowners. Mr. Szerwinski stated that as part of Johnson County Wastewater's 25-year plan, \$2.9B dollars will be spread out over 25 years for capital projects and operating costs. The ultimate goal is to make sure that the County is not increasing rates by any more than 5 percent per year for all of the capital projects.

Responding to Councilman Watkins' question, Mr. Szerwinski explained how the construction will be staged so that the pump station can continue operating during the construction process.

Responding to Councilman Bailey's question, Mr. Szerwinski stated that he does not think that the front yard being in the flood plain will affect design because the underground tank takes up a substantial amount of the front yard and they are expanding the building in other areas.

Councilman Story thanked Mr. Szerwinski and his team for the public outreach session in September. He asked if any substantive changes were made to the plan following that meeting.

Mr. Szerwinski responded that no substantive changes have been made other than the skylight was changed for easier access. He confirmed that noise and odor abatement will be addressed and that construction workers will be shuttled in as there will be no construction vehicle parking allowed on State Park Road or Belinder Avenue. In addition, construction materials and equipment will be stored offsite.

B. Consider Authorizing the Mayor to Execute an Agreement Regarding the Shawnee Indian Mission.

City Administrator Nogelmeier explained that the Agreement restates many things the City has already committed to since 2016 when the City took over daily operations of the Mission. The substantial change is that the City previously had two separate Agreements (one with the Historical Society and a separate Agreement with the Shawnee Indian Mission Foundation) and those two Agreements have been combined and now include all three entities. The Agreement lays out some of the work that has already been done in terms of engagement and vision for the site. The Agreement does not commit the City to anything more than it is currently doing in managing the site. Legal counsel from the Historical Society's is currently reviewing the Agreement and he expects that to be completed within the next week. Should Council approve this item, the motion should be to authorize the Mayor to execute the Agreement following final legal review by both the Kansas Historical Society and the City of Fairway.

Councilman Watkins stated that the Agreement was educational and he knows that a lot of work was involved in securing engagement from all parties. He commended Mayor Hepperly for her work on the Agreement.

Mayor Hepperly explained that because all three entities are now parties to one Agreement, she believes it will increase the ability to reach the goal of providing a facility that will share the story of all the tribes that want to share their story. Although that is primarily the responsibility of the Historical Society, she thinks that combining the Agreement will help that goal come to fruition.

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

Councilman Watkins moved that the Council authorize the Mayor to execute an Agreement regarding the Shawnee Indian Mission after review and approval by legal counsel. Councilwoman Buszek seconded the motion and the motion carried unanimously.

C. Consider Resolution 2025-A – A Resolution Regarding the Removal of Discriminatory Restrictive Covenants from Property Documents in the City of Fairway, Kansas and Acknowledging Accomplishments that have Already Occurred.

City Administrator Nogelmeier stated that discussions concerning this Resolution have been ongoing at the Administration and Finance Committee. An article concerning the issue was also published in the Focus on Fairway Newsletter. He reported that one addition has been made to the draft Resolution adding the term “religions” to the list in the first paragraph.

Councilman Williams thanked City Administrator Nogelmeier for his work on the Resolution. He stated that he had the same reaction reading through the Resolution as he did when he read through documents from the closing on his home where it said that no Negroes were allowed. He is proud that the Council took the time and had the discussions to put the Resolution in place, making right the wrongs of the past.

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

Councilman Williams moved that the Council approve Resolution 2025-A -- A Resolution Regarding the Removal of Discriminatory Restrictive Covenants from Property Documents in the City of Fairway, Kansas and Acknowledging Accomplishments that have Already Occurred, to include the addition of the term “religions” in the first paragraph. Councilwoman Buszek seconded the motion and the motion carried unanimously.

D. Resignation of Councilwoman Jenna Brofsky

Councilwoman Brofsky announced that she is moving to Ward 2 so will be resigning her position as a Councilmember from Ward 4. She thanked the Council and staff, indicating that it has been an honor to serve the City for the last five years.

Mayor Hepperly thanked Councilwoman Brofsky for her service and stated that she appreciated her valuable perspectives. She presented a small gift to Councilwoman Brofsky.

E. Consider Mayoral Appointment to the Parks and Recreation Committee.

Mayor Hepperly announced that Zach Cleary has resigned as a member of the Parks and Recreation Committee. Mayor Hepperly appointed Jenna Brofsky as a resident member of the Parks and Recreation Committee.

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

Councilman Bailey moved that the Council approve the Mayoral Appointment of Jenna Brofsky to the Parks and Recreation Committee. Councilman Watkins seconded the motion and the motion carried unanimously.

COMMENTS BY GOVERNING BODY

Mayor Hepperly asked for comments by the Governing Body.

Responding to Councilman Bailey's question, City Administrator Nogelmeier outlined the process that will be followed to fill the Ward 4 vacancy on the Council and the Council President position.

Councilman Watkins commended Public Works for their work in clearing the snow during the recent storm.

Councilman Bailey also pointed out that Director Stogsdill in doing a phenomenal job of getting SMAC funds and grants for projects within the City because otherwise, the City's budget would look much different.

Responding to Director Soeken's question, Mayor Hepperly confirmed that the new Councilmember will fill the remainder of Councilwoman Brofsky's appointment to the Parks and Recreation Committee.

PUBLIC COMMENT

Mayor Hepperly asked if there were members of the public who would like to comment. Hearing none, she closed this public comment portion of the meeting.

ADJOURNMENT

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

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

The meeting adjourned at 7:36 P.M.

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Mayor Melanie Hepperly

Attest:

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Barb Fox, Recording Secretary