

**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 8, 2024.

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

Absent: None.

Presiding: Mayor Melanie Hepperly.

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

Visitors:

CALL TO ORDER AND ANNOUNCEMENTS

Mayor Hepperly called the meeting to order.

She announced that an Executive Session has been added to the Agenda for non-elected personnel matters.

City Administrator Nogelmeier discussed a revision to the Consent Agenda related to the date on Claims and Appropriations, which should be December, 2023 instead of 2024. In addition, the Swim Meet ILA and Super Pass Agreements on the Consent Agenda have been moved to the February meeting.

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

Mayor Hepperly reported that Chief Chick is not present at the meeting and referred the Council to the report in the packet.

ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier referred the Council to the report in the packet subject to questions. The Committee did not meet in December. He discussed the valuation for construction permits for 2023 of \$67,845,000, noting that a large

portion of that amount is for the redevelopment project at 4210 Shawnee Mission Parkway. As to that project, the contractor did have a few glitches in the process with the first overnight concrete pour, and city staff has since worked with the contractor to smooth those out. The contractor is planning another overnight concrete pour on Wednesday night into Thursday morning. The Council previously approved the overnight pours and neighbors received notification in the mail as well as a door hanger.

As for Administration, City Administrator Nogelmeier explained that \$750,000 was transferred from the General Fund into the Capital Improvement Fund. He explained that the Shawnee Indian Mission Fund was over budget, primarily for utilities. Statutorily, the Shawnee Indian Mission Fund cannot end in a negative so some expenses will be moved to the Administration or Parks and Recreation Departments.

Responding to Councilwoman Brofsky's question, City Administrator Nogelmeier discussed the part time position with the Shawnee Indian Mission Foundation. He explained that based on some reporting and KORA concerns, the Foundation will be creating the contract position rather than the City taking on that additional position.

POLICE COMMITTEE, CHIEF THURLO

Monthly Report

Chief Thurlo referred the Council to the report, subject to questions. He reported that an individual tried to flee from the Police and struck the Police car on the passenger side. The Department will be seeking restitution from that individual. The report shows the same types of activity as in the last several months. Last week fentanyl was found on an individual which caused the Officer involved to feel ill. The Officer was checked out and is fine.

Responding to Councilwoman Brofsky's question, Chief Thurlo discussed the testing kits available to the Department when they suspect there may be exposure to fentanyl or other drugs.

Councilman Story stated that he has received calls and texts from residents who perceive an increased Police presence in the City. He asked if there was a measurable increase in crime in the area and how the Department was addressing the situation.

Chief Thurlo responded that there has been an increase in violent crime in the area. He believes Fairway is safe, but that is not to say that bad things won't happen in Fairway. As for addressing the situation, Chief Thurlo explained that staffing of Police Departments is a big concern in the metropolitan area and as an example, Kansas City Missouri is down 300 officers. Fairway has been in the process of finding officers that are good qualified candidates to work in Fairway.

As for law enforcement, Chief Thurlo stated that the report shows the types of things the Department comes across and while Fairway's level of activity is high, people are going to jail. He asked that the community get involved and if they see something unusual, that they notify the Police.

Mayor Hepperly added that the Police Department is fully staffed except for a budgeted officer that the City wants to bring in and have trained prior to the opening of the development at 4210 Shawnee Mission Parkway in the second quarter of 2025.

PUBLIC WORKS COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier reported that Director Stogsdill is not present at the meeting. He referred the Council to the report in the packet subject to questions.

PARKS AND RECREATION COMMITTEE, MR. SOEKEN

Monthly Report

Director Soeken referred the Council to the report in the packet, subject to questions.

Councilmember Buszek thanked Director Soeken and his staff for all their hard work throughout the year.

Councilman Levin asked how the fact that Roeland Park decreased the cost of the Super Pass has affected Fairway.

Director Soeken responded that last year Roeland Park continued to offer family memberships to their pool and they slashed the price of the family membership fees for both residents and non-residents. He acknowledged that some larger Fairway families are using other pools because Fairway only offers individual memberships. As for the Super Pass Program, he knows that 18 non-resident families moved from Fairway to Roeland Park due to Fairway no longer offering the family membership.

Responding to Councilwoman Buszek's question, Director Soeken gave an update on the bathroom at the pool, stating that work is scheduled to start in late January.

Councilman Williams thanked the Parks and Recreation Department for the tour of the Shawnee Indian Mission, stating that he thinks a lot of misperceptions and misinformation was cleared up during the tour.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

No report.

APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the two 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 #1798 – December 2023.

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

NEW BUSINESS

- A. Consider Sign Deviation Request from Crossland Construction at 4210 Shawnee Mission Parkway.

City Administrator Nogelmeier reported that the sign deviation is for a business in a commercially zoned area and was unanimously approved by the Planning Commission. The sign will be mounted on security fencing and will screen the construction site. Maintenance is required.

Responding to Councilman Story's question, City Administrator Nogelmeier confirmed that the signage is required to be removed by the second quarter of 2025. If the project is not completed by that time and the contractor wants to extend the signage, they will need to return to the Planning Commission and then the Council for an extension.

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

Councilman Watkins moved that the Council approve the Sign Deviation Request from Crossland Construction at 4210 Shawnee Mission Parkway. Councilwoman Brofsky seconded the motion and the motion carried unanimously.

- B. Consider 2024 CARS Agreement for Mill and Overlay, Spot Curb Repair, Crosswalk, Striping and Sidewalk on Roe from 63rd Street to Shawnee Mission Parkway. This is a Joint Project with the City of Roeland Park, City of Prairie Village and the City of Mission (Project Lead Agency).

City Administrator Nogelmeier explained this is the standard CARS Agreement approved every year. The only thing unique each year are the number of cities

involved. The Agreement gives the City access to the CARS program and cost sharing, etc.

There is a discussion concerning whether the work will be completed when school is not in session to alleviate traffic issues. City Administrator Nogelmeier explained that the timeline for the specific work would be between the cities involved and the contractor but he assumes there will be some incentives for the contractor to complete the work outside the school year.

Mayor Hepperly asked for 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 2024 CARS Agreement for Mill and Overlay, Spot Curb Repair, Crosswalk, Striping and Sidewalk on Roe from 63rd Street to Shawnee Mission Parkway. Councilman Williams seconded the motion and the motion carried unanimously.

C. Election of City Council President.

Mayor Hepperly explained that the responsibility of the Council President is to preside at any City Council meeting for which the Mayor is unable to attend. The election is for a period of two years.

Mayor Hepperly asked for nominations.

Councilman Bailey nominated both Councilman David Watkins and Councilwoman Jenna Brofsky.

Mayor Hepperly asked if there were additional nominations. Hearing none, she closed the nominations for Council President and asked City Administrator to take a roll call vote.

Councilwoman Keys voted for David Watkins;
Councilman Levin voted for David Watkins;
Councilman Bailey abstained;
Councilman Story voted for Jenna Brofsky;
Councilwoman Buszek voted for Jenna Brofsky;
Councilman Williams voted for Jenna Brofsky;
Councilman Watkins voted for David Watkins; and
Councilwoman Brofsky voted for Jenna Brofsky.

City Administrator Nogelmeier stated the final vote is four votes for Jenna Brofsky, three votes for Councilman Watkins, and one abstention.

Responding to Mayor Hepperly's question, Councilman Bailey stated that he abstained because he thinks both Councilmembers Brofsky and Watkins are qualified and will do a great job so he does not want to have to choose between the two.

Mayor Hepperly announced Councilwoman Brofsky has been elected as Council President.

COMMENTS BY GOVERNING BODY

Mayor Hepperly asked for comments by the Governing Body.

Councilman Story explained that he recently received a long email that included photographs of the entrances and exits to the tunnel on Shawnee Mission Parkway. The tunnel is in a state of disrepair. He has talked with Director Stogsdill who walked him through the plan and the budget and understands that repairs are not a part of the plan for 2024. He thinks that the tunnel could be spruced up, particularly with the upcoming 75th Anniversary. He doesn't have any information about anyone getting a bid for the repairs, but thinks it may end up costing less money than everyone thinks. And, it doesn't have to be a complete overhaul, but he would like the Council to consider getting a bid to improve the situation and thinks that a lot of residents would be happy about that.

Councilman Williams stated that he received comments from his neighbors about utility poles in backyards. He understands that new poles are being installed by Evergy. Evergy cuts the old pole in half and leaves the old pole in the backyard. Then residents are required to work with each of the communication companies to come and remove their equipment from the old pole before the old pole can be removed.

Mayor Hepperly explained that the agreement with Evergy states that Evergy is responsible for contacting the communication companies to remove equipment from the old poles and that is not the resident's responsibility. She will contact Evergy concerning the issue and will make sure that Evergy abides by the terms of the agreement.

PUBLIC COMMENT

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

EXECUTIVE SESSION – ATTORNEY CLIENT PRIVILEGE

Councilman Watkins moved that the Council recess into Executive Session to discuss an individual employee's performance pursuant to the Non-Elected Personnel Matter Exception under K.S.A. 75-4319(b)1. The Executive Session will include City Attorney Rich Cook, City Administrator Nogelmeier, Chief Thurlo and Councilmembers. The open meeting will resume in Council Chambers at 7:20 P.M. Councilman Bailey seconded the motion and the motion carried unanimously.

The Council recessed into Executive Session at 6:36 P.M.

The Council reconvened at 7:20 P.M

ADJOURNMENT

There being no further business to come before the Council, Mayor Hepperly adjourned the meeting at 7:21 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary