

**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, March 11, 2024.

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

Absent: Dan Bailey.

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: Becky Fast, Johnson County Commissioner; Sandy Durick, 6029 Delmar Street; David Blake, 5410 Aberdeen; Drew Solidum, 6005 Alhambra.

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

No report. Administrator Nogelmeier explained that no report was received from the Fire District this month.

ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier stated that the Committee met on February 28, 2024, and discussed the 2023 Community Survey results and proposed changes to the short-term rental Ordinance. The sales tax distribution for February was not received until March 1 so that information will be included in the March financials.

POLICE COMMITTEE, CHIEF THURLO

Monthly Report

Chief Thurlo referred the Council to the report, subject to questions. He discussed several incidents that occurred last month and also stated that auto thefts are on the rise within the metropolitan area, mainly from unlocked cars and garage doors or side garage doors being left open.

Chief Thurlo also reported that Fairway officers assisted an outside agency with an 18-year-old individual who was very distraught and wanted to take their own life. Fairway officers responded and talked with the individual who gave up his firearm and then officers made sure the individual got the assistance needed. Chief Thurlo would like to recognize the two Fairway officers involved at the next Council meeting.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill referred the Council to the report in the packet subject to questions. He stated that the NPDES report has been submitted to the state and they are waiting for a response. Public Works swept all streets in Fairway the first week of March and they expect to conduct another sweep in April.

PARKS AND RECREATION COMMITTEE, MR. SOEKEN

Monthly Report

Director Soeken referred the Council to the report in the packet, subject to questions. He stated that registrations are open for pool passes and Summer Camp. The restroom project at the Pool should be completed this week.

Mayor Hepperly thanked Director Soeken and his staff for hosting the Council of Mayors meeting at the multi-purpose room at the pool, which was a success.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

No report.

APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the three 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 #1891 – February 2024; (C) Contain the Rain BMP Cost-Share Program.

City Administrator Nogelmeier noted that he made some non-substantive changes to the minutes.

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

Responding to Councilmember Brofsky's question, Director Stogsdill stated that three or four households each year take advantage of the Rain Garden Cost-Share Program. Last year those involved one rain garden and six trees or other plantings.

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

NEW BUSINESS

A. Presentation: Johnson County Commissioner, Becky Fast.

Becky Fast, Johnson County Commissioner from District 1, gave an overview of County issues to the Council.

Commissioner Fast stated that wastewater is the biggest investment the County makes. She explained that the infrastructure improvements at Tomahawk were just completed. In the past, the County has sent its sewer flow to Missouri, which cost twice as much as the improvements at Tomahawk. The project will result in a \$200 million savings to Johnson County.

She discussed a new backup prevention program, which allows for the Johnson County Waste Department to come out and assess and assist residents if there is water in their basements. She explained that roots may have grown into the sewer lines and in some areas the stormwater may drain into the sewer pipes. The new program will help residents with these stormwater issues.

Commissioner Fast also discussed the new infrastructure project for the library at Corinth. The County is conducting input sessions with Prairie Village concerning whether to tear down the library and build it in the same location or whether to move the library to connect with the old YMCA in collaboration with the Prairie Village Community Center.

She discussed the CARS Program, stating that Johnson County is the only County in Kansas that has the CARS Program. She explained that other counties in the State use the gas tax money for their rural roads. Johnson County started the CARS Program in 1990 and it allows the County and cities to match funds for road improvement projects.

She next discussed the Stormwater Management Program (SMAC). She explained that Northeast Johnson County has a lot of creeks and watersheds. The program moved to a watershed district for funding projects, and in 2020 and 2023, Fairway received funds from SMAC. The goal is flood reduction and water

quality improvement. There is not enough funding to meet all the needs, and this is one area where the cities and the County need to come together. SMAC was developed in 1990 and at that time there were probably 150,000 fewer residents.

Commissioner Fast discussed a new program called Recycle Right that Westwood and Mission have instituted. The program is a door-to-door program where volunteers leave notes on people's recycling reminding them, for example, not to put plastic bags in their recycling. Mission and Westwood have reported that they had a huge change in behavior by the helpful note. County staff will train volunteers and then those volunteers can go door to door to educate residents.

She discussed one of the big issues that Johnson County and the region will be facing is the landfill. There are only three landfills in Kansas and there are four in Missouri. When one of those landfills fills up, the waste will be sent to a different landfill. Worst case scenario indicates that Johnson County's landfill will last 20 more years, and the regional capacity is 40 years. If a new landfill is not found, trash will have to be taken hours away, which would double the cost of trash services. In addition, permitting a new landfill can take 5 to 10 years. She has been pushing the County to bring cities together on this issue. The Johnson County Health Department is also looking at a facility for composting food waste, as food waste is a large percentage of waste in the landfill.

She discussed the new hazardous waste facility where residents can make an appointment to drive through and drop off paint and chemicals. There is also a store there where residents can purchase the recycled materials.

She stated there is a new innovative program related to mental health. The Youth Crisis Residential Program allows for youth to receive mental and behavioral health support in the residential program rather than ending up in juvenile detention. Commissioner Fast stated that Councilwoman Keys has worked for the last year to get this program off the ground with the Department of Children and Families. Johnson County has also opened a new crisis stabilization center for support of adults with mental health crisis needs.

With respect to public transit, Commissioner Fast discussed a new micro transit program that is used frequently by seniors to take them to medical appointments or the pharmacy. The County will also be conducting strategic planning sessions in the next year with cities to analyze and determine goals for public transit in the future.

Commissioner Fast stated that the County has approved the use of Covid funds to support a new home repair program. Most Fairway residents do not qualify for the current federal program because the home must be appraised at under \$300,000. The new program will help those with lower incomes whose homes appraise above the \$300,000 threshold.

She discussed a new eviction mediation program to support those with mental health needs and there is also a program that will help with paying utilities, so people don't end up homeless.

Finally, Commissioner Fast discussed the Johnson County Park system, stating that over 10 million people go to Johnson County Parks every year. Shawnee Mission Park is the most visited park in Kansas.

Commissioner Fast stated that the County wants to work with all cities, and she offered to answer questions from the Council.

Responding to Councilwoman Brofsky's question, Commissioner Fast stated that if cities want to be involved in the Recycle First program, they should contact the County. County staff will meet with volunteers for training and support going through the process. Each city would need to have its own volunteers.

Further responding, Commissioner Fast explained that residents who were interested in using the micro transit program can use the app or call Johnson County Transit to schedule the travel. Anyone can use the program and she thinks there is a fee of \$5 for the round trip dependent on the number of miles traveled.

Responding to Councilman William's question, Commissioner Fast stated that the goal for the stabilization center is to allow persons to stay at the center for 72 hours. She thinks there are 10 beds available. She noted that the program isn't large as it is meant to support the current stabilization center in Wyandotte County. The Center will be also be used as a triage and referral service to help mental health patients find permanent support and services in the community.

Councilman Story explained that he had recently received and completed a Johnson County trash recycling and composting services survey and asked if Commissioner Fast could discuss the results of that survey.

Commissioner Fast explained that the MidAmerica Regional Council is submitting a request for a national EPA grant. The survey results will be used to get direction from residents as to what their priorities are with respect to composting and recycling.

Mayor Hepperly thanked Commissioner Fast for her presentation.

Mayor Hepperly asked Director Stogsdill to discuss the ongoing interlocal collaboration with other cities concerning the watershed.

Director Stogsdill stated that he is currently Chair of Watershed One, which is the watershed in Fairway. He explained that all watersheds are going through a master plan and a meeting is scheduled this summer. They have been diligently working to look at the watershed issues more globally to build the foundation for the future.

B. Consider CARS 5-Year Plan.

Director Stogsdill explained that the CARS 5-Year Plan is submitted to the County and allows Fairway to be eligible for funding for the projects listed.

Mayor Hepperly asked for questions from the Council.

Responding to Councilwoman Brofsky's question, Director Stogsdill explained that there is a small construction window and they do their best to coordinate projects to minimize disruption in traffic flow.

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

Councilman Levin moved that the Council approve the CARS 5-Year Plan. Councilman Williams seconded the motion and the motion carried unanimously.

C. Consider Authorizing the Mayor to Execute an Agreement for Police Department Facility Needs Assessment.

City Administrator Nogelmeier explained that the final recommendation for a company to conduct the needs assessment has not yet been made but they are getting close to making that decision. Staff requests approval from the Council to authorize Mayor Hepperly to execute the agreement after it is approved by legal. If the Council prefers to wait until the final recommendation is made, the agreement will be brought to the Council for approval at the April meeting.

Mayor Hepperly asked for discussion from the Council.

Councilman Story explained that there was a big difference in the cost of the two alternatives and he is a little uncomfortable granting the approval. He asked if staff was comfortable that the final cost would be acceptable.

City Administrator Nogelmeier explained that he and Chief Thurlo's goal is to get the lowest rate possible, and he is confident they can get to the lower range regardless of the company chosen for the work.

Responding to Councilwoman Brofsky's question, City Administrator Nogelmeier explained that the Request For Quote requires that the assessment be completed within 3 months after the agreement has been executed. If the Council were to authorize Mayor Hepperly to execute the Agreement, it could shave a few weeks of time off receipt of the assessment.

Councilman Watkins stated that he also had concerns about the wide difference in the quotes received; however, based on City Administrator Nogelmeier's statement that he would get the bid within the lower range with either bidder, he would be in favor of approving the request.

City Administrator Nogelmeier confirmed that if he is unable to get the cost in the lower range, that the matter would come back to the Council in April.

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 Williams moved that the Council authorize the Mayor to execute an Agreement for Police Department Facility Needs Assessment. Councilwoman Buszek seconded the motion and the motion carried unanimously.

D. Consider Ordinance #1802 – An Ordinance Amending the Fairway City Code Pertaining to Short-Term Rentals; Chapter 7, Article IV, Section 7-100 through 7-121.

City Administrator Nogelmeier explained that the Administration and Finance Committee has discussed the short-term rental regulations over the past two meetings. Fairway has regulated short-term rentals for a very long time. Based on concerns from residents, the Committee reviewed the current Regulations in January and changes were presented at the February meeting.

City Administrator Nogelmeier highlighted the proposed changes, which include extending the duration of any short-term rental to a minimum of three nights per booking. Short term rentals would be limited to parking three vehicles on the property and parking on the street would be prohibited. There would be a prohibition on shuttle buses, party buses and other similar commercial vehicles to pick up or drop off individuals from the property. Finally, the Ordinance will add a geographic boundary for the short-term rentals so there cannot be a new short term rental application considered if that short term rental is within 1,000 feet of an existing short-term rental. Short term rental licenses are not transferrable and if ownership changes, the license becomes void. If a new owner would like to consider using the property as a short-term rental, assuming they are within 1,000 feet of an existing short-term rental, the request will be denied.

The Ordinance also requires that if the owner does not live in Johnson County, that the owner's agent must live within 50 miles of the property. Historically, the owner's agent had to live within Johnson County and because there are a number of management companies that have their offices in Missouri on State Line, the Committee tried to be somewhat accommodating with changing the location of the owner's agent to be within 50 miles of the property.

At the February meeting, City Clerk Aldridge prepared maps showing the short term and long-term rentals within Fairway. The maps showed that short- and long-term rentals are concentrated in Ward 4. If the changes are implemented, it would effectively serve as a ban in Ward 4 until such time as fewer short-term rentals exist.

He stated that the Committee discussed a range of things, i.e., leaving the Ordinance as it is to an outright ban. The proposed Ordinance is a compromise.

Mayor Hepperly thanked the Committee for their work on the Ordinance. She thinks that the additional restrictions will help improve the situation across the City, particularly in Ward 4.

Mayor Hepperly asked for questions from the Council.

Councilman Watkins thanked City Clerk Aldridge for the maps she prepared and asked if it were possible to publish those for residents, especially because they would show where the 1,000-foot restrictions for short-term rentals would be located. He also pointed out that the current short-term rentals that might violate the 1,000-foot restriction would be allowed as legal non-conforming and therefore, no current short-term rentals would be forced to close. If ownership changes or if someone decides not to get a license this year, it will be virtually impossible to get a short-term rental license given the new 1,000-foot restrictions.

City Administrator Nogelmeier clarified that there are very few short-term rental licensed properties in other parts of the City so it would not prohibit someone from licensing a short-term rental in those areas. With respect to Ward 4, the Ordinance would essentially place a moratorium on short-term rentals unless there is a reduction.

Councilwoman Brofsky pointed out that the length of time allowed for a short-term rental is 30 days. She stated that the proposed Ordinance would not affect long-term rentals.

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

Sandy Durick, 6029 Delmar Street, thanked the Mayor, Council and staff for their work on the Ordinance. She thinks the proposed changes will strengthen the current restrictions on short-term rentals.

David Blake, 5410 Aberdeen, stated that he has an existing short-term rental in Fairway, and he asked City Administrator Nogelmeier what the reapplication process will be for those with existing short-term rentals.

City Administrator Nogelmeier responded that the reapplication process will not change for existing short-term rentals although they will be required to adhere to the new criteria in terms of parking and length of stay.

Mr. Blake also stated that requiring three-day rentals versus two-day rentals will severely limit bookings because the City is basically forcing a Thursday, Friday, Saturday, which will limit a lot of people who generally just want Friday, Saturday booking when they come to visit Kansas City. He explained that people who rent the short-term rentals are generally people who have family who live in

the area or people who are coming to experience Kansas City before moving to the area. There are a lot of positive experiences from short-term rentals. All of their neighbors are more than happy with everyone who has ever stayed at their rental.

Drew Solidum stated that he owns the property at 6005 Alhambra. He stated that some of the stigma about short term rentals is that people want to come in and party. From an owner's perspective, he purchased his home and spent \$100,000 rehabbing it, so he absolutely does not want anybody coming in and partying and leaving a huge mess. Plus, he does not want a bad reputation on Airbnb because if there are parties, Airbnb will completely shut down the listing.

Mr. Solidum thinks it is important that the Council hear the owner's perspective. He runs a tight ship on who is renting his property and if something seems fishy, he has the ability to drive to the property and check it out.

And, as stated by the prior comment, the people renting from him are coming to town for weddings and visiting family who live in the area. He thinks a two-day rental is more realistic than a three-day rental. He also doesn't understand the logic behind the parking restrictions because if family members come over, he wondered what the threshold would be for parking on the street. His rental does have plenty of parking so it should not be an issue. While he knows it may be a different story, his neighbor is allowed to park on the street in front of his property all the time.

Mr. Solidum also thinks that the City is taking potential dollars away by implementing these restrictions and pushing potential renters to other cities who may not have the same restrictions. He knows that short term rentals get a bad rap, but he wants everyone to know there is a good side too. He pointed out that if he took his short-term rental and turned it into a long-term rental, the neighborhood might have a really long problem or a really bad problem with a long-term tenant, especially when it is harder to get people out of a long-term rental situation.

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

Mayor Hepperly asked for further discussion from the Council.

Councilman Watkins addressed the public comments, stating that during the Committee meeting, they were very sensitive to the economic impact of the new Ordinance on property owners. He suggested that those who own short-term rentals email the Council to let them know how the restrictions are affecting them.

Councilwoman Brofsky moved that the Council approve Ordinance #1802 – An Ordinance Amending the Fairway City Code Pertaining to Short-Term Rentals; Chapter 7, Article IV, Section 7-100 through 7-121. Councilman Williams seconded the motion and the motion carried unanimously.

E. Consider Sign Deviation for Temporary Sign at 2820 W. 53rd Street, Fairway, Kansas.

City Administrator Nogelmeier explained this sign deviation is a request for the former Houlihan's property. The property manager has requested approval to put up a sign on the structure. Because the sign will be temporary and because the size exceeds the Code limitations, both the Planning Commission and City Council must approve the request. The Planning Commission approved the sign at its February meeting.

Responding to Councilman Levin's question concerning the delay in leasing the property, Councilman Story explained that over the last three years there have been substantive conversations with quality potential tenants that have ended for one reason or another. He is in favor of putting up the temporary sign and knows that the Mayor, Council and residents want a new tenant in that space and the temporary sign is a good step.

Mayor Hepperly stated that she and City Administrator Nogelmeier have worked on getting a new tenant at the property for four years. She explained there have only been three serious opportunities and two of them fell through because of financing. With respect to the third opportunity, the City met with Block and the tenant several times and when the presentation came to the City, the tenant requested 100 percent financing from the City at \$1M and the request included napkins, silverware, plates, etc. Mayor Hepperly responded that the City would not agree to 100 percent financing and asked them to rework their numbers. She stated that the building is privately owned, and she asked the investors what they were going to contribute to construction and why they were asking the City for 100 percent financing. She received no response. The potential tenant came back with another offer that increased to \$1.2M and she again declined. The City is interested in working with the prospective tenant and even gave them two or three alternatives for financing, but the situation has not moved forward.

Mayor Hepperly explained that she is glad to see that the property owners are putting up a sign that people driving down Shawnee Mission Parkway can see. She would like to have a restaurant in that spot just as much as residents. The City has tried to get a tenant in that property, but she is not going to sell Fairway down the road in order to get that accomplished.

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 sign deviation for temporary sign at 2820 W. 53rd Street, Fairway, Kansas. Councilwoman Buszek seconded the motion and the motion carried unanimously.

COMMENTS BY GOVERNING BODY

Mayor Hepperly asked for comments by the Governing Body.

Councilman Watkins thanked Mayor Hepperly for providing context for residents concerning the former Houlihan's property. He agrees there has not been an appropriate ask of the owner tenant. While in the past the City has helped with various projects, the City cannot fund a public entity and divert tax dollars to finance a private enterprise. Hopefully the new signage is a good first step to getting a good proposal so everyone can start enjoying the space again.

PUBLIC COMMENT

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

ADJOURNMENT

There being no further business to come before the Council, Mayor Hepperly adjourned the meeting at 7:44 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary