

**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, May 13, 2024.

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; Bill Stogsdill, Director of Public Works.

Visitors: Steve Chick, Consolidated Fire District No. 2.

CALL TO ORDER AND ANNOUNCEMENTS

Mayor Hepperly called the meeting to order. She stated that Item D under New Business will be removed from the Agenda because the Agreement is still under legal review.

PLEDGE OF ALLEGIANCE

Mayor Hepperly led the Council in the Pledge of Allegiance.

PROCLAMATION: POLICE WEEK

Mayor Hepperly read a Proclamation designating the week of May 12 through May 18 as National Police Week. She also called upon citizens of Fairway to observe May 15th as Peace Officers Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or who have become disabled in the performance of duty, and to recognize and pay respect to the survivors of those fallen heroes.

Mayor Hepperly also asked for a moment of silence for Officer Jonah Oswald and his family. She explained that the City is working to locate an appropriate place within Fairway to memorialize Officer Oswald for his courageous acts before he lost his life in the line of duty.

PROCLAMATION: PUBLIC WORKS WEEK

Mayor Hepperly read a Proclamation designating the week of May 19 through May 25 as National Public Works Week. She urged everyone to join in events and ceremonies designated to pay tribute to public works professionals and to

recognize the substantial contributions they make to protecting our national health, safety and quality of life.

MONTHLY REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK

Chief Chick referred to his report and explained the redesign of the report and the addition of the publication of response times. The Fire District is working on the budget for 2025. He discussed challenges they are going through with the budget because of the increased costs of equipment and fire trucks, and the fact that long-term, those initiatives are a bit underfunded.

Chief Chick discussed the status of the remodel and expansion at the 63rd and Mission Road location, stating that they have selected the contractor and will begin the design/build process toward the end of May.

The Fire District is putting together the Board packet for the purchase of the new engine 22 in Fairway, which is due for replacement. They have been advised that if the fire truck is ordered now, it will not be delivered for 48 to 50 months. That is a very long delivery time and is a problem throughout the industry.

Referring to the report, Chief Chick explained that there were a few more fire calls during the first quarter when compared to last year. The average response time was 4 minutes and 19 seconds, which he considers excellent. He discussed the types of calls and noted there was an increase in EMS calls over last year.

Chief Chick also reported that the Fire District is fully staffed although there are three impending retirements in 2025 so they are beginning the process to replace those retirees. He reported that the intern program has been successful and they are about to evaluate their third intern who went through the program. They will begin working to recruit two additional employees throughout the summer.

Chief Chick offered to answer questions from the Council.

Responding to Councilwoman Brofsky's question, Chief Chick explained that the Fire District does not plan to increase staffing when the new active adult community opens.

Responding to Councilwoman Buszek's question, Chief Chick explained that they do not expect to have to increase the budget next year because of increased benefits and healthcare costs. He stated that last year the District made a switch to a Health and Wellness Trust, which is a national initiative that is provided by the International Association of Firefighters. The Trust helps to control healthcare costs. They had proposals over the last several years of increases from 19 to 37 percent and with the Health and Wellness Trust, the increase individually was about 8 percent.

Responding to Councilman Watkins' question, Chief Chick stated that the timeline for the Fire Station expansion will be 16 to 18 months once the work begins. The station will remain active during construction.

Chief Chick also invited everyone to the open house at Station 23 at 7810 Mission Road scheduled from 9:30 A.M. to 11:00 A.M. on Saturday, May 18, 2024. Proceeds from donations at the open house will be donated to the Back to School with a Firefighter Program, which helps underprivileged kids get their school supplies in preparation for returning to school in August.

ADMINISTRATION AND FINANCE COMMITTEE, MR. NOGELMEIER

Monthly Report

City Administrator Nogelmeier stated that the Committee met on April 26, 2024 and discussed the 2025 budget. The Committee discussed adding 7 or 8 new Petway stations throughout the City at a cost of \$6,800. There is also an additional cost of \$600 to \$800 annually to maintain the stations. The Committee discussed ways to cover the costs and decided to increase licensing fees for dogs. The new fee structure will be set in December.

Other additions to the budget include a proposal to repaint the public spaces in City Hall. The total cost is about \$7,100 and that has been added into the 2025 budget. Another addition will be for property and liability insurance costs that have increased by about \$30,000.

As for Finance, City Administrator Nogelmeier explained that for the third month in a row the sales tax collections are slightly below budget. Overall, the City is doing well and is above budget for the year.

City Administrator Nogelmeier also reported that the home on 62nd Street that was condemned in December has reached a state where it can be reoccupied. The residents were moving in today. There are two outstanding issues, one will be addressed by the end of the week and for the other issue, the City has granted an extension until October 1, 2024.

POLICE COMMITTEE, CHIEF THURLO

Monthly Report

Mayor Hepperly referred to the report in the packet as submitted, subject to questions.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill referred the Council to the report in the packet subject to questions. He provided an update on the CIP project, stating that weather permitting, the milling and paving should be completed on Saturday.

PARKS AND RECREATION COMMITTEE, MR. SOEKEN

Monthly Report

Mayor Hepperly referred the Council to the report in the packet, subject to questions.

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 Meeting; (B) Claims and Appropriations – Ordinance #1804 – April 2024.

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

Councilman Williams 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 Site Plan for 6010-6014 Mission Road – A Commercial Exterior Renovation.

City Administrator Nogelmeier reported that the property owner is renovating the exterior of the building. The Planning Commission has recommended approval of the Site Plan.

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

Responding to Councilman Story's question, City Administrator Nogelmeier stated that once the building permit is issued, the property owner will have six months to complete the work.

Mayor Hepperly asked for additional discussion from the Council. Hearing none, she asked for a motion.

Councilwoman Brofsky moved that the Council approve the Site Plan for 6010-6014 Mission Road – A Commercial Exterior Renovation, subject to staff recommendations. Councilwoman Keys seconded the motion and the motion carried unanimously.

B. Consider Site Plan for 6000 Mission Road – Replacement of Commercial Wall Signs for VCA Fairway Animal Hospital.

City Administrator Nogelmeier reported that the VCA Fairway Animal Hospital is requesting new signage. The Planning Commission has recommended approval of the request.

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 the Site Plan for 6000 Mission Road – Replacement of Commercial Wall Signs for VCA Fairway Animal Hospital, subject to staff recommendations. Councilman Levin seconded the motion and the motion carried unanimously.

C. Consider Ordinance #1805 – An Ordinance Amending the Fairway Development Ordinances Pertaining to Building Regulations to Add Requirements for Construction Site Fencing and Screening; Adding Section 15-822 to the Fairway Development Ordinances.

City Administrator Nogelmeier explained that the Planning Commission has spent several months discussing this topic. This Ordinance will require new construction, i.e., tear down and rebuilds, to install fencing along the property line, which will provide screening of the construction site while construction is taking place. He explained the type of screening allowed and stated that no logos are allowed on the screening. The fencing also must be secured at night. While safety was the primary reason for the Ordinance, aesthetics and privacy were also considerations. The fencing will also help prevent trespassers from going onto construction sites.

Responding to Councilman Levin's question, City Administrator Nogelmeier stated that the Planning Commission has tabled any requirement of fencing for remodels or additions.

Responding to Councilwoman Brofsky's question concerning costs, Mayor Hepperly stated the Planning Commission minutes indicate that staff contacted a fencing company and the cost was reported to be \$1,800 for 200 feet of fencing.

Responding to Councilman Watkins' question, City Administrator Nogelmeier explained that Public Works and the Community Development Director will

continue to have the ability to inspect the construction sites for erosion control, tree protection, and general upkeep of the site.

Councilman Watkins also stated that he has heard from residents who would prefer that the protective fencing for trees be green rather than the bright orange that is currently being installed.

City Administrator Nogelmeier responded that he would suggest that Public Works see if there is some other color that could be used for protective fencing around trees.

Responding to Councilman Story's question, City Administrator Nogelmeier stated that the Ordinance would not apply retroactively, but would take effect 30 days after it is published.

Councilwoman Keys thanked the Planning Commission for their work on the Ordinance, but she has some concerns. She explained that she currently has three new construction projects near her home, two are diagonal from her property and one is at the end of the block. She is not excited about requiring chain link fences around her that anyone can jump over to climb into the construction site. Also, if people are behind the fencing that is filtered, they cannot be seen. She understands managing the risk, but she is concerned that a fence may not solve problems and may actually cause different problems. From what she has observed, she does not know how some of the delivery, excavation and cement trucks will be able to perform their duties if they are having to maneuver between the fence openings. There have been times when her street was blocked for 10 or 15 minutes while the vehicles tried to navigate the street and had to angle and back up and angle and back up several times.

Referring to Councilman Watkins' comment concerning the fence color change, Councilman Bailey suggested that the issue be returned to the Planning Commission for review. He assumes that the orange color is so that construction vehicles can easily see the fencing so they do not run into a tree and if that is the case, he would not want to camouflage the fence.

Responding to Councilwoman Brofsky's question, Councilman Bailey stated that he perused the Planning Commission minutes and the Commission did discuss that there could be consequences with the fencing in that it solves one issue but may create other issues. Councilman Bailey stated that he is not opposed to the Ordinance, knows there are other cities who have required fencing on new construction sites for some time and he has not heard about issues in those cities.

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 Story moved that the Council Ordinance #1805 – An Ordinance Amending the Fairway Development Ordinances Pertaining to Building Regulations to Add Requirements for Construction Site Fencing and Screening;

Adding Section 15-822 to the Fairway Development Ordinances. Councilwoman Buszek seconded the motion and the motion carried unanimously.

D. Consider Agreement with Lamp Rynearson, Inc. for NPDES Compliance Services.

This item was removed from the Agenda.

COMMENTS BY GOVERNING BODY

Mayor Hepperly asked for comments by the Governing Body.

Councilman Levin stated that he received communication today from City Administrator Nogelmeier who has been in discussion with representatives at Powell Gardens concerning planting a group of trees in memory of Officer Oswald. He wanted everyone to know that progress is being made.

Councilman Watkins also thanked the City for the email that was sent today concerning Officer Oswald. He appreciates the sentiments and thought the email was well written.

Councilwoman Buszek thanked Parks and Recreation and Mayor Hepperly for the Arbor Day Celebration which finally occurred after all the rain delays.

Councilman Bailey stated that he received an email from a Councilmember in Roeland Park who asked about traffic around the new active adult center. The Councilmember also wanted to discuss the addition of a crosswalk in that area. Councilman Bailey stated that he sent the email along to Councilman Williams, Mayor Hepperly, Chief Thurlo and City Administrator Nogelmeier. He also advised the Roeland Park Councilmember that infrastructure issues will be reviewed once construction is completed.

Councilwoman Brofsky explained that the new bathroom at the Park is awesome.

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 7:45 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary