

**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, November 13, 2023.

Present: Council Members Jenna Brofsky, David Watkins, Jonalan Smith, Kelly-Ann Buszek, Jason Rogers, Dan Bailey, Joe Levin and Tanya Keys.

Absent: None.

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; Basil Alani, Community Development Director; Kim Young, City Clerk; Abbie Aldridge, Assistant City Clerk.

Visitors: Sandra Werth, 7103 Mastin; Trey and Hanna Johnson, 5252 Belinder Road; Tyler Enders, 2706 West 53rd Street.

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 – NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mayor Hepperly read a Proclamation proclaiming November as National American Indian Heritage Month in the City of Fairway.

Mayor Hepperly introduced Sandra Werth as an honored guest and asked her to address the Council.

Sandra Werth stated she represents the American Indians Committee of the National Society of Daughters of the American Revolution. The Committee focuses on promoting knowledge of Native American culture. She requested the Proclamation because the Shawnee Indian Mission, which is located in Fairway, educated American Indians even before Kansas became a State. She thanked the City for all the innovative programs and events at the Shawnee Indian Mission, stating that those events are a wonderful testament to the City's interest in preserving and promoting the American Indian history in the area.

PROMOTIONAL PINNING: SERGEANT TREY JOHNSON

Chief Thurlo introduced Sergeant Trey Johnson, discussed his background as a Police Officer, and stated that he joined the Fairway Police Department in 2021. Sergeant Johnson is the lead firearms instructor and a certified bike patrol officer. He is a phenomenal Police Officer and exemplifies honor, courage, community, integrity, and duty. Sergeant Johnson's wife, Hanna, pinned on his new collar brass. Chief Thurlo congratulated Sergeant Johnson on his promotion.

EMPLOYEE SERVICE AWARD/EMPLOYEE RECOGNITION: KIM YOUNG, CITY CLERK

Mayor Hepperly read a Proclamation designating November 13, 2023 as Kim H. Young Day in the City of Fairway. She outlined City Clerk Young's many accomplishments, indicating that she was an integral part of the City's success. The entire Governing Body thanked City Clerk Young for her years of service to the City and wished her well in her upcoming retirement.

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 reported that the Committee did not meet in October and referred to the report in the packet, subject to questions. The next meeting is scheduled for November 28, 2023. As for the Finance Report, revenues are above and expenditures are below what was expected.

POLICE COMMITTEE, CHIEF THURLO

Monthly Report

Chief Thurlo referred the Council to the report, subject to questions. He stated that there continues to be auto burglaries in the City with some cars being unlocked. In addition, two vehicles had the back glass shattered and valuable items that were in plain sight were stolen, which is unusual. The Department has also been dealing with a number of mental health issues involving both individuals within the City as well as individuals traveling through the City.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill referred to the report in the packet, subject to questions. He reported that the Rectangular Rapid Flash Beacon (RRFB) is expected to be installed this week at the Shawnee Indian Mission crosswalk. He indicated that the street sweeper has been operating and it will be a continuous process for however long it takes to clean up all the leaves.

PARKS AND RECREATION COMMITTEE, MR. SOEKEN

Monthly Report

Director Soeken referred the Council to the report in the packet, subject to questions. He thanked the Police, Public Works, and Administration Departments for helping out with the various events in October.

MONTHLY REPORTS OF SPECIAL COMMITTEES

Tree Board

No report.

APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the four 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 #1793 – October 2023; (C) Lease Purchase Agreement with AXON for Police Department Body Cameras and In-Car Video Systems; (D) Mayoral Appointment to Tree Board.

Mayor Hepperly explained that her appointment to the Tree Board is Erin Weekley. Ms. Weekley lives in Ward 4 and is an attorney with the United States Environmental Protection Agency. She is a practicing attorney in a regulatory context, enforcing Federal environmental laws and has a degree in Biology and Environmental Studies. Mayor Hepperly thinks Ms. Weekley will be an excellent addition to the Tree Board.

Mayor Hepperly requested public comment on the Consent Agenda items. Hearing none, she closed public comment.

Mayor Hepperly asked for further discussion from the Council.

Responding to Councilwoman Buszek's question, Chief Thurlo explained that if the Lease Purchase Agreement is not signed with AXON, that the prices could increase over the three-year period.

City Administrator Nogelmeier explained that the Police Committee initially discussed setting aside money in the Equipment Reserve Fund for three years and then paying cash for the body cameras and in-car video systems. The Police

Department was able to work out a Lease Purchase Agreement, where the City will make three annual payments toward the body cameras and in-car video systems, so rather than waiting and paying a lump sum at the end, the City will be paying a lease payment for the next three years annually. The budget placeholder was \$45,000 for the next three years. The lease purchase cost of \$111,000 is a much better deal and it will allow the City to stay current with technology.

Chief Thurlo added that there will also be installation costs involved for the car videos, those costs are not included in the lease purchase amount and will be paid to a different company.

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

Councilman Smith moved that the Council approve Consent Agenda items A through D on the Consent Agenda. Councilman Bailey seconded the motion and the motion carried unanimously.

NEW BUSINESS

- A. Consider Resolution #2023-F – A Resolution Accepting Certain Easements for the City of Fairway, Kansas in conjunction with Drainage Project No. 1-FA-2023-R-48.

Director Stogsdill explained that these easements are needed for the Suwanee Sewer Project. They are permanent drainage easements for the relocated pipe and temporary construction easements so the contractors can complete the work. Both parties have approved and signed the easements and once approved by the Council, they can be recorded and the project can begin.

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 Resolution #2023-F – A Resolution Accepting Certain Easements for the City of Fairway, Kansas in conjunction with Drainage Project No. 1-FA-2023-R-48. Councilman Rogers seconded the motion and the motion carried unanimously.

- B. Consider Request from Crossland Construction for Overnight Construction Activities at 4210 Shawnee Mission Parkway.

City Administrator Nogelmeier explained that because of the size of the project at 4210 Shawnee Mission Parkway, the contractors will need a number of continuous pours of concrete, the first of which will be the slab on December 6, 2023. There will be a continuous cycle of four to five concrete trucks on the site at a time. They will pour from midnight to 7:00 A.M. and then will use the rest of the work day to do the finishing work on the concrete. The contractors expect the continuous pours to occur six to eight times between now and April as they pour

different portions of the building. Based on his experience, this is a common practice for larger projects.

City Administrator Nogelmeier explained that the City will require the contractors put up a door hanger on every home within the 200-foot buffer zone. Thus, residents in both Fairway and Roeland Park who are affected will have advance notice. The work is weather permitting.

Responding to Councilwoman Brofsky's question, City Administrator Nogelmeier explained that the Code, under Disturbing the Peace, sets out the hours when machinery can be used. The Code does list a number of exceptions, one of which is activities that are either sponsored by or approved by the City Council. Thus, the Council would be approving the activity of the overnight concrete pour.

Councilwoman Brofsky also asked if, in addition to the door hangers, residents could be notified of the overnight activity by regular mail.

City Administrator Nogelmeier confirmed that the City could also require that notifications be sent by regular mail.

Responding to Councilman Watkins' question, Director Alani confirmed that there will be six to eight pours between now and April 2024, the work will occur during the work week and not on the weekends.

City Administrator Nogelmeier confirmed that if there are more than eight pours needed, the applicant will need to come back to the Council for approval.

Mayor Hepperly noted that she discussed the situation with Roeland Park's Mayor, Mike Poppa, who stated that he understood the situation and he also agreed to help get the word out to Roeland Park residents affected.

Mayor Hepperly asked if there were additional questions 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 the request from Crossland Construction for Overnight Construction Activities at 4210 Shawnee Mission Parkway. Councilman Watkins seconded the motion and the motion carried unanimously.

C. Consider Request by Made In KC/Rainy Day Books for Alcohol Consumption on Property Open to Use by the Public.

City Administrator Nogelmeier explained that this request is from Rainy Day Books to host an event on the evening of December 5, 2023. While the Code would not require Council approval for the event itself, the applicant wants to serve alcohol and the Code specifically requires Council approval for the

consumption of alcohol. They expect approximately 125 guests throughout the event and they have worked with Block and Company for additional parking at the former Houlihan's location. There were stipulations required by the owners of the Fairway Shops, First Washington, and those stipulations are still being finalized.

Mayor Hepperly asked the applicant to address the Council.

Tyler Enders, 2706 West 53rd Street, stated that he is one of the owners of Made in KC and is managing partner of Rainy Day Books. He explained the history and relationship among Made in KC, Rainy Day Books and Front Range Coffee Shop. The event will be a celebration of their loyal and best customers. The event is scheduled from 6:30 P.M. to 9:00 P.M. and will include Emily Dix and a jazz trio on amplified sound. The event will use Front Range's liquor license to serve alcohol. It is considered a private event by invitation only.

Responding to Councilman Levin's question, Mr. Enders stated that they currently do have umbrella insurance coverage for events but if the City or State requires anything different, they will add it.

City Administrator Nogelmeier explained that because the event is not being sponsored by the City and is not being held on the City's property, the City would not require any additional insurance coverage. If any additional coverage is required, it would be First Washington making the request.

Responding to Councilwoman Brofsky's question, City Administrator Nogelmeier explained that whether the applicant could hold future events using Front Range's liquor license would depend on the nature of the event. The City would require that the applicant obtain whatever is required from Kansas Alcoholic Beverage Control before the City would consider a permit.

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

Councilwoman Buszek moved that the Council approve request by Made In KC/Rainy Day Books for Alcohol Consumption on Property Open to Use by the Public.

Mayor Hepperly suggested a friendly amendment to the motion, limiting the approval to the event currently scheduled for December 5, 2023, and to those specifically invited.

Councilwoman Buszek accepted the friendly amendment.

Councilman Rogers seconded the motion and the motion carried unanimously.

COMMENTS BY GOVERNING BODY

Mayor Hepperly asked for comments by the Governing Body. Hearing none, she closed Governing Body comments.

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 7:20 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary