

NOTE, THESE MINUTES ARE NOT FOR PUBLIC DISSEMINATION UNTIL THEY HAVE BEEN APPROVED BY THE FAIRWAY CITY COUNCIL

**MINUTES OF THE SPECIAL MEETING
OF THE CITY COUNCIL
OF THE CITY OF FAIRWAY, KANSAS**

The Council of the City of Fairway, Kansas, held a special meeting at 6:30 P.M. at 5240 Belinder Road, Fairway, Kansas, on Wednesday, November 13, 2024.

Present: Council Members Jenna Brofsky, David Watkins, Jerry Williams (by Zoom); Lee Story, Dan Bailey, Joseph Levin.

Absent: Council Members Kelly Ann Buszek, Tanya Keys.

Presiding: Mayor Melanie Hepperly.

Staff Present: Nathan Nogelmeier, City Administrator; Anna Krstulic, City Attorney; Bill Stogsdill, Director of Public Works; Brice Soeken, Director of Parks and Recreation.

Visitors: None.

CALL TO ORDER AND ANNOUNCEMENTS

Mayor Hepperly called the meeting to order. She explained that the purpose of this Special Meeting is to transact business items requiring Council approval that could not be considered at the November 12, 2024 meeting because a quorum was not present. Because there are no members of the public currently online, Mayor Hepperly suspended public comment on all items. If someone from the public later joins the meeting and wants to comment on an item, she will reopen public comment.

PLEDGE OF ALLEGIANCE

Mayor Hepperly led the Council in the Pledge of Allegiance.

PUBLIC COMMENT FOR CONSENT AGENDA ITEMS

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 #1816 – October 2024; (C) Agreement with Water Resources Solutions for a Preliminary Project Study Regarding State Park Road Flooding in an Amount Not to Exceed \$73,000; (D) Agreement with Smith Brothers Lawn and Landscape, LLC for Installation of a New Landscape Project at Peterson Park in an Amount Not to Exceed \$120,000.

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

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

NEW BUSINESS

- A. Consider Ordinance #1814 - An Ordinance Relating to the Regulation of Traffic Within the Corporate Limits of the City of Fairway, Kansas; Incorporating by Reference the Standard Traffic Ordinance for Kansas Cities, 51st Edition, With Certain Additions; Amending and Repealing Existing Section 10-19 of the Code of Ordinances, City of Fairway, Kansas; and Repealing Section 1 of Ordinance No. 1795.

Mayor Hepperly asked for discussion.

Responding to Councilwoman Brofsky's question, City Attorney Krstulic referred to a comparison in the packet that shows the changes made from last year's Ordinance. These changes are recommendations from the League of Kansas Municipalities and staff did not recommend any additional changes.

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

Councilwoman Brofsky moved that the Council approve Ordinance #1814 - An Ordinance Relating to the Regulation of Traffic Within the Corporate Limits of the City of Fairway, Kansas; Incorporating by Reference the Standard Traffic Ordinance for Kansas Cities, 51st Edition, With Certain Additions; Amending and Repealing Existing Section 10-19 of the Code of Ordinances, City of Fairway, Kansas; and Repealing Section 1 of Ordinance No. 1795. Councilman Watkins seconded the motion and the motion carried unanimously.

- B. Consider Ordinance #1815 – An Ordinance Relating to the Regulation of Public Offenses Within the Corporate Limits of the City of Fairway, Kansas; Incorporating by Reference the Uniform Public Offense Code for Kansas Cities, 40th Edition, with Certain Changes; Amending and Repealing Existing Sections 8-25 and 8-26 of the Code of Ordinances, City of Fairway, Kansas; and Repealing Ordinance No. 1796

Mayor Hepperly asked for discussion.

Responding to Councilwoman Brofsky's question, City Attorney Krstulic stated that the changes were recommended by the League of Kansas Municipalities. She noted that changes were incorporated from last year relating to the unlawful discharge of a firearm and those changes were approved by Chief Thurlo at that time.

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

Councilman Watkins moved that the Council approve Ordinance #1815 – An Ordinance Relating to the Regulation of Public Offenses Within the Corporate Limits of the City of Fairway, Kansas; Incorporating by Reference the Uniform Public Offense Code for Kansas Cities, 40th Edition, with Certain Changes; Amending and Repealing Existing Sections 8-25 and 8-26 of the Code of Ordinances, City of Fairway, Kansas; and Repealing Ordinance No. 1796. Councilman Levin seconded the motion and the motion carried unanimously.

C. Consider Authorizing the Mayor to Execute an Agreement with Bollcom, Inc. for the Purchase and Installation of a New Phone System at City Hall and the Police Station in an Amount Not to Exceed \$30,000.

City Administrator stated that the phone system the City is currently using is from 2008 and there have been some software issues. The 2024 budget included \$80,000 from the Capital Improvement Fund for the new system. He has not yet received the contract but requested that the Council authorize Mayor Hepperly to executed the contract once it is finalized and approved by legal counsel. He added that they considered going to one system between the two buildings (City Hall and the Police Station), but knowing there may be changes to the Police Station in the near future, staff has decided to have separate systems.

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

Councilman Story moved that the Council authorize the Mayor to execute an Agreement with Bollcom, Inc. for the purchase and installation of a new phone system at City Hall and the Police Station in an amount not to exceed \$30,000, following legal counsel review and approval. Councilman Watkins seconded the motion and the motion carried unanimously.

D. Consider Agreement with Burns & McDonnell for the Design of 2025 and 2026 CIP Projects.

City Administrator Nogelmeier explained that this Agreement will cover design projects in 2025 and 2026. Typically, only one year of design is done at a time, but one of the 2026 projects is the installation of a new storm sewer on 59th Street. The project will involve several blocks and will tie into the new system so it will be important for all the drainage calculations to be accurate and the multi-year design will allow lead time for redesign, if necessary. He did get a separate bid from Burns & McDonnell for just the design of the 2025 portion of the project, and that bid was \$20,000. A competing bid from another contractor was \$67,000, so he is confident in the pricing for the multi-year project. In addition, Roeland Park will pay one half of the design costs for the 2025 project, or \$10,000, so there will be an offset. He recommended that the Council authorize the Mayor to sign the Agreement once it is finalized and approved by legal counsel.

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

Councilman Watkins moved that the Council authorize Mayor Hepperly to execute the Agreement with Burns & McDonnell for the design of 2025 and 2026 CIP projects, following review and approval by legal counsel. Councilwoman Brofsky seconded the motion and the motion carried with one abstention.

E. Consider Authorizing Mayor Hepperly to Execute an Agreement with Lamp Rynearson for Engineering Services Related to the Re-Design of the Fairway Pool Main Drain.

Director Soeken explained that during their post-season check of the pool, they discovered that there were problems with the cover over the main drain. They consulted with the engineers at Lamp Rynearson who advised that the Virginia Graham Baker Pool and Spa Safety Act (VGBA) had been updated since the City updated the main drain so even if the drain cover could be repaired, it no longer meets the requirements of the Act. The engineers also suggested that while the work on the main drain is being completed that it would be an opportune time to insert a liner into the cast iron piping from the main drain all the way to the surge pit in the pump room because the piping that is there now is corroded and looks like it is breaking down. Lamp Rynearson will prepare the design plans so that the City can put the project out to bid and will also help to ensure that the work done by the contractors adheres to the requirements of the Act. They hope to get as much work completed as possible before the end of 2024 and will use the contingency fund to pay for the work. He asked that the Council authorize Mayor Hepperly to execute the Agreement following review and approval by legal counsel.

Responding to Councilwoman Brofsky's question, Director Soeken stated that the City does have funds in contingency to pay for the design work and also probably a good portion of the actual work to the main drain. The design engineering work is expected to cost \$13,400.

Councilman Bailey stated that Lamp Rynearson clearly knows what they are doing and he would like them to look over everything at the pool to determine if other updates are needed rather than piecemealing those projects.

Director Soeken stated that he could budget in the future for the engineers to look over everything at the pool, but the current main drain issue is more pressing because the work will need to be completed before the pool can open next year.

City Administrator Nogelmeier explained that the VGBA is very specific about underwater drains for pools because of a specific incident involving a legislator's grandchild. When the Act was instituted, Fairway had a new cover installed and the main drain was certified to be in compliance with the Act. As for other pool-related issues, Lamp Rynearson has worked on various other issues at the pool, including the filtration system that was completely replaced in 2011. In today's

era, Fairway has one of the newer pool systems out there and any time there are concerns, either Lamp Rynearson or Water's Edge are contacted to review the issue. He is confident that Fairway is not out of compliance with anything else related to the pool. The pool would have been grandfathered in to compliance for the main drain if the cover could have been secured, but the cover could not be secured so the updates will be required.

As for timing, City Administrator Nogelmeier stated that if the Council approves Mayor Hepperly's execution of the design-phase Agreement, he expects the design will take one to two weeks. The project will then be put out to bid and the actual Construction Agreement will be prepared with whoever wins the bid. As City Administrator, he has authority for unbudgeted items of \$30,000. If the construction costs exceed \$30,000, Council approval will be required and therefore, a Special City Council meeting would be needed or the Agreement could be considered at the December 9, 2024 City Council meeting. It is important that the Construction Agreement be finalized in 2024 because 2024 contingency funds will be used to pay for the design and construction costs and the City cannot prepay a 2025 project with 2024 contingency funds.

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

Councilman Watkins moved that the Council authorize Mayor Hepperly to execute the Agreement with Lamp Rynearson for engineering services related to the re-design of the Fairway Pool main drain following legal review and approval of the final Agreement. Councilman Story seconded the motion and the motion carried unanimously.

F. Consider Authorizing the Mayor to Execute an Agreement with TechTeam for the Purchase and Installation of a New Security Camera System at the Fairway Pool in an Amount Not to Exceed \$55,000.

Director Soeken explained that this item was discussed at the Administration and Finance Committee meeting. The bid from TechTeam is the bid he feels most comfortable with and will result in a good camera security system at the Pool. The current security cameras are 10 years old and it is extremely hard to see anything outside. The new system will allow staff to log in remotely to view the cameras and to make sure everything is running smoothly. He requested that the Council authorize Mayor Hepperly to sign the contract following legal review and approval.

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

Councilman Story moved that the Council authorize Mayor Hepperly to execute the Agreement with TechTeam for the purchase and installation of a new security camera system at the Fairway Pool in an amount not to exceed \$55,000 following

legal counsel review and approval. Councilwoman Brofsky seconded the motion and the motion carried unanimously.

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. Councilwoman Brofsky seconded the motion and the motion carried unanimously.

The meeting adjourned at 7:01 P.M.

Mayor Melanie Hepperly

Attest:

Barb Fox, Recording Secretary