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**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 7:30 P.M. at 4210 Shawnee Mission Parkway, Fairway, Kansas, on Monday, September 12, 2016.

Present: Council Members J.D. Fair, David Watkins, Gail Gregory, Melanie Hepperly, Jim Poplinger, Michael Staley, Joe Levin and Tanya Keys.

Absent: None.

Presiding: Mayor Jerry W. Wiley.

Staff Present: Steve Chinn, City Attorney; Mike Fleming, Chief of Police; Bill Stogsdill, Director of Public Works; Bill Sandy, Building Inspector/Codes Administrator; Nathan Nogelmeier, Director of Parks and Recreation; Barb Fox, Recording Secretary.

Visitors: Debbie, Melissa and Dan Funkhouser, 11516 Gillette Street, Overland Park, Kansas; Livia Segole; Morgan Sanders; Jeff Brent, 5620 Neosho Avenue; Kevin Wempe, Gilmore & Bell, 2405 Grand Blvd, Kansas City, Missouri; Jason Hoover and Chase Barnes, George K. Baum, 4801 Main St #500, Kansas City, Missouri; Jim Kernell, 4323 Brookridge; Angela Moschell, 5339 Fairway Road; Phil Hofstra, 4045 Brookridge.

CALL TO ORDER AND ANNOUNCEMENTS

Mayor Wiley called the meeting to order.

PLEDGE OF ALLEGIANCE

Mayor Wiley asked Chief Fleming to lead the Council in the Pledge of Allegiance.

POLICE DEPARTMENT STAFF INTRODUCTIONS AND RECOGNITION

Chief Fleming introduced Ken Cypert, the department's newest officer and welcomed him to the department.

He next introduced officers Mandi Flatt and Kassandra Westhoff. He recognized each of them for their professionalism and leadership and announced that each of them were being promoted to Master Officer. He presented them with pins for their uniform.

Chief Fleming next introduced Officer Troy Martin. He discussed his experience and stated that Officer Martin has been a leader of Northeast Johnson County law

enforcement. Officer Martin leads the fire arms training program, which is one of the most important programs in the department. Chief Fleming announced Officer Troy Martin's promotion to Sergeant and thanked him for his service and leadership.

Chief Fleming introduced Officer Kent Funkhouser and thanked him for his service to the department. He announced Officer Funkhouser's promotion to Sergeant, and invited members of his family from the audience to place the appropriate pins on his uniform.

Chief Fleming introduced Lieutenant JP Thurlo, stating that he has been a leader in Northeast Johnson County law enforcement and thanked him for his service. Lieutenant Thurlo, along with Sergeant Funkhouser, have instituted an active shooter program that has reached to every department in Johnson County. Chief Fleming announced Lieutenant JP Thurlo's promotion to Captain, and presented him with the appropriate pin for his uniform.

Chief Fleming next read a special accommodation for each of the officers in the department, thanking them for recognizing their dedication to the community and fellow officers by cancelling vacations, rescheduling personal obligations and taking time away from their families during the last two years when the department was understaffed. He stated that each member of the department exemplifies the professionalism that makes Fairway's Police Department great and that each would receive a Certificate of Merit.

MAYORAL PROCLAMATION – DIAPER NEED AWARENESS WEEK,  
SEPTEMBER 26-OCTOBER 2, 2016

Mayor Wiley read a Proclamation designating September 26 to October 2, 2016 as Diaper Need Awareness Week in the City of Fairway.

REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF TONY LOPEZ

No report.

ADMINISTRATION COMMITTEE, MR. POPLINGER

Monthly Report

Councilman Poplinger discussed the Administration Committee items on the Agenda, including the Charter Ordinance and the readoption of an Ordinance relating to the City Administrator position. The Ordinance for the City Administrator had been passed in 2013 but unfortunately was lost in the shuffle and has not been codified. The earlier Ordinance is being repealed and a new Ordinance will be adopted to replace it.

City Administrator/City Clerk Axelson announced to the audience her retirement effective November 1, 2016.

BUILDING INSPECTIONS, MR. SANDY

Monthly Report

Building Inspector/Codes Administrator Sandy referred the Council to the report in the packet, subject to questions. He discussed the code violations this month related to trash cans being left out after trash collection.

POLICE COMMITTEE, CHIEF FLEMING

Monthly Report

Chief Fleming indicated he would let his report stand as submitted, subject to questions. He discussed the recent passing of Johnson County Sheriff's Deputy Collins who was killed in a traffic accident over the weekend and asked everyone to keep his family and the Sheriff's Department in their thoughts and prayers.

He discussed the flooding that occurred in August and indicated it was fortunate that the Mission Road Bridge remained open for first responders. He also thanked Assistant Public Works Director Mann for coming in to help with the flooding situation.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill indicated he would let his report stand as submitted, subject to questions. He reported that the concrete and paving work have been completed on Mission Road; however, some yard restoration work remains.

Councilman Watkins thanked Director Stogsdill and his team for their work during the recent flooding, especially removal of the tree from the street across Mission Road.

PARKS AND RECREATION COMMITTEE, MR. NOGELMEIER

Monthly Report

Director Nogelmeier referred the Council to the report in the packet, subject to questions. He discussed upcoming events and the successful attendance and revenues this season at the pool.

FINANCE COMMITTEE, MS. HEPPELY

Monthly Report

Councilwoman Hepperly discussed the refinancing of the Series 2010-A Bonds under New Business. She stated that the refinancing will take place within the next 30 days and will save the City approximately \$400,000 over the course of the bond term. The Finance Committee continues to work on the endowment and third party agreements for the Shawnee Indian Mission and she expects those to be finalized over the next few days.

City Administrator/City Clerk Axelson added that the budget process is complete and the revenues and expenditures are in line for a good year end.

ANIMAL CONTROL, MR. FAIR

Monthly Report

No report.

TREE BOARD, MR. NOGELMEIER

Director Nogelmeier reported that the Tree Board met and discussed modifications to the Tree Protection Ordinance, which will be before the Council for consideration in October.

FLOOD PLAIN, MR. STALEY

No report.

PUBLIC COMMENT

Mayor Wiley asked if there were members of the public who would like to make a comment. Hearing none, he closed the public comment portion of the meeting.

APPROVAL OF CONSENT AGENDA

Mayor Wiley outlined the five items on the Consent Agenda. The Consent Agenda items include the following: (A) Minutes of Previous Regular City Council Meeting; (B) Minutes of Public Hearings Regarding 2016 and 2017 Budgets; (C) Claims and Appropriations August, 2016 - Ordinance #1628; (D) Letter of Understanding with Benjamin Lawn and Leaf Regarding Annual Leaf Pickup Program; (E) Mayor's Appointment of Phil Hofstra to the Floodplain Committee.

Councilwoman Hepperly moved that the Council approve Items A through E on the Consent Agenda. Councilman Fair seconded the motion and the motion carried unanimously.

NEW BUSINESS

Consider Resolution #2016-C Regarding Refunding of Series 2010-A General Obligation Bonds.

Jason Hoover of George K. Baum discussed the Resolution for refunding of the Series 2010-A General Obligations Bonds. He stated that the plan is to conduct the bond sale on October 5 or 6. Normally bond sales are conducted on the day of the Council meeting but because the market will be closed on October 10, it will occur the week prior. The dates are flexible so they can take advantage of any fluctuations in the bond market.

Responding to Councilwoman Hepperly's question, Mr. Hoover stated that the rating call would occur next week.

Mr. Hoover also introduced Chase Barnes from George K. Baum and Kevin Wempe with Gilmore and Bell, the City's bond counsel.

Mr. Wempe explained that the Resolution authorizes them to go to market and offer the bonds to investors. The Resolution is considered a parameters resolution, which allows them to go to market and chose the most advantageous date to take bids. The Resolution authorizes the Mayor to execute the Bond Purchase Agreement on that date with certain parameters, which include the true interest on the bonds as well as the present value savings.

Councilwoman Hepperly moved that the Council approve Resolution #2016-C regarding refunding of Series 2010-A General Obligation Bonds. Councilwoman Gregory seconded the motion and the motion carried unanimously.

Consider Planning Commission Recommendation for Approval of Final Site Plan and Sign Deviation for Professional Dental Office Located at 4034 Shawnee Mission Parkway/5505 Buena Vista.

Building Inspector/Codes Administrator Sandy highlighted his staff report for the final site plan and sign deviation for the professional dental office located at 4034 Shawnee Mission Parkway/5505 Buena Vista. He explained that the building will be two stories and 28 feet 6 inches tall. He outlined the signage approved by the Planning Commission for the building. The owner has received approval through the flood plain process and has a "No Rise" Certificate. The Board of Zoning Appeals has also approved several variance requests. During the preliminary site plan approval process, the Planning Commission made several suggestions, including that the sidewalk wrap around the building. There were concerns brought out by the City of Roeland Park asking that the sidewalk be continued along Buena Vista to the property line; however, the property owner will not be extending the sidewalk. Chief Fleming and Director Stogsdill stated that the

sidewalk issue could potentially be addressed in the future as part of a CARS project, but that is not in the plans at this time.

On August 29 the Planning Commission approved the final site plan. Building Inspector/Codes Administrator Sandy also recommends approval of the site plan with the following conditions:

1. The applicant must provide stamped inspection reports from the engineer stating that the work occurring in what was otherwise the flood plain area are commensurate to the plans approved by the Kansas Department of Agriculture Water Resources Division.
2. Four (4) complete sets of plans are submitted for plan review and City approval.
3. Building permit must be obtained and fees paid, as required per City code.
4. The project complies with all City ordinances and the 2012 International Building Code.
5. Application and approval is void if a building permit is not obtained within one year from the date of Planning Commission approval.

Mayor Wiley asked for discussion from the Council. Hearing none, he asked for a motion.

Councilman Levin moved that the Council approve the final site plan and sign deviation for professional dental office located at 4034 Shawnee Mission Parkway/5505 Buena Vista, subject to staff recommendations. Councilwoman Hepperly seconded the motion and the motion carried unanimously.

Consider Ordinance #1629 – An Ordinance of the City of Fairway, Kansas, Repealing and Amending Section 3-4 Entitled Consumption on Public Property and Sections 9-268 Entitled Parks Designated of the Fairway Municipal Code to Include the Shawnee Indian Mission State Historic Site.

Director Nogelmeier stated that in the past the City has taken a hands-off approach with the Shawnee Indian Mission site as far as applying the City's Ordinances to the site because it belonged to the State. Now that the City is managing the property, he felt it was appropriate to bring the Indian Mission under the umbrella of the City's Ordinances making sure that those that apply to the Park will also apply to the Indian Mission.

This Ordinance also sets out the requirements for consumption of alcohol on public property. The current Ordinance was updated prior to the building of the multipurpose room and the proposed new Ordinance will extend the allowance of consumption of alcohol to include the multipurpose room and the Shawnee Indian Mission.

City Attorney Chinn stated that he and Director Nogelmeier worked on the Ordinance to ensure that the language made it clear that the Shawnee Indian

Mission is not a City Park. He explained that in order to be a City Park, the property has to be dedicated by deed and then held in trust for public use. While they do feel it is appropriate that the park regulations apply to the Shawnee Indian Mission, it is not to be considered a City Park.

Responding to Mayor Wiley's questions, Director Nogelmeier stated that the consumption of alcohol is allowed at certain events, depending on the event and who is hosting it. If the City is hosting the event as a private rental, the applicant will have to do through the same application process as is currently required for the pool. If the event falls under the Shawnee Indian Mission Foundation, it will be covered under the Third Party Use Agreement with the State, and as currently structured, the City would approve the scheduling and other components.

Mayor Wiley asked for discussion from the Council. Hearing none, he asked for a motion.

Councilwoman Hepperly moved that the Council approve Ordinance #1629 – an Ordinance of the City of Fairway, Kansas, repealing and amending Section 3-4 entitled Consumption on Public Property and Sections 9-268 entitled Parks Designated of the Fairway Municipal Code to include the Shawnee Indian Mission State Historic site. Councilman Fair seconded the motion and the motion carried unanimously.

Consider Ordinance #1630 – An Ordinance of the City of Fairway, Kansas, repealing Ordinance #1562 and Adding New Sections 2-93 and 2-94 of Chapter 2 Entitled Administration of Fairway Municipal Code Regarding the Office of City Administrator, the Duties and Appointment in More Than One Position.

Councilman Poplinger stated that this Ordinance was originally passed in November of 2013 but for some reason did not make it into the recodification. At the time of the recodification, all Ordinances were repealed and because this Ordinance was not in the recodification, it needs to be passed again. Except for some changes to the section references in the Ordinance because of the recodification, the proposed Ordinance is identical to what was passed in 2013.

Mayor Wiley asked for a motion.

Councilman Poplinger moved that the Council approve the Ordinance #1630 – an Ordinance of the City of Fairway, Kansas, repealing Ordinance #1562 and adding new Sections 2-93 and 2-94 of Chapter 2 entitled Administration of Fairway Municipal Code Regarding the Office of City Administrator, the Duties and Appointment in More Than One Position. Councilman Watkins seconded the motion and the motion carried unanimously.

Consider Charter Ordinance #24 – An Ordinance Exempting the City of Fairway, Kansas, From the Provisions of K.S.A. 14-103, K.S.A. 14-201, K.S.A. 14-205, K.S.A. 19-2646 and K.S.A. 25-2108a, Relating to the Creation of Wards, Election

of Officers, Terms of Office, Transitions to November Elections, Appointment of Officers, and Nomination Petitions; and, Providing Substitute and Additional Provisions on the Same Subject, and Repealing Charter Ordinance #7, #17 and #21.

City Attorney Chinn stated that Councilman Poplinger prepared the proposed Charter Ordinance which combines all of the City's current election related Charter Ordinances into one. This allows someone to be able to look at one Charter Ordinance rather than looking at several different ones to determine which one applies. Councilman Poplinger prepared the Charter Ordinance and City Attorney Chinn reviewed it and made minor revisions.

City Attorney Chinn explained that under Kansas law, the City is considered a home rule city and thus, can charter out of any ordinances that are not uniformly applied to all cities. He added that because this is a Charter Ordinance, it is required to be passed by a 2/3<sup>rd</sup>' s majority and will not take effect until 61 days after it is passed to allow for citizens to protest its adoption.

Mayor Wiley asked for further discussion from the Council. Hearing none, he asked for a motion.

Councilman Watkins moved that the Council adopt Charter Ordinance #24 – an Ordinance exempting the City of Fairway, Kansas, from the Provisions of K.S.A. 14-103, K.S.A. 14-201, K.S.A. 14-205, K.S.A. 19-2646 and K.S.A. 25-2108a, relating to the creation of Wards, election of officers, terms of office, transitions to November elections, appointment of officers, and nomination petitions; and, providing substitute and additional provisions on the same subject, and repealing Charter Ordinance #7, #17 and #21. Councilwoman Gregory seconded the motion and the motion carried unanimously.

Consider Appointment of City Administrator/City Clerk Kathy Axelson and One Governing Body Member as Delegates to the Annual Conference of the League of Kansas Municipalities.

City Administrator/City Clerk Axelson stated that the City is allowed two voting delegates at the Annual Conference which is scheduled for October 8 through October 10 in Overland Park. She requested that she be allowed to attend the conference and requested that the Council authorize the appointment of an undetermined Governing Body member to also attend as the second voting delegate. She stated that the voting relates to the Annual Municipal Statement prepared by the League of Municipalities.

Mayor Wiley asked if there was a volunteer from the Council to be appointed as the second voting delegate and Councilwoman Hepperly volunteered.

Mayor Wiley asked for a motion.

Councilman Watkins moved that the Council authorize City Administrator/City Clerk Axelson and Councilwoman Hepperly as delegates to the Annual Conference of the League of Kansas Municipalities. Councilman Fair seconded the motion carried unanimously.

ADDITIONAL PUBLIC COMMENT

Mayor Wiley asked if there was anyone in the audience who would like to make a comment.

Mayor Wiley asked if there were others in the public who would like to comment. Hearing none, he closed the public comment portion of the meeting.

EXECUTIVE SESSION: ATTORNEY/CLIENT PRIVILEGE/NON-ELECTED PERSONNEL MATTER.

Mayor Wiley asked that the Governing Body adjourn into executive session for 1 hour 15 minutes, until 9:45 P.M. to discuss matters of attorney/client privilege and non-elected personnel matters. He asked that all Councilmembers, City Attorney Chinn, City Administrator/City Clerk Axelson, Director of Public Works Bill Stogsdill, Police Chief Mike Fleming, Parks and Recreation Director Nathan Nogelmeier, Floodplain Committee Members Jim Kernell and Phil Hofstra attend.

Councilman Watkins moved that the Governing Body adjourn into executive session pursuant to the attorney/client privilege and for non-elected personnel matters for a period of 1 hour and 15 minutes, to include all Councilmembers, City Attorney Chinn, City Administrator/City Clerk Axelson, Director Stogsdill, Chief Fleming, Director Nogelmeier, and Floodplain Committee Members Jim Kernell and Phil Hofstra, with the open meeting to resume in the City Council chambers at 9:45 P.M. Floodplain Committee Members Jim Kernell and Phil Hofstra will only attend the attorney/client privilege portion of the meeting, but not the non-elected personnel session. Councilman Poplinger seconded the motion and the motion carried unanimously.

The Governing Body went into executive session at 8:30 P.M.

At 9:25 P.M. Jim Kernell and Phil Hofstra left the Executive Session.

At 9:35 P.M. Director Nogelmeier, Director Stogsdill and Chief Fleming left the Executive Session.

The Governing Body reconvened at 9:45 P.M., with Mayor Wiley reporting that no binding action was taken during Executive Session.

ADJOURNMENT

Councilman Poplinger moved to adjourn. Councilman Watkins seconded the motion and the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 9:46 P.M.

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Mayor Jerry W. Wiley

Attest:

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Barb Fox, Recording Secretary