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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, October 10, 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; City Administrator/City Clerk Kathy Axelson; 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: Graham Smith, Gould Evans, 4041 Mill Street, Kansas City, Missouri; Dave Arteberry, George K. Baum, 4801 Main Street, Kansas City, Missouri; Gina Riekhof, Gilmore & Bell, 2405 Grand Boulevard, Kansas City, Missouri.

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.

INTRODUCTION OF NEW PUBLIC WORKS EMPLOYEE, RICK ALLEN

Director Stogsdill introduced new Public Works employee, Rick Allen, and welcomed him to the department.

COMPREHENSIVE PLAN UPDATE – REPORT OF THE COMPREHENSIVE PLAN ADVISORY COMMITTEE AND GOULD EVANS, CONSULTANTS

Graham Smith, of Gould Evans, 4041 Mill Street, reported on the status of the update to the Comprehensive Plan. The Comprehensive Plan is used to help inform the City in the future with respect to changes to regulations and codes. He stated that the Advisory Committee met and a public meeting was held last week. A community survey was also

conducted. They have also reviewed demographic information to help better understand the community.

Challenges identified from the Advisory Committee meetings include the following:

- (1) Housing redevelopment and the scale, character and size of new homes.
- (2) Civic investment and how public money is being spent to improve the community.
- (3) Commercial and office redevelopment of the Fairway Shops and Office Park and how any future redevelopment would be handled.
- (4) Bike and pedestrian improvements throughout the City.
- (5) The traffic and character of Shawnee Mission Parkway, which presents a front door to Fairway.
- (6) Changing demographics with younger families moving in and staying in the community longer and how that will affect the housing market, retail, and services.

Mr. Smith reported 345 responses were received from the community survey, which is a little less than 10 percent and he considers that a great response rate. Most survey responses mirrored those challenges identified by the Advisory Committee. Nearly 101 responders left a comment, most of which were complimentary of the City and consultants. There were several conflicting comments and they will be researching those more closely. Twenty-five participants attended the public meeting. Again, many of the comments received were the same, especially with respect to housing redevelopment. New challenges identified were water runoff and tree preservation.

Mr. Smith explained that goals have been identified from the challenges identified. The first goal relates to the character and quality of redevelopment in Fairway. The second relates to the public spaces and amenities that the City provides. The third goal is to create bicycle and pedestrian connections; and, how to best connect neighborhoods to amenities, neighborhoods to neighborhoods, and neighborhoods to services. The fourth goal is to maintain in advance the public infrastructure that it takes to further support and develop the community.

Mr. Smith said the next step is to look at how to accomplish those goals. A second community survey will be sent to the community that will ask questions about how to address the goals and challenges identified. He hopes to be able to submit the draft Comprehensive Plan to the Council in January for review and approval. He offered to answer questions from the Council.

Councilman Poplinger related a discussion he had with his neighbor concerning the tear down and rebuilding going on in the City and the changing requirements of today's housing versus homes that were built in the 1930's. He also discussed observations that homes in Fairway neighborhoods are all different, which is not the case with homes in newer areas.

Responding to Mayor Wiley's question, Mr. Smith stated that the demographics show that the City's peak population was in the 1960's, but that population decreased until about 2010. Over the last five years the population has increased and he attributes that to young families moving into the neighborhoods. They are in the process of putting together information concerning the demographics and will provide that to the Council and community when it is completed.

REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF TONY LOPEZ

No report.

ADMINISTRATION COMMITTEE, MR. POPLINGER

Monthly Report

City Administrator/City Clerk Axelson referred the Council to the report in the packet subject to questions. She explained that the Administration Committee continues to work on the employee manual and while she hoped to have that completed before her departure on November 1, she knows that the good work being done on the manual will continue. She thanked Councilman Poplinger for his excellent work in reviewing and revising the drafts.

Since this is her last meeting, City Administrator/City Clerk Axelson thanked the Governing Body and staff for their work during her time with the City. She stated she is proud of all the projects the City was able to complete over the last 2 ½ years. She believes that the City has an excellent and professional staff and knows that they will do great things in the future.

She also discussed the Annual Conference of the League of Municipalities that she and Councilwoman Hepperly attended. She encouraged the Governing Body and staff to attend the activities put on by the League because of the importance of building relationships and working together with other cities across the state.

She thanked everyone for their support and for being great people to work with.

POLICE COMMITTEE, CHIEF FLEMING

Monthly Report

Chief Fleming indicated he would let his report stand as submitted, subject to questions. He discussed the Fall Festival at the Shawnee Indian Mission and stated that with the preplanning and help from the Police Department and Public Works, everything went smoothly.

He also thanked City Administrator/City Clerk Axelson for her counsel over the last 2 ½ years and stated he appreciates that she was never too busy for a question.

PUBLIC WORKS COMMITTEE, MR. STOGSDILL

Monthly Report

Director Stogsdill indicated he would let his report stand as submitted, subject to questions.

Director Stogsdill also thanked City Administer/City Clerk Axelson for her service and while he is disappointed to see her leave, he understands the situation.

Responding to Mayor Wiley's question, Director Stogsdill stated that the gas company's work on Mission Road should be completed this week. He explained the process used by the gas company in making repairs, stating that it is very time consuming.

PARKS AND RECREATION COMMITTEE, MR. NOGELMEIER

Monthly Report

Director Nogelmeier referred the Council to the report in the packet, subject to questions. He stated there was a pickle ball clinic at the Park last weekend and about 15 people participated. He thanked Lisa London for leading the clinic.

He also thanked Judy and Lanny Riedel, who are the Chairs of the Fall Festival, as well as all the volunteers involved, for their work and countless hours spent in making the Festival a success.

He discussed a revision to Legacy Fund Agreement on the Consent Agenda changing the reference to 2(b) instead of 2(a) in Section 3.

Director Nogelmeier announced that the City and Friends of the Foundation will be sponsoring a Texas Hold'em Tournament on October 22. If the program fills to capacity, it is projected to net \$1,000 after expenses and those funds will go into the fund established to offset costs. The event will begin at 7:00 P.M. and is projected to last four or five hours. The winner will be named the Grand Champion. He encouraged anyone interested in participating to sign up on the City's website.

Director Nogelmeier also thanked City Administrator/City Clerk Axelson for her leadership and advice and stated that without that, he would not have been able to accept the position of City Administrator.

Responding to Mayor Wiley's question, Director Nogelmeier stated that he believes the Festival attendance was better than in year's past but Ms. Riedel is still putting together that information.

Mayor Wiley suggested that the City put together some kind of recognition to Judy and Lanny Reidel for their work and Director Nogelmeier agreed.

FINANCE COMMITTEE, MS. HEPPERLY

Monthly Report

Councilwoman Hepperly reported that the refunding concluded last week. The refunding was originally estimated to bring a savings of \$460,000 over the remaining term of the bonds; however, the City received a lower interest rate, resulting in a savings of over \$576,000.

Councilwoman Hepperly referred the Council to page 14 of the financial statements with respect to the Shawnee Indian Mission Fund. She stated that for the month of September a deficit was shown so \$1,800 was transferred from the general fund to cover the deficit. She will continue to monitor the situation. Now that the Legacy Fund is in place, the Foundation can begin to raise funds and, hopefully, alleviate the need for future transfers. She understands that transfers may be needed through the end of the year.

Director Nogelmeier stated that following the transfer, he received the second quarter minimum contribution from the state, which operates on a July to June calendar year, in the amount of \$9,000. He also expects to receive the fourth quarter contribution of \$5,000 from the Foundation after its next meeting. He does not believe those funds will be enough to cover the expenses through the remainder of the year so another transfer may be needed unless revenue comes in from another source.

Discussion followed concerning the payment made to Fahey and the reason a portion was placed in the Public Works Department budget and not included as a part of the capital projects. Director Stogsdill stated that the expense relates to paving the area in front of the salt dome, which was not included as part of the Capital Improvement Plan. He had hoped that they would not have to pave the area; however, the area is gravel and they are concerned that salt will be lost in the gravel during the offloading process.

Councilwoman Hepperly requested that the expense be transferred to contingency so that it is not a part of the operating budget. City Administrator/City Clerk Axelson stated that she would make that change.

City Administrator/City Clerk referred the Council to the report in the packet, subject to questions. She has been working with Director Nogelmeier on the

transition of her duties. She believes that the finances look strong for the end of the year and she thanked everyone for their team work.

ANIMAL CONTROL, MR. FAIR

Monthly Report

No report.

TREE BOARD, MR. NOGELMEIER

Director Nogelmeier reported that he did not have time to update the Tree Protection Ordinance as planned and it will come before the Council for consideration in November.

FLOOD PLAIN, MR. FAIR

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 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 September, 2016 - Ordinance #1631; (C) Cooperative Agreement for Funding Operations of 2016 Operation Green Light Traffic Control System; (D) Shawnee Indian Mission Legacy Fund Agreement.

City Attorney Chinn stated that he anticipates revisions will be made to Item C and suggested that it be set over to next month.

Councilman Watkins moved that the Council approve Items A, B and D (with the revision outlined by Director Nogelmeier), on the Consent Agenda. Councilwoman Hepperly seconded the motion and the motion carried unanimously.

NEW BUSINESS

Consider Ordinance #1632 Authorizing and Providing for the Issuance of General Obligation Refunding Bonds, Series 2016-A.

Dave Arteberry of George K. Baum discussed the exceptional work of City Administrator/City Clerk Axelson. He explained that the City has been getting its bonds rated for about 6 years. A lot of organization and preparation was involved the first two times the City went through the process. He believes the City was going through a transitional period but has come out well. The last couple of rating calls the story the City has to tell in terms of its finances, its planning and organization is very easy and a great story to tell to investors. He believes that City Administrator/City Clerk Axelson and other members of the Finance Committee have made great efforts to improve the City's finances.

Mr. Arteberry discussed the bond offering, stating that they had estimated an interest rate of 1.9 percent on the bonds, generating about \$460,000 in savings over the life of the bonds. Five bids were received with the best rate of 1.59 percent being received from Raymond James. The bond issue was resized and based on that bid, the savings increased to \$576,000. The total final principal amount of the issue was \$3,760,000, and the interest rate on the refinanced bonds was 3.77 percent, or a decrease of 2 percent. He also explained that the present value savings was about 13.7 percent while the industry standard for present value savings is 3 to 5 percent.

Mayor Wiley signed the bid form and the only remaining action is for the Council to review and approve the bond Ordinance and then adopt the bond Resolution. Mr. Arteberry offered to answer questions.

Councilman Watkins moved that the Council approve Ordinance #1632 authorizing and providing for the issuance of General Obligation Refunding Bonds, Series 2016-A. Councilwoman Hepperly seconded the motion and the motion carried unanimously.

Consider Resolution #2016-D Prescribing the Form and Details of and Authorizing and Directing the Sale and Delivery of General Obligation Bonds, Series 2016-A Previously Authorized by Ordinance #1632.

Councilman Watkins moved that the Council adopt Resolution #2016-D prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Bonds, Section 2016-A previously authorized by Ordinance #1632. Councilwoman Hepperly seconded the motion and the motion carried unanimously.

Consider Planning Commission's Recommendation Regarding a Special Use Permit #2016-1 for Southern Star Gas, 6006 Mission Road, and approve Ordinance #1633.

Building Inspector/Codes Administrator Sandy stated this item relates to a 20 foot communications pole located behind the Hideaway Pet Shop at 6006 Mission Road. The request is that the pole be replaced and the height of the new pole will be 60 feet. The pole is not a massive or imposing tower and will be 1 ½ inches in

diameter. The pole is used to report gas information to the next receiving station and then on to Kentucky for monitoring.

Building Inspector/Codes Administrator Sandy recommended approval of the Special Use Permit and offered to answer questions.

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

Councilwoman Hepperly moved that the Council approve the Planning Commission's recommendation regarding a Special Use Permit #2016-1 for Southern Star Gas, 6006 Mission Road, and approve Ordinance #1633. Councilman Poplinger seconded the motion and the motion carried unanimously.

Consider Charter Ordinance #25, Exempting the City of Fairway, Kansas from the Provisions of K.S.A. 14-570 and K.S.A. 14-571, and Providing Substitute and Additional Provisions on the Same Subject Relating to Public Improvements and the Issuance of Bonds for the Purpose of Paying for Said Improvements.

City Administrator/City Clerk Axelson referred the Council to the report in the packet. She explained that the Charter Ordinance requires two-thirds majority vote of the Council, must be published consecutively for two weeks followed by a 60-day protest period. She stated that the Charter Ordinance shows that the City is being proactive in trying to improve its flexibility in funding Capital Improvement Plan (CIP) projects.

City Attorney Chinn asked Gina Riekhof of Gilmore and Bell to discuss this item.

Gina Riekhof explained that she is with Gilmore and Bell, bond counsel for the City. As background, she explained that the Kansas Constitution states that if there is an enactment of the Kansas Legislature that is not uniformly applicable to all cities, then local governments are afforded the ability to charter out of the enactment, legislate on their own and vary the terms of the legislation. The particular statutes that are referenced in this Charter Ordinance itself are not uniformly applicable, because they are applicable to cities of the second class, which Fairway is, but are not applicable to all cities. This particular enactment gives cities of the second class, once they have considered and approved a multi-year CIP, to issue general obligation bonds in order to fund projects that are on that CIP. The statute currently provides that cities may do that with a public vote. The Charter Ordinance proposed will give the City the authority to issue general obligation bonds to fund projects that are on the approved CIP, but will remove the public vote requirement. Many other Kansas statutes allow cities to issue bonds without a public vote like bonds for street projects, renovation of city buildings, and bonds for water and sewer improvements.

The Charter Ordinance does not obligate the City to issue bonds for any project that is on its CIP but does give it the flexibility in the future to make a decision to issue general obligation bonds for none, some or all projects.

Ms. Riekhof explained that the Legislature imposed a tax lid several years ago and during the last legislative session it was made more restrictive. This Charter Ordinance could be important in the future because rating agencies look at what cities are doing in order to provide more flexibility to react to situations when the tax lid limits options at the local level. Ms. Riekhof offered to answer questions from the Council.

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

Councilman Watkins moved that the Council approve Charter Ordinance #25, exempting the City of Fairway, Kansas from the provisions of K.S.A. 14-570 and K.S.A. 14-571 and providing substitute and additional provisions on the same subject relating to public improvements and the issuance of bonds for the purpose of paying for said improvements. Councilman Fair seconded the motion and the motion carried unanimously.

Consider Building Permit Extension for 5731 Windsor – Joey and Shana Grant, property owners; Gahagan-Eddy Building Co., Contractor.

Building Inspector/Codes Administrator Sandy explained that this is a large home with many unique features and has taken longer than anticipated to complete. The applicant is requesting a 90-day extension to January 19, 2017. The contractor has been working diligently on the project and he recommends approval of the extension.

Responding to Mayor Wiley's question, Building Inspector/Codes Administrator Sandy stated that the fee for the extension will be half of the cost of the original building permit.

Mayor Wiley asked for a motion.

Councilman Poplinger moved that the Council approve the building permit extension for 5731 Windsor – Joey and Shana Grant, property owners, Gahagan-Eddy Building Co., contractor. Councilman Watkins seconded the motion and the motion carried unanimously.

Consider Ordinance #1634, Annual Standard Traffic Ordinance.

City Attorney Chinn reported that each year the League of Municipalities publishes a Standard Traffic Ordinance and the City incorporates that Ordinance by reference and adopts additions thereto.

Responding to Councilman Poplinger's question, Chief Fleming confirmed that changes made at the state level did not affect the City.

Mayor Wiley asked for a motion.

Councilman Watkins moved that the Council approve Ordinance #1634, annual Standard Traffic Ordinance. Councilman Fair seconded the motion and the motion carried unanimously.

Consider Ordinance #1635, Annual Uniform Public Offense Code.

City Attorney Chinn explained that this ordinance deals with uniform public offenses. The same procedure is followed as in the prior discussion and the Ordinance is consistent with the Ordinance passed last year.

Mayor Wiley asked for a motion.

Councilwoman Keys moved that the Council approve Ordinance #1635, annual Uniform Public Offense Code. Councilman Levin seconded the motion and the motion carried unanimously.

Consider Ordinance #1636, an Ordinance Amending and Repealing Section 15-852 entitled "Application Procedure."

City Administrator/City Clerk Axelson reported that this item and the one that follows are tied together. During 2017 budget process, the Finance Committee considered and recommended an increase in the building permit fees. When amending the fee schedule, Assistant City Clerk Young found some discrepancies with language contained in Chapter 15 with respect to the permit application procedures and length and duration of permits. This Ordinance will correct those discrepancies so that Chapter 15 and the permit fee schedule are consistent.

Mayor Wiley asked for a motion.

Councilman Watkins moved that the Council approve Ordinance #1636, an ordinance amending and repealing Section 15-852 entitled "Application Procedure." Councilwoman Hepperly seconded the motion and the motion carried unanimously.

Consider Resolution #2016-E, Updating the Master Fee Scheduling for the Parks & Recreation and Administration Departments.

City Administrator/City Clerk Axelson stated that this Resolution repeals the Resolution from 2011, which is the last time the fee schedule was updated, and adopts the updated fee schedule.

Mayor Wiley asked for a motion.

Councilwoman Hepperly moved that the Council adopt Resolution #2016-E, updating the Master Fee Schedule for the Administration and Parks & Recreation Departments. Councilman Fair seconded the motion carried unanimously.

Consider Mayoral Appointment of Nathan Nogelmeier as City Administrator Effective November 1, 2016 and Authorize Mayor to Draft and Execute Employee Agreement.

Mayor Wiley asked for a motion.

Councilwoman Gregory moved that the Council approve the Mayoral appointment of Nathan Nogelmeier as City Administrator, effective November 1, 2016, and authorize Mayor Wiley to draft and execute employee agreement. Councilman Watkins seconded the motion and the motion carried unanimously.

Consider Mayoral Appointment of Kim Young as City Clerk, effective November 1, 2016.

Mayor Wiley asked for a motion.

Councilman Fair moved that the Council approve the Mayoral appointment of Kim Young as City Clerk, effective November 1, 2016. Councilman Watkins seconded the motion and the motion carried unanimously.

ADDITIONAL PUBLIC COMMENT

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

ADJOURNMENT

Councilman Fair 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 8:43 P.M.

Mayor Jerry W. Wiley

Attest:

Barb Fox, Recording Secretary