

WEDNESDAY, NOVEMBER 18, 2009, 7:00 P.M.
REGULAR MEETING AGENDA

If you require any accommodations (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-676-8350 no later than 24 hours prior to the beginning of the meeting.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC HEARING

- TEFRA Hearing, Mission Square

SPECIAL PRESENTATIONS

- Commissioner Ed Peterson
- Police Department Special Presentations

2. ISSUANCE OF TEMPORARY NOTES AND BONDS

- 2a. Ordinance Authorizing Issuance of Senior Housing Revenue Bonds Series 2009 (p. 3)

3. CONSENT AGENDA

*NOTE: Information on consent agenda items has been provided to the Governing Body. These items are determined to be routine enough to be acted on in a single motion; however, this does not preclude discussion. **If a councilmember requests, an item may be removed from the consent agenda for further consideration and separate motion.***

CONSENT AGENDA – General

- 3a. Approval of the Minutes of the City Council Meeting, October 21, 2009 (p. 8)

CONSENT AGENDA - Finance & Administration Committee

- 3b. 2010 Employee Benefits

CONSENT AGENDA – Community Development Committee

- 3c. Engineering Estimates for LOMR Nall to Roe
3d. Turkey Creek Trail Corridor Joint Resolution
3e. Resolution Declaring Surplus Property

COMMUNITY COMMITTEE REPORTS

We have included the last approved minutes for each Community Committee in your packets. If you have questions about these committees, you may bring them up under **New Business**.

Mission Convention & Visitors Bureau
Mission Arts Council
Mission Tree Board (p. 18)

4. PUBLIC COMMENTS

5. ACTION ITEMS

Planning Commission

Miscellaneous

6. COMMITTEE REPORTS

Finance & Administration – Sue Grosdidier (Minutes p. 22)

- 6a. Pre-Development Agreement Mission Commons Investors, LLC (p. 29)
- 6b. MCVB Membership Ordinance Amendments (p. 34)
- 6c. Council Policy on Community Investment Districts (p. 36)
- 6d. Review and Approval of 2010 Salary Grades (p. 46)
- 6e. Rental of Parking Lot at Ceres Building (p. 51)

Community Development – Steve Schowengerdt (Minutes p. 54)

- 6f. Waiver of Requirements, Fireworks at Holiday lights & Festive Sights Festival (p. 58)

7. UNFINISHED BUSINESS

8. NEW BUSINESS

- 8a. Resolution Related to City Hall ADA Modifications (p. 59)
- 8b. Nall Avenue Second Design Amendment Agreement with TranSystems (p. 79)

9. MAYOR'S REPORT

Appointments

- Leslee Fonseca, Director of Public Works

Parks & Recreation Commission

- Nancy Hansen, Ward IV
- Nan Frink, Ward IV

Sustainability Commission

- Kate Fields, Ward I
- Rafael Duran, Ward II
- Leslie Guest, Ward III
- Steve Helvey, Ward IV
- Dave Lally, Ward IV
- Largo Callenbach, Ward IV
- Doug Gregg, Non-resident

10. CITY ADMINISTRATOR'S REPORT

EXECUTIVE SESSION

- Acquisition of Real Property

ADJOURNMENT

<p>CITY OF MISSION ACTION ITEM SUMMARY Finance & Administration Committee</p>	<p>Item Number: 2a. Date: October 30, 2009 From: Laura Smith</p>
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SUBJECT:
Ordinance authorizing the issuance of Senior Housing Revenue Bonds, Series 2009

RECOMMENDATION:
Approve the ordinance authorizing the City of Mission to issue Senior Housing Revenue Bonds, Series 2009, in a principal amount not to exceed \$11,100,000 for the purpose of acquiring, constructing and equipping a project for Mission Square, Inc. and authorizing and approving certain documents and actions in connection with the issuance of said bonds.

DETAILS:

This ordinance is the next step in issuance of Senior Housing Revenue Bonds (Industrial Revenue Bonds) for the Mission Square senior housing project. The ordinance authorizes the following:

- 1) Funds to be used for acquiring, purchasing, constructing and equipping the Mission Square project;
- 2) Funds to pay a portion of the costs associated with issuing the bonds;
- 3) The City to enter into a trust indenture agreement;
- 4) The City to enter into a lease agreement and bond purchase agreement;
- 5) The City to execute any and all documents necessary in connection with issuance of said bonds.

The Senior Housing Revenue Bonds are not backed by the full-faith and credit of the City.

Related State Statute and City Ordinances: K.S.A. 12-1740 to 12-1749d
Line Item Code & Description: n/a
Available Budget: n/a

(Published in *The Legal Record* on November ____, 2009)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF MISSION, KANSAS OF NOT TO EXCEED \$11,100,000 AGGREGATE PRINCIPAL AMOUNT OF SENIOR HOUSING REVENUE BONDS (MISSION SQUARE, INC. PROJECT), SERIES 2009, TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR MISSION SQUARE, INC., AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the City of Mission, Kansas (the “City”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (collectively, the “Act”), to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes; and

WHEREAS, pursuant to the Act, the Issuer proposes to issue its Senior Housing Revenue Bonds (Mission Square, Inc. Project), Series 2009 (the “Bonds”), in an aggregate principal amount not to exceed \$11,100,000 for the purpose of acquiring, constructing and equipping an approximately 55-unit non-profit senior housing facility for Mission Square, Inc. (the “Corporation”), all as further described in the hereinafter referred to Bond Indenture and Lease Agreement; and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of December 1, 2009 (the “Bond Indenture”), by and between the Issuer and Great Western Bank, as Bond Trustee (the “Bond Trustee”); and

WHEREAS, simultaneously with the execution and delivery of the Bond Indenture, the Issuer will enter into a Lease Agreement dated as of December 1, 2009 (the “Lease Agreement”), by and between the Issuer, as lessor, and the Corporation, as lessee, pursuant to which the Project (as defined in the Bond Indenture) will be acquired, constructed and equipped and pursuant to which the Issuer will lease the Project to the Corporation, and the Corporation will agree to pay Lease Payments (as defined in the Bond Indenture) sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the Issuer execute and deliver certain documents and that the Issuer take certain other actions as herein provided;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

Section 1. Findings and Determinations. The Issuer hereby makes the following findings and determinations with respect to the Corporation and the Bonds to be issued by the Issuer, based upon representations made to the Issuer:

(a) The Corporation has properly requested the Issuer's assistance in financing the costs of the Project;

(b) The issuance of the Bonds for the purpose of providing funds to finance the costs of the Project is in furtherance of the public purposes set forth in the Act; and

(c) The Bonds are being issued for a valid purpose under and in accordance with the provisions of the Act.

Section 2. Authorization of the Bonds. The Issuer is hereby authorized to issue the Bonds in the aggregate principal amount of not to exceed \$11,100,000 which shall be issued under and secured by and shall have the terms and provisions set forth in the Bond Indenture. The Bonds shall bear interest at variable interest rates initially not to exceed 4.00% per annum, and shall mature in principal installments with a final maturity date or dates not later than the year 2039, and shall have such redemption provisions, including premiums, and other terms as set forth in the Bond Indenture. The final terms of the Bonds shall be specified in the Bond Indenture, and the signatures of the officers of the Issuer executing such Bond Indenture shall constitute conclusive evidence of their approval and the Issuer's approval thereof.

Section 3. Limited Obligations. The Bonds shall be limited obligations of the Issuer, payable solely from the sources and in the manner as provided in the Bond Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Bond Indenture) to the Bond Trustee and in favor of the owners of the Bonds, as provided in the Bond Indenture. The Bonds and interest thereon shall not be deemed to constitute a debt or liability of the Issuer, the State of Kansas (the "State") or of any political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Issuer, the State or of any political subdivision thereof, but shall be payable solely from the funds provided for in the Lease Agreement and the Bond Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Issuer, the State or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment. No breach by the Issuer of any such pledge, mortgage, obligation or agreement may impose any liability, pecuniary or otherwise, upon the Issuer or any charge upon its general credit or against its taxing power.

Section 4. Authorization and Approval of Documents. The following documents are hereby approved in substantially the forms presented to and reviewed by the Issuer at this meeting and attached to this Ordinance (copies of which documents shall be filed in the records of the Issuer), and the Issuer is hereby authorized to execute and deliver each of such documents (the "Issuer Documents") with such changes therein (including the dated date thereof) as shall be approved by the officials of the Issuer executing such documents, such officials' signatures thereon being conclusive evidence of their approval and the Issuer's approval thereof:

(a) Bond Indenture providing for the issuance thereunder of the Bonds and setting forth the terms and provisions applicable to the Bonds, including a pledge and assignment by the Issuer of the Trust Estate to the Bond Trustee for the benefit and security of the owners of the Bonds upon the terms and conditions as set forth in the Bond Indenture;

(b) Base Lease Agreement under which the Corporation will lease to the Issuer the property financed and refinanced with the proceeds of the Bonds in consideration of the Issuer's deposit of the proceeds of the Bonds into the funds described in the Bond Indenture;

(c) Lease Agreement under which the Issuer will make the proceeds of the Bonds available to the Corporation for the purposes herein described in consideration of payments that will be sufficient to pay the principal of, redemption premium, if any, and interest on the Bonds; and

(d) Tax Compliance Agreement (the "Tax Compliance Agreement") among the Issuer, the Corporation and the Bond Trustee, pursuant to which the requirements relating to the federal tax status of the Bonds are set forth.

Section 5. Execution of Bonds and Documents. The Mayor of the Issuer is hereby authorized and directed to execute the Bonds by manual or facsimile signature and to deliver the Bonds to the Bond Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Bond Indenture. The Mayor of the Issuer is hereby authorized and directed to execute and deliver the Issuer Documents for and on behalf of and as the act and deed of the Issuer. The City Clerk of the Issuer is hereby authorized and directed to attest, by manual or facsimile signature, to the Bonds, the Issuer Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 6. Further Authority. The Issuer shall, and the officials, agents and employees of the Issuer are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including, without limitation, any credit enhancement and security documents, arbitrage certificate, redemption notices, closing certificates and tax forms, as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Issuer Documents.

Section 7. Effective Date. This Ordinance shall take effect and be in full force immediately after its adoption by the Governing Body of the Issuer and publication in the official newspaper of the Issuer.

PASSED by the governing body of the City on November 18, 2009 and **APPROVED AND SIGNED** by the Mayor.

Mayor

(Seal)

ATTEST:

City Clerk

Calendar of Events

Industrial Revenue Bonds, Series 2009
(Mission Square, Inc. Project)

City of Mission, Kansas

October 8, 2009

<u>Date</u>	<u>Activity</u>	<u>Responsible Party</u>
October 11	Term Sheet from Purchaser and selection of Trustee	Corporation
October 13	Send Tax Questionnaire to Corporation	GB
October 21	Adoption of resolution of intent	City
October 21	Completed Tax Questionnaire sent to GB With all exhibits and documents	Corporation
October 28	Draft bond documents circulated for comment	GB
October 29	TEFRA notice to Legal Record	GB
November 6	Comments on bond documents to bond counsel	All parties
November 13	Circulate final bond documents	GB
November 3	Publish TEFRA notice	GB
November 18	TEFRA Hearing and City Council adoption of bond ordinance authorizing bond documents	City and GB
November 19	Signature pages distributed to parties for execution	GB
November 24	Signature pages sent to Gilmore & Bell	City
December 3	Closing	City and GB

Corporation = Mission Square, Inc.

GB = Gilmore & Bell

City = City of Mission, Kansas

MINUTES OF THE MISSION CITY COUNCIL MEETING, OCTOBER 21, 2009

The Mission City Council met in regular session at Mission City Hall, 6090 Woodson, on Wednesday, October 21, 2009 at 7:00 p.m. The meeting was called to order by Mayor Laura McConwell. The following council members were present: Connie Footlick, Suzie Gibbs, Sue Grosdidier, Debbie Kring, Steve Schowengerdt, David Shepard, and John Weber.

APPOINTMENTS

Moved by Shepard, seconded by Kring to reorder the agenda to move the appointment of Mitsy Donnelly up on the agenda and to reorder the Special Presentations. All present voted AYE. **Motion carried.**

Mayor McConwell put before Council the name of Lawrence Andre for appointment as Councilmember, Ward I, to fill the current vacancy.

Moved by Grosdidier, seconded by Footlick to uphold the appointment of Lawrence Andre, Councilmember, Ward I to fill the current vacancy. All present voted AYE. **Motion carried.**

The City Clerk administered the Oath of Office to Councilmember Andre.

Mayor McConwell put before Council the name of Mitsy Donnelly, Ward I, for appointment to the Planning Commission with a term expiring December 31, 2010.

Moved by Andre, seconded by Grosdidier to uphold the appointment of Mitsy Donnelly, Ward I, to the Planning Commission with a term expiring December 31, 2010. All present voted AYE. **Motion carried.**

SPECIAL PRESENTATIONS

Arts & Eats Festival Presentations

Trinity Lutheran Church

Councilmember Gibbs recognized and thanked Tony Whittier and members of Trinity Lutheran Church for their assistance with the Arts & Eats Festival and specifically with the Guinness World Record for the Largest Paining with Footprints. Mayor McConwell read a proclamation proclaiming November 1, 2009 at Trinity Lutheran Church Day in Mission.

Girl Scout Troop 1476

Troop Leader Carolyn Moon and members of Troop 1476 shared their information on participation in the Arts & Eats Festival, including a bake sale, the painting of 14 chairs, and their many volunteer activities.

Mr. Scanlon provided a video recap of the Arts & Eats Festival and the Guinness World Record. Councilmember Gibbs thanked all those that participated in the event. Mayor McConwell

MINUTES OF THE MISSION CITY COUNCIL MEETING, OCTOBER 21, 2009

thanked Councilmember Gibbs for her leadership of the MCVB and her hard work and dedication to the City festivals and events.

Police Department

Chief Wilson recognized and thanked Officer Ramon Jones for his more than 23 years of service to the City of Mission. Officer Jones, who is retiring from service, has spent his entire career with the City of Mission. He was presented with a plaque, a video presentation highlighting his career was shown, and his family and friends in attendance were recognized. The Governing Body thanked Officer Jones for his many years of service to the City of Mission.

Office Jones thanked former Mission Police Chief Sturm, Police Chief Wilson, and the Mayor and Governing Body for their support during his career. He also thanked Assistant City Administrator Laura Smith for her assistance through the retirement process, and the staff and other officers of Mission for their assistance and support through the years.

Green Commute Challenge

Administrative Intern Josh Rauch provided information on the Mid-America Regional Council's 2009 Green Commute Challenge. The City of Mission was one of 41 teams participating, and received first place in the "Normalized Points" category. Parks and Recreation Program Director Scott Deschenes was presented with the Green Commute Challenge Award for contributing the most pointes to Mission's team.

ISSUANCE OF TEMPORARY NOTES AND BONDS

Resolution of Intent to Issue Industrial Revenue Bonds for Mission Square Project

Moved by Grosdidier, seconded by Shepard to approve a resolution of the Governing Body of the City of Mission, Kansas determining the advisability of issuing the City's Industrial Revenue Bonds to pay the costs of acquiring, constructing, and equipping a commercial facility to be located in the City for Mission Square, Inc. Councilmember Weber asked whether Mission's bond rating would be affected if the bonds failed. Gary Anderson, Gilmore & Bell, stated that if that were to happen, it would not have an adverse affect on the City's bond rating. He stated that in his experience with many other cities, even if the city defaulted on the bonds it would not impact the city's ability to borrow or their rating. He provided additional information on the specifics of IRB's, specifically noting that these are purchased by sophisticated investors who are well informed and sign an investment letter prior to purchasing. Mr. Anderson provided several specific examples of cities that have had IRB's default, including the Unified Government and Olathe, and this has not impacted these cities.

Bill McCrea, Mission resident, stated that he believed all the financing was already in place for Mission Square and requested additional clarification. Mr. Scanlon stated that purchaser of these bonds is Essex's bank and provided information on the benefits of their tax exempt status. Discussion continued on the qualifications of a "sophisticated investor" who would purchase IRB's.

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Voting AYE: Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre. NAY: Weber. **Motion carried.**

Resolution No. 771 was assigned.

CONSENT AGENDA

Moved by Gibbs, seconded by Shepard to approve the Consent Agenda as published, item 3a through 3I. Councilmember Weber requested the removal of item 3h and 3i from the Consent Agenda.

- 3a. Approval of Minutes of the City Council Meeting dated September 16, 2009 and City Council Meeting, September 23, 2009.

CONSENT AGENDA, Finance and Administration Committee

- 3b. 2009 Budget Amendments Resolution
3c. Appraisal Services Contract with Integra Realty
3d. Resolution Declaring Surplus Property
3e. Fiber Optic Project

CONSENT AGENDA, Community Development Committee

- 3f. Resolution Regarding Space Needs Analysis
3g. Electrician Services Contract, Teague Electric
3h. Building Code Adoption / Zoning Ordinance Amendments - REMOVED
3i. SPJCC Lighting Project - REMOVED

Voting AYE: Weber, Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre (Councilmember Andre abstained from Item 3a). **Motion carried.**

Resolution No. 772 was assigned to item 3b.

Resolution No. 773 was assigned to item 3d.

Resolution No. 774 was assigned to item 3f.

PUBLIC COMMENTS

Ryan Crowell, Mission Theater, appeared before Council and discussed the following:

- He commended the City on the recent Arts & Eats Festival
- He stated that he has recently been recognized as one of the top wedding venues in the country.
- He was disappointed with the discussion and action of the Community Development Committee on the Building Code Adoption / Zoning Ordinance Amendments. Mayor

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McConwell informed Mr. Crowell that he would have an opportunity to address this issue later in the meeting when it is discussed and voted upon.

- He provided information in the inspection process Mission Theater has undergone and expressed his concerns with his building being cited for public safety issues (exit signs, ADA accessibility, etc), while Mission City Hall also has deficiencies in these areas that have not been addressed. He provided the City Administrator with an exit sign for Mission City Hall.
- He believes the City should adhere to the same standards local businesses are required to meet. He questioned when City Hall will be brought up to code.

Mayor McConwell recognized the students and scouts in the audience.

ACTION ITEMS

Planning Commission

There were no Planning Commission items.

COMMITTEE REPORTS

Finance and Administration

Ordinance Amending Membership of Park and Recreation Commission

Councilmember Grosdidier reported that this ordinance amends the membership and duties of the Parks and Recreation Commission, making it similar to the Planning Commission and Sustainability Commission, with a total of nine members, one of whom may be a non-resident of Mission, and at least one member from each ward. This provides consistency, allows representation of each ward, and flexibility in the membership to ensure that those truly wanting to serve are able to do so. Terms would be for two years, staggered. She stated that the Parks and Recreation Commission would continue to meet bi-monthly, provide recommendations to the Community Development Committee, and be staffed by the Recreation Director.

Moved by Grosdidier, seconded by Kring to approve an ordinance amending Chapter 230: Parks and Recreation Article I. Parks and Recreation Commission, Sections 230.010, 230.020, 230.030, 230.040, 230.050, and 230.060. Voting AYE: Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre. NAY: Weber. **Motion carried.**

Ordinance No. 1305 was assigned.

Mission Square, Construction Observation Contract with TranSystems

Councilmember Grosdidier stated that this proposal is for Construction Observation Services for TranSystems to act on behalf of the City for plan review and construction observation services around the Sylvester Powell, Jr. Community Center, in activities related to the Mission Square project. These services are outside the scope currently covered by our planning and codes

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provided by Johnson County Planning and Codes on behalf of the City. This oversight contract will be paid for by the development, not the City General Fund, and is in an amount not to exceed \$25,989.50.

Moved by Grosdidier, seconded by Kring to approve a construction Phase Services – Mission Square proposal by TranSystems for Plan Review and Construction Observation services for the Mission Square Project, in the amount of \$25,989.50. Councilmember Weber requested clarification on the ranges provided in the action item. Mr. Rivarola stated that a range was included in the action item because the final amount of the plan review fee is determined once the complete project valuation is submitted to the City as part of the complete final plan. He stated that once the contract is approved and the project is ongoing, if there is a balance due at the end it will be paid by the developer. Discussion continued on the proposed contract with TranSystems, which includes plan review and construction observation, and the potential plan review fees. Voting AYE: Shepard, Kring, Grosdidier, Gibbs, Footlick, Andre. NAY: Weber, Schowengerdt. **Motion carried.**

Right-of-Way Ordinance and Resolution

Councilmember Grosdidier reported that the City right-of-way ordinances have been reviewed by City staff and the City Attorney. The proposed ordinance provides for updates to the City's right-of-way utility easement ordinance and the proposed resolution sets permit fees and excavation inspection fees.

Moved by Grosdidier, seconded by Kring to approve an ordinance amending Chapter 520 Public Rights-of-Way and Private Utility Easements, Article 1 relating to Relocation of Rights-of-Way or Private Easements. Voting AYE: Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre. NAY: Weber. **Motion carried.**

Ordinance No. 1306 was assigned.

Moved by Grosdidier, seconded by Kring to approve a resolution of an ordinance establishing permit and inspection fees for relocation of utilities. Voting AYE Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre. NAY: Weber. **Motion carried.**

Resolution No. 775 was assigned.

Fees and Charges, SPJCC Mission Summer Program and Teens & Tween Program

Councilmember Grosdidier reported that the Mission Summer Program and Teens and Tweens Program are recreational day camps that provide a wide variety of activities, field trips, and community service opportunities to the youth of our community and those surrounding Mission. It is anticipated that the increased fees will generate an additional \$18,000 for the Mission Summer Program and \$6,000 for the Teens and Tweens Program, allowing the Community Center to offer other programs, particularly those for seniors, at a loss while still meeting the needs of important user groups.

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Moved by Grosdidier, seconded by Kring to approve registration fees for the Mission Sumer Program for the 2010 season in the amount of \$119 per week for residents and \$129 per week for non-residents, and for the Teens and Tweens Program in the amount of \$129 per week for residents and \$139 per week for non-residents. Voting AYE: Weber, Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre. **Motion carried.**

SPJCC Membership Fees

Councilmember Grosdidier stated that membership rates for the Sylvester Powell, Jr. Community center have been maintained at their current rates since 2007. As a majority of the Center's daily services are specifically geared to the members, it is appropriate that these fees should increase in accordance with the costs to provide these services. It is recommended that there be a 3% increase in all membership categories, that the \$50 bank draft set-up fee be eliminated, and that a \$5 per month administration fee be added to the cost of a monthly bank draft. The daily admission and rental rates will remain at their current level.

Moved by Grosdidier, seconded by Shepard to approve a 3% increase in all membership categories, eliminate the \$50 bank draft set-up fee and add \$5 per month to the cost of a bank draft (monthly) membership, and maintain all daily admission and rental rates at their current level. Councilmember Kring expressed her concerns with the proposed increases and stated that she would like to have seen a break-down of possible increases in 1% increments, and potentially the elimination of the \$5 per month fee for monthly bank draft memberships. Councilmember Weber stated that he has been approached by members of the Center who would like the Community Center to consider parking tags for members. Discussion continued on the proposed \$5 per month fee for those members electing the monthly bank draft, with the Mayor noting that this will be an additional \$60 per year as opposed to the one-time \$50 fee that was previously charged. It was noted that this \$5 fee would be effective January 1, 2010 for new memberships and on the 2010 renewal date for existing memberships. Ms. Humerickhouse provided information on programs in place to assist members who feel they must suspend their membership due to economic concerns. Mayor McConwell stressed that the Community Center must be affordable and accessible. Councilmember Shepard noted that he had many questions when this issue was discussed in committee, but also stated that the increase represents approximately .20 cents per day increase. Councilmember Kring questioned whether a cap on membership rates could be imposed. Mayor McConwell discouraged this proposal.

Ryan Crowell, Mission Theater, requested clarification on the proposed \$5 monthly fee for monthly bank drafts and stated that he believes Mission's Community Center is one of the most expensive. He feels the Community Center should be self-sufficient since they are in competition with businesses such as his.

The question was called. Voting AYE: Weber, Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre. **Motion carried.**

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COMMUNITY DEVELOPMENT COMMITTEE

Nall Avenue Improvements Design Contract

Councilmember Schowengerdt reported that this proposed contract is to extend the design of Nall Avenue from Martway to Nall Avenue. He stated that he is not in support of this contract and would not be making the motion. Mayor McConwell stated that as chair of the Community Development Committee, Councilmember Schowengerdt should make the motions on behalf of the committee and that he does not need to vote in support of the issue if he chooses not to.

Moved by Gibbs, seconded by Shepard to approve the First Amendment Agreement between the City of Mission and TranSystems Corporation for Additional Preliminary Survey and Design services for the Nall Avenue Rehabilitation Project, Martway to 67th Street, in an amount not to exceed \$38,558, for a total project cost of \$99,404. Councilmember Schowengerdt expressed his concerns with the possibility of narrowing Nall to two lanes, and stated that he does not believe the design contract is needed and does not support the possibility of a cul-de-sac on Nall Drive. Mr. Scanlon stated that the width of Nall is being considered in the preliminary design phase of the project, and provided information on the actual traffic count on Nall versus Lamar, noting that Lamar carries 25-30% more traffic than Nall. He added that Nall is two lanes north of Johnson Drive and south of 75th Street, and that the four lane area is primarily through a residential section. Councilmember Schowengerdt stated that he believes traffic patters could have recently changed due to recent road closures in the area, specifically Johnson Drive and Roe. Mr. Scanlon stated that public meetings will be held to hear input from residents and based on the input from the public a preferred alternative will be forwarded to the Community Development Committee for consideration. Discussion continued on current traffic patterns; the current configuration of Nall Avenue, particularly the turn lanes; the placement of islands on Nall Avenue in relation to residential driveways; the expenditure of \$100,000 on a concept; the current rating of Nall and the storm sewers in this area, both are rated "red" which is the worst, and the actual expense of maintaining more road area and the additional stormwater generated. Mayor McConwell stated that changes to Nall will assist pedestrians and bikers crossing Shawnee Mission Parkway. Councilmember Andre stated that another major goal of this project is to increase safety by reducing vehicle accidents at this intersection. Councilmember Footlick questioned whether traffic would be diverted from Nall to Lamar, which is not anticipated. Discussion continued on possible modifications to Nall Drive to include a cul-de-sac. Mr. Scanlon speed humps, traffic studies, and a survey have all been done on Nall Drive to address and evaluate speed concerns. Voting AYE: Shepard, Kring, Grosdidier, Gibbs, Footlick, Andre. NAY: Weber, Schowengerdt. **Motion carried.**

Building Code Adoption / Zoning Ordinance Amendments

Moved by Schowengerdt, seconded by Gibbs to approve an Ordinance Amending Sections 410.010, 410.020, 410.030, 410.040, 410.050, 410.060, 410.070, 410.080, 410.090, 410.100, 410.110, 410.120, 410.130, 410.150, 410.200, 410.310, 410.400, 410.450, 440.160, 440.170, 440.180, 440.190, 500.010, 500.020, 500.030, 500.040, 500.050, 500.060, 500.070, 500.080, 500.090, 500.100, 500.110, 500.120, 500.130, 500.140, 500.150, 505.040, 505.050, 505.060, 505.070, 505.080, 505.090, 505.100, 505.110, 505.120, 505.130, 505.140, and 505.150 and

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adding section 440.175, and repealing Sections 445.010, 445.020, 445.030, 445.040, 445.050, 445.060, 445.070, 445.080, 445.090, 445.100, 445.110, 445.120, 445.140, 445.150, 445.160, 445.170, 445.240, 445.250, 445.260, 445.270, of the Code of the City of Mission, Kansas, thereby adopting the 2006 International Building Code, the 2006 International Residential Code, the 2006 International Fuel Gas Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2006 International Existing Building, the 2006 International Property Maintenance Code, the 2006 International Fire Code, and the 2005 National Electrical Code, including Deletions, Amendments and Appendices, and creating a Board of Code Review.

Councilmember Weber expressed his concerns with so many changes being made at one time to the Building Code. Councilmember Schowengerdt stated that he had concerns, but that after speaking with Mr. Martin and having his questions answered, he supports these amendments which will bring Mission's code in alignment with Johnson County and other cities in the area. Discussion continued on the request by a local business owner to exempt projects under \$1,500.

Ryan Crowell, Mission Theater, stated that he supports the exemption and feels that if permits are required and inspections continue to be completed by Johnson County, then there should be room for this exemption. He feels that the city should follow the standards that are set and imposed on others in the community.

Councilmember Schowengerdt agreed that the City must meet the standards they set and this is currently underway. Mayor McConwell reported that as a part of this meeting's Consent Agenda, Council approved a resolution regarding modifications to City Hall to meet ADA requirements and will be moving forward with this project.

Voting AYE: Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre. NAY: Weber. **Motion carried.**

Ordinance No. 1304 was assigned.

SPJCC Lighting Project

Moved by Schowengerdt, seconded by Shepard to approve the proposal from Facility Solutions Group to upgrade the lighting in various locations of the Sylvester Powell, Jr. Community Center to much more energy efficient fixtures and lamps qualifying for an immediate \$28,114 rebate from KCP&L and up to \$16,000 annual savings in energy costs to the City. Councilmember Weber stated that he supports the rebate program, but has concerns with KCP&L monitoring and having control of fixtures in the Center. Mayor McConwell clarified that this project is simply for energy efficiency and that the program Councilmember Weber is referring to is a voluntary pilot program, which is totally separate from this. Councilmember Weber asked that a letter from KCP&L clarifying this be provided to the City.

Voting AYE: Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre. NAY: Weber. **Motion carried.**

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UNFINISHED BUSINESS

Approval of Bid for Rock Creek Trail, Phase II

Moved by Kring, seconded by Shepard to approve awarding the bid to Freeman Concrete Construction, Inc. in the amount of \$615,373.92, contingent on KDOT's concurrence, for the construction of Rock Creek Trail Phase II. It was noted that this phase of the trail is between Roeland Drive and Lamar and will include a sidewalk along Martway. Voting AYE: Shepard, Schowengerdt, Kring, Grosdidier, Gibbs, Footlick, Andre. NAY: Weber. **Motion carried.**

NEW BUSINESS

Councilmember Gibbs stated that the Shawnee Mission North High School Theater Department students will be collecting food, blankets, and coats as a service project in conjunction with their production of "Rent." Everyone was encouraged to participate.

Councilmember Gibbs encouraged everyone to participate in the Cash and Cans food drive which provides Thanksgiving Baskets for families. Last year 24 families received Thanksgiving Baskets.

Councilmember Gibbs announced Holiday Lights and Festive Sights which will be held on Friday, December 4th and reminded everyone that again this year we will be adopting families to provide gifts and food to over the holidays.

MAYOR'S REPORT

Mayor McConwell reminded Council of the upcoming Holiday events and requested that RSVP's be provided to the City Clerk.

Mayor McConwell provided a brief recap of the League of Kansas Municipalities Annual Conference and reported that she, Councilmember Kring and Councilmember Grosdidier will be attending the National League of Cities Congress of Cities in San Antonio, Texas in November.

Mayor McConwell provided information on the recent Johnson County Summit and Councilmember Kring reported that City Administrator Mike Scanlon has been recognized for his leadership.

CITY ADMINISTRATOR'S REPORT

Mr. Scanlon noted that the engineer's estimate for Rock Creek Trail Phase II was approximately \$1,100,000 and that winning bid that was approved by Council was approximately \$615,000. He stated that this substantial difference could be due to many contractors wanting work and that we will be working to get other street improvements underway soon to take advantage of possibly lower construction costs. He reported that improvements to 61st Street between Nall and

MINUTES OF THE MISSION CITY COUNCIL MEETING, OCTOBER 21, 2009

Woodson were recently completed in one day. The crosswalks and thermoplastic painting of the intersection along Johnson Drive are also complete.

Mr. Scanlon introduced Brad Smith who is overseeing the construction of Mission Square. Mr. Scanlon reported that Mr. Smith will be in charge of construction and will provide an update at City Council meetings every two to three months. Mr. Smith stated that he will provide Council with his cell phone number and encouraged them to contact him directly if they had any questions or concerns.

Councilmember Weber asked whether a sidewalk or steps will be placed between the Community Center parking lot and the Ceres parking lot. Mr. Scanlon stated that as soon as weather permits, a sidewalk will be added to make access between the two lots easier.

Mr. Scanlon stated that he has received quite a few questions regarding the city's economics and how the city is able to complete so many projects in such a short amount of time. He provided Council with a "5 Year Snapshot" of committee and received resources. He stated that Mission has received a total of approximately \$20.7 million in the last five years. He also provided information on what a Mission resident's property taxes pay for, noting that over the past five years approximately \$6.5 million from our General Fund has been contributed to our Capital Improvement Fund which is greater than what is collected in property taxes. He also stated that our fund balances are increasing and have increased every year since 2006. We will end 2009 with approximately \$2.7 million in General Fund fund balance, the highest in the last 10 years.

EXECUTIVE SESSION

There was no executive session.

ADJOURNMENT

Moved by Kring, seconded by Grosdidier to adjourn the meeting at 9:05 p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Martha Sumrall, City Clerk.

Laura L. McConwell, Mayor

Martha Sumrall, City Clerk

**MINUTES OF THE
MISSION TREE BOARD MEETING
October 19, 2009**

The Mission Tree Board met October 19, 2009 at the Sylvester Powell Community Center at 7:00 PM. The meeting was called to order by chairperson, Jacque Gameson. Members present: Jacque Gameson, Maril Crabtree, Dave Mascal, Jennifer Slattery, Dave Haws, Tami Allen and Cheri Williams, staff representative.

WELCOME and INTRODUCTIONS

Chairperson Gameson welcomed the Fairway Tree Board and introduced Chairperson Thad Carver. Mr. Carver introduced members of the Fairway Tree Board: Bill Stogsdill, Ann Simpson, Ann Bachand and Elaine Rogers.

Mrs. Gameson also introduced, Martin Rivarola, Community Development Director, Christy Humerickhouse, Parks and Recreation Director, and John Zimmerman, TranSystems.

ROCK CREEK TRAIL PROJECT UPDATE

Mr. Rivarola stated that two projects currently underway in Mission affect the City of Fairway. The Rock Creek Trail Project, a part of the overall Regional Metro Green Plan, which establishes a pedestrian/bicycle trail system in seven (7) metro counties, is the first.

Phase I of the trail is completed. Bids will be opened on October 20, 2009 for the final completion of the trail in Mission. The finished trail will total 1.7 miles. Beginning at Metcalf and continuing to Roe Avenue the trail follows the stream corridor through the city. Mission has received both federal and county funding for this project from the Transportation Enhancement Fund (Federal), The Congestion Mitigation Air Quality (Federal) and from Johnson County. The funding has made it possible for Mission to construct the Rock Creek Trail.

Continuation of the trail to connect with the Brush Creek Trail will need to pass through the City of Fairway.

A film presentation was most helpful in reviewing the progress to date.

ROE AVENUE PROJECT UPDATE

Mr. Rivarola commented this project will involve the street area from Shawnee Mission Parkway to 63rd Street. By reducing Roe Avenue to three (3) lanes it will allow for sidewalks and more green spaces along the street.

During the construction nine (9) to ten (10) trees along Fairway's side of the street will need to be removed. Bill Stogsdill stated these are trees that have been heavily damaged by KCPL.

In order to timely apply for federal stimulus money for this project, it was necessary to eliminate the funding request for street trees and landscaping. This funding will need to be shared by both Fairway and Mission.

Mr. Rivarola asked both Tree Boards to work together during the next few months to create a landscaping plan to include street trees along Roe Avenue. Mr. Zimmerman, TranSystems, provided maps to each city to use as a planning resource. Much discussion occurred.

It was decided the two boards would meet again during January to address this matter.

Chairperson Gameson thanked the presenters. Mrs. Gameson commented that Mission is looking forward to working with the Fairway Tree Board and thanked them for attending tonight's meeting.

APPROVAL OF MINUTES

Tami Allen moved and Dave Mascall seconded a motion to approve minutes dated June 8, 2009 as written. All voted **AYE**.

Dave Mascall moved and Tami Allen seconded a motion to approve minutes dated September 14, 2009 as written. All voted **AYE**.

CHAMPIONSHIP TREE PROGRAM

Maril Crabtree expressed concern the application requirements might be too technical and could discourage residents from nominating a tree. Two changes will be made to the application prior to launching the program. A framed photo will be awarded to the owner of the winning tree. The winner will be selected in November, 2010.

Dave Haws moved and Tami Allen seconded a motion to designate March 1st – October 31st as the Championship Tree nomination period. All voted **AYE**.

Maril Crabtree asked the application be included with an article in the Spring Newsletter. Both the application an article will be added to the city's website.

ARBOR DAY POSTER CONTEST

Mrs. Gameson has all the necessary materials and will deliver to the 5th grade instructors at Rushton. Posters will be judged in January.

Maril Crabtree moved and Dave Mascall seconded a motion to award Target Gift Cards in the amounts of \$25.00, \$10.00 and \$5.00 to the first, second and third place winners of the poster contest. All voted **AYE**.

2010 TREE SALE

Dave Mascall volunteered to contact Jerry's Nursery. Jerry should know by now what inventory will be available for spring sales. Mr. Mascall will report his findings at the January meeting and a selection of trees and plants for the 2010 Tree Sale will be decided.

Tami Allen moved and Maril Crabtree seconded a motion to ask the City of Mission to allow the Tree Board to market the 2010 Tree Sale in the spring newsletter in lieu of mailing postcards to residents, saving the cost of printing and postage. All voted **AYE**.

TREE GRANT PROGRAM

Jennifer Slattery moved and Tami Allen seconded a motion requiring a three (3) year waiting period for repeat residents requesting additional funding under the Tree Grant Program. All voted **AYE**.

Dave Haws inquired about trees on private property. A letter to property owners will be mailed as tree problems arise. A copy of the letter will be placed with the minutes. The Tree Board will be informed as letters are sent out.

Mr. Haws was concerned about the trees overhanging 55th Street that have been cut away by KCPL. Discussion occurred no action was taken.

PRESIDENT'S OTHER

Mrs. Gameson presented a \$20.00 check to the city for a donation to the Tree Board received for the Tree Stump Chair sold at the Arts & Eats Festival

On November 14, 2009, Bridging the Gap Heartland Tree Alliance Tree Care Work Day. If interested contact Bill.grotts@bridgingthegap.org.

Heartland Forestry Council meeting will be held on Friday, October 30, 2009 at Tomahawk Ridge Community Center in Overland Park.

Mrs. Gameson announced the summer Teens and Tweens program desired to plant a tree in Broadmoor Park but were advised early July was not good for planting a young tree. It was suggested to Scott Deschenes that this program incorporate planting a tree in early June.

Mrs. Gameson thanked Jennifer Slattery for her service to the Mission Tree Board. Jennifer has resigned her position to pursue job opportunities. Jennifer will be missed by all.

The Memorial Trees project will be added to the January agenda. No meetings are scheduled for November or December.

ADJOURNMENT

Tami Allen moved and Jennifer Slattery seconded a motion to adjourn the meeting at 8:40 p.m.



*City of Mission
6090 Woodson
Mission, Ks. 66202
913-676-8350 fax: 913-722-1415
www.missionks.org*

August 27, 2009

Dear Property Owners/Managers:

The Mission Tree Board consists of volunteer citizens and city officials whose purpose is to promote the beautification and sustainability of Mission's urban forest. As a property owner with in the city your assistance is needed to meet this goal.

It is the responsibility of real estate owners to remove or cause to be removed all dead trees and shrubs, or any dead limb or branch which might be hazardous to your safety or the safety of others. One or more dead trees have been seen on property owned or managed by you. We encourage you to address this matter immediately.

The Mission Tree Board is a wonderful resource available to you for answers to tree questions. You may contact any board member at 913-676-8350.

Sincerely,

The Mission Tree
Board

The Mission Tree Board is established by city ordinance. Tree Board members are appointed by the Mayor. Mission is one of 117 Kansas Tree City USA's, a national program sponsored by the National Arbor Day Foundation and administered by the Kansas Forest Service. For more information access their website at www.arboday.org.

**MINUTES OF THE FINANCE & ADMINISTRATION COMMITTEE
NOVEMBER 4, 2009, CITY OF MISSION**

The Mission Finance & Administration Committee met at City Hall, 6090 Woodson Road, Wednesday, November 4, 2009 at 8:00 p.m. with Chairperson Sue Grosdidier presiding. The following committee members were present: John Weber, Debbie Kring and David Shepard. Councilmember Grosdidier called the meeting to order at 8:00 p.m.

Also present were City Councilmembers Lawrence Andre, Steve Schowengerdt, Connie Footlick, Suzie Gibbs, and City Administrator Mike Scanlon, Assistant City Administrator/Finance Director Laura Smith, City Clerk Martha Sumrall, Police Chief Randy Wilson, Street Superintendent Jay Webb, and City Attorney David Martin

Predevelopment Agreement Mission Commons Investors, LLC

Mr. Scanlon stated that Lane4 Property Group has begun looking at redevelopment opportunities at the site of the former Herff Jones plant in the West Gateway area. Lane4 has met with staff a number of times and are in the process of preparing a Development Plan which would meet the City's Zoning Regulations. They have also indicated that they would like to explore the potential for TIF and a Community Improvement District (CID) for this project. He stated that as developers are considering a project they want to know that they are the only ones the City is talking to about the project. This predevelopment agreement stipulates what each side will do and what will be looked at. The city does not have any costs associated with this project at this point. He noted that this project would be governed by the Form Based Code. The current plan includes 120 units in an assisted living facility, a bank, and pads for three restaurants. The plan also includes an interior street system. Lane4 has been working very hard to remove some restrictive covenants that are in place in the area. He also noted that the plan includes a stormwater detention area and a park area. Mr. Scanlon stated that staff believes that the plan as it currently appears would meet Form Based Code requirements. Mr. Scanlon stated that this predevelopment agreement is only a first step.

Councilmember Schowengerdt stated that staff has worked with other developers, such as Cameron Group, and there has been very little development completed. Mr. Scanlon stated that much of the staff time on the Gateway Project was paid for by the Cameron Group. Councilmember Schowengerdt also noted that TIF was not used for the Mission Square project near the Community Center. Mr. Scanlon stated that Mission Square is on a parking lot and that the proposed development of the Herff Jones site could potentially include some expensive environmental issues (not a greenfield). Councilmember Andre stated that there will probably be street improvements required in the area of the Lane4 development. Councilmember Kring stated that the Herff Jones site should be looked at to see if it meets brownfield requirements.

Councilmember Shepard recommended that a predevelopment agreement with Mission Commons Investors, LLC for study of development at the former Herff Jones site, located at Metcalf Avenue, between Martway and 61st Streets, be forwarded to Council for consideration. All on the committee agreed. This will not be a consent agenda item.

MCVB Membership Ordinance Amendments

**MINUTES OF THE FINANCE & ADMINISTRATION COMMITTEE
NOVEMBER 4, 2009, CITY OF MISSION**

Mr. Scanlon stated that earlier this year the MBDC became the Mission Convention and Visitors Bureau and the membership was established at 15 members. Due to the success of the MCBV and its events, which require many volunteers, it is recommended that the membership of the MCBV be increased to up to 25.

Councilmember Shepard recommended that an ordinance increasing the number of voting members on the Mission Convention and Visitors Bureau from 15 to 25 be forwarded to Council for approval. Councilmember Weber did not agree. This will not be a consent agenda item.

Council Policy on Community Investment Districts

Pete Heaven, City Lane Use Attorney, Lathrop & Gage, presented information on Community Investment Districts that were recently established by the Kansas Legislature. Mr. Heaven stated that Missouri has had CIDs for approximately 10 years and they work very well. He stated that unlike TIF and other incentives, CIDs take nothing away from the City. A CID allows for additional sales tax up to 2% and / or a special assessment property tax that is used within the district for improvements. He stated that this is very similar to a TDD, but the CID has a much broader range of eligible expenditures, and that the City needs to have a policy in place in advance of any applications for CID in Mission. He noted that the proposed policy makes it very clear that a CID is totally discretionary by the City and there should be no expectation of receiving this simply by applying.

Councilmember Schowengerdt requested clarification on how a CID is established and the amount of sales tax determined. Mr. Heaven stated that 55% of property owners in the district must petition for the CID sales tax and for self-assessment it must be 100% in agreement. He stated that Council approves the amount of the sales tax in one quarter cent increments. Councilmember Andre questioned whether a CID could also be a TDD. Mr. Heaven stated that this is possible, but not probable. Discussion continued on how the CID funds are paid, either by bonds or pay as you go, noting that all funds go back to the district for improvements.

Councilmember Kring recommended that a City Council Policy on Community Improvement Districts (CID) be forwarded to Council for approval. All agreed, but this will not be a consent agenda item.

Subsidy/Self Sufficiency Policy Review, SPJCC

Mr. Scanlon stated that following the October City Council Meeting, he received a number of calls regarding the self-sufficiency of the Sylvester Powell, Jr. Community Center. He provided historical information on the subsidy to the Community Center, noting that ultimately a subsidy is a reduction in fund balance. There is not a dedicated revenue specifically for the Community Center. He stated that in 1997 the total amount that was spent on Parks and Recreation activities was about \$220,000 and now is approximately \$2,500,000. He stated that it has always been known that the Center would not be self-sufficient and that the city would need to subsidize it. Mr. Scanlon discussed the need to set aside 2-4% of the cost of construction of the Center on an annual basis to pay for the maintenance of the facility over time. This has not been done. He stated that it would require the levy of 1 mill for the maintenance and replacement of the Center.

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He also noted that historically money has not been set aside for the replacement of the outdoor pool, which is necessary. Twenty-four percent of our budget is for Parks and Recreation, which is the highest in the Kansas City metro area. It was also noted that the bonds for the Center will be paid off in February 2011. Mr. Scanlon stated that from the beginning there has never been a decision on how to account for the difference between what users pay and what the City contributes.

Discussion continued on previous requirements on self-sufficiency, specifically a 10% increase over cost on room rental fees; 68% of the money generated by the Community Center is from memberships; whether room rentals are at their maximum; and expenses being driven by CPI. Mr. Scanlon stated that there is not a desire to charge members more so there are two main questions – how much should Parks and Recreation users pay (pay for it all?) and how much should citizens pay (is 80% self sufficiency the right amount)? He stated that Ballard King in their initial study stated that the anticipated subsidy would be 16-36%, so the current 80% self-sufficiency is reasonable. Discussion continued on whether the Center should be sold to Johnson County; what the current rates would be today if they had been grown by CPI annually, noting that they would be higher than what was recently approved; how many members are being lost and added monthly (basically equal); how the 80% self-sufficiency can be met (marketing, balance in membership rates versus total number of members possible, staffing levels, modification of expenses); self-sufficiency rates in previous years; and business planning for the Center. Ms. Smith noted that a performance audit for Parks and Recreation was completed which included a great deal of regional data and benchmarking, and serves as the business plan for the center. The annual budget also provides a great deal of data on revenues and expenses for the Community Center. Councilmember Footlick stated that when all the priorities of the City are considered, she feels the amount being spent on Parks and Recreation is too great.

The committee discussed the role CPI plays in membership rates and the approved \$5 fee for monthly bank draft memberships. Ms. Smith stated that the revenue budget for the Community Center is set at the beginning of the year and that month-to-month membership carry a risk factor in that they may be stopped at any time, noting that the \$5 fee is for risk sharing for members being able to end their membership prior to their full commitment. Councilmember Weber stated that some seniors feel that once they pay their memberships in full, they are forgotten about.

Discussion continued on the lack of funds for replacement of the Community Center and the Outdoor Pool; the increased fee that was approved in October which will be initiated in January; the 80% self-sufficiency will be used for preparing next year's budget; other possible payment options such as quarterly; competition by community centers in neighboring cities; benefits of extending the super pool pass policy to the Community Center; the impact Mission Square will have on the Community Center; and how to increase membership including better equipment and appealing to new trends in fitness through classes.

This item was informational only and no action was taken. Councilmember Andre requested that the Community Center prepare an annual report.

Review and Approval of 2010 Salary Grades

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Ms. Smith and Danielle Rodenbough, HR Consultant, reported that each year the city's pay ranges are reviewed and benchmarked against the MARC annual salary survey data. Ms. Rodenbough discussed her benchmarking process. Ms. Smith stated that the policy is to adjust ranges annually by CPI, and that this year CPI is a decrease so all ranges are decreasing accordingly. Ms. Smith also stated that overall, Mission's ranges continued to be in-line with MARC data, and that reclassification of the public safety (commissioned law enforcement positions) are recommended. She also stated that due to internal restructuring and realignment, several other positions are recommended for reclassification in 2010. No new positions are being added for 2010. Ms. Smith stressed that range adjustment is not an automatic salary adjustment for any employee. Employees are evaluated annually and the City follows a pay for performance basis. In 2010, consistent with 2009, the maximum increase any employee may receive is 3% and these will be paid in a one time lump sum payment which assists with controlling salary growth.

Councilmember Weber stated that he would have liked a worksession on this item and expressed his concerns with the grades. Ms. Smith noted that the salary ranges are very broad and those employees that fall below their salary range, if their annual merit increase does not raise them to the bottom of the range, will then be brought up to the bottom of their range. Councilmember Shepard requested clarification on the policy should an employee at the upper end of their range fall outside the range due to the negative adjustment in ranges in 2010. Ms. Rodenbough stated that typically personnel are frozen and she did not believe this would impact any current employees. She stated that most employees are well placed and moderate in their ranges. Discussion continued on the City Administrator's salary; whether "perks" such as car allowances and cell phones are included in salaries (they are not); and whether other award systems, such as peer awards of \$50 to \$100 could be considered.

Councilmember Shepard recommended that the following changes to the City of Mission's Classification and Compensation Schedule (Salary Schedule) be forwarded to Council for approval:

- 1.5% decrease (-1.5%) to the City of Mission's Salary Schedule
- Reclassify positions as recommended in the 2010 Salary Schedule.

All on the committee agreed. This will not be a consent agenda item.

Mission Square IRB Ordinance and Issuance Calendar

Councilmember Kring recommended that the agenda be reordered to allow Gary Anderson, Gilmore & Bell to present information on the Mission Square IRB Ordinance. All on the committee agreed.

Ms. Smith reported that the proposed ordinance is the next step in the issuance of Senior Housing Bonds (IRBs) for the Mission Square senior housing project. Mr. Anderson, Gilmore & Bell, reported that at the next City Council meeting there will an ordinance presented to Council that will authorize the following:

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- Funds to be used for acquiring, purchasing, constructing and equipping the Mission Square project;
- Funds to pay a portion of the costs associated with issuing the bonds;
- The City to enter into a trust indenture agreement;
- The City to enter into a lease agreement and bond purchase agreement
- The City to execute any and all documents necessary in connection with issuance of the bonds.

He stated that the ordinance will authorize a not to exceed amount of \$11.1 million and the bonds will be purchased by Great Western Bank which Essex has a relationship with. Councilmember Weber requested why the amount of the bonds has changed from the original \$15 million to the current \$11.1 million. Mr. Anderson stated that their total project costs are between \$15 - \$16 million and when the inducement resolution was approved, Essex was unsure of the total amount they would need to borrow so the resolution set an up to amount of \$15 million. There is more equity coming into the project than originally anticipated so the final amount has been lowered to \$11.1 million. Councilmember Weber questioned if a bond failure would impact the City's bond rating. Mr. Anderson stated that in his experience, defaults with IRBs have no impact on the City's credit rating. It was also noted that the City of Mission has first right of refusal should Essex decide to sell the property.

Councilmember Shepard recommended that an ordinance authorizing the City of Mission to issue Senior Housing Revenue Bonds, Series 2009, an a principal amount not to exceed \$11,100,000 for the purpose of acquiring, constructing and equipping a project for Mission Square, Inc. and authorizing and approving certain documents and actions in connection with the issuance of said bonds be forwarded to Council for approval. All on the committee agreed. This will not be a consent agenda item.

2010 Employee Benefits

Ms. Smith reported that based on renewals submitted by the current benefit providers and negotiations conducted by our benefit broker, Lockton Benefit Company, an employee benefit package for 2010 is recommended as follows:

- Renew the contract with Aetna for medical insurance, offering one POS plan with slightly modified plan provisions.
- Increase employee contribution from 12.5% to 14% on the medical plans.
- Renew the contract with Delta Dental for dental insurance.
- Introduce cost sharing for the dental premiums equal to that on the medical plan (14% employee / 86% employer).
- Renew the contract with Guardian for vision coverage.
- Maintain the employer contribution for vision at 100%.
- Renew the contract with The Standard for group term life insurance, AD&D and voluntary life insurance.
- Maintain the employer contribution for Life / AD&D at 100%
- Renew the contract with The Standard for short-term disability insurance with a revised elimination period.

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- Maintain the employer contribution for STD at 100%.
- Increase the 125 Flexible Spending Plan contributions for medical reimbursement from \$2,500 to \$5,000.

Ms. Smith provided details on the proposed benefit package, noting specific changes in 2010. She also noted that initially the increase in benefits came back at 19.5% but due to Lockton's negotiations this increase was lowered to a 15% increase for a substantial savings to both the City and employees.

Discussion continued on the recommendation to initiate a cost sharing for dental insurance allowing the City to maintain Delta Dental as our provider, whether cost sharing should be initiated for vision insurance, the increased usage of the 125 Flexible Spending Plan in 2009 and anticipated increase in 2010; the proposed changes in the Short Term Disability benefit which includes decreasing the elimination period to 14 days; the amount of sick time employees may accrue, the number of retirees on the City's health insurance and the State requirements to offer this benefit until age 65. Ms. Smith stated that informational meetings will be held for employees in December and will include representatives from the various carriers.

Councilmember Shepard noted that he did not believe the staff time required to administer the employee cost sharing of vision benefits would be worthwhile as the amount being paid is so minimal. Councilmember Gibbs stated that she believed vision care was too important and did not want employees to consider dropping this coverage due to having to pay a portion of the premium.

Councilmember Weber recommended that the renewals with Aetna, Delta Dental, Guardian and The Standard for the City of Mission's 2010 employee benefits package as presented be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Rental of Parking Lot at Ceres Building

Mr. Scanlon reported that recently Ceres contacted the City regarding the use of their parking lot which is directly north of the Community Center. The City has been using this lot for overflow parking for many years, but because the Ceres building is now empty, Ceres is concerned about possible liability issues. Mr. Scanlon stated that Ceres has been very accommodating, but did want to be paid for the parking lot sue. The proposed contract is a two-year arrangement that allows for the use of 75 spaces at the Ceres parking lot for \$600 a month. This is the exact same price that the City is currently paying for the parking lot just east of Beverly. He stated that it is important to maintain our parking options over the next two years near the Community Center given the construction that will be underway. Once construction is finished and the Community Center parking lot is reconfigured, we will have the exact same number of spots that we had previous to the sale of the western parking lot to Essex.

Councilmember Schowengerdt questioned whether Essex would be paying for this additional parking at Ceres since additional spots are currently lost due to construction staging. Mr. Scanlon stated that they are not. Councilmember Shepard stated that he feels Essex should be

**MINUTES OF THE FINANCE & ADMINISTRATION COMMITTEE
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contributing to the cost of this additional parking, since the loss of spaces during construction does not fit with the spirit of our initial agreement with them. Mr. Scanlon clarified that the Ceres lot has been used by Community Center patrons for the past 10 years and that since the building is now empty, Ceres would be requesting payment for parking whether construction of Mission Square was underway or not. Discussion continued on the small sidewalk being built by the City between the Ceres parking lot and the Community Center parking lot, with it being noted that a hand rail should be included in the project.

Councilmember Shepard recommended that a two-year lease agreement for parking at the Ceres Insurance Company Parking Lot be forwarded to Council for approval. Councilmember Weber did not agree. This will not be a consent agenda item.

New Business

Councilmember Gibbs reminded everyone of the Cash and Cans Thanksgiving Food Drive that is currently underway and encouraged everyone to participate. She also noted that the new Keystone Nissan sign is going up and looks very nice.

Meeting Close

There being no further business to come before the committee, the meeting of the Finance and Administration Committee adjourned at 10:00 p.m.

Martha Sumrall, City Clerk

<p style="text-align: center;">CITY OF MISSION ACTION ITEM SUMMARY Community Development Department</p>	<p>Item Number: 6a. Date: November 13, 2009 From: Martin Rivarola</p>
<p>SUBJECT: Pre-Development Agreement Mission Commons Investors LLC</p>	
<p>DETAILS:</p> <p>The site of the former Herff Jones plant, located on Metcalf Avenue between Martway and 61st Street, has been vacant for a number of years. The 6-acre site, has been evaluated by different entities in the past couple of years as a redevelopment opportunity. The site was part of the West Gateway Vision Plan, and is regulated by the West Gateway Form Based Code. The Mission Comprehensive Plan and the Form Base Code designate this part of the City as an area well suited for higher density mixed-use, pedestrian friendly development. Residential uses and buildings which adequately address the public streets with attractive streetscape amenities are encouraged.</p> <p>Lane4 Property Group has begun looking at redevelopment opportunities at the current Herff Jones site, located at Metcalf Avenue between Martway and 61st Street. As part of their due diligence, representatives from the development group have met with City Staff a number of times, and are in the process of preparing a Development Plan which would meet the City's Zoning Regulations. The Development Group has also indicated that they would like to explore potential for Tax Increment Financing (TIF) and Community Improvement District (CID) for this project. This type of public/private partnership would need to be formalized in the form of a Development Agreement between the Developer and City.</p> <p>The attached Predevelopment Agreement with Mission Commons Investors LLC designates this development group as the "Developer of Record" for a period of nine months. During this time, the City will work with the developer to explore project feasibility, opportunities for partnership in the form of TIF/CID, and approval of development plans by the Planning Commission and City Council (if required).</p> <p>The project concept will be presented at the Finance and Administration Committee meeting of November 4th by representatives of the Development Group.</p>	
<p>RECOMMENDATION: Approve a Predevelopment Agreement with Mission Commons Investors LLC for study of development at former "Herff Jones" site, located at Metcalf Avenue, between Martway and 61st Streets.</p>	
<p>Amount Requested: NA</p>	
<p>Line Item Code & Description: NA</p>	
<p>Available Budget: NA</p>	

PREDEVELOPMENT AGREEMENT

THIS PREDEVELOPMENT AGREEMENT (this “Agreement”) is entered into as of the ___ day of _____, 2009 (the “Effective Date”), between the City of Mission, Kansas, a municipal corporation of the State of Kansas (the “City”), and Mission Commons Investors, LLC, a Kansas limited liability company, and its successors and assigns, (the “Developer”) (the City and Developer are hereby collectively referred to as the “Parties”).

RECITALS

A. The parties desire to enter into this Predevelopment Agreement in order to designate the Developer as the exclusive developer during the period hereof for the purpose of implementing a mixed use development (“Development”) within the City of Mission and set forth matters that may be included in any Final Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the City and the Developer agree as follows:

1. DEVELOPER OF RECORD. The City acknowledges that there are risks and costs of preliminary planning activities and other requirements associated with the preparation for a project plan under development. As an inducement to Developer to assume those costs and undertake those activities set forth herein, the City designates Developer as the exclusive developer of record for the Project Area (bounded on the south by 61st Street, on the east by Broadmoor, on the north by Martway and on the west by Metcalf Avenue) for nine (9) months from the date hereof. During said period of time, as long as this Agreement is in effect, the City agrees that it will not enter into a Final Redevelopment Agreement with any other person or entity, in the implementation of any redevelopment project within the Project Area without the written consent of Developer.

2. BASIC TERMS OF FINAL DEVELOPMENT AGREEMENT.

The parties agree that before either party is obligated to proceed with any development within the Project Area, a Final Development Agreement, as to the development of said project, satisfactory to both parties in their sole and absolute discretion, must be entered into. Although the specific terms of such Final Development Agreement must be negotiated between the parties,

the parties presently believe that such terms must necessarily address, at a minimum, the following matters, to-wit:

A. Determination of Project. The parties must agree on the proposed square footages of buildings, number of living units or hotel rooms, and the exterior design for the development.

B. Land Acquisition. Developer owns or controls the Project Area and no eminent domain will be necessary.

C. Agreement on Site Work, Infrastructure and Utilities. The parties shall agree on how site work, utilities, street, intersection, sidewalk and similar improvements are to be addressed by the development plan.

D. Agreement on Plans and Specifications. The parties shall agree on the plans and specifications of the exterior design of the development.

E. Agreement on Progress Schedule. The parties shall agree on a progress schedule by which the redevelopment project will be undertaken and completed.

F. Zoning Changes. The parties shall agree as to how any necessary zoning changes will be addressed. Nothing contained within this Agreement, nor any future agreement, shall be deemed to bind the City, acting in its governmental capacity, to make any such zoning changes.

G. Other Matters. The Final Development Agreement shall also address any other matters that either party deems appropriate.

3. OBLIGATIONS OF THE PARTIES TO PROCEED.

The obligation of the parties to proceed beyond this Preliminary Development Agreement is dependent upon the parties entering into a Final Development Agreement prior to the termination of this Agreement. Nothing contained herein shall: (i) obligate the City to create or approve the Development; (ii) obligate the City to create or approve a development plan for Project Area; (iii) obligate the City to approve or provide public incentives; or (vi) obligate either party to enter into a Final Development Agreement.

4. MISCELLANEOUS.

A. Costs. Each party shall be solely responsible for all costs and expenses incurred by such party in connection with the matters contemplated by this Agreement. Developer agrees to pay to the City all plan review and similar fees of general applicability required by City ordinance, however it is understood by Developer that payment of such fees do not ensure approval of the Development. Some costs may be reimbursable pursuant to the terms of any Final Development Agreement.

B. Assignability. Neither party shall assign this Agreement without the written consent of the other party.

C. Amendments. This Agreement may be supplemented or amended only by written instrument executed by the parties affected by such supplement or amendment.

D. Applicable Law. This Agreement shall be deemed to be entered into in the state of Kansas, and shall be enforceable under the laws of that state.

E. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon the parties hereto, and the permitted successors and assigns of the parties.

F. Non-liability of City Officials and Employees. No member of the governing body, official or employee of the City shall be personally liable to Developer, or any successor in interest to Developer, pursuant to the provisions of this Agreement, nor for any default or breach of the Agreement by the City.

G. Not A Partnership. The provisions of this Agreement are not intended to create, nor shall they in any way be interpreted or construed to create, a joint venture, partnership, or any other similar relationship between the parties.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

CITY OF MISSION, a Kansas municipal corporation

Laura L. McConwell, Mayor

ATTEST:

Martha Sumrall, City Clerk

MISSION COMMONS INVESTORS, LLC
a Kansas limited liability company

By: _____

Title: _____

CONSENT

The undersigned owner of the Project Area hereby consents to the foregoing and appointment of the Developer as exclusive developer for the period set forth herein.

HERFF JONES, INC.,
an Indiana corporation

By: _____

Title: _____

<p>CITY OF MISSION ACTION ITEM SUMMARY Finance and Administration Committee</p>	<p>Item Number: 6b. Date: October 30, 2009 From: Mike Scanlon, City Administrator</p>
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SUBJECT: This Ordinance increases the number of voting members on the Mission Convention and Visitors Bureau from 15 to 25.

RECOMMENDATION:

That the Finance and Administration Committee recommend to the City Council approval an Ordinance that allows the Mission Convention and Visitor's Bureau to have up to 25 voting members.

DETAILS:

This Ordinance increases the number of voting members from 15 to 25 on the Mission Convention and Visitor's Bureau.

This Ordinance is necessary to allow broader participation in MCVB and to help increase the number of people that can help at MCVB Events.

Related State Statute and City Ordinances: Charter Ordinance 24 and City Council Policy 105
Amount Requested: N/A
Line Item Code & Description: N/A
Available Budget: N/A

CITY OF MISSION

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 660.010 OF THE CITY OF MISSION, KANSAS MUNICIPAL CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

Section One: Section 660.010 of the Code of the City of Mission is hereby amended as follows:

SECTION 660.010: COMMITTEE ESTABLISHED -- MEMBERSHIP

In order to promote commerce and attract visitors to our community, the Mission Convention and Visitors Bureau (MCVB) is hereby established. Membership may include up to 25 members consisting of the following: one (1) member from each Council Ward shall be appointed and must be residents thereof; ten(10) members from the Mission business community and ten(10) members from the Mission community; and up to two (2) members from the Governing Body. Members of the MCVB shall be appointed at the first (1st) regular meeting of the Governing Body in January. Terms of appointment shall be for a period of two (2) years, staggered to avoid expirations in the same year. The Mayor may reappoint members to a term of less than two (2) years to fill an unexpired term or to avoid expiration of terms within the same year. Terms shall automatically expire at the end of two (2) years.

Section Two: This Ordinance shall take effect and be in full force from and after its publication according to law.

PASSED AND APPROVED BY THE CITY COUNCIL this 18th day of November 2009.

APPROVED BY THE MAYOR this 18th day of November 2009.

Laura L. McConwell, Mayor

ATTEST:

Martha Sumrall, City Clerk

<p style="text-align: center;">CITY OF MISSION ACTION ITEM SUMMARY Community Development Department</p>	<p>Item Number: 6c. Date: November 13, 2009 From: Martin Rivarola</p>
<p>SUBJECT: Community Improvement District – City Council Policy</p>	
<p>DETAILS:</p> <p>The Kansas Legislature enacted the Community Improvement District (CID) Act during its legislative session of 2009, which allows cities to establish a "CID" to provide financing for economic development. CIDs are entirely a local option. CIDs are formed through the voluntary petition of property owners within the proposed District.</p> <p>The CID legislation allows for the imposition of an additional sales tax (of up to 2%) and/or a special assessment property tax within the District. The CID Revenues may be used to finance land acquisition, horizontal development costs, vertical development costs and certain operational costs of the development project. According to State Law, a municipality may issue special or general obligation bonds to finance CID Projects or CID Revenues may be utilized on an on pay-as-you-go basis to reimburse the costs of a CID Project. CIDs have proven to be a useful tool for local development and redevelopment in Missouri and other States. Given that this tool is now available to the City for economic development purposes, Staff proposes to establish a City Council policy for future use of this tool, similar to Council Policy No. 106 on the use of Tax Increment Financing.</p> <p>Pete Heaven, Lathrop & Gage, has prepared a proposed "Community Improvement District City Council Policy" and will be presenting it to the Finance and Administration Committee on November 4th, 2009. This Policy establishes the procedures of the City, for considering applications for Community Improvement Districts.</p>	
<p>RECOMMENDATION: Approve City Council Policy No. ____, Community Improvement District (CID) Policy</p>	
<p>Amount Requested: NA</p>	
<p>Line Item Code & Description: NA</p>	
<p>Available Budget: NA</p>	

CITY OF MISSION
CITY COUNCIL POLICY MANUAL

POLICY NO. ____

COMMUNITY IMPROVEMENT DISTRICT POLICY

1.01 PURPOSE

The proper use of a Community Improvement District (“CID”) can help promote and develop the general and economic welfare of and quality of life in the City of Mission, Kansas (the “City”). This Policy establishes the procedures of the City, for considering applications for Community Improvement Districts used for economic development, including community development and tourism and cultural activities, in accordance with the provisions of K.S.A. 12-6a26 through K.S.A. 12-6a36, inclusive (the “Act”).

1.02 LEGAL AUTHORITY

The establishment of a CID is within the sole discretion of the Governing Body of the City. The Governing Body is under no obligation to approve a petition or form a CID, nor does the City relinquish its authority to initiate projects by whatever other financing means it deems necessary to promote the general health and welfare of the City. This policy is intended to provide a guide for the Governing Body in considering petitions, and outlines the policies and procedures to be followed by applicants. The Governing Body reserves the right to reject a petition for creation of a CID at any time in the review process when it considers such action to be in the best interests of the City.

1. General Policies

- a. Application. Interested parties shall submit a CID request by petition in a form designated by the City. The City Staff shall review all CID applications for compliance with this policy and Kansas (the “State”) law and decide whether or not to forward the petition to the City Council for consideration and action. If City Staff believes the petition meets the criteria set forth in this Policy and should be recommended for approval, City Staff will work with the petitioner(s) to develop a Finance Plan to present to the Governing Body when it considers the petition.
- b. Petition. A valid CID petition must be submitted with signatures of either of the following:

- i. 100% of the property owners of all of the land area within the proposed Special Assessment CID who seek financing solely by assessment. If all landowners petition for a CID, then the City may proceed with its creation by a majority vote of the Governing Body and assessments without notice or public hearing; or
- ii. By property owners representing more than 55% of the land area of the proposed Sales Tax CID and also signed by property owners collectively owning more than 55% of the assessed value of the land within the proposed CID. If this petition method is utilized, then the City will be required to adopt a resolution giving public notice of a hearing on the advisability of the creation and financing of a CID. After hearing, the Governing Body may adopt an ordinance by a majority vote to authorize the project and create the CID.
- iii. If the CID is both a Special Assessment CID and a Sales Tax CID, then 100% of the property owners must sign petition.

The CID boundaries and the method of financing the project shall not require that all property that is benefited by the project, whether the benefited property is within or without the CID, be included in the CID or be subject to an assessment or the CID sales tax.

- c. Term. The Governing Body shall review the financial feasibility of each CID and shall determine the appropriate term of financing for projects within the CID. Any CID sales tax shall expire no later than the date the bonds issued to finance such project or refunding bonds issued for the project mature. In the event of pay-as-you-go financing is utilized, CID sales tax shall expire at the earlier of twenty-two (22) years from the date the state director of taxation begins collecting such tax or when all pay-as-you-go costs have been reimbursed. CID Bonds shall mature no more than twenty-two (22) years from date of issue.
- d. No Council or public hearing consideration will occur unless all information is provided at least ten (10) business days prior to the scheduled meeting. All fees and requirements of a funding agreement must also be met before Governing Body consideration.

2. Criteria for Use of Community Improvement District

- a. The decision to establish a CID is within the sole discretion of the Governing Body. In determining whether or not to approve a petition to establish a CID, the Governing Body will evaluate whether or not creation of a CID is in the City's best interest, by considering one or more of the following criteria:
 - i. Promotes and supports efforts to develop or redevelop commercial sites to provide for reinvestment in our community;

- ii. Stimulates quality, retail development to enhance the City's economic base;
 - iii. Attracts and promotes mixed use, including residential, urban development;
 - iv. Allows for the construction of infrastructure including the construction of infrastructure beyond what the City would require or otherwise build;
 - v. The projects will be located in an area that has been targeted by the Governing Body for economic development or redevelopment; or has specific site constraints making development more difficult or costly;
 - vi. The impact on other infrastructure systems, to include the cost of core system extensions to areas not adjacent to existing systems;
 - vii. The financial risk to the City and any other government units of the financing proposal, to include exposure of the general property tax levy, enterprise funds positions and credit rating;
 - viii. Recommendation of the City Staff; or
 - ix. Whatever other factors the Governing Body deems relevant.
- b. Conformance to local requirements including:
- i. Compliance with uses anticipated in the Comprehensive Plan.
 - ii. High degree of architectural design and site layout.
 - iii. Enhanced use of landscaping, water quality BMP's and other sustainable features.
 - iv. Design of infrastructure to meet public and/or private standards.
- c. Additional Considerations:
- i. Costs of the proposed improvements identified in the CID;
 - ii. Sources of funding, including the amount of private equity funding in comparison to public funding;
 - iii. Payment risk mitigation mechanisms offered by the applicant;
 - iv. Experience and stability of the proposed developer;
 - v. Whether or not tenants are committed by lease or other document, and the nature of the tenants;

- vi. Economic competition the projects within the CID has and is expected to have in the future; and
- vii. Impact to current businesses within the City.

1.03 FINANCING

1. Source of Funds. Eligible CID projects may be financed by any single, a combination, or all of the following sources:
 - a. The City is authorized to levy and collect CID Special Assessments imposed on property in the CID pursuant to the Act which have been paid in full prior to the date set by the Governing Body as provided in the General Improvement and Assessment Law, K.S.A. 12-6a10, *et. seq.* Two exceptions to the General Improvement and Assessment Law are:
 - i. No assessments can be levied against the City-at-large, and
 - ii. If a project is also financed by a pledge of sales tax revenues or annually appropriated funds of the City, the amount of each annual special assessment may be reduced or eliminated to the extent that sufficient taxes and/or funds have been received to pay the debt service on any bonds issued pursuant to the Act.
 - b. A pledge of all of the revenue received from a CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer's sales tax act, within a CID, in any increment of .10% or .25%, not to exceed 2% (the "CID Sales Tax"), as authorized by the Act; or
 - c. Any other funds annually appropriated by the Governing Body.
2. Finance Plan. If the City Staff reviews the petition and finds it in the City's best interest to recommend creation of the CID to the Governing Body, City Staff will work with the applicant to create a Finance Plan that shall be presented to the Governing Body for consideration along with the petition. The Finance Plan shall address the recommended method of financing and specific terms associated therewith.
3. Bonds.
 - a. The City may issue CID Bonds to finance a project. In no event shall special assessments be levied against the City-at-large. Guidelines for the issuance of CID Bonds include:
 - i. If bonds are issued, the sales tax imposed to pay the bonds shall expire no later than the date the bonds mature;

- ii. If pay-as-you-go financing is utilized, the sales tax imposed shall expire 22 years from the date the State Director of Taxation begins collecting the tax or when all project costs have been paid; and
 - iii. The minimum issue size for CID bonds issued by the City will be \$3,000,000, unless an exception is approved by the Governing Body.
 - b. CID Bonds issued under this Policy must include security for the bonds of a sufficient amount to minimize any risk of default and be allowed by State and Federal Tax laws.
 - c. CID Bonds issued under this Policy must be sold to qualified investors (as defined by the Securities and Exchange Commission Regulation D) in accordance with the minimum denominations as provided therein.
 - d. CID Bonds must initially be offered in denominations of \$100,000 or greater. The minimum denomination may be reduced (upon consultation with the City's bond counsel and financial advisor) when one or more of the following are met:
 - i. The projects being bond financed are substantially leased;
 - ii. The estimated revenue stream yields significant debt service coverage on the bonds;
 - iii. Construction of the projects being bond financed is 100% complete;
 - iv. The repayment term is less than or equal to 60% of the maximum permitted repayment term; and/or
 - v. Waiver of the minimum denomination provision by the Governing Body.
 - e. If a negotiated sale of the bonds is necessary, the City will normally select the underwriter(s) needed to structure, price, and sell the bonds through a competitive process. Exceptions to this process may be approved by the City Administrator upon consultation with the City's bond counsel and financial advisor. City Staff and the City's financial advisor will be directly involved in all negotiated sale pricing.
 - f. At its sole discretion, the City may require that an independent feasibility study of future CID revenues be performed, with any such cost borne by the applicant(s).
- 4. Reimbursement CID. Petitioner(s) may be reimbursed for projects within the CID on a "pay-as-you-go" basis until the Governing Body determines issuance of CID Bonds is viable and in the City's best interest.
- 5. Project Funds. A separate fund shall be created for each CID and each project and such fund shall be identified by a suitable title. The proceeds from the sale of bonds, CID

sales taxes and any other moneys appropriated by the Governing Body shall be credited to such fund and the fund shall be solely used to pay the costs of the projects.

6. Fees Associated with CID.

- a. Initial Application Fee. A non-refundable fee in the amount of \$5,000 shall accompany the CID application.
- b. Funding Agreement. The City will retain administrative and professional staff, outside counsel and consultants, and incur expenses which it, in its sole discretion, deems necessary to consider the CID. The applicant shall enter into a funding agreement in order to reimburse the City for: its fees and expenses; the time of its administrative and professional staff, as the City may from time to time deem appropriate; all charges for the City's outside counsel, including the fees of the City Attorney, and consultants; and all other expenses incurred by the City. The funding agreement shall call for the applicant to establish a fund in an amount of not less than \$20,000.00 in order to ensure the prompt and timely payment of the above charges.

7. Development Agreement.

- a. Prior to beginning development of the CID (including the issuance of bonds), the Owner shall execute a Predevelopment Agreement or Development Agreement as approved by the Governing Body.

1.04 PROCEDURES

The following procedures shall govern the approval of each CID within the City. These provisions may be waived or modified by the City Administrator, if such waiver or modification is in the best interest of the City and does not conflict with any statutory or procedural requirement of state law.

1. CID Application Process. The applicant shall make application for a CID by completing and filing one hard copy and one digital copy of the petition. The petition shall include, but is not limited to:
 - a. Legal description of the proposed boundaries of the CID;
 - b. Map of the district area with accompanying tax parcel I.D. information;
 - c. A detailed description that identifies the proposed buildings, facilities and other improvements to be constructed in the CID, including the estimated fair market and assessed value of the improvements and the estimated date in which construction of the improvements will be commenced and completed; and
 - d. Current and proposed taxable retail sales within the CID.

2. General Petition Procedure. The City will only consider full and complete applications. The applicant will also be responsible for providing whatever additional information requested by City Staff or the Governing Body as necessary for assisting the City in making its recommendation or decision on the application and the petition. Any inaccuracy, misstatement or error in fact may render the application null and void and may be cause for the repeal of any development assistance ultimately provided by the City through the Act in reliance upon said information.
3. Application and Administration Fees. Each CID petition shall be accompanied by an application fee. This fee is in addition to other fees which may be required by the City, including fees for the issuance of tax-exempt or taxable bonds, costs incurred for preparation of studies as required by this Policy, and costs incurred, if any, for review and work done by the City's Financial Advisor and Bond Counsel. In addition, any applicant that receives approval shall pay an annual administration service fee. All fees shall be due and payable as provided for herein or as otherwise set forth in an approved Development Agreement.
 - a. Initial Application Fee. A non-refundable amount of \$5,000 shall accompany the CID petition.
 - b. Annual Administrative Service Fee. An amount equal to 5% of the annual taxes reimbursed to applicant or its successor in interest.

1.05 GOVERNING BODY ACTIONS

No elected or appointed officer, employee or committee of the City shall be authorized to speak for or commit the Governing Body to the establishment of a CID.

Upon receiving the recommendation of City Staff, the Governing Body shall determine whether to reject the petition or to further consider the request. Upon a favorable vote for further consideration, the Governing Body shall follow the statutorily prescribed process for the establishment of a district. This process shall be an expression of good faith intent, but shall not in any way bind the City to establishing a district.

Approval of the creation of a CID based on the information presented does not constitute an implied or other approval of a site plan, special use permit, plat, rezoning or other land development application. All proposals for development are subject to land use approvals by the appropriate body.

1.06 WAIVER OF REQUIREMENTS

The Governing Body reserves the right to grant or deny a CID under circumstances beyond the scope of this Policy or to waive provisions herein. However, no such action or waiver shall be

taken or made except upon a finding by the Governing Body that a compelling or imperative reason or emergency exists, and that such action or waiver is found and declared to be in the public interest. The Governing Body shall not waive any statutory requirement of State law.

1.07 DEFINITIONS AND DESCRIPTIONS

For the purpose of this Policy, the words or phrases as used in this Policy shall have meaning or be construed as follows unless otherwise defined by State Statute.

APPLICANT: The individual(s) or business(es) and its officers, employees, and agents requesting approval of the creation of a CID.

DEVELOPMENT AGREEMENT: A written agreement between the City and a Developer for the completion of a development or redevelopment project. Such agreement shall address issues involved in the project, including but not limited to the following: Schedule of construction; acquisition of land; eligible CID expenses; scope of development (including development criteria); indemnity of the City and insurance requirements; reimbursement of City costs; financing (private and/or public); transfer restrictions prior to completion; maintenance and restrictive covenants; City inspection and information access rights; reporting requirements; and remedies upon default.

PROJECT: Any project or undertaking whether within or without the CID, to

- (1) Acquire, improve, construct, demolish, remove, renovate, reconstruct, rehabilitate, maintain, restore, replace, renew, repair, install, relocate, furnish, equip or extend:
 - (a) buildings, structures and facilities;
 - (b) sidewalks, streets, roads, interchanges, highway access roads, intersections, alleys, parking lots, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, pedestrian amenities, abandoned cemeteries, drainage systems, water systems, storm systems, sewer systems, lift stations, underground gas, heading and electrical services and connections located within or without the public right-of-way, water mains and extensions, and other site improvements;
 - (c) parking garages;
 - (d) streetscape, lighting, street light fixtures, street light connections, street light facilities, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
 - (e) parks, lawns, trees and other landscape;
 - (f) communication and information booths, bus stops and other shelters, stations, terminals, hangars, rest rooms and kiosks;
 - (g) paintings, murals, display cases, sculptures, fountains and other cultural amenities;
 - (h) airports, railroads, light rail and other mass transit facilities;
 - (i) lakes, dams, docks, wharfs, lake or river ports, channels and levies, waterways and drainage conduits.
- (2) Within the CID, to operate or to contract for the provision of music, news, child care, or parking lots or garages, and buses, minibuses or other modes of transportation.

- (3) Within the CID, to provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons.
- (4) Within the CID, to provide or contract for cleaning, maintenance and other services to public or private property.
- (5) Within the CID, to produce and promote any tourism, recreational or cultural activity or special event, including, but not limited to, advertising, decoration of any public place in the CID, promotion of such activity and special events and furnishing music in any public place.
- (6) Within the CID, to support business activity and economic development, including but not limited to, the promotion of business activity, development and retention and the recruitment of developers and business.
- (7) Within the CID, to provide or support training programs for employees of businesses.
- (8) To contract for or conduct economic impact, planning, marketing or other studies.

Laura McConwell, Mayor

Martha Sumrall, City Clerk

REFERENCES

K.S.A. 12-6a26 through K.S.A. 12-6a36

APPROVED BY THE GOVERNING BODY ON NOVEMBER 18, 2009

CITY OF MISSION
ACTION ITEM SUMMARY
FINANCE & ADMINISTRATION

Item Number: 6d.

Date: October 28, 2009

From: Laura Smith

SUBJECT:

Proposed changes to the 2010 Classification and Compensation Schedule.

RECOMMENDATION:

That the following changes to the City of Mission's Classification and Compensation Schedule (Salary Schedule) be approved:

- 1.5% decrease (-1.5%) to the City of Mission's salary schedule
- Reclassify positions as recommended in the 2010 schedule

DETAILS:

Per the City of Mission's Personnel policy Article B, Section 3, "The pay ranges assigned to each class of positions shall be reviewed at least annually by the City Administrator who shall make periodic recommendations for revision to the Governing Body."

The recommended adjustment in salary schedule IS NOT a Cost-of-Living Adjustment (COLA) for all employees. It is an adjustment of the ranges by an amount equal to the CPI for all Urban Consumers through August 2009. Range adjustments have no immediate impact on employee salaries or the 2010 budget; it is simply an adjustment to reflect the external market.

The City's policy since 2005 has been to adjust the ranges annually by CPI. This represents the first year in which the ranges have been decreased as a result of the CPI adjustment. The proposed ranges continue to provide ample opportunity for growth should individual performance merit.

The analysis was conducted by Danielle Rodenbough and Laura Smith and reviewed by the City Administrator. Based on external market data, the following positions have been recommended for reclassification (range adjustment) for 2010:

Police Officer (Grade 16 to 17)
Police Detective (Grade 18 to 19)
Police Sergeant (Grade 20 to 21)
Police Lieutenant (Grade 23 to 24)
Police Captain (Grade 26 to 27)
Deputy Chief of Police (Grade 28 to 29)
Chief of Police (Grade 30 to 32)

Additionally, the following reclassifications/adjustments are being recommended in connection with the internal reorganization recently recommended by the City Administrator and approved by the Mayor. The range adjustments capture the reassignment of various job duties/responsibilities:

Assistant City Administrator/Finance Director (Grade 30 to 32)
Public Works Director (Grade 29 to 30)
Community Development Director (Grade 29 to 30)
Parks & Recreation Director (Grade 26 to 30)
Neighborhood Services Director (Grade 26 - position eliminated)
Neighborhood Services Coordinator (Reclassified to Grade 19)

Please see the attached memorandum and salary schedule for additional details on the recommended changes for 2010.

Amount Requested: n/a

Line Item Code & Description:

Available Budget: