

# **MINUTES OF THE MISSION CITY COUNCIL MEETING**

**December 16, 2020**

The Mission City Council met virtually for a regular meeting on Wednesday, December 16, 2020 at 7:00 p.m. The meeting was called to order by Mayor Ron Appletoft. The following Councilmembers participated virtually: Trent Boultinghouse, Ken Davis, Sollie Flora, Kristin Inman, Debbie Kring, Arcie Rothrock, Nick Schlossmacher and Hillary Thomas.

The Mayor stated that because of the COVID-19 social distancing recommendations, the meeting was held virtually via ZOOM. The Mayor, City Councilmembers and staff all joined remotely. The public was invited to participate in the meeting by using the instructions included in the City Calendar item listed on the front page of the website. The public could join or just listen, or join with audio and/or video using a webcam or smartphone. The public was allowed to make comments through the "chat" feature and was informed that comments are visible by the group. Members of the public were requested to state their name and city of residence when making a public comment. Mayor Appletoft also asked all to be conscientious of others talking and to speak clearly and slowly.

## **PUBLIC HEARING**

### **Division of Rock Creek Redevelopment District No. 3 (Mission Mart and Bowl) into Two Redevelopment Districts**

Mayor Appletoft stated that there were two public hearings, the first being the division of the Rock Creek Redevelopment District No. 3, which includes the Mission Mart Shopping Center and Mission Bowl, into two Redevelopment Districts.

Mayor Appletoft formally opened the public hearing and invited Kevin Wempe, with Gilmore and Bell, to present a brief summary on the action. Mr. Wempe reported that the larger Gateway Redevelopment District was created over fifteen years ago which divided the property into five districts. This further division of Redevelopment District No. 3, allows the Developer to isolate their project to provide for separate calculation of TIF increment at the site. Mr. Wempe explained that the Council would be asked to consider an ordinance which would affirm the division of Rock Creek Redevelopment District No. 3 (Mission Mart and Bowl) into two Redevelopment Districts.

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Following Mr. Wempe's presentation, Mayor Appletoft asked if there was any member of the public wishing to comment on the division of the TIF Districts. Seeing none, the public hearing was closed.

Following Mr. Floodman's presentation, Mayor Appletoft asked if there was any member of the public who wished to comment on the TIF Project Plan. Seeing none, the public hearing was officially closed.

## **Adoption of a Tax Increment Financing Redevelopment Project Plan for Rock Creek Redevelopment District No. 3A.**

Mayor Appletoft indicated the second public hearing scheduled for this evening relates to the consideration and approval of a Tax Increment Financing Redevelopment Project Plan for Rock Creek Redevelopment District No. 3A. In October, the developers of the Mission Bowl property submitted a TIF Redevelopment Project Plan (TIF Project Plan) for the site. State statute requires notice be made to the public and requires a public hearing.

Mayor Appletoft formally opened the second public hearing and invited Mr. Banks Floodman with Sunflower Development Group to make a brief presentation on his project and the request for tax incentives included in the TIF Project Plan.

Mr. Floodman presented an overview of the multi-family apartment complex that consists of up to 168 units with a mix of live-work spaces, studios, and one to two bedroom units. The 3.1 acre site will have the building located on the southwest portion and include a dog-park, fitness area and outside pool. There will need to be an access easement for the cell tower as well as an easement, on the west side of the property, for Wastewater to access a sewage line. There will be parking underneath the structure along with storage spaces. He expressed the Developer's willingness to work on color and design changes in order to comply with the community in the final development plan.

In accordance with negotiations with the City Council, the project will include an affordable/attainable housing component and will be certified to LEED Silver standards.

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Mayor Appletoft asked if any member of the public would like to make a comment regarding the TIF Project Plan. There were no comments and the public hearing was closed.

## **SPECIAL PRESENTATIONS**

There were no Special Presentations.

## **CONSENT AGENDA**

**Moved by Davis, seconded by Kring** to adopt the Consent Agenda as presented.

- 4a. Minutes of the November 18, 2020 City Council Meeting  
November 4, 2020 Special City Council Meeting.
- 4b. KERIT Workers' Compensation Insurance Renewal
- 4c. DTI Contract Renewal
- 4d. 2021 Special Alcohol Tax Fund Allocations
- 4e. 2021 Cereal Malt Beverage (CMB) License Renewals
- 4f. Apollo Gardens (Aries Court) Stormwater Repairs
- 4g. 2021 Street Preservation Program Engineering Services Contract
- 4h. 2022 Street Preservation Program Engineering Services Contract
- 4i. Conceptual Park Master Planning

Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **PUBLIC COMMENTS**

There were no public comments.

## **PLANNING COMMISSION**

Ms. Service presented on the replat of Mission Mart Lots 2, 3, and 4 at 5399 Martway Street which is the site of the former Mission Bowl bowling alley. The current owner, Ridgeview North Associates, has a contract to sell one of the lots and a portion of another to Mission Bowl Apartments, LLC

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(Sunflower Development Group), the Developer for the proposed multi-family development project. The sale was planned for December.

As part of this sale, a new plat indicating the area to be purchased will need to be filed with the Johnson County Records and Tax Administration. By approving the plat it will allow for the legal transfer of ownership for lot 6. If the sale closes, and Mission Bowl Apartments proceeds with construction of the proposed multi-family development project, they will need to submit another plat indicating any easements and right-of-way dedication associated with the development project. Ms. Service reported that current and possible future apartment use of the site would be in conformance with City code under the new plat. This plat was considered by the Planning Commission at their meeting on Monday, November 23rd. There was no public comment presented regarding the plat, and it was approved 8-0.

**Moved by Davis, seconded by Kring** to approve the replat of Mission Mart Lots 2, 3, and 4 at 5399 Martway Street, Mission, Kansas. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **FINANCE & ADMINISTRATION COMMITTEE**

Councilmember Kring reported that the Finance & Administration Committee met on December 2nd and December 9th and considered thirteen items including acceptance of the meeting minutes. The renewals for KERIT Workers' Compensation Insurance, IT Services Contract and CMB licenses along with the 2021 Special Alcohol Tax Fund Allocations were all approved under the Consent Agenda. There were seven additional items for consideration on the Regular Agenda.

### **Ordinance Related to Establishment of Mission Bowl TIF District**

Councilmember Kring reported that Sunflower Group has been in discussions with the City to redevelop 5399 Martway, which is the former Mission Bowl property, into a multifamily project. Mission Bowl Apartments, LLC has requested the City to consider using both Tax Increment Financing and Industrial Revenue Bonds (IRBs) to establish a public-private partnership which would be mutually beneficial for both the City and the Developer.

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In accordance with statutory requirements, the TIF Project Plan was considered by the Planning Commission on October 26, 2020 and determined to be in compliance with the City's comprehensive plan. A public hearing was also conducted earlier in the legislative meeting to discuss the division of the District and the TIF Project Plan. The final step was authorizing the use of Tax Increment Financing (TIF) for the Mission Bowl Apartments, LLC. project is consideration of an ordinance which will accomplish (1) approving removal of certain real property from Redevelopment District No. 3; (2) dividing Redevelopment District No. 3 into two; (3) adopting a Redevelopment Project Plan; and, (4) approving execution of a Redevelopment Agreement. The 20-year TIF clock for the single project site within Redevelopment District No. 3A would begin upon publication of the Ordinance.

Members of the City's consulting team, Bruce Kimmel with Ehlers, Inc., Pete Heaven with Spencer Fane and Kevin Wempe with Gilmore & Bell were present at the meeting, but did not present additional information beyond what had been previously presented and discussed at the December 9, 2020 Finance & Administration Committee meeting.

Councilmember Thomas thanked staff for their hard work on this plan as well as the Developer for their willingness to meet with the City on various topics including sustainability measures and affordable housing, adding that she would be voting in support of the project and looks forward to seeing the building progress. Councilmember Flora agreed and believes this project will help establish a standard in TIF considerations within the City as well as provide a template for incorporating sustainability and affordable housing in other projects and policies. Councilmember Boultinghouse also agreed and supported the project, commenting on the great work the Sustainability Commission has done with moving this forward. Councilmember Schlossmacher thanked the staff, the Development Team and everyone that worked on this project and thinks it will be a positive progression for the community.

**Moved by Kring, seconded by Flora** to approve the Ordinance Making Certain Findings and (1) Removing Certain Real Property from Rock Creek Redevelopment District No. #3; (2) Dividing Rock Creek Redevelopment District No. 3 into Two Redevelopment Districts; (3) Adopting a

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Redevelopment Project Plan for Redevelopment District No. 3A; and (4) Approving the Execution of a Redevelopment Agreement Between the City and Mission Bowl Apartments, LLC. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **Resolution of Intent to Issue IRBs**

Councilmember Kring explained that the next item also relates to the redevelopment of the former Mission Bowl property. In addition to the request for Tax Increment Financing, the Developer has also submitted a formal application for the issuance of Industrial Revenue Bonds (IRBs) for the sole purpose of a sales tax exemption on construction materials.

The IRBs and the associated interest shall be special, limited obligations of the City payable solely out of the amounts derived by the City under a Lease Agreement. The bonds are not a general obligation of the City, and are not backed by the full faith and credit of the City. The bonds are not payable in any manner by taxation, but shall be payable solely from the funds provided for in the Indenture.

The Resolution anticipates the issuance of bonds in an amount not to exceed \$30 million dollars. The issuance of the bonds does not obligate the City, the State or any other political subdivision thereof to levy any form of taxation or to make any appropriation for their payment. The City is in no way responsible for the repayment of these bonds.

**Moved by Kring, seconded by Davis** to approve the Resolution establishing the intent and authority of the City to issue Industrial Revenue Bonds (IRBs) in one or more series in an aggregate principal amount not to exceed \$30,000,000 to finance the costs of acquiring, constructing, and equipping multiple facilities for the benefit of Mission Bowl Apartments, LLC. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **2021 Legislative Priorities**

Councilmember Kring said that the 2021 Legislative Program outlines the City's priorities and areas of interest or concern to be communicated to our

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state legislators at the outset of the legislative session. The final document was updated from the 2020 program which was modified at the November 4th and December 2nd Finance and Administration Committee meetings. The City's legislative advocate, Stuart Little of Little Government Relations, also provided input and feedback for the upcoming session.

Councilmember Flora asked for an explanation of how the City utilizes these priorities if they are approved by the Council. Ms. Smith replied that once approved, they are provided to our legislators as well as utilized throughout the legislative session as items are discussed on specific issues. They are introduced as a way to communicate the City's position as we work with neighboring Cities to collaborate together effectively.

**Moved by Kring, seconded by Boultinghouse** to approve the 2021 Legislative Priorities for the City of Mission. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **Personnel Policies and Guidelines Update**

Councilmember Kring reported that each year staff conducts a review of the City's Personnel Policies and Guidelines. The review ensures that the City's personnel policies conform with the most current federal and state regulations and accurately reflect the organization's current policies and practices. The City's external Human Resources consultant completed a review of the recommended updates, and only minor adjustments were made since the document was presented at the December 2 Finance and Administration Committee meeting.

The recommended changes included the addition of paid parental and caregiver leave at 100% of the employee's regular, straight-time pay. Other modifications include an update to say that requests for non-police personnel information from outside the organization will require a subpoena as well as a modification in the holiday compensation policy and clarity on occasions when work from home may be granted. Once approved, and following publication, it will be incorporated into the Personnel Policy and Guidelines as a part of Mission's Municipal Code with an effective date of January 1, 2021.

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Councilmember Thomas thanked staff for their hard work in updating these policies, especially in regards to paid family leave and thinks it a great reflection of the City's value of staff.

**Moved by Kring, seconded by Flora** to approve the ordinance adopting the changes proposed to the City of Mission's Personnel Policies and Guidelines effective January 1, 2021. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **Agreement for Enforcement of Johnson County Public Health Order**

Councilmember Kring explained that on November 13, 2020, the Johnson County Board of County Commissioners, sitting as the Johnson County Board of Public Health, adopted Johnson County Board of Public Health Order No. 002-20 in an effort to slow the spread of COVID-19 within the County. Among other things, the Order established certain social distancing requirements and limitations on gatherings for individuals, businesses, and activities. The Order became effective at 12:01 A.M. on Monday, November 16, 2020, and remains in effect through 11:59 P.M. on January 31, 2020, unless otherwise amended, revoked, or replaced.

In order to better allow the County to enforce its own Health Order, the County adopted Resolution No. 108-20 on November 19, 2020 making noncompliance with Order 002-20 a violation of the Johnson County Code. The County requested that cities within Johnson County approve an agreement specifically allowing for County enforcement of the Health Order.

**Moved by Kring, seconded by Davis** to authorize the Mayor to execute the Government Enforcement Services Agreement for Johnson County Local Health Officer Orders and County Board of Health Orders between Johnson County and the City of Mission. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **2021 Budget Ordinance**

Councilmember Kring communicated that as part of the annual budget process, the City takes formal action to adopt the 2021 Budget by

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ordinance. This ordinance represents one of two ordinances that are considered each December to finalize the City's annual budget and to provide expenditure authority. There were no changes to the budget that was approved by the City Council in August 2020.

Councilmember Kring thanked Ms. Smith and staff for putting together a wonderful budget, recognizing the difficult process and effort it requires. Councilmember Davis agreed, adding the great work staff did in responding to necessary adjustments based on COVID-19 factors.

**Moved by Kring, seconded by Davis** to approve an ordinance adopting the 2021 Budget of the City of Mission, Kansas. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **Ordinance Directing City Administrator to Spend According to Budget**

Councilmember Kring explained that the second ordinance of the annual budget process will authorize the City Administrator to spend in accordance with the approved annual budget and will remain in compliance with City Council Policy 102.

**Moved by Kring, seconded by Davis** to approve an ordinance authorizing the City Administrator to make expenditures in accordance with the adopted 2021 Annual Budget. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **COMMUNITY DEVELOPMENT COMMITTEE**

Councilmember Flora reported that the Community Development Committee also met on December 2nd and considered five items. These included acceptance of the Committee minutes along with the Apollo Gardens Stormwater Repairs, the Conceptual Park Master Planning and the 2021 and 2022 Street Preservation Engineering Services Contracts, which were approved under the Consent Agenda. There are no additional items to consider on the Regular Agenda.

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## NEW BUSINESS

### Massage Establishment Permit, Angela Janssen, Stem Hair & Body Salon, 5959 Broadmoor Street

Ms. McClanahan explained that under the provisions of Chapter 620 of Mission's Municipal Code, anyone opening a massage establishment is required to submit an initial application which is considered by the City Council. Angela Janssen, owner of Stem Hair & Body Salon submitted her application to operate as a massage establishment for 5959 Broadmoor Street with the intention to open for business in early January. Ms. Janssen provided the necessary documentation with fingerprints and her background check was in process. Following approval of the initial application and payment of the \$300 fee, the license will be renewed annually based on the square footage of the business. Ms. Janssen will not be the masseuse on staff but has hired Debra Snow-Cook, who also submitted her documentation for massage therapist which can be approved administratively.

**Moved by Davis, seconded by Thomas** to approve the Massage Establishment Permit for Angela Janssen, Stem Hair & Body Salon, 5959 Broadmoor Street pending final approval of all background checks. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## COMMENTS FROM THE CITY COUNCIL

Councilmember Thomas commented that while this has been a very tough year, she looks forward to hopefully meeting in-person soon and continuing to move the City ahead.

Councilmember Kring commended staff and all the departments for helping families in need, whether with the Family Adoption Program or food bank at Trinity Lutheran Church, adding that it has been a collective effort in fulfilling the community's needs.

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## MAYOR'S REPORT

Mayor Appletoft recognized and presented staff with four hours of additional holiday time to be used by January 30th which was agreed on by the Council. Also, Mayor Appletoft highlighted the Family Holiday Adoption Program and its success in providing support during Thanksgiving, encouraging donations as the holiday season continues.

Mayor Appletoft explained that there were several appointments to consider for two of our commissions and one of our boards. He added that the service of these community volunteers and their hard work in guiding important decisions, which have a direct and positive impact on the City, is greatly appreciated.

### Sustainability Commission Appointments

Mayor Appletoft put before the City Council the new appointments of Ellen Parker (Ward III) and Hunter Lindquist (Ward I) for the Sustainability Commission with terms expiring December 31, 2022.

**Moved by Kring, seconded by Schlossmacher** to appoint Ellen Parker and Hunter Lindquist for the Sustainability Commission with terms expiring December 31, 2022. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

### Planning Commission Appointments

Mayor Appletoft put before the City Council the reappointments of Staurt Braden (Ward I), Frank Bruce (Ward III), Charlie Troppito (Ward III), Mike Lee (Ward IV) and Robin Dukelow (Ward IV) for the Planning Commission with terms expiring December 31, 2022.

Councilmember Flora thanked the Commission members for their willingness to serve another term and asked if there were other candidates who expressed an interest in serving. Ms. Smith explained that the City had not been contacted by interested candidates. The City currently does not have a term limitation since it is helpful for members to have the background knowledge when making decisions, especially in relation to the long-term

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comprehensive plan and development goals in the community.

**Moved by Davis, seconded by Kring** to uphold the reappointments of Staurt Braden, Frank Bruce, Charlie Troppito, Mike Lee and Robin Dukelow for the Planning Commission with terms expiring December 31, 2022. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **Board of Zoning Appeals Appointments**

Mayor Appletoft put before the Council the reappointments of Staurt Braden (Ward I), Robin Dukelow (Ward IV), Aaron Wingert (Ward II) and Mike Lee (Ward IV) for the Board of Zoning Appeals with terms expiring December 31, 2022.

**Moved by Kring, seconded by Rothrock** to uphold the reappointments of Staurt Braden, Robin Dukelow, Aaron Wingert and Mike Lee for the Board of Zoning Appeals with terms expiring December 31, 2022. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **CITY ADMINISTRATOR'S REPORT**

Ms. Smith explained that in the November financial report, sales tax continues to align with the budgeted figures which will help with anticipated gaps that were projected when assessing adjustments for 2020 and 2021. When reviewing the tax comparison and data, it shows that the City has actually exceeded the estimated budget projections. The City is expecting to receive additional CARES funding through Johnson County.

Councilmember Flora asked if the City was on target to complete CARES funding projects, by the end of December, in order to utilize the full allocation. Ms. Smith replied that the County adjusted some of the allocations which has helped with deadlines by allowing police payroll to be a reimbursable expense. This will help the City to not lose any funding as well as provide flexibility with the projects in process.

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Ms. Smith also reported:

- Touchless bathroom features were installed at the Community Center
- Visual and audio upgrades are being completed at City Hall and the Community Center
- The Clorox sprayer has been delivered which has helped with more frequent sanitizing
- Laptops have arrived and are being configured for employees

Ms. Smith concluded the final meeting of 2020 by commenting that while this year has had many challenges there have been many positive moments too. The City has worked together to engage residents and businesses in new and creative ways that will have lasting impacts for the future. Ms. Smith added that while this has been a year of uncertainty, she was grateful for the opportunity to work with Council and staff. She then asked Ms. Randel to present the year-end video, showcasing and recapping events throughout the community over the past year..

## **ADJOURNMENT**

Mayor Appletoft announced that the public video from the meeting will be available through a link on the City's website - missionks.org.

**Moved by Thomas, seconded by Kring** to adjourn the meeting at 8:12 p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Audrey M. McClanahan, City Clerk.

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Ronald E. Appletoft, Mayor

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Audrey M. McClanahan, City Clerk