



## **MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE**

April 7, 2021

The Mission Finance & Administration Committee met virtually via ZOOM on Wednesday, April 7, 2021. The following committee members were present: Trent Boultinghouse, Arcie Rothrock, Kristin Inman, Sollie Flora, Debbie Kring, Nick Schlossmacher and Ken Davis. Councilmember Thomas was absent. Mayor Appletoft was also in attendance. Councilmember Kring called the meeting to order at 7:29 p.m.

The following staff were present: City Administrator Laura Smith, Assistant City Administrator Brian Scott, City Clerk Audrey McClanahan, Assistant to the City Administrator Emily Randel, Public Works Director Celia Duran, Public Works Superintendent Brent Morton, Parks & Recreation Director Penn Almoney and Police Captain Kirk Lane.

### **Public Comments**

Councilmember Kring explained that this meeting is being held virtually via Zoom and participants can make a comment through the chat feature.

There were no public comments.

### **Acceptance of the March 3, 2021 Finance and Administration Committee Minutes**

Minutes of the March 3, 2021 Finance and Administration Committee Meetings were provided to the Committee. There being no objections or corrections, the minutes were accepted as presented.

Councilmember Davis was appreciative of the amendments made to the minutes as requested.

### **Resolution Designating City-sponsored Festival Events**

Ms. Randel explained that an annual resolution must be approved, by Council, designating City-sponsored festival events that will serve alcohol in any public spaces or parks. The Council must designate the specific dates that are affiliated with special events. The resolution lists the upcoming Mission Market dates for 2021, from June through August, on Thursday evenings. The times will be from 4:30pm to 8:00pm. Vendors that have drinking establishment licenses are welcome to serve during this year's events.

Councilmember Flora commented that she is looking forward to the Market. Ms. Smith added that as event planning is ongoing due to the COVID situation, additional recommendations may need to be brought to Council for approval.

Councilmember Davis recommended the resolution designating the 2021 City Sponsored Festival Events be forward to Council for approval. All on the Committee agreed, this will be on the regular agenda.

### **Commercial Motor Vehicle Ordinance Updates**

Police Captain Kirk Lane reported that currently, the City does not have commercial motor vehicle regulations in place. The proposed ordinance will allow officers who are certified as Commercial Motor Vehicle Inspectors to issue municipal court citations to operators of commercial vehicles who are in violation of the incorporated regulations. It will also require the Municipal Judge to establish a fine schedule for violations that do not have a specified fine included with a violation. This will help protect the quality of our current roads as well as future investments into our street improvements and enhance safety on our city streets.

Officer Nick Canaan recently completed the required training and is certified as a Commercial Motor Vehicle Inspector. While Officer Caanan does not have the ability to cite persons for violations currently; he is required to conduct 8 inspections a quarter (soon to be 12) to maintain his certification. Since achieving this certification Officer Canaan has completed 14 inspections in the City of Mission. During those inspections, forty-one violations were observed, six vehicles were placed out of service due to critical violations, and one driver was placed out of service for not having the proper driver's license. Officer Canaan's role will not solely be that of Commercial Motor Vehicle Inspector, rather this will expand and compliment his duties as a designated traffic officer.

Councilmember Davis asked if when there is a large delivery for construction, is there a required permit they must obtain. Captain Lane replied that the materials they are transporting must meet the requirements of their vehicle, so the inspector could come in and assess the vehicle. Mr. Scott added that the City requires truck routes for large development projects, showing how the truck is coming into town and leaving.

Ms. Smith thanked Officer Canaan for his interest and willingness to take on additional training and expertise.

Councilmember Davis recommended an Ordinance adding Chapter 335, Commercial Traffic Ordinance to the Mission Municipal Code which will allow for enforcement of commercial motor vehicle violations through the Mission Municipal Court be forward to Council for approval. All on the Committee agreed, this will be on the consent agenda.

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

Ms. Smith reported that in December 2020, the City entered into an agreement with Johnson County to allow County code enforcement officers to enforce the provisions of Public Health Order No. 002-20, adopted in November, within Mission's city limits. Recently, the County enacted a new health order that extends provisions beyond the original expiration date. Since the agreement was very specific and limited only to Public Health Order No. 002-20, an amendment is needed

to allow for continued enforcement. The resolution would extend the agreement through April 2021.

Councilmember Schlossmacher asked what the position was for masks at the Community Center and if patrons are still required to wear them. He also commented that several residents have reached out to him with concerns, so he wonders what the appropriate way is for the Council to revisit that policy issue. Mr. Almoney confirmed that he had received feedback from patrons not wanting to wear masks during their work out as well as feedback from others who support the requirement. Councilmember Davis recommended maintaining the policy at the Community Center until the County lifts the restrictions. Councilmember Flora asked and Ms. Smith confirmed that the resolution is narrowly tailored to the New Health Order.

Councilmember Schlossmacher recommended the resolution amending 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 to include the Public Health Order effective March 26, 2021 be forward to Council for approval. All on the Committee agreed, this will be on the regular agenda.

### **DirectionFinder Survey Questions**

Ms. Smith explained that the City is planning to conduct the ETC Institute's DirectionFinder Survey in 2021. This survey is not only important for tracking and benchmarking citizen satisfaction with the City's programs and services, but will also aid in the Comprehensive Plan update and annual budgeting process. In order to align the results of the survey with the Comp Plan update and the budget calendar, it is necessary to finalize the questions by mid-April.

The 2015 survey questions were previously circulated to the Council and members of the Leadership Team for additions and revisions. This feedback will be used to aid in producing a relevant survey that meets ETC paraments of no more than a seven page survey instrument. This survey will help provide important information both historically for the City's productivity over a period of time as well as crucial benchmarking against both regional and national data. Some of questions addressed include:

- Overall perception: quality of services, value received for tax dollars
- Public safety: visibility in neighborhoods and commercial areas, community policing
- Parks & Recreation: amount of green space, walking and biking trails, condition of amenities, program registration ease
- Focus on community values and types of services that are more/less relevant to individuals and families including environmental sustainability and economic growth
- Code enforcement: debris, mowing weeds, exterior maintenance in commercial and residential properties, sign codes, overall enforcement opinion
- Public Works: general City buildings and facilities' conditions, snow removal
- Streets: both major thoroughfares and residential, curbs, gutter and sidewalks
- Leadership: quality, elected officials and staff, city leaders accessibility and responsiveness, public involvement

- Sustainability options: possible programs offered, engagement of residents, green building codes, energy efficiency, green stormwater infrastructure
- Possible partnership opportunities with other surrounding communities
- Mission livability factors: public school quality, metropolitan area location, transportation
- Pedestrian friendly solutions: trail system, commercial developments, bike lanes
- Increased community investments: additional taxes and fees to address community needs, how much they are willing to support on a monthly basis
- Housing options: current opinion, price ranges, regional comparisons, new developments and housing priorities, senior housing
- Overall quality of life in Mission
- City priorities: wayfinding signage, P&R amenities, incentivizing developments, incorporate mixed-use
- Demographic questions

Councilmember Davis asked the sampling methodology, how many are surveyed, what was the projected response rate, and if there was a way to pin responses to the different City wards and to identify if they are apartment owners or renters. Ms. Smith replied the survey indicates if the surveyor is a renter, property owner, multi-family or single-family residence. The responses are able to be pinned on a map, indicating locations in the City. The projection is to receive about 400 responses, from 1800-2000 surveys, mailed randomly. Councilmember Davis commented that the survey was well done and he would be happy to help with wordsmithing and thanked Ms. Smith for her work.

Councilmember Boultinghouse commented that it would be helpful to have a question, in the leadership section, were surveyors were asked if they could identify their ward councilmembers. He added that this was a wide spanning survey, agrees with the overall direction, and looks forward to seeing the results. Councilmember Rothrock agreed and added it would be beneficial to review ETC's internal processes presentation again from 2015. Ms. Smith replied that representatives from ETC will be invited to give a presentation at the April 21 legislative meeting which will also provide a good opportunity for the public to hear the discussion.

Councilmember Kring pointed out a correction that Caucasian was not listed as a race choice. Ms. Smith replied that the DirectionFinder staff will review and make sure those types of corrections are addressed.

Mayor Appletoft asked if there was going to be a need for significant wordsmithing in regards to the feedback received. He added that a value of this tool is keeping the questions consistent enough that the benchmarking component is still relevant. If there are significant changes, this benefit could potentially be compromised. Ms. Smith answered that it will be minor wordsmithing and the survey has been built for that consistency in language and to provide for benchmarking capabilities. Mayor Appletoft also agreed with Councilmember Rothrock that it would be helpful to see ETC's presentation since there is structural integrity in these surveys and it is important to rely on the science of building a statistically significant survey instrument. Councilmember Flora agreed and added that focus could be primarily on the new questions and making sure those are correct while not affecting the questions from previous years in an effort to compare results.

Councilmember Flora asked about and Ms. Smith confirmed that ETC would assist with word choice and common understanding level. Councilmember Flora also volunteered to assist in wordsmithing the document prior to the April 21 meeting.

Councilmember Davis recommended the questions to be included in the 2021 DirectionFinder Survey be forward to Council for approval. All on the Committee agreed, this will be on the regular agenda.

### **Discussion Items**

#### **Revisions to Smoking Ordinances**

Ms. Smith reported on this discussion item which was a follow-up from last month where the Committee discussed questions posed by Councilmember Schlossmacher related to the City's current smoking ordinances and how they might interact with or accommodate smoking in tobacco shops, specifically a cigar lounge. According to Section 225.150 of Mission's Municipal Code, only "private residences, not serving as enclosed places of employment or an enclosed public place" are exempt from smoking regulations. Furthermore, smoking regulations in Kansas are regulated by the Kansas Indoor Clean Air Act which is codified as K.S.A 21-6109 et seq. The Act prohibits smoking in an enclosed area or at a public meeting including, but not limited to: public places; taxicabs and limousines; restrooms, lobbies and other common areas in public and private buildings; access points of all buildings and facilities; and any place of employment. Similar to other state statutes, the City must enact the state regulations as a baseline, but may choose to be more restrictive than state law. Cities do not have the option to be less restrictive. However, the Act does provide exceptions where smoking is permitted, including in a tobacco shop.

Information was included in the packet, from LaCultura's owner Mike Stous, on context of the cigar lounge's operation and considerations. Councilmember Davis also shared additional information from the American Lung Association opposing any changes to the City's current smoking ordinance. Also, he shared information from the City of Shawnee's recent ordinance revisions to create buffer zone requirements and restrictions around any tobacco or vape shop. A table was provided detailing ordinances that had been adapted, from surrounding cities, for exceptions to the no smoking policy. In order to allow for this type of operation, the Council would have to amend the current ordinances to allow for the exception included in the Kansas Clean Air Act which allows smoking in tobacco shops.

There have been Council concerns surrounding this topic and the possibility of opening up to allowing smoking in vape shops and other situations. In order to address that concern, further research was completed looking at the provisions and additional requirements on tobacco shops that would require them to be in standalone buildings and impose additional distance measures. Councilmember Kring conveyed Councilmember Thomas' opinion that she has concerns about the smoking overall but would be comfortable if it was membership only option and that the ordinance would specifically define no vape shops. Councilmember Flora commented that if this was going to be pursued further that there would need to be a more detailed evaluation of the

definition of tobacco products. Also, she would like to hear more about the distance requirement piece since the American Lung Association suggested more than 200 feet in order to prevent tobacco usage influence on youth. She agrees that the standalone building is a very important part.

Councilmember Schlossmacher made note that there is the federal requirement of a person being 21 years old to purchase tobacco products. He added that he wasn't sure a tobacco shop would be able to get by with the revenue requirements if they had to sell alcohol as well. He added that he supports regulations being in place prohibiting electronic smoking devices. Ms. Smith noted that 65% of gross receipts in tobacco sales is a State statute, so the City cannot be more restrictive than that but there are some cities that have a higher gross receipt requirement. So, the higher amount of gross sales means the fewer people who are able to meet that target number. Councilmember Kring thanked staff for all the work they have done on this topic.

Councilmember Davis voiced opposition to changing the ordinance and doesn't think it will be good for the community. He pointed out the City's commitment to being a community that aims to build walkable areas and a healthy environment. He added that smoking a cigar is the equivalent to smoking a pack of cigarettes.

Louise Caron, Youth in Prevention Program Manager with Resist which is sponsored by KDHE, spoke on the impacts this ordinance can have on the youth community. She works on educating her peers about the harms of tobacco and preventing second hand smoke exposure while de-normalizing tobacco usage. She commented that teens are interested in cigars and cited research suggesting communities with a higher concentration of tobacco retailers are more likely to have youth that use tobacco products. She praised the City's current high-standards for clean air and cautioned that if the policy did change that it would open the doors for tobacco retailers.

Sara Prem, from the American Lung Association, commented that cigars have the same addictive, toxic carcinogenic compounds that are in cigarettes. She noted that with cigar smoking there is four times the risk of dying of oral cancer, esophageal and laryngeal cancer. By adjusting policy there is the risk of normalizing the behavior and the American Lung Association and Ms. Prem would recommend no changes to the current ordinance.

Councilmember Rothrock asked if there were studies comparing the affects in cities that allowed smoking lounges verses cities that did not. Ms. Prem was not aware of any studies but would do additional research. Councilmember Schlossmacher commented that an expert from the last meeting was not aware of any kind of trends or issues with surrounding cities. Councilmember Kring added that she was a part of creating the original ordinance with the goal of protecting the public at large, however, this is not the same situation as it is a standalone building and membership only. She added that if someone wanted to drink, it is not the City's position to say they cannot go to a bar, instead we are primarily looking at rationale behind legal business where revenue could occur. Councilmember Davis expressed concern with indoor smoke and it being a health concern for employees. Councilmember Boultinghouse added that the expert mentioned by Councilmember Schlossmacher had not been the department to handle those complaints and

would like to make sure that the ordinance has enough restrictions in order to discourage the product to teens.

Mayor Appletoft asked if there were regulations for the exhaust and air handling system, so the smoke isn't expelled into the community. Ms. Smith replied that the ordinance would not be that specific but more research could be conducted around other communities that had made an exception for tobacco shops and any separate ventilation requirements. Councilmember Schlossmacher noted that proper ventilation is a industry standard in the cigar business. Councilmember Kring asked what was the marketability of a tobacco shop relative to cigars. Councilmember Davis emphasized that it needs to be defined how this cigar shop will be differentiated from other tobacco shops. Councilmember Schlossmacher believes there are some clear ordinances from neighboring cities and the best path would be to make adjustments inline with other communities in the area and he is not opposed to something more restrictive on the revenue requirements. Councilmember Flora commented on narrowing the definition of tobacco products in order to deter youth. Councilmember Davis was concerned it would still allow for other shops such as hookah lounges.

Councilmember Davis asked if Councilmember Schlossmacher has any investment interest in the interested cigar lounge. Councilmember Schlossmacher answered that he did not and would have excluded himself in voting as a conflict of interest if he did.

Councilmember Rothrock commented that she appreciated all the discussion as well as the work that Ms. Caron and Ms. Prem do, but agrees with Councilmember Kring that we cannot save people from themselves and is comfortable proceeding with the restrictions mentioned. Councilmember Davis added that he was not in favor of moving this forward and does not support this proposal.

It was decided legal counsel advice would be needed then this item brought back for further discussion. Councilmember Davis thanked the guests who were present and provided feedback.

### **Selection of Committee Chair and Vice Chair**

Ms. Smith informed the Council that in accordance with Section 130.010 (B) of the City's Municipal Code, "On an annual basis, on or before the first June Council meeting, the City Council shall vote to elect the chairperson and vice chairperson of the Finance and Administration Committee and the Community Development Committee." Committee Chairs are appointed for one year and City Council Policy 104 outlines the practices and procedures. The selection would be made under "New Business" at the May 19 Council meeting for positions to be in place at the June Committee meetings.

Although not included as a specific agenda item, Ms. Smith reminded the Council that, in accordance with Section 115.050 of the City's Municipal Code, they will consider election of a Council President and Vice President as a new business item on the April 21, 2021 Legislative Agenda for discussion and action.

Councilmember Davis asked about the background in nominating individuals that are potentially leaving Council, because they are running for Mayor, in terms of serving vice chair and chair positions. Councilmember Schlossmacher commented that it would be worth avoiding because there is the potential of having to nominate someone new in the fall. Ms. Smith added that while it might be something the Council wishes to consider there is a process to replace either Committee Chairs/Vice-Chairs and Council President/Vice-President if needed.

Councilmember Rothrock expressed that she would not be interested in any of the positions. Councilmember Flora also commented that she would be happy not be nominated for any position.

### **Council Committee Liaisons**

Ms. Smith updated the Council on the Committee Liaisons, explaining that in April 2019, the Council adopted Council Policy 130 (CP 130) which established roles and responsibilities for City Council liaisons to various boards and commissions. The appointments were for two years, with new liaisons being appointed in December of odd-numbered years. The Council Policy needs to be revised to reflect the current boards and commissions. Also, while considering potential revisions to the policy, Council may wish to discuss updating appointments and assignments. The Mission Magazine Editorial Board and Family Adoption Committee were not previously include in CP 130 and the Council may want to consider including them going forward.

Councilmember Davis commented about assessing the value of having two liaisons per commission and if it would be beneficial to have one liaison with an alternate. Councilmember Kring agreed but also cited that she has a environmental background whereas Councilmember Flora has a legal background and both have been helpful for their roles as liaisons to the Sustainability Commission. She added and Councilmember Flora agreed that it would be a good idea to check with the commissions for their feedback regarding the success of the Council liaison positions.

### **OTHER**

#### **Department Updates**

Mr. Scott reported that the rollout of Microsoft 365 was very successful and thanked the Council for the opportunity to release this software.

Ms. Randel shared that the new website also launched successfully and received positive feedback. There will be a presentation and orientation at the April Legislative meeting to showcase some of the new features and functionality.

### **Meeting Close**

There being no further business to come before the Committee, the meeting of the Finance and Administration Committee adjourned at 9:00 p.m.



Respectfully submitted,

Audrey M. McClanahan  
City Clerk