



MINUTES OF THE MISSION CITY COUNCIL MEETING

June 16, 2021

The Mission City Council met in a regular meeting on Wednesday, June 16, 2021 at 7:00 p.m. The meeting was called to order by Mayor Ron Appletoft. The following councilmembers were in attendance: Ken Davis, Sollie Flora, Debbie Kring, Arcie Rothrock, Nick Schlossmacher, Kristin Inman, Hillary Thomas and Trent Boultinghouse.

The Mayor explained that in consideration of on-going COVID-19 health concerns, the meeting was also offered virtually through Zoom if preferred. 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. For those participating virtually, they had the option of utilizing the "chat" feature to voice their comments which would be read aloud. The members of the public in-person, were encouraged to raise their hand and stay at their seats to be called on. Mayor Appletoft requested that anyone commenting to state their name and city of residence as well as to be conscientious of others talking and to speak clearly and slowly.

PUBLIC HEARING

There were no Public Hearings.

SPECIAL PRESENTATION

Johnson County Wastewater – Treatment Plant Improvements

Susan Pekarek, General Manager for Johnson County Wastewater (JCW), along with Chief Engineer Aaron Witt, presented on the improvements to the Nelson Wastewater Treatment Facility. In 2018, planning studies were conducted for the aging facility along with the serviced collection system. This determined three pump stations in need of upgrades including the Turkey Creek Pump Station. The current technologies are out-of-date but with repairs will allow the facility to be in compliance with requirements including meeting the required ammonia and nutrient levels. The new facility will also be designed sustainably with treatment processes that will reduce chemical and energy requirements.



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JCW will utilize a proactive public engagement strategy to inform and receive input from the Northeast Johnson County cities, businesses and residents. There will also be public meetings and open houses aimed to communicate project information, listen to concerns and solicit input on minimizing disruption during construction. The schedule for completion includes design services through 2023 with construction finishing in 2029. JCW is now beginning their construction manager at risk (CMAR) selection process. Mission's Public Works Director Celia Duran will be a part of the selection team.

Pride Month Proclamation

Mayor Appletoft recognized June as LGBTQ+ Pride Month in commemoration of the June 1969 Stonewall Riots in New York City which was a historic turning point in changing discriminatory criminal laws for LGBTQ+ people. Mission is a community that respects and actively seeks to welcome and protect all those who reside, visit, or do business in our community. Mission also welcomes people of all sexual orientations and gender identities and believes that everyone should be able to live without fear of prejudice, discrimination, violence and hatred based on race, religion, gender identity, or sexual orientation. We urge all Mission residents to respect and honor our diverse community and celebrate and build a culture of inclusiveness and acceptance.

CONSENT AGENDA

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

- 4a. Minutes of the May 19, 2021 City Council Meeting
- 4b. City Sponsored Special Events – Mission Summer Family Picnic
- 4c. Contract for Crossing Guard Services
- 4d. Letter of Map Revision (LOMR) Task Order - Rock Creek Channel Improvements Project
- 4e. Johnson Drive (Lamar to Roe) Design Agreement
- 4f. Johnson Drive (Lamar Avenue to Roe Avenue) Interlocal Agreement



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with Roeland Park
4g. Indoor Pool Slide Restoration

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

PUBLIC COMMENTS

Dr. Andrew Bowne, President of Johnson County Community College, provided an update on the college which serves up to 45,000 students including approximately 270 Mission residents. He explained that because of the pandemic, over the past year the programs have been virtual. However, with fall 2021, courses will be greater than 50% in-person. Also, as of June 1st, The Nerman Museum and Midwest Trust Center is open to the public as well as summer camps. All summer employees are back on campus and there will be accessible scholarships and programs for students.

FINANCE & ADMINISTRATION COMMITTEE

Councilmember Kring reported that the Finance & Administration Committee met on June 2nd and considered a total of seven items. The acceptance of the meeting minutes were approved under the Consent Agenda along with the Mission Summer Family Picnic special event and the contract for crossing guard services. There were four additional items to consider on the Regular Agenda.

Final Certification of Costs for Roeland Court Townhomes (Rock Creek Project)

Councilmember Kring explained that in August 2017, a subsidence of the parking lot and common area of the Roeland Court Homes Association adjacent to the Rock Creek Channel occurred. The channel was already under consideration for improvements by the City. Staff worked with residents, consultants and engineers to find a way to manageably fund the repairs. A



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creation of a Community Improvement District was determined to be the best solution. The CID would allow for special assessments that would allocate the payment for the townhome property owners over a twenty-two year period.

In July 2019, Council approved Ordinance 1503, certifying the maximum assessment to be charged to each parcel of \$20,040. The City moved forward with the stormwater improvements and the project is now complete. City staff and Council must now certify the final project costs, provide property owners with a formal "Notice of Assessment," allow for a 30-day prepayment period for the assessment and certify all remaining costs to Johnson County by August 25, 2021.

Overall project costs came in under budget, and the final costs to be assessed to each townhome property will be \$19,838.40 which equates to \$901.75 annually for twenty-two years.

Once the final steps in the certification process are complete, the assessments will appear on the November 2021 tax bills received by the property owners and assessments will be remitted to the City two times each year from Johnson County along with regular property tax distributions.

Moved by Kring, seconded by Flora to approve the final costs for the Rock Creek Channel Improvement Project and allocate a maximum cost for each Roeland Court townhome parcel in the amount of \$19,838.40 (\$901.75 annually for twenty-two years) which will be certified to Johnson County in accordance with Ordinance 1503. Voting AYE: Boultinghouse, Davis, Flora, Kring, Rothrock, Thomas, Inman, Schlossmacher. **Motion Carried.**

Resolution Approving Street Sales Tax Ballot Language

Councilmember Kring reported that Mission currently has a one quarter



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percent citywide retailers' sales tax which is dedicated to the maintenance of transportation improvements but will sunset on March 31, 2022 in accordance. The sales tax was a critical part of Mission's street infrastructure funding that was put in place in 2011-2012 based on streets ranking as a top priority for Mission residents. Special purpose sales taxes like this are limited by state statute for a period of 10 years at a time, and in order to continue making investments in the street infrastructure network, a renewal of the sales is needed.

For the last 18-24 months, the comprehensive street asset management plan has been refined and updated to reflect current needs and priorities. Through a series of Council work sessions, the Governing Body formed a consensus to move forward with a special mail ballot election in September.

Based on the needs identified and a desire to refocus efforts in the residential neighborhoods, coupled with the continued maintenance of major arterials and collectors, the recommendation is to renew the sales tax at an increased rate of 3/8-cent for a period of ten years. A Resolution was prepared which authorizes the election, sets an election date via mail ballot of September 21, 2021, establishes the new rate and provides sample ballot language.

There was discussion at the Committee meeting about the potential of adding the word "renewal" into the proposed ballot language. Ms. Smith highlighted that there was two new "whereas" clauses added to the Resolution which help communicate that this sales tax had previously been approved by electors at the 1/4-cent.

Councilmember Flora asked for staff's preference concerning use of the renewal language. Ms. Smith replied that staff felt it would be beneficial to incorporate the renewal language in order to best inform residents who may not have seen other materials circulated on this topic.

Ms. Smith confirmed and Council agreed that the motion was for the revised resolution.

Moved by Kring, seconded by Davis to approve the revised Resolution



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authorizing and calling a special question election for the purpose of submitting the question of imposing a three-eighths percent (0.375%) citywide retailers sales tax, a renewal of the sales tax previously established at one-quarter percent (0.025%), for the purpose of financing the costs of transportation improvements and related costs. Voting AYE: Boultinghouse, Davis, Flora, Kring, Rothrock, Schlossmacher, Thomas, Inman. **Motion Carried.**

Resolutions of Intent to Finance Various Improvements Identified through the Facility Conservation Improvement Program

Councilmember Kring explained that staff has been working with the CTS Group and the State of Kansas to review and evaluate Mission's various facilities to determine projects to be submitted and/or included in the Facility Conservation Improvement Program. The final project priorities are still under consideration and in order to preserve the ability to reimburse ourselves for any costs incurred prior to bond issuance, the Council must pass a Resolution(s) of Intent signaling the plan to issue debt to finance all or a portion of the improvements.

The resolution helps to ensure the bonds can maintain their tax-exempt status and publicly signals the Council's intentions with respect to potential debt issuance. Two resolutions were prepared for Council consideration as the streetlight portion of the FCIP project is treated as a different class and type of infrastructure and requires separate consideration.

Moved by Kring, seconded by Boultinghouse to approve the approve a resolution delcaring the the intent of the City to reimburse capital expenditures relating to street light improvements and a resolution declaring the intent of the City to reimburse capital expenditures relating to certin public building improvements and establishing the City's intent to finance all or a portion of the projects identified by the Facility Conservation Improvement Program. Voting AYE: Boultinghouse, Davis, Flora, Kring, Rothrock, Schlossmacher, Thomas, Inman. **Motion Carried.**



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COVID-19 Protocols

Councilmember Kring reported that at the May Committee meetings, staff presented a series of recommended revisions and updates to Mission's protocols as it related to the operation of city departments, programs and services following the expiration of the County's public health orders. Shortly after the Committee meeting discussion, the CDC released new guidance outlining "safe" activities for vaccinated individuals. Staff was asked to review and revisit the recommendations considering this updated guidance.

During the June 2 Committee meeting staff did not recommend any changes to the existing protocols. This decision was based primarily on the fact that at that time, we were still within roughly a two-week window following the updated CDC guidance and we were continuing to monitor vaccination, incidence, and percent positivity rates within the County as restrictions were being lifted. Since the Committee meeting, we have continued to monitor the same statistics and trends, and all have experienced decreases over the last two weeks. The Leadership Team had an opportunity to evaluate and discuss the situation and is now recommending several changes for Council consideration.

Ms. Smith added that the the City has been assessing the impacts of the lifted restrictions and incident rates in the County. The current vaccination rate stands at 46.4% which is lower than anticipated. At this time, the Leadership Team has considered and recommends the following changes:

- Public will not be required to wear masks at Council or any public meeting
- Un-vaccinated people will be encouraged to wear masks in all indoor spaces but not required in certain situations
 - Patrons and staff of Community Center asked to be masked in common areas due to summer camp
 - Masks can be removed in rental spaces or at exercise equipment
- When interacting with the public outdoors, employees must have masks



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ready when interacting in case requested to wear it, but may go without.

- An increase in pool capacity from 200 to 300 patrons at any one time.

Councilmember Kring asked if the pool capacity would be based on staffing. Ms. Smith explained that the amenities open to the public (i.e. slides) could change based on staffing but that it wouldn't impact the overall capacity limitation. Councilmember Kring asked if an explanation was given to patrons that needed to be turned away due to capacity. Ms. Smith replied that patrons were put on a waiting/call list and allowed entrance once more people left.

Councilmember Flora asked what was marketed to camp families in regards to masking. Ms. Smith replied that staff would be masked and protocols would still be followed.

Councilmember Schloassmacher asked what was normal pool capacity without restrictions. Ms. Smith replied approximately 600 but that would be having patrons standing nearly "elbow to elbow." We have never experienced patron/bather load anywhere near this number. Pre-COVID, average daily attendance was between 250-300. Councilmember Schloassmacher commented on his concerns about the City and Governing Body being overly reactive on recent safety protocols. He also asked why masks were utilized in public spaces at the Community Center and not Public Works or City Hall. Ms. Smith explained that the recommendation was based on the fact that there would be approximately 100 children in the Community Center facility each day as a result of the summer camp program, and that the recommendation was based on the recognition that the campers represented a population who were not yet eligible to receive the vaccine.

Councilmember Rothrock expressed that she would like to see the same protocols for staff as allotted to the public. Councilmember Davis voiced his support for the changes being recommended by staff and added he would vote in favor of the motion. Discussion continued on masking protocols for



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staff and the public.

Moved by Kring, seconded by Davis to approve changes to the COVID-19 protocols and procedures presented on June 16, 2021 and give the City Administrator the authority to make ongoing operational adjustments in accordance with public health data.

Councilmember Rothrock offered an amendment to the motion, seconded by Schlossmacher to accept the staff recommendation with the exception that staff would be allowed to follow the same making protocols as the public. A vote was taken on the amendment. Voting AYE: Inman, Kring, Rothrock, Schlossmacher. Voting NAY: Flora, Davis Thomas, Boultinghouse. Mayor Appletoft voted against the amendment. **Motion Failed.**

The Council then returned to the original motion. Voting AYE: Boultinghouse, Davis, Flora, Thomas. Voting NAY: Kring, Schlossmacher, Rothrock, Inman. Mayor Appletoft voted in favor and broke the tie. **Motion Carried.**

COMMUNITY DEVELOPMENT COMMITTEE

The Community Development Committee also met on June 2nd and considered 6 items. Items approved under the Consent Agenda included the meeting minutes, the letter of map revision task order, the Johnson Drive design agreement as well as interlocal agreement with Roeland Park, and the indoor pool slide restoration for the Community Center. There was one additional item for consideration.

Facility Conservation Improvement Program

During the May 5 Community Development Committee meeting, staff presented the improvements recommended as part of the Facility



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Conservation Improvement Program. The program is offered by the Kansas Corporation Commission as a way to achieve energy conservation through energy performance contracts. The full project would result in improved equipment performance and fewer days out of service with an increase in comfort and control within City facilities for patrons and employees. There will also be an annual reduction of 988 metric tons of CO₂ as a result of eliminating the use of harmful refrigerants.

Staff is recommending proceeding with the full or "high scenario" approach list at a total cost of \$3,301,243. This will include improvements such as replacement of the chiller and pool pack at the Community Center, along with street light upgrades and weatherization at all buildings. The program is designed for the improvements to work together, with items that save the most energy helping the payback the terms of those items that are critical equipment replacement needs. Bundling the projects in this way and frontloading the expenses means the City will be achieving the environmental benefits as soon as possible and allows for a manageable and consistent financing strategy to replace the failing equipment and systems. The predictability of this approach allows for time and energy to be spent on other projects and priorities.

Councilmember Schlossmacher commented that he would like to see a more phased approach and was concerned about the cost in consideration of revenue declines. He added that this is not a reflection on staff but that the longer term viability of the Community Center's needs to be addressed and while the energy savings is a positive, in his opinion the expenses are not justified. He indicated he would not be supporting this option. Councilmember Thomas supported this motion but agreed with Councilmember Schlossmacher's comments about a need to explore the feasibility of maintaining the Community Center in its current state.

Councilmember Boultinghouse commented that this was a responsible approach in addressing equipment that needs to be replaced. Councilmember Flora agreed, highlighting the benefits of the environmental benefits of doing this program and their alignment with recommendations and the work of



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Mission's Sustainability Commission.

Councilmember Davis spoke in support of the motion, emphasizing that the City has the ability to undergo this project utilizing bonds while paying for improvements over time. Councilmember Rothrock commented she supports this project and believes there are both positives and negatives with moving forward.

Moved by Boultinghouse, seconded by Flora to approve the authorization of staff to mobilize CTS Group for the full "high scenario" list of recommended energy saving projects through the Facility Conservation Improvement Program. Voting AYE: Boultinghouse, Davis, Flora, Kring, Rothrock, Thomas, Inman. Voting NAY: Schlossmacher. **Motion Carried.**

NEW BUSINESS

Fireworks Permit for Wald & Company

Ms. Smith reported that at the Mission Summer Family Picnic, a fireworks display is usually held which has been conducted by a professional firm since 2019. With the expiration of the County's public health order at the end of April, and careful planning and consideration by the Parks + Recreation staff, the event is being planned for July 2021.

In accordance with Mission's Municipal Code, the City Council must approve a fireworks permit for any display conducted by a professional operator in our Community. The permit application from Wald & Company was received and permission has been given by the property owner at 5700 Broadmoor for the display to be staged on their private property. Funds were budgeted in 2020 for the event and carried over into 2021. The total amount paid for the fireworks was \$3,169.

Moved by Davis, seconded by Schlossmacher to approve a fireworks



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permit for Wald & Company for a fireworks display to be held in connection the the Mission Summer Family Picnic on Saturday, July 10, 2021 at Broadmoor Park. Voting AYE: Boultinghouse, Davis, Flora, Kring, Rothrock, Thomas, Inman, Schlossmacher. **Motion Carried.**

COMMENTS FROM THE CITY COUNCIL

Councilmember Flora thanked Celia Duran, Brent Morton and Public Works staff for all their hard work completing patchwork in Milhaven, adding she had received a lot of positive feedback. Councilmember Kring also thanked Public Works and commented that they have been instrumental in responding to storm damage situations. Councilmember Rothrock also passed along kudos for Public Works. In addition, Councilmember Rothrock announced the upcoming dates for the Community Food Pantry.

Councilmember Davis commented that he received the DirectionFinder survey, which was completed by his wife, and also thanked Public Works and wanted to recognize Juneteenth.

MAYOR'S REPORT

There was no Mayor's report.

CITY ADMINISTRATOR'S REPORT

Ms. Smith reminded the public that these meetings are streamed live on Facebook and any comments will receive a response.

The following updates were provided:

- The Rent/Mortgage Assistance Program has been actively publized but Catholic Charities has not yet received any funding requests. The City will reach out again to property managers of multi-family properties for interest.
- Summer camp program commenced this week.



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- Mission Summer Family picnic will be held at Broadmoor Park on July 10th with appropriate COVID protocols.
- The Market is off to a great start with new vendors and increased activity.
- Crux has released new rental collateral material for Parks and Recreation.
- Sunflower Development Group submitted their Final Development Plan for the Mission Bowl Project which will be presented to the Planning Commission on June 28.
- A new sink hole has developed at 55th and Woodson
 - Kissick was contacted for emergency repairs
 - Time and material should not exceed \$32,000
- A work session, for June 23rd, was scheduled for discussions on park improvements and the information from Johnson County regarding revenue neutral mill levies in connection with Senate Bill 13.
- A special City Council meeting will be held on June 23rd, for approval of a charter ordinance for to allow for the streetlights to be converted to LED as a part of the FCIP program.
 - Kevin Wempe, Gilmore Bell, shared that a charter ordinance is required because there is no separate statutory authority for financing a standalone streetlight project. So, the City Council's home rule powers will be needed to supplement the statute.

EXECUTIVE SESSION

Mayor Appletoft explained that there was a need for an Executive Session which was a consultation on Privileged Communication. The Governing Body and those individuals named in the motion adjourned to Executive Session for the allotted time. Mayor Appletoft reminded the public that the Governing Body may take no binding action in an Executive Session.

Moved by Schlossmacher, seconded by Kring to recess to Executive Session under K.S.A. 75-4319 (b)(2), consultation with Attorney on Matters Deemed Privileged. Also attending the meeting will be City Administrator Laura Smith, City Attorney Dave Martin, and City Attorney Pete Heaven. The



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open meeting will resume at 8:50 p.m. (30 minutes). Voting AYE: Boultinghouse, Davis, Flora, Kring, Rothrock, Thomas, Inman, Schlossmacher. **Motion Carried.**

The legislative meeting resumed at 8:50p.m. and there was no need for an extension in time.

ADJOURNMENT

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

Moved by Davis, seconded by Kring to adjourn the meeting at 8:51p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Audrey McClanahan, City Clerk.

Ronald E. Appletoft, Mayor

Audrey M. McClanahan, City Clerk