



## MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE

October 6, 2021

The Mission Finance & Administration Committee met at the Powell Community Center and virtually via ZOOM on Wednesday, October 6, 2021. The following Committee members were present: Sollie Flora, Ken Davis, Arcie Rothrock, Trent Boultinghouse, Hillary Parker Thomas, Debbie Kring and Kristin Inman. Mayor Appletoft was also in attendance. Councilmember Schlossmacher was absent. Councilmember Kring called the meeting to order at 7:46 p.m.

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

### **Public Comments**

Councilmember Kring reminded the public they can participate via the chat feature on Zoom. All comments would be visible to the group.

There were no public comments.

### **Public Presentations**

There were no Public Presentations.

### **2021A Bond Sale Documents**

Ms. Smith explained that, with Council authorization, staff has been taking the procedural steps necessary to move towards the 2021A Bond sale in order to finance the projects for the Facility Conservation Improvement Program (FCIP). The bonds will go to market on October 20, 2021 and results will be provided at the Council's legislative meeting on the same day. The current interest rates are low and there is the potential for a higher number of investors. During the meeting on October 20, in order to complete the sale, the following documents will need to be finalized: An ordinance authorizing and providing for the issuance of the General Obligation Bonds, Series 2021A; a resolution prescribing the form and details of an authorizing and directing the sale and delivery of the Series 2021A Bonds. Council will also review Ehlers, Inc.'s final report and accept the winning bid. Bond proceeds are expected to be available in November. Staff will finalize the Preliminary Official Statement (POS), which is the offering document that goes to potential investors. A rating call with Standard & Poor's was also held to obtain a rating on this issue.

**Acceptance of the September 1, 2021**  
**Finance and Administration Committee Minutes**

Minutes of the September 1, 2021 Finance and Administration Committee Meetings were provided to the Committee. There being no objections or corrections, the minutes were accepted as presented.

**Ordinance Imposing  $\frac{3}{8}$ -Percent Citywide Retailers Sales Tax**

Ms. Smith reported that in September 2021, a mail ballot election was conducted to impose a  $\frac{3}{8}$ -percent citywide retailers sales tax in order to support increased investment in street maintenance. The following question was asked to residents:

*“Shall the City of Mission, Kansas, be authorized to renew the citywide retailers’ sales tax currently imposed at one-fourth percent (0.250%) and impose such sales tax at an increased rate of three-eighths percent (0.375%), the collection of which shall commence on April 1, 2022 or as soon thereafter as permitted by law, and shall terminate ten years after its commencement, the proceeds of which shall be used to finance the costs of transportation improvements, including the construction and reconstruction of streets, bridges, sidewalks, curbs, gutters, trails, transit facilities, bicycle lanes, street lighting, traffic signalization, signage and landscape along rights-of-way and related improvements (the “Project”); all pursuant to the provisions of K.S.A. 12-187 et seq. and K.S.A. 25-431 et seq., as amended?”*

The voter turnout was 23.97% and the election results were certified, by the Johnson County Election Office on September 28, 2021, with 77.15% agreeing to the additional sales tax. In order to complete the process, an ordinance must be passed to impose/levy the sales tax and provide notice to the State Director of Taxation that the sales tax will become effective on April 1, 2022 and expire on March 30, 2032.

Councilmember Flora asked and Ms. Smith confirmed that the results would be publicized in the November issue of the Mission magazine.

Councilmember Davis recommended the ordinance imposing the special  $\frac{3}{8}$ -percent citywide retailers’ sales tax to finance transportation related improvements and providing notice to the State Director of Taxation requesting the sales tax commence on April 1, 2022 and expire on March 30, 2032 be forwarded to Council for approval. All on the Committee agreed, this will be on the regular agenda.

**STO/UPOC Adoption**

Deputy Chief Lane explained that the uniform public offense code (UPOC) and standard traffic ordinance (STO) is published annually by the League of Kansas Municipalities. They are updated each legislative session and are designed to provide a comprehensive public offense ordinance

and a comprehensive traffic code for all Kansas cities. The newest version became effective July 1, 2021 and includes the following changes:

**Standard Traffic Ordinance (STO):**

- The addition of section 10.1, Funeral Processions, which allows for funeral escorts to direct traffic, disregard traffic control devices, and requires notification of a funeral procession to be made to the Police Department. This new section also spells out expectations of drivers in funeral processions.
- Section 119, Parades and Processions. This section was amended to remove funeral processions due to the new section 10.1 which now addresses funeral processions separately. Similar to section 10.1, this requires that the Chief of Police be notified of any parade of persons or vehicles that is scheduled to occur. The Chief of Police, or a designee ten determines if a police escort is warranted.
- Section 31, Fleeing or Attempting to Elude a Police Officer was updated to reflect the language in SB 60 where the intent language was modified from “willfully” to “knowingly.”
- Section 40.2, Passing a Stationary Authorized Utility or Telecommunications Vehicle was added. This new section requires drivers to move over and/or slow down when passing a stationary utility or telecommunications vehicle similar to the language regarding passing a stationary emergency vehicle.
- Section 126.1, Display of License Plate was added, which regulates the location of license plates on a vehicle, as well as forbidding license plate covers which cover all or part of a license plate.
- Section 201.1, Failure to Comply with a Traffic Citation was amended to include a process for waiving fines and/or court costs in the event paying the fines would create a hardship.

**Uniform Public Offense Code (UPOC):**

- Section 3.2.1, Sexual Battery was amended to remove the spousal exception.
- Section 6.7.2, Trespassing on a Critical Infrastructure Facility was added and will have implications in Mission at the AT&T building, Entercom, the JCW Nelson Wastewater facility, other JCW pumping stations, WaterOne facilities in Waterworks Park, and cell tower locations. This raises the severity to a Class A Misdemeanor.
- Section 7.5, Distribution of Unattributed Applications for Advance Voting Ballots, was added to include requirements for disclosure of the group or organization responsible for distributing the information.
- Section 7.14, Electioneering was amended to include limitations for when a ballot can be handled by a candidate.
- Section 9.3, Violation of Executive Order was added which allows an enforcement mechanism for persons who knowingly violate an Executive Order that mandates a curfew or prohibits public entry into an area affected by a disaster.

There are two ordinances that have been prepared in order to adopt these changes from the 2021 STO and UPOC and fully incorporate them into Mission City Code. An additional ordinance to delete Chapter 215, Article III (Offenses Concerning Drugs from Mission’s Municipal codes) was also considered. The City Attorney has developed and reviewed all the ordinances.

Since the links to the STO and UPOC documents were only linked to the packet earlier in the day, Councilmember Thomas asked that this item be placed on the regular agenda so that she and others on the Council would have more opportunity to review the changes and to ask questions during the October 20, 2021 legislative meeting if necessary.

Councilmember Davis recommended the ordinances adopting the 2021 editions of the Standard Traffic Ordinance for Kansas Cities-48th edition (STO) and the Uniform Public Offense Code for Kansas Cities-37th edition (UPOC), as published by the League of Kansas Municipalities. In addition, approve an ordinance deleting Chapter 215, Article III, Offenses Concerning Drugs from the Code of the City of Mission be forwarded to Council for approval. All on the Committee agreed, this will be on the regular agenda.

### **Animal Trapping Regulations**

Ms. Smith explained that earlier this summer Councilmember Flora passed along concerns from a resident regarding a racoon trapping incident earlier in the year. A private company placed a spring loaded trap which can cause significant injury to the animal. The wildlife company was not going to remove the racoon for several hours and ultimately, the Police Department's Community Service Officer removed the trapped racoon and humanely euthanized it to alleviate the concerns of the resident.

Mission's current code language does not prohibit the use of spring-loaded traps by wildlife control companies. The proposed code amendment would still allow for traditional cage-style traps to be used when combating wildlife nuisances, as well as mouse and rat traps, but would prohibit the use of spring-loaded traps. The amended language of the code would state the following:

- It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping device(s), cutting or stabbing mechanism, or any other device that will damage or severely injure any animal when caught or trapped by the device or trap.
- This Section does not apply to the use of cage-type live traps employed for the control of wild or non-domesticated animals.
- This Section does not apply to actions taken by a law enforcement officer, animal control officer, community service officer, or contractor hired by the City pursuant to the interests of public health and safety.

An ordinance must be approved to make the appropriate amendments to Section 210.170 of Mission's Municipal Code.

Councilmember Davis recommended the ordinance to amend Chapter 210, Section 210.170, Trapping Prohibited, of the Mission Municipal Code to prohibit the use of certain animal traps be forwarded to Council for approval. All on the Committee agreed, this will be on the regular agenda.

### Employee Benefit Renewals for 2022

Ms. Randel reported that staff has been working with Lockton Benefit Company to establish a benefits program for 2022 that is both supportive of employees and fiscally responsible. For 2021 and 2022, the City did not have any plan increases but was presented with a 19.1% increase, for medical benefits, from Blue Cross Blue Shield. The City budgeted for a 5% increase. The increase is largely driven by large claimants, making it unlikely that taking the medical coverage to market would result in any significant savings. Staff is continuing to work with Lockton and request alternative plan designs which could generate plan savings.

Other highlights of the 2022 recommended employee benefit package include an increase of 9% from The Standard for Group Term Life/AD&D benefits by 9% which is reflective of the increased coverage included in the 2021 employee benefit package. Additionally the City is recommending to transition employee assistance program services from the current provider (New Directions Behavioral Health) to LifeWorks.

Further recommendations for 2022 include:

- Renew with Blue Cross / Blue Shield of Kansas City either with current plan options, Preferred Care Blue, Blue Select and Spira Care or plan alternatives to be determined at a premiums to increase at a rate not to exceed 19.1%.
- Continue with the current health insurance premium structure, 80% of the premium being paid by the City and 20% being paid by the employee.
- Fund a wellness program for City employees in the amount of \$10,000.
- Renew the dental insurance benefit plan with Delta Dental of Kansas with no increase in premium rates and expanded coverage / enhanced benefits.
- Maintain the current dental insurance premium structure of 80% paid by the City and 20% paid by the employees.
- Maintain the vision insurance benefit plan with EyeMed from 2021 with 100% of the premium paid by the City. The plan is on a rate hold through January 1, 2025.
- Continue to provide a Section 125 Flexible Spending Account through BASIC.
- Maintain basic Group-Term Life/AD&D benefits through The Standard paid 100% by the City with a rate increase not to exceed 9%.
- Maintain access to voluntary life insurance benefits through The Standard with all premiums paid 100% by participating employees.
- Maintain access to voluntary supplemental insurance benefits through AFLAC with all premiums paid 100% by participating employees.
- Fund the KPERS and KP&F retirement plans in accordance with state mandated rates.
- Maintain the quarterly contribution of 2% of total earnings in the Principal Plan for non-KP&F employees, with no optional matching benefit.
- Terminate EAP services with New Directions Behavioral Health and contract with LifeWorks for EAP services with a start date of January 1, 2022.

Councilmember Rothrock commented that it would be beneficial to communicate with the insurance broker about different options and programs to implement for mental health. Ms. Randel replied that quotes can be solicited and they have discussed Spira Care options which incorporates behavioral health. Ms. Smith added that the employee assistance program provider, LifeWorks, will also provide a flexible number of sessions for employee mental health counseling.

Councilmember Thomas asked to explore a vaccine incentive as an element for a wellness program. Mayor Appletoft asked and Ms. Randel confirmed that the insurance broker is paid by a standard fee per month. Mayor Appletoft also suggested that in the future the City requests proposals from other brokers to remain competitive.

Council agreed to a work session on October 27, 2021 to further discuss this issue and a special legislative meeting on November 3, 2021, for approval to align with the renewal timeline.

### **LGR Legislative/Advocacy Services**

Ms. Smith reported that since 2020, the City has contracted with Little Government Relations, LLC. for legislative affairs and advocacy services. They provide session updates, assistance with crafting testimony and overall education and information about relevant legislative issues and the legislative climate. Additionally, LGR has been available to participate in ongoing conferences, education and information sessions related to COVID-19 as well as pass through funding via the CARES Act and the American Rescue Plan (ARPA) Act. These services help support and inform staff and Council on a timely basis. Staff recommended renewing the agreement in an amount not to exceed \$10,000.

Dr. Little commented that they appreciate the Council considering the opportunity to work together again and reiterated that they are accessible to staff and Council when needed. Councilmember Flora asked and Dr. Little confirmed that the additional services for COVID-19 related issues, CARES and ARPA Act was included in the \$10,000.

Councilmember Davis supported the renewal, commenting that they have provided great service and staff appreciates their support. Councilmember Boultinghouse agreed and added that it is a valuable service.

Councilmember Davis recommended the 2022 agreement renewal for legislative services, with Little Government Relations, LLC., in an amount not to exceed \$10,000 be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

### **Janitorial Services Contract Award**

Mr. Scott explained that the City issued a request for proposals to solicit bids for routine cleaning at City Hall, the Police Department and Public Works facility. This ensures that the facilities have a healthy environment for employees and presents a clean image to visitors. Currently, the City pays approximately \$21,000 for the contract that has been in place for five years.

The City received four bids, for the current RFP, with City Wide presenting their services for \$34,020.00. Their company is based in Lenexa and services several municipalities in Johnson County. Their references all provided positive feedback about their services and based on that research, staff recommended a one-year contract with the option to renew for two additional years.

Councilmember Flora asked about the large increase over the previous contract and what causes the discrepancy. Mr. Scott replied that the City has been paying the current contract for several years and these are essentially the market increases.

Councilmember Rothrock clarified that the Community Center is not included because they have a separate staff that handles maintenance and cleaning services.

Councilmember Boultinghouse recommended the one-year contract for janitorial services for City Hall, the Police Department and the Public Works facility to City Wide Facility Solutions in an amount not to exceed \$34,020 be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

#### **Audit Services Contract Award**

Mr. Scott reported that the City issued a request for qualifications this summer in order to receive responses to evaluate the City's financial records. Kansas statutes require an annual audit of financial statements. The audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as an evaluation of the overall basic financial statement presentation. The City's annual audit is presented as a comprehensive annual financial report, which is submitted each year to the Government Finance Officers Association of the United States and Canada (GFOA) for consideration of a Certificate of Achievement for Excellence in Financial Reporting. The City has received this award for 27 consecutive years.

The CAFR is important in that it presents an accurate and reliable picture of the City's finances upon which third-parties can rely upon when considering financial matters involving the City such as the issuance of debt. One of the fundamental principles in conducting the annual audit is that it be conducted by an impartial, independent third-party. The City has used a competitive selection process for the auditors, and have typically recommended an annual contract with the option to renew for up to three additional years. In 2017 the City issued a request for qualifications and selected BT & Co. to conduct the annual audit. Mission continued to engage them for an additional three years and have been pleased with their services.

BT & Co. submitted their qualifications and scored highest on the composite score that evaluated all the firms' experiences and capabilities; quality and experience of assigned professionals; audit approach and estimated hours, understanding of the requested scope and quality of proposal, and fee. Therefore, staff recommends that the City enter into an agreement with BT & Co., P.A.

engaging them in auditing the City's financial statements for the fiscal year ending December 31, 2021 for an amount not to exceed \$29,000. In addition, the City would have the option to utilize them for three subsequent fiscal years.

Councilmember Davis recommended the selection of BT & Co., P.A. to perform the annual audit of the City's financial statements for the fiscal year ending December 31, 2021, in an amount not to exceed \$29,000 for 2021 with an option to renew for up to three (3) subsequent fiscal years be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

### Discussion Items

#### Common Consumption Area Designation

Ms. Randel reported that Kansas Statute K.S.A. 41-2659 allows for the creation of a common consumption area to permit the possession and consumption of alcoholic liquor, specifically during a civic or special event and for use on sidewalk cafes and patios. Mission has included alcohol sales at various special events in recent years including the Mission Market and food truck nights. Current regulations require the Governing Body to approve each time alcohol is to be sold, served, dispensed, and consumed in public parks, public parking lots and other City property. Temporary Extension of Premise permits are required for licensed establishments to extend their on-premise area for sale and consumption. A common consumption area would facilitate easier permitting and greater flexibility for these events.

There are four scenarios of that would be impacted by creating a Common Consumption Area (CCA):

- Public events not adjacent to a licensed establishment (ie. Mission Market) A licensed establishment located within the CCA may designate one non-contiguous location as a satellite location to participate in public events with less administrative burden.
- Public events with street closure (ie. Citywide festival) Customers may bring properly labeled alcohol from a licensed establishment located within the CCA into the CCA as stipulated by ordinance.
- Public events adjacent to a licensed establishment (ie. Sidewalk cafes or patios) Licensed establishments located within the CCA may serve alcohol to be consumed in an area outside their establishment that is demarcated as long as minimum access can be maintained. Participation and demarcation determined in advance.
- Private events adjacent to a licensed establishment (ie. Sidewalk cafes or patios, parking lots, etc.) Same as Scenario 3 above, but not as part of a public event. Special Event Permit is required for each event and is approved administratively

If a licensed business that is located outside the common consumption area wishes to sell in another location, either within or without the common consumption area, they must obtain a temporary permit from the State. In order to designate a common consumption area, the City

must pass an ordinance or resolution creating the area and designating the boundaries. Any City-specific rules or guidelines applicable to the area must be included in the ordinance as well as conditions required by State statute. Following the approval of the ordinance, the City will apply for a Common Consumption Area Permit from the State of Kansas Alcohol Beverage Commission. There is a \$100 fee for the annual permit. Staff will then work with licensees interested in participating to help them apply for participation within the CCA.

Councilmember Kring asked how long this option has been available and added that she is glad this is being pursued. Ms. Randel explained that the City was only recently made aware of this process.

Councilmember Davis commented that he is very supportive of this option and asked if there was any liability to the City. Ms. Randel replied that the sellers would have the same responsibility as if they were selling in their own establishment.

Councilmember Davis asked and Ms. Randel confirmed that the Police Department has been included in discussions on this issue.

#### **OTHER**

#### **Department Updates**

There were no Department Updates.

#### **Meeting Close**

There being no further business to come before the Committee, the meeting of the Finance and Administration Committee adjourned at 8:47 p.m.

Respectfully submitted,

Audrey M. McClanahan  
City Clerk