



MINUTES OF THE MISSION CITY COUNCIL MEETING

January 18, 2023

The Mission City Council met in a regular meeting on Wednesday, January 18, 2023 at 7:02 p.m. The meeting was called to order by Mayor Flora. The following councilmembers were in attendance: Hillary Thomas, Trent Boultinghouse, Mary Ryherd, Lea Loudon, Debbie Kring, Kristin Inman, Ken Davis and Ben Chocie. No councilmembers were absent.

Mayor Flora 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. The Mayor requested that anyone commenting please state their name and city of residence as well as to be conscientious of others talking and to speak clearly and slowly.

REVISED AGENDA

The Council considered a revised agenda. Moved by Boultinghouse, seconded by Kring to approve the September 21, 2022 City Council meeting Agenda as revised.

Voting AYE: Boultinghouse, Thomas, Chocie, Loudon, Davis, Ryherd, Inman, and Kring. **Motion Carried.**

PUBLIC HEARING

There were no Public Hearings.

SPECIAL PRESENTATION

KDOT Traffic Safety Award to Mission Police

Mayor Flora announced that the Mission police department has been awarded the Platinum Award for Safety from the Kansas Department of Transportation (KDOT). She noted that the award recognizes community law enforcement agencies in the state for their efforts to improve traffic safety. Awards are issued



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at the bronze, silver gold and platinum levels, with platinum being the highest. Mayor Flora welcomed Chief Dan Madden to make some remarks about the award.

Chief Madden introduced the department's partnership with KDOT on several traffic safety initiatives and also introduced Bob Hamilton, representative from KDOT, to present the award. Mr. Hamilton introduced himself as a retired law enforcement officer who has worked with several members of the Mission Police Department over the years. He reviewed different enforcement initiatives that KDOT sponsors in an effort to reduce DUIs on Kansas roadways. He indicated that the number of DUIs has increased, and stressed the importance of the work done by our police officers. He also emphasized the need for all drivers and passengers to wear a seatbelt in an effort to lower fatality numbers. He introduced the Platinum Award being given to the City, and indicated that this will be the eighth Platinum Award in row he has been able to award to Mission. He presented Chief Madden and Captain Ron Ruhlessin with the award on behalf of the department.

Mayor Flora thanked Mr. Hamilton and congratulated the whole of the Mission Police Department for the award.

Consolidated Fire District No. 2 Update

Mayor Flora introduced the second presentation of the evening, a quarterly update on activity within Consolidated Fire District No. 2 (CFD) from Fire Chief Steve Chick. She also thanked Chief Chick for his team's quick response to the fire at the Popeye's Chicken in Mission the evening prior.

Chief Chick acknowledged first the important partnership between CFD2 and the Mission Police Department. He reviewed the fire at the Popeye's and the police department's involvement in reporting the fire and their commitment to traffic



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control during a fire incident. He also indicated that the fire source was a fryer in the kitchen of the restaurant where the fryer had not been shut off properly. The fire appears to be accidental, and the business is being cooperative with the investigation. He also reviewed a house fire also in Mission this month, which did no structural damage and had minimal disruption to the home's residents.

Chief Chick shared initiatives that CFD2 is working on for 2023. The first is looking for candidates who have just graduated. The second is proactively seeking opportunities to increase the diversity of their workforce. An intern program has been built by the department, which allows them to reach out to potential candidates at local colleges working on fire and EMS certifications. Interns work through different areas of the department, and CFD2 plans to be offering its first full time position to a current intern by next week. They are hopeful the program continues to bring quality candidates.

Additionally, Chief Chick reported that they have moved to an Advanced Life Support initiative, which puts a paramedic at an emergency medical situation within four minutes of the call. The program has been extremely successful. The program will be fully matured, meaning fully staffed and running, by this spring which is about two years ahead of the scheduled five years to full maturation for the program.

He listed plans for the upcoming years, including working on a new strategic plan for the district to allow the community to be served how they would like to be for the next three to five years. Finally, he announced that a group of firefighters will be traveling to Wisconsin to pick up two fire engines that were ordered approximately a year and a half ago. A large savings was made by buying them when the department did, and one of the engines will be used out of the Martway station in Mission.

ISSUANCE OF NOTES AND BONDS



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There were no Issuance of Notes and Bonds.

CONSENT AGENDA

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

- 4a. Minutes of the December 21, 2022 City Council Meeting
- 4b. Resolution Destruction of Certain Records
- 4c. Award of Contract for Installation of Police Department Radio Repeater
- 4d. City Council Policy No. 120 – Capital Asset Policy
- 4e. CMB Application Casey's General Store
- 4f. Acceptance of Permanent Sidewalk and Utility Easement Along 61st Street Between Broadmoor and Barkley

Moved by Davis, seconded by Kring to approve the Consent Agenda.

Voting AYE: Boultinghouse, Thomas, Chocie, Loudon, Davis, Ryherd, Inman, and Kring. **Motion Carried.**

PUBLIC COMMENTS

There were no Public Comments.

PLANNING COMMISSION

There were no items from the Planning Commission.

COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Boultinghouse reported that the Finance & Administration Committee met on January 11 and considered seven items. The meeting minutes, a resolution for the destruction of certain records, award of contract for installation of a Police Department radio repeater, City Council Capital Asset policy, and a cereal malt beverage application for Casey's General Store were approved under the Consent Agenda. The 2023 proposed reorganization and



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reclassifications and updates to the Governing Body compensation will be considered under the Regular Agenda tonight.

2023 Proposed Reorganization and Reclassifications

Councilmember Boultinghouse reported that over the last year, and more specifically through the 2023 budget process, Staff has evaluated the current organizational structure to ensure we are best positioned for long-term success. There are a number of trends and issues which are contributing to an environment where there are opportunities for improvement in order to: More equitably distribute workload, address potential inefficiencies in workflow, acknowledge changes in staff and department workloads, create staff development and training opportunities, promote and encourage talent retention, provide clearer expectations, and increase the likelihood of hiring the right candidates when recruiting. In addition to several immediate or short-term benefits, these recommendations are also based on long-term succession planning and employee development.

The recommendations being presented primarily impact Community Development, Administration, and Public Works at this time. However, the City Administrator is engaged with each of the Department Directors discussing structure and succession planning, and, in the case of the Powell Community Center preparing to address recommendations from the feasibility study.

All changes, if approved, would become effective February 1, 2023. The estimated first year salary and benefit impact to implement the proposed changes is \$31,368.

Moved by Boultinghouse, seconded by Kring to approve the proposed 2023 reorganization and reclassifications of as proposed by the City Administrator.

Voting AYE: Boultinghouse, Thomas, Chocie, Ryherd, Inman, Davis, Loudon and Kring. **Motion Carried.**



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Governing Body Compensation

Councilmember Boultinghouse explained that Section 115.60 of the Mission Municipal Code establishes compensation for the Governing Body. Currently, it provides for an annual salary of \$12,000 for the Mayor and \$4,200 for Councilmembers. The code also outlines that Council compensation will be reviewed annually at the first regularly scheduled meeting in January. The current compensation was established via Ordinance 1027 on January 23, 2002. A formal review has not been conducted since 2002. During the review in January 2022, the Council asked that it be brought back for discussion in December for potential action in January 2023.

The compensation structure for elected officials varies widely across cities in Johnson County. Recent Council discussion has focused on establishing a salary policy which would allow incremental growth in the pay in hopes of encouraging diversity in those choosing to file for elected office in order to reduce potential barriers to entry because of financial, childcare, or other related issues. During the December Finance & Administration Committee meeting there was consensus to bring forward an action item in January.

After discussion and consideration, an approach which involves increasing elected salaries commensurate with an average employee raise annually was proposed and is presented for final consideration this evening. This allows annual increases to be reviewed and developed carefully each year based on Mission's specific budgetary goals and current financial situation. If this approach is adopted, the 2022 increase would be 6.0%, bringing Council salaries to \$4,452 annually and the Mayor's salary to \$12,720 annually. If passed, the salary change would become effective February 1, 2023.

Councilmember Kring commented that she was initially not in favor of an increase, but based on gas prices alone, the additional \$21.00 per month that the change in compensation comes out to be seems justified and will keep quality people on the Council.

Councilmember Davis commented that each Council member can decline the salary as well.

Moved by Boultinghouse, seconded by Kring to approve the Ordinance to



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revise Section 115.060 of the Mission Municipal Code establishing a methodology for reviewing and increasing Governing Body compensation.

Voting AYE: Boultinghouse, Thomas, Chocie, Ryherd, Inman, Davis, Loudon and Kring. **Motion Carried.**

Community Development Committee

Councilmember Chocie reported that he was not able to attend the January 11 Community Development Committee meeting in person, and that Councilmember Loudon ran the meeting and would be giving the reports this evening.

Councilmember Loudon reported that the Community Development Committee also met on January 11 and considered five items. The meeting minutes and acceptance of a permanent sidewalk and utility easement along 61st Street between Broadmoor and Barkley Streets were approved under the Consent Agenda. The Planning Sustainable Places program agreement and the final design of Water Works Park improvements will be considered under the Regular Agenda tonight.

Planning Sustainable Places Program Agreement

Councilmember Loudon explained that Planning Sustainable Places (PSP) is a program instituted through MARC, which provides federal and state funding for local and county governments in our region who want to develop and implement plans that address land use, transportation, and sustainability at the local level.

Mission submitted an application for a project development grant to study the Rock Creek Trail corridor. The project site extends from Woodson to Roe and from Johnson Drive to Martway. The study will address transportation and mobility challenges while improving the environment, promoting health and safety, building social equity, and supporting economic development. Determining where and how to build vibrant and active pedestrian and bicycle connections is the goal of this planning study.



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Mission requested a grant for \$80,000 in federal funding for the project, and the program requires a 20% match or \$20,000 for a total project budget of \$100,000. MARC issued the request for proposals (RFP) for this project on November 28th, 2022, and the deadline for proposals was January 6th. Upon receiving proposals, MARC will coordinate, and Mission will identify a proposal selection committee led by staff, that will evaluate the proposals and conduct consultant interviews.

Once the City has selected a consulting firm for the study, MARC will initiate and hold the contract with the consultant to perform the work. Work is slated to begin by the end of March 2023. By August 2023, the study should be completed, and the outcome will be a plan and budget for future project implementation. Further, there will be an opportunity in 2025 for Mission to seek additional funding through MARC's Planning Sustainable Places program to implement all or part of the project recommendations that come out of this study.

Moved by Loudon, seconded by Chociej to approve the Planning Sustainable Places Grant Sponsor Agreement between the City of Mission and the Mid-America Regional Council (MARC), committing up to \$20,000 in local match for \$80,000 in federal funds used for the study of Rock Creek corridor improvements between Woodson Street and Roeland Drive

Voting AYE: Boultinghouse, Thomas, Chocie, Ryherd, Inman, Davis, Loudon and Kring. **Motion Carried.**

Final Design of Water Works Park Improvements

Councilmember Loudon next explained that in November 2019, the City contracted with Confluence to conceptually redesign Water Works Park as part of an overall conceptual park planning process. The conceptual redesign had significant input from a citizen stakeholder committee, WaterOne, City Council, the Parks, Recreation + Tree Commission, and from two public meetings.

In October 2022, Council approved the 2023-2027 Capital Improvement Program (CIP) which included a project in 2023 to add restrooms and a pavilion/shelter, along with an updated playground and trail to Water Works



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Park in conformance with the conceptual design plans. The next step in moving to construction involves completing the final design and developing construction documents for bidding. The final design process will include final construction plans and detailed specifications for the performance of construction work like engineering, utility placement and an updated estimate of cost.

After a competitive selection process, staff has recommended a contract with Stantec. This project will be paid for from the Outdoor Park Systems Improvements budget identified in the Parks and Recreation Capital Improvement Plan, which is funded by Parks and Recreation Sales Tax revenues including 2022A Bond proceeds identified for this project.

Moved by Loudon, seconded by Chociej to approve a contract with Stantec for final design and construction services for Water Works Park in an amount not to exceed \$142,000.

Councilmember Thomas highlighted the restroom addition to Water Works Park and thanked Staff and the Parks, Recreation + Tree Commission for making the renovations happen.

Voting AYE: Boultinghouse, Thomas, Chociej, Ryherd, Inman, Davis, Loudon and Kring. **Motion Carried.**

UNFINISHED BUSINESS

Mayor Flora explained that there will three items this evening under unfinished business, all of which pertain to the Mission Gateway Project. She explained the process of hearing all three items, indicating that the Council will hear first from the City team, followed by the Developer's team, and lastly there will be time for council discussion.

City Administrator Laura Smith began by introducing the presenters and the project. She described the project as a journey and stated that an important juncture has been reached. A memo was included in the packet which details the history of the project and specifically the work that has been undertaken since February 2021. She reviewed that a development agreement has been worked on for the last year, to meet community goals and the Governing Body's goals. She introduced the City's team who will be presenting first. She reviewed



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that in November 2022, a preliminary development plan was approved and that the expiration date for the Industrial Revenue bonds was extended. Tonight the Governing Body will consider an ordinance related to a Tax Increment Financing (TIF) Redevelopment Project Plan, and ordinance related to a Community Improvement District (CID) petition, and a resolution related to the redevelopment agreement. She emphasized that the process has been a team effort between City Staff, the City team and the Council. She invited land use attorney Pete Heaven to begin the presentation.

Mr. Heaven began with the redevelopment agreement. He described the redevelopment agreement as being a roadmap for the implementation of public incentives and the document which sets forth the duties of the Developer to earn the incentives. The agreement includes construction schedules, default provisions, budgets, and conditions for issuance of bonds. All of these are in place to protect the City. He explained three new concepts included in this iteration of the redevelopment agreement, beginning with an attainable housing requirement. The Developer will set aside at least 10% of apartment units dedicated to renters at 60% AMI or less. The second are sustainability requirements. Apartments will be required to attain bronze level certification from the National Green Building Standards. Other buildings will have to have Green Globe certification from the Green Building Institute. Finally, the Developer will place \$3 million in escrow. \$2 million will be used to ensure taxes are paid on the project, and \$1 million will be used to ensure that all the timelines and milestones are adhered to. If not, escrow funds will be forfeited to the City. City Staff is comfortable with the agreement, it protects the City well, and gives the Developer a good chance of success.

Mayor Flora asked to confirm that in Section 2.02, scheduling, the reason for justifying changes in the schedule listed did not include the inability to obtain financing by the Developer. She also asked to confirm that there is a final date for beginning construction on the project and Mr. Heaven confirmed that is correct.

The Council next heard from Bruce Kimmel of Ehlers, Inc., the City's financial advisor. Mr. Kimmel began by reviewing his memo included in the packet for the meeting. He showed a table that listed the capital funding stack and the estimated amounts. He showed a total estimated cost for Phase I of the project at \$124 million dollars. He reviewed the construction funding breakdown with

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Bank OZK and BGO, with TIF bond funds included. He added that \$51 million dollars exists in previous and new equity. The current equity gap is approximately \$29 million. The Developer has been working to complete the funding stack to obtain the equity necessary to close that gap. Mr. Kimmel reminded the Governing Body that Final bond amounts will be decided when the bonds are actually sold.

Mr. Kimmel stated that approximately \$30 million of new equity will be required to complete the financing stack. He is hopeful that number could decrease as construction costs are slowly receding, which could provide some relief to the project budget. However, if bonds generate less than estimated more equity could be required. He believes that the Developer's team is accurately estimating the amount of additional equity they will need to proceed with Phase I. He also addressed that the Developer has worked to identify possible equity partners and has shared three LOIs indicating interest in the project.

Mr. Kimmel concluded with a recap of the city revenues projected from the project during the 20-year TIF term and 22-year CID term. He estimates approximately \$19.4 million would be collected by the City as a part of Phase I.

Mayor Flora asked for clarification that commercial lenders feel confident in the developer's equity, and Mr. Kimmel confirmed he believed that to be the case. He noted that a significant portion of equity are sunk costs, and of the approximately \$60 million the Developer has spent, the lenders are recognizing \$21 million of that as equity in the project.

Mayor Flora also asked about the \$8 million expected to come from the Developer, and what Mr. Kimmel's confidence level is in those funds? Mr. Kimmel replied that he has not asked for proof of funds from the Developer, however it is known that GFI has the financial capability to provide that and have represented that to the City team. He also stated that how much is put into the project by the Developer themselves will depend on how much they can get and how favorable the terms are from investment partners. He would expect they would want to put in as much as they can themselves.

Mayor Flora then asked about the value of the incentives being offered through the bond proceeds as a percentage of total project costs, and whether the 19% anticipated was on the low end for a project of this size and type. Mr. Kimmel

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confirmed that is correct and stated that while every deal is different, he would expect to see net TIF and CID funding in excess of 20% of the total project cost.

Mayor Flora then asked about Mr. Kimmel's prior references to the Developer's rate of return being on the low end of market. She wanted to ensure that no windfall would be coming to the developer with approval of the proposed TIF and CID funding. Mr. Kimmel confirmed that is correct and stated that bringing in equity partners will only reduce the rate of return further. Currently the Developer hopes to see the project to completion, both Phases I and II, in order to at least recoup what has gone into the project.

Mayor Flora then asked about the LOIs, which came from institutional firms. She asked Mr. Kimmel for his degree of confidence about the whether any partnerships would materialize. Mr. Kimmel commented that first, he would point to the development workbook that includes a much higher level of work and detail than in previous iterations of the project. He believes GFI's involvement has upped the game as to what the level of financial detail which has allowed him to see the overall financing much clearer and to ask more detailed questions for further clarification. Mr. Kimmel believes the financing plan does make sense for Phase I. He next addressed the equity providers saying his team have evaluated each at a very high level and that there appeared to be capacity to complete the Gateway project.

Mayor Flora acknowledged that while there can't be any absolutes, she asked Mr. Kimmel his level of confidence compared to the past iterations of the project and he did say he has more confidence than in November. He also stated that he feels that the Developer has given as much information on financing and equity partners as they can at this point prior to the next set of approvals under consideration by the Governing Body. While he can't promise absolute certainty, he did note that he sees them doing things that make him feel confident about the current status of the project's financing.

Mayor Flora asked about the nature of the bonds at issue and what the special obligation bonds are and their level of commitment for the City. Mr. Kimmel explained that special obligation bonds are payable only from pledged revenue sources from the project, in this case the TIF and CID revenues, exclusive of the tax revenues kept by the City. He did state that there is no obligation by the City to these bond payments. The City's full faith and credit do not back



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these bonds like they do for General Obligation bonds. Special Obligation bonds are payable only from pledged revenues which investors know.

Councilmember Boultinghouse asked for clarification that there is never absolute certainty in any deal. Mr. Kimmel concurred and acknowledged challenges associated with any uncertainty. He did note also that it's not typical to get this level of scrutiny of an incentive driven project. He confirmed that there is never absolute certainty, other than on very small deals, that they will be completed.

Kevin Wempe, the City's bond counsel, was the final member of the City's team to present. He explained the two actions tonight to terminate the current TIF and CIDs on the site and install new ones. Those Ordinances create the statutory mechanisms that allow the City to capture CID and TIF revenues and provide the opportunity to get to a bond issue. As we move toward the SO Bond issue, the Developer's team will finalize their private financing, get to construction contracts and prepare to mobilize once the financing is in place. Then the City team and the Developer's team will engage with the bond underwriter to get the bonds out to investors and engage with a third party revenue consultant who will develop a feasibility study used to market the bonds to investors. Lastly, they will work on the offering document which is used by investors and the underwriters for the bond sale.

Mr. Wempe also reviewed future Council actions that would be required in order to get into the bond market. That would include approval to release the offering document to the public and the required Ordinance to execute documents to issue the bonds. He did review that this will take several months, so hopefully the Council will see the further action in the near future but it won't be in the next month or two.

Councilmember Thomas asked if the redevelopment agreement contained a specific deadline for the additional equity to be secured prior to bond issuance. Mr. Wempe indicated there was not and Ms. Smith confirmed. However in order to proceed with issuance of TIF bonds the TIF Ordinance has to be published immediately, and once publication happens the 20-year time clock begins. That means it is in the Developer's best interest move as quickly to bond issuance as possible. Ms. Smith also referenced a section in the redevelopment agreement that requires construction to commence within four months of bond

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issuance. Mayor Flora asked if that would also be a reason to move quickly and Ms. Smith confirmed it would be. The project and component milestones are also in place to incentivize the Developer to move quickly. Mayor Flora asked for a reasonable window to get to bond offering. Mr. Wempe thinks a 3-4 month estimate would be on the short end due to the complexity of the project, but explained it could be as long as 6 months.

Mayor Flora invited the Developer's team to make a brief presentation. Matt Valenti of the Cameron Group introduced himself and Stan Spiegleman and Andy Ashwal of GFI representing the Developer. Mr. Valenti noted their team is excited to be at this point and believes that the plan and development agreement will enable the project to move forward as a class A mixed-use project, consistent with the City's goals and comprehensive plan. He reviewed equity letters of interest, including one from a group who has invested in two Cameron Group projects in the past. They also have an investor who has property in Kansas City and has been a GFI investor since 2014, which gives them confidence that the relationships are in place between their two groups to source the equity needed. They are excited to get to the next step to finalize equity, lenders and bond documents.

Councilmember Kring asked what percentage of the whole development have commitments for retail tenants, including the hotel. Mr. Valenti responded that there the Cynergy entertainment complex is committed which is 90,000 sq. ft, plus about 15,000 sq. Ft. of small shop retail has committed leases. Each will have amendments once the timing of the project is finalized. Those have been in place since the last iteration of the project. He also stated that the Developer is also the hotel developer and they have a franchise agreement with Marriott for an Element hotel. No office space commitments are in place at this time. Councilmember Kring asked about the size of the hotel and Mr. Valenti confirmed it is 202 rooms.

Mayor Flora asked Mr. Valenti about his confidence level in one or more of the LOIs materializing from the investors he is working with and talking to. Mr. Valenti confirmed that his team is confident with the relationships in place to get the equity funding completed. He stated that outside of the three letters already obtained, additional investors have also been in talks with the Developer's team. Today GFI showed an additional investor the site for possible equity funding.



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Mr. Spiegleman acknowledged that and stated that, because GFI has put so much into the project already, they have a high level of commitment to complete the project and work with their capital sources to ensure the project becomes fully capitalized. He initially felt unsure about this investor's appetite for investment, however after the tour he feels much more confident about this additional investor as well. He did state that the project is amongst their largest investments ever and they are looking at all opportunities to get the project funded and completed. They are casting their net as wide as possible and will negotiate for the funds as quickly as possible. Their goal is 90-120 days.

Mayor Flora asked if the 90-120 days is to get to bond market, or another goal. Mr. Valenti stated that their goal is to bring everyone together for a simultaneous close in that time period. Mayor Flora asked Mr. Spiegleman his confidence level in the approximately \$8 million needed from the Developer's team. Mr. Spiegleman answered that they will do anything they need to do to get that equity, whether that means sell an asset or whatever else it may take. He stated they are committed to the project.

Mayor Flora asked Mr. Valenti and the Developer's team about statements made by them in September of 2022 to Councilmember Kring that they can absolutely do this and can build this. She asked if that assessment was still accurate, and Mr. Valenti agreed that it is.

Councilmember Boultinghouse asked about the viability of the existing structures and if anything has changed since previous discussions about that several months ago. Mr. Valenti confirmed that structural engineers evaluated all of the structures in May of 2022, and their analysis has been provided to the City with no significant concerns. All of the structures will be reevaluated prior to issuance of a building permit at which time the Developer would be required to address any issues or concerns.

Councilmember Davis asked Mr. Valenti for an update on the existing liens and their status. Mr. Valenti asked Mr. Ashwal to give those updates. Mr. Ashwal stated that they have reached final agreement with all the lien holders, and he has been all claimants and their attorneys on a regular basis. Ms. Smith pointed out that Sections 8.04c and 10.06 in the redevelopment agreement will require satisfaction of all liens at bond closing. No bond proceeds will be released until

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confirmation of satisfaction of the liens is provided. Mr. Valenti confirmed that the lenders will require that at closing and those terms will be in the loan documents.

Mr. Kimmel returned to elaborate on his comments and clear up any possible misunderstandings regarding the equity component of the funding. He expressed that the equity component is typically one of the last components finalized in a deal such as this, and it can change as budgets and all other financing is finalized. He wanted the Council to know that some level of confidence can be inferred by following the banks' lead, as they will have stringent requirements for how much equity must be on hand prior to closing and releasing their funds. He stated that he can't say all of the equity will be in the bank at the time of the bond issuance, but from his perspective it's much more important that the banks are willing to release their funding as they won't do so if they feel the Developers don't have enough equity. He feels confident that the City can follow their lead.

Mayor Flora then moved to public comment about the three items of unfinished business being discussed and asked for any members of the public who would like to comment. There were no in-person or online comments from the public.

Mayor Flora moved to the Council consideration of the three items of unfinished business.

Ordinance Making Findings and Terminating a Fourth Amended Tax Increment Financing Redevelopment Project Plan and Adopting a Fifth Amended Tax Increment Financing Redevelopment Project Plan Pursuant to K.S.A. 12-1770 et seq. - Mission Gateway

Moved by Kring, seconded by Chociej to approve the Ordinance making findings and terminating a Fourth Amended Tax Increment Financing Redevelopment Project Plan and adopting a Fifth Amended Tax Increment Financing Redevelopment Project Plan for the Mission Gateway Project.

Councilmember Thomas thanked the Developer's team and the City's team. She stated that she does intent to vote no on the three items being considered tonight as she does not believe the project is the right fit for the entrance to the City, and does not find it incentive worthy. She is worried additionally about the



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lack of a funding plan for Phase II and the incomplete financing for Phase I. She continued on to state that while she is not voting yes in support of the project, she applauds the Mayor and City team for the progress they have been able to made and thanks them for their hard work.

Councilmember Kring stated that, as someone who has been a Councilmember since this project's beginning in 2006, it has been a journey as Ms. Smith stated earlier. She feels that the commitment is there, the property is amazing, and the concept is there as well. She feels like the teams are all committed, including the Governing Body. She believes the project is solid and needs to move forward. She is hopeful that the project can move forward and be completed.

Mayor Flora stated that she feels fortunate to have full faith in all Councilmembers, who have the best interest of Mission at heart. She wanted to recognize her fellow elected officials, along with Staff and consultants in moving things forward. She believes that each of Governing Body members were elected by their constituents to exercise their best judgment toward the goals of protecting the City and moving it forward. She believes that the task at hand tonight may be unenviable, due to this high-visibility project with a winding and bumpy past. She herself is a fairly risk-adverse person, and operating with uncertainty can be uncomfortable. She has worked closely to arm all members of the City team with as much information as possible to make the best decision for the City tonight.

Mayor Flora then highlighted key points heard tonight from each member of the City team. She began with Mr. Kimmel, who has been provided a high level of detail and transparency with respect to the project financing over the course of 2022 and 2023, which has not been provided in prior iterations, and now feels more confident in the Phase I capital funding stack. Additionally, Mr. Kimmel has confirmed that City participation is needed to move the project forward, and that the Developer is not receiving any "windfall" with the incentive package. Mr. Kimmel also has shared that the bonds are not backed by the full faith and credit of the City, which means there's no financial risk to the City in moving forward with the project.

Mayor Flora next referenced the comments from Mr. Heaven with respect to how the Redevelopment Agreement has been designed, including protections for the City and Council objectives, strict conditions that must be satisfied for



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bond proceeds to be distributed, a drop-dead completion date for Phase I of the project, inclusion of the new \$3 million escrow for further protection of the City's interests, and the inclusion of sustainability and attainable housing elements. Mayor Flora stated that as much as she would like to, it's not possible to pre-ordain the outcome or control for everything. She feels that at some point it's necessary to trust that the City has equipped itself with the best possible information and controlled for as much risk as is reasonably possible. In her view, conditions have been created now for the greatest likelihood of success, given that the property has always been and remains privately owned. She noted that she intends to vote yes for the TIF for this project, as she believes it is more likely than not that the project will be successfully completed. That successful completion will mean substantial new revenues and community assets for the City. She believes a "yes" vote is the best option available to advance the goals and objectives of the City's constituents and the Governing Body. She acknowledges the differing opinions on the project, and thanks all parties involved for their hard work to get to this point tonight.

Voting AYE: Boultinghouse, Chocie, Ryherd, Inman, Davis, Loudon, Flora and Kring. Voting NAY: Thomas. **Motion Carried.**

Ordinance Terminating Mission Gateway Community Improvement District #3 and Authorizing the Creation of the 2022 Mission Gateway Community Improvement District in the City of Mission, Kansas

Moved by Boultinghouse, seconded by Kring to approve the Ordinance terminating Mission Gateway Community Improvement District #3 and Authorizing the Creation of the 2022 Mission Gateway Community Improvement District in the City of Mission, Kansas.

Voting AYE: Boultinghouse, Chocie, Ryherd, Inman, Davis, Loudon and Kring. Voting NAY: Thomas. **Motion Carried.**

Resolution Approving a Fourth Amended and Restated Redevelopment Agreement for the Mission Gateway Project

Moved by Kring, seconded by Chocie to adopt the Resolution approving a Fourth Amended and Restated Redevelopment Agreement for the Mission



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Gateway Project.

Voting AYE: Boultinghouse, Chociejski, Ryherd, Inman, Davis, Loudon and Kring.

Voting NAY: Thomas. **Motion Carried.**

NEW BUSINESS

Mayor Flora explained that there is one item of new business tonight, and asked Ms. Smith to make her presentation.

Resolution Ratifying the Expenditure of Funds to Purchase a Ford F-450 Truck for Public Works

Ms. Smith shared that Ford Motor Company recently advised the City of a requirement that all new truck purchases by municipalities have a signed purchase order no later than January 13, in order to procure the vehicles in 2023. Public Works has one truck it needs to order for this calendar year to keep on their vehicle replacement schedule. During Committee meetings last week, consensus was given for Ms. Smith to sign the purchase order to meet the dealer's deadline, and now ratification of the expenditure is necessary to approve her authorization of the purchase order with Shawnee Mission Ford for an F450 truck for the Public Works Department in the amount of \$63,340.00, a budgeted and approved capital expenditure in the 2023 budget.

Moved by Chociejski, seconded by Davis to approve the Resolution ratifying the expenditure with Shawnee Mission Ford for purchase of a Ford F-450 Truck in the amount of \$63,340.00.

Voting AYE: Boultinghouse, Chociejski, Ryherd, Inman, Davis, Loudon, Thomas and Kring. **Motion Carried.**

COMMENTS FROM THE CITY COUNCIL

Councilmember Boultinghouse announced the Ward I meeting on January 26 from 6-7 p.m. at the Community Center.

Councilmember Kring announced the Ward III meeting on January 19 from 7-8



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p.m. at the Community Center.

Councilmember Thomas announced that she, Councilmember Davis and several staff members attended the State of the Cities luncheon earlier in the day held by the Northeast Johnson County Chamber. She enjoyed Mayor Flora's presentation and the good job she did representing the City.

Councilmember Davis shared an article from 20 years ago, January 15, when Councils for the City of Mission and the City of Countryside voted yes for the consolidation of the two cities. He presented a PowerPoint showing the contributors to the consolidation, the history of the consolidation and the divisiveness of the idea. He thanked a slew of contributors who helped during the time of consolidation and thanked the Mayor for allowing him to present the information.

COUNCIL COMMITTEE LIAISON REPORTS

Sustainability Commission (Kring/Thomas)

Councilmember Kring reported that at the Sustainability Commission meeting held in January, the cities of Shawnee and Roeland Park joined the Commission to learn more about the Mission's work as they pursue sustainability work with their own similar commissions.

Councilmember Thomas added that Ellen Parker was voted as the 2023 Chair and Lauren Schmid as Vice-Chair, and that the group worked through the upcoming budget and will explore updates to the sustainability scorecard.

Parks, Recreation + Tree Commission (Loudon/Ryherd)

Councilmember Ryherd reported that two new members joined the Commission at the January meeting. Mohawk Park updates include the possible need to have some materials changed out for bathroom accents due to availability. Electric and plumbing has been roughed in, and steel should arrive in the next month and a half. Mr. Almoney has ordered picnic tables, benches, and trashcans, which should arrive in the next few months. Work should be complete by April. Additionally at the meeting, Nicole Sullivan was voted in as the new Commission Chair, with Kevin Schmidt being voted in as Vice-Chair. She also welcomed the public to come vote on the Tree City USA poster contest at the Community Center.



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Mission Magazine Editorial Board (Boultinghouse)

Councilmember Boultinghouse reported the editorial board met the week prior. The board was informed of the loss of the magazine's editor Denise Elam. Metromedia is working to fill the gap during the transition, and he noted he trusts that the team will be able to do so in time for the next edition to remain on schedule.

Mayor Flora confirmed that Ms. Elam was an employee of Metromedia the City's publisher for the magazine and Councilmember Boultinghouse confirmed that is correct.

Family Adoption Committee (Chociej)

Councilmember Chociej reported that the Family Adoption Committee will meet the next day for their annual wrap-up meeting.

MAYOR'S REPORT

Treasurer Appointment

Mayor Flora announced several appointments for consideration tonight. She stated that the first is the City Treasurer Appointment, who must be a qualified elector of Johnson County, and asked Ms. Smith to speak to the appointment.

Ms. Smith noted that for many years a resident was appointed to serve in the capacity of City Treasurer, however that role was taken over by the City's Accounting Manager in 2018. City Attorney Dave Martin researched and approved the Treasurer being a staff member, as long as they are a resident of Johnson County. The City Treasurer is responsible for filing and publishing a quarterly finance report, which is prepared by City accounting staff. Ms. Smith recommended appointment of City Clerk Robyn Fulks to serve as the City Treasurer.

Moved by Thomas, seconded by Davis to uphold the appointment of Robyn Fulks as City Treasurer with a term expiring January 18, 2024.

Voting AYE: Boultinghouse, Chociej, Ryherd, Inman, Davis, Loudon, Thomas and Kring. **Motion Carried.**



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City Officials Appointment

Mayor Flora put before the Council the appointment of Keith Drill as Municipal Court Judge, and Jeffrey Austin, David Bell and Peter Simonsen as Municipal Court Judges Pro-tem as required by City Code.

Moved by Davis, seconded by Kring to uphold the appointment of Keith Drill as Municipal Court Judge, and Jeffrey Austin, David Bell and Peter Simonsen as Municipal Court Judges Pro-tem.

Councilmember Kring commented on the closeness of the Mission community in recognizing Mr. Simonsen as the grandson of Mission Mayor Sylvester Powell, Jr. who has grown up in the community and continues to work with the City.

Voting AYE: Boultinghouse, Chocie, Ryherd, Inman, Davis, Loudon, Thomas and Kring. **Motion Carried.**

Bond Counsel, Financial Advisor, and Land Use Attorney Appointments

Mayor Flora's final appointment of the evening involves third party advisors and consultants who are appointed each year, and who assist on various projects throughout the year. She put before the Council appointments of

Gilmore & Bell, Bond Counsel, Ehlers, Inc., Financial Advisor, and Pete Heaven with Spencer Fane, Land Use Attorney.

Moved by Chocie, seconded by Boultinghouse to uphold the appointments of Gilmore & Bell, for Bond Counsel; Ehlers, Inc., as Financial Advisor; and Pete Heaven with Spencer Fane as Land Use Attorney for the City of Mission with terms expiring January 18, 2024.

Voting AYE: Boultinghouse, Chocie, Ryherd, Inman, Davis, Loudon, Thomas and Kring. **Motion Carried.**



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CITY ADMINISTRATOR'S REPORT

Ms. Smith shared that an online comment came through earlier in the meeting during the Council's approval for the final design of Water Works Park from Suzie Legg of Mission, KS who thanked Council for coordinating the Water Works Park project with the timeline of the Rushton Elementary School rebuild. She appreciates the City's work and dedication to youth.

Ms. Smith also stated that the State of the Cities event was very informative and she was proud to represent Mission at the event.

Ms. Smith also discussed the December interim financial report included in the packet. She noted that the numbers are not audited numbers, and that there are some things that will be cleared up and finalized with the audit. Overall, the City ended the year in a strong financial position. She highlighted that sales tax performed very well and that there was no reduction in the final certification of the mill levy approved by Council in September of 2022 as has happened in previous years.

She thanked Council, Staff and both the City's consultant team and the Developer's team in the work completed to get the Mission Gateway Project ready to move toward a bond issuance.

Councilmember Kring reminded everyone that Committee and Council Legislative Meetings will return to City Hall beginning in February.

EXECUTIVE SESSION

There was no need for an Executive Session.

ADJOURNMENT

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

Moved by Chocie, seconded by Kring to adjourn the meeting at 8:56 p.m. All present voted AYE. **Motion carried.**




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Respectfully submitted by Robyn L. Fulks, City Clerk.



Solana Flora, Mayor



Robyn L. Fulks, City Clerk