



## MINUTES OF THE MISSION CITY COUNCIL MEETING

March 15, 2023

The Mission City Council met in a regular meeting on Wednesday, March 15, 2023 at 7:00 p.m. at Mission City Hall. 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 Chociey. 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 Davis, seconded by Kring** to approve the March 15, 2023 City Council meeting Agenda as revised. Voting AYE: Boultinghouse, Davis, Thomas, Chociey, Inman, Loudon, Ryherd and Kring. **Motion Carried.**

### **PUBLIC HEARING**

There were no Public Hearings.

### **SPECIAL PRESENTATION**

#### **SevenDays® Supportive City Proclamation**

Mayor Flora introduced a proclamation recognizing Mission as a SevenDays® Supportive City in conjunction with the SevenDays® Make a Ripple, Change the World campaign. SevenDays® works to overcome hate by promoting kindness and understanding through education and dialogue. She highlighted the group's upcoming campaign, which runs from April 6-15. The City will promote metro-

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wide events and host a city-wide clean up event in April to bring together residents, HOAs and businesses in service to the community. Mayor Flora welcomed Ruth Bigus from SevenDays® to accept the proclamation. Ms. Bigus thanked the City for their support and being a leader in supporting SevenDays®' events, and thanked Councilmember Davis for his attendance at their news conference earlier this month announcing the 2023 campaign.

### **JCRB/AJC Presentation on Working Definition of Antisemitism**

The second presentation of the evening was from Sarah Markowitz with JCRB/AJC to present information regarding helping guide local cities toward adopting a working definition of antisemitism.

Ms. Markowitz introduced herself and thanked the Council for having her. JCRB/AJC believes that in order to combat antisemitism, defining it is an important step. She presented information regarding acts of antisemitism, both around the country and in the region; statistics about how Jewish people in the country feel about safety as a Jewish person; and reviewed antisemitic acts that have happened in the region, which are reflective of trends nationwide. Ms. Markowitz also reviewed a survey that was done of local middle and high school students which showed that 81% of students reported either experiencing or witnessing at least one antisemitic act in school. She emphasized that a lack of understanding by the general public of what antisemitism is creates further divides and that antisemitism is not just a hatred of Jews but a perception of Jews based upon conspiratorial thinking. She reviewed statistics that show that 31% of Americans either have not heard the term or cannot say what it means. The definition of antisemitism as provided by the International Holocaust Remembrance Alliance (IHRA) was provided by Ms. Markowitz as *a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.* The importance of the definition is that it defines antisemitism as not only a hatred but also a perception of Jews. The definition

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has been adopted by many countries and states, including the State of Kansas in March of 2022, and by many local cities.

Ms. Markowitz expressed her desire to work with the City to adopt this definition to ensure that all City officials, staff and law enforcement have a common understanding of what antisemitism is and looks like. Law enforcement can use the tool especially to identify bias motivated crimes. Mayor Flora clarified that an action item on adoption of the definition will come forward to Council in April.

### **Fair Housing Month Proclamation**

Mayor Flora recognized April as Fair Housing month in Mission, with April marking the 56th anniversary of the signing of the Fair Housing Act. She stated the importance of recognizing and raising awareness of each individual's rights under the Fair Housing Act, and reiterated Mission's commitment to equal housing opportunities in the community.

### **Police Department Promotion – Sergeant Drake Sparks**

The final presentation of the evening was recognition by Police Chief Madden of the promotion of Drake Sparks to Sergeant within the Mission Police Department. Mayor Flora welcomed Chief Madden to make the presentation.

Chief Madden introduced the new role and Sergeant Sparks as eager, quick to learn, and someone who treats everyone with respect and dignity. He also listed additional training and tasks that Sergeant Sparks has taken on and that he comes from a family of law enforcement employees. He then introduced the pinning of badge and brass, which tonight would be done by Sergeant Sparks' fiancée Marissa and his mother and father, Todd and Diane.

### **EXECUTIVE SESSION**

Mayor Flora announced that there was a need for an Executive Session.

**Moved by Boultinghouse, seconded by Inman** to move the City Council recess to executive session in accordance with K.S.A. 75-4319 (b)(1) to consult with an attorney under KSA 75-4319(b)(2) to discuss the legalities of potential zoning code amendments. Also attending the executive session will be City



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Attorney Dave Martin, land use attorney Pete Heaven and City Administrator Laura Smith with the open meeting will resume in the Council Chambers at 7:38 p.m. (20 minutes).

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

The City Council returned to the Council Chambers at 7:38 p.m. and with no further action required resumed the open meeting.

### **ISSUANCE OF NOTES AND BONDS**

There were no items related to Issuance of Notes and Bonds.

### **CONSENT AGENDA**

- 5a. Minutes of the February 15, 2023 City Council Meeting
- 5b. Animal Sheltering Services Contract
- 5c. Johnson County Mental Health Co-Responder MOU
- 5d. Community Center Projector Replacement
- 5e. Lifeguard Pay Adjustments
- 5f. Referral Bonus Program for Part-time Staff
- 5g. Mohawk Park Picnic Tables
- 5h. Foxridge Dr. Phase II (51st St. To Lamar Ave.) Construction Inspection Agreement
- 5i. Acceptance of Easements for Foxridge Dr. Phase II (51st St. To Lamar Ave.) Street Rehabilitation Project
- 5j. Construction Inspection 2023 Street Preservation Project Construction Inspection Agreement
- 5k. Acceptance of Easements for 2023 Residential Street Preservation Project

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

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



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### **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 March 1 and considered three items. The meeting minutes, animal sheltering contract and MOU with Johnson County Mental Health for co-responder services were all approved under the Consent Agenda and no items will be considered under the Regular Agenda this evening.

#### **Community Development Committee**

Councilmember Chocie reported that the Community Development Committee also met on March 1 and considered thirteen items. The meeting minutes, Community Center projector replacement, lifeguard pay adjustments, referral bonus program for part-time staff, Mohawk Park picnic table purchase, Foxridge Dr. Phase II construction inspection agreement, acceptance of easements for Foxridge Dr. Phase II Street Rehabilitation Project, 2023 Street Preservation Project construction inspection agreement, and acceptance of easements for the 2023 Residential Street Preservation Project were approved under the Consent Agenda. A Super Pool Pass agreement, Mission Family Aquatic Center 2023 fees and charges, Foxridge Drive construction contract bid award, and 2023 Street Preservation Project construction contract bid award will be considered under the Regular Agenda tonight.

#### **Super Pool Pass Agreement/Letter of Understanding**



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Councilmember Chociej reported that Mission has participated in the Super Pool Pass (SPP) program since 2009, with the exception of the 2020 and 2021 outdoor swim seasons because of COVID-19 closures or concerns. This program offers residents and non-residents who qualify the opportunity to attend participating cities pools if they purchase a membership to the pool in their home community along with a Super Pool Pass.

Councilmember Chociej also reported that the SPP program was designed to increase attendance at local outdoor aquatic facilities and to provide members access to new or different amenities at various pools for a reasonable price. Total revenue generated for Mission from the Super Pass Pool program since its inception is approximately \$78,341. In order to participate in the program, each city executes the Interlocal Agreement and a Swim Meet Letter of Understanding annually, which also allows for pass holders of a host-city free admission to any of the other entities' pools on days when swim meets result in closure of a particular facility.

**Moved by Chociej, seconded by Davis** to authorize the Mayor to execute the Interlocal Agreement indicating Mission's participation in the Super Pool Pass program for 2023 and approve the Swim Meet Letter of Understanding.

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

### **Mission Family Aquatic Center 2023 Fees and Charges**

Councilmember Chociej reported that over the past two seasons, costs associated with staffing, utilities, chemicals and maintenance have increased at the Mission Family Aquatic Center. Some increases were thought to be temporary surges coinciding with shipping and logistics inputs; however, food, chemical and staff wage costs are increasing again this season. Due to increasing costs associated with operating the MFAC, staff recommends adjusting the membership model to increase revenues and simplify the registration/verification process as shown in the attached memo. The proposed changes for both 2023 and 2024 will start to address the length of time the facility has gone without any price/fee increases. The Council will also consider

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adopting a policy that would adjust fees incrementally each year in order to maintain an established cost recovery target. The proposed pricing changes outlined generate an estimated \$11,055 in additional revenues for 2023, which will help to reduce the General Fund subsidy required to operate the MFAC. Additionally, it will allow patrons to effectively compare membership value with the Fairway, Prairie Village and Leawood community outdoor pools.

**Moved by Chociey, seconded by Davis** to approve a revised pricing schedule for the Mission Family Aquatic Center (MFAC) which simplifies marketing and increases transparency.

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

### **Foxridge Dr. (51st St. to Lamar Ave.) Construction Contract Bid Award**

Councilmember Chociey reported that on May 18, 2022, the City Council approved a resolution adopting the 5-Year CARS Street Improvement Program for 2023-2027, which included the Foxridge Drive Phase II (51 St. to Lamar Ave.) Street Rehabilitation Project in 2023. The scope of work includes full depth pavement reconstruction, sidewalk and retaining walls, stormwater improvements, traffic signal buyout and replacement, streetlights, and pavement markings. The project was bid in January and bids were opened on February 22 with five bidders responding. VF Anderson Builders LLC submitted the lowest and most responsive bid. Staff recommends approval of the bid by VF Anderson Builders LLC in an amount not to exceed \$5,167,691.00. Construction is anticipated to begin in April/May 2023 and is estimated to be completed no later than December 1, 2023.

**Moved by Chociey, seconded by Kring** to approve a contract with VF Anderson Builders LLC for construction of the Foxridge Drive Phase II (51st Street to Lamar Avenue) Street Rehabilitation Project in an amount not to exceed \$5,167,691.00.

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

### **2023 Street Preservation Project Construction Contract Bid Award**

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The 2023 Residential Street Preservation Project includes four streets, which were selected from the proposed 10-year program for maintenance and rehabilitation of local/residential streets based on pavement condition. They are Beverly Avenue from 57th Street to 56th Street; Riggs Ave. from 53rd Street north to the dead end; 50th Terrace from 51st Street east to the city limits; and 61st terrace from Lamar Avenue to Woodson Street. The scope of work for the streets to be constructed in 2023 includes full depth pavement reconstruction, curb and gutter removal and replacement, and stormwater improvements or repairs.

The 2023 Residential Street Preservation Project was bid in January and bids were opened February 21, 2023. Based on rising prices due to inflation and supply chain issues, two of the four streets (Beverly Ave. and 50th Terr.) were bid as bid alternates to provide flexibility due to potential budget constraints. There were three bidders, with G-B Construction LLC submitting the lowest and most responsive bid.

The Residential Street Preservation Program was built with a goal of allocating \$2 million dollars annually for design, construction, and construction inspection. Although the cost for constructing all four streets exceeds \$2 million for 2023, there are adequate funds in the Street CIP Budget for this project. Staff will continue to evaluate future street projects and available budget for future construction. Any funds not spent in the current year will roll over to a future year and will be dedicated to this residential street program.

Councilmember Davis asked what the sequencing of the projects would be. Public Works Director Celia Duran answered that a tentative schedule has been constructed, which is not linear by street but rather by portion for the project. All stormwater work will be done first, followed by grading and curbing. She will be sending out a letter to residents of the conceptual schedule with an explanation of why the crews may be jumping around. Work will begin May 15 and end in October. She will also update the website weekly.

**Moved by Chocie, seconded by Davis** to approve a contract with G-B Construction LLC for construction of the 2023 Residential Street Preservation Project in an amount not to exceed \$2,779,387.51.





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

### **UNFINISHED BUSINESS**

Mayor Flora explained that there was no unfinished business tonight.

### **NEW BUSINESS**

Mayor Flora explained that there are two items of new business tonight, and asked Ms. Smith to make her presentation.

### **Ordinance Establishing a Temporary Moratorium on all New Business Licenses for Establishments that Sell Tobacco, Electronic Cigarettes and/or Electronic Cigarette Paraphernalia in the City of Mission**

City Administrator Laura Smith introduced to the Council an Ordinance establishing a temporary moratorium on all new business licenses for retailers that that sell tobacco, electronic cigarettes, and electronic cigarette paraphernalia. Ms. Smith reviewed that conversations regarding the regulations of the location of retailers selling tobacco, electronic cigarettes and electronic cigarette paraphernalia has been on-going since October 2022.

On February 1, during the Finance and Administration Committee meeting, additional direction was provided by the Council to Staff regarding options for consideration. Based on the time needed for the Council to discuss, review and evaluate options, plus any time required for notice and public hearing, it was recommended to adopt a temporary moratorium of 150 days was recommended. Ms. Smith reported that Staff and legal counsel have drafted a moratorium ordinance for Council consideration.

Councilmember Kring asked when the moratorium would take effect. Ms. Smith confirmed upon publication of the Ordinance, which will be the following Tuesday.

Councilmember Davis thanked Staff for the hard work and thoughtfulness of this consideration.

**Moved by Davis, seconded by Kring** to approve the Ordinance establishing a

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temporary moratorium on all new business licenses for establishments that sell tobacco, electronic cigarettes and/or electronic cigarette paraphernalia for a period of one hundred fifty (150) days.

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

### **Predevelopment Agreement – Moffit Development Co., Inc. - 58/Nall Project**

Ms. Smith presented to the Council a predevelopment agreement for the 58/Nall project, which has had a final development plan approved by the Planning Commission and for which construction drawings have been submitted. The Council heard from Mr. Moffitt at the March committee meetings as he presented the reasons for his desire to ask for incentives, which include increased construction costs and interest rates. Mr. Moffitt desires to submit an application for the use of property tax abatement. Ms. Smith shared that this is not an incentive tool the City has used in the past, however it is available. Mr. Moffitt has been very transparent about his desire to submit his application. The predevelopment agreement will require the Developer to place \$10,000.00 up front in an escrow account for City use for review of financial documents and the work of third party consultants on the proposal.

Ms. Smith presented the agreement as used previously and approved by the Developer and his legal team. She reviewed that the agreement protects the City's financial interests by not using our funds to pay for the work involved in evaluating and negotiating a request for incentives. She also emphasized that the agreement does not commit the Council to the use of incentives.

Councilmember Kring asked if there was a formal tax abatement request yet in writing? Ms. Smith replied that an application has not yet been submitted, but the Developer has agreed to the predevelopment agreement and a list of documents to be submitted with the formal application from the City's financial advisor has been provided to them. This will allow the evaluation process to begin.

Councilmember Davis asked if there would be a metric to gauge value added with this type of tax abatement request. Ms. Smith answered that information

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will be part of the analysis and feasibility study. A but/for test will still exist for this project as analyzed by the City's financial advisor.

Mayor Flora commented that her understanding of tax abatement statutes are tied to the economic benefits generated from the project. She would like to have clear evidence of this provided by the Developer or by the City's team that shows the impact will be greater than the ask for incentives.

Ms. Smith confirmed that, and that using tax abatement is discretionary and that there is flexibility in how much and how long the abatement is for.

**Moved by Chociey, seconded by Ryherd** to approve a predevelopment agreement with Moffit Development Co., Inc. for consideration of a 77-unit multi-family redevelopment project known as the 58/Nall Project.

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

### **COMMENTS FROM THE CITY COUNCIL**

Councilmember Kring shared that she has received financial requests from Unleashed Pet Rescue via email, which she would like to make residents aware of due to the pending legal action against the entity.

Councilmember Davis congratulated Councilmember Boultinghouse on the birth of his first child.

### **COUNCIL COMMITTEE LIAISON REPORTS**

#### **Sustainability Commission (Kring/Thomas)**

Deputy City Administrator Emily Randel provided the report as both Councilmembers Kring and Thomas were not able to attend. Ms. Randel reported that the Johnson County Department on Aging and Human Services presented, sharing information regarding the services provided by the agency, and how the City and committee members can help support those services. She also reported that a smart recycling workshop will be held in April at the Powell Community Center, along with the Citywide Clean Up event on April 22.

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Councilmember Kring added that during the Commission's April meeting on April 3 she will be presenting photographs from her trip to the Galapagos Islands and the sustainability practices used there.

### **Parks, Recreation + Tree Commission (Loudon/Ryherd)**

Councilmember Loudon reported that the feasibility study will be presented soon during a stakeholder meeting and to the Council. Additionally, projectors in the community center meeting rooms have been replaced and are now mounted on the back wall vs. the ceiling. She also reported that picnic tables have been ordered for Mohawk Park, three of which will address ADA accessibility standards. Part-time parks positions are being filled now, and Tree City USA approved the City's status as a Tree City USA for the 21<sup>st</sup> year in a row. The City will also receive a tree award in March.

Councilmember Ryherd also noted that a sub-committee has been designated to work through the Commission's key projects and make presentations to the Council.

### **Mission Magazine Editorial Board (Boultinghouse)**

Councilmember Boultinghouse reported that he was unable to attend the March meeting. He is looking forward to the next meeting.

Ms. Smith provided the update that the board did meet and offered their congratulations to Councilmember Boultinghouse and his wife on the birth of their son. She reported that the final proofing of the current issue happened earlier that day and it will be uploaded to the printer and is supposed to be in mailboxes by the end of the month. She also shared that the editorial board has decided to theme each issue for this year. Themes include health and wellness, sustainability, arts and culture and pets and kids and landscaping and home renovation. She reviewed that the work to replace the editor that left Town Square Publications/Metromedia 2022 continues. The board is focused on delivering consistent quality.

### **Family Adoption Committee (Chociej)**

Councilmember Chociej reported that the Family Adoption Committee has not met due to the time of the year. He wanted to address Councilmember Davis's comments regarding budget priorities and echoed that the work the committee

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does is extremely intense in the areas of volunteers, space, time and energy. He finds the impact of the work to be immense, however the committee would echo a need for some thoughtfulness to be similarly impactful while more efficient and streamlined. He believes good work is being done, however it may not be sustainable.

### **MAYOR'S REPORT**

Mayor Flora made appointments to consider for the Board of Zoning Appeals.

**Moved by Kring, seconded by Chociej** to appoint Robin Dukelow, Mike Lee, Stuart Braden and Aaron Wingert to the Board of Zoning Appeals with terms expiring December 31, 2025. Voting AYE: Thomas, Boultinghouse, Ryherd, Inman, Loudon, Kring, Chociej and Davis. **Motion Carried**

### **CITY ADMINISTRATOR'S REPORT**

Ms. Smith reported that sales tax started off in a strong position this year and she believes the assessed valuation numbers will look good as well. Ms. Smith highlighted a neighborhood meeting scheduled for March 20 regarding the Milhaus redevelopment project. A letter went out to neighbors within 300 feet of the project, an expanded radius over the legally required notice, to cast the net to as many neighbors as possible. The meeting will be an open house format for questions and interaction. The City is not hosting the meeting, the Developer is, with a focus on the physical components and not the Developer's likely intention to ask for incentives.

City Clerk Robyn Fulks presented to the Council a listing of businesses that have opened and closed in the City in the last month, including the opening of Casey's General Store pushed back to the end of April; Tacos el Gallo at 5038 Lamar at the end of March; and Resilience Brilliance, a new mental health counseling office on Foxridge. She also highlighted working on why businesses are leaving the city, which is difficult as we don't typically know that businesses are leaving. She did mention the closing of LUX by Mitzy and Super Kids Club, both of which had to close due to the need for more space.

Councilmember Kring asked about the new hair salon opening on Martway, which is American Honey Hair Co.

Ms. Smith lastly mentioned the UMKC Urban Planning project presentation,



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which will be the following week at the community center.

**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](http://missionks.org).

**Moved by Davis, seconded by Kring** to adjourn the meeting at 8:17 p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Robyn L. Fulks, City Clerk.

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Solana Flora, Mayor

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Robyn L. Fulks, City Clerk