



MINUTES OF THE MISSION CITY COUNCIL MEETING

April 19, 2023

The Mission City Council met in a regular meeting on Wednesday, April 19, 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 Chociej. 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 Kring, seconded by Chociej** to approve the April 19, 2023 City Council meeting agenda as revised. Voting AYE: Boultinghouse, Davis, Thomas, Chociej, Inman, Loudon, Ryherd and Kring. **Motion Carried.**

PUBLIC HEARING

There were no Public Hearings.

SPECIAL PRESENTATION

Arbor Day Proclamation

Mayor Flora announced that Arbor Day will be celebrated this year on Friday, April 28 and presented the Arbor Day Proclamation to Parks + Recreation Director Penn Almoney. Mr. Almoney thanked Mayor Flora and the Council, and announced that members of the Parks, Recreation + Tree Commission will meet with second grade students from Rushton Elementary School to discuss the importance of trees and the benefits trees provide to our community.

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Arbor Day Poster Winner Recognition

Mayor Flora welcomed Mr. Almoney and Parks, Recreation + Tree Commissioner Jacques Gameson who introduced the winner of the City's Arbor Day poster contest winner, Ms. Gameson, the City's longest tenured Parks, Recreation + Tree Commission member, welcomed the Stogsdill Family and their fifth grader Vanessa, who is the contest winner this year. She presented Vanessa's artwork to the Mayor and Council, along with her family. Mayor Flora thanked all of the students for their entries this year, and the Rushton Elementary School staff for their support and partnership.

Child Abuse Awareness Month Proclamation

The second proclamation of the evening was issued by Mayor Flora to honor Child Abuse Awareness Month in the month of April. She thanked child advocates who work tirelessly every day to help children ensure their bright futures.

ISSUANCE OF NOTES AND BONDS

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

CONSENT AGENDA

- 4a. Minutes of the March 15, 2023 City Council Meeting
- 4b. CMB Application Tacos on Lamar LLC dba Tacos El Gallo
- 4c. Resolution for 2023 City-Sponsored Festival Events
- 4d. Declaration of Surplus Equipment



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4e. Personnel Policy Guidelines

4f. Purchase of Permitting Software

4g. Trail Counters

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

Voting AYE: Boultinghouse, Thomas, Chociej, 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 April 12 and considered nine items. The meeting minutes, CMB application for Tacos on Lamar LLC dba Tacos El Gallo, the Resolution for 2023 city-sponsored festival events, declaration of surplus equipment and personnel policy guidelines were approved under the Consent Agenda. A predevelopment agreement with Mission & Beverly, LLC, a Resolution adopting an antisemitism definition, purchase and installation of automated license plate readers and classification and compensation recommendations for the Mission Police Department will be considered under the Regular Agenda tonight.

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Predevelopment Agreement Mission & Beverly, LLC
(Milhaus Development)

Councilmember Boultinghouse explained that since the fall of 2022, staff has been in discussion with representatives from Milhaus Development regarding a 228-unit multi-family project proposed in two buildings, located east and south of the Powell Community Center on several assembled parcels. The developer has indicated a desire to seek a property tax abatement for the project. Historically, when the City entertains discussions surrounding the use of incentives, an Agreement is negotiated with the proposed developer. The agreement includes provisions that designate Mission & Beverly, LLC as the “Developer of Record” for the Project Area from the effective date of the agreement through December 31, 2023; provides that development is contingent on satisfactory negotiation of a final development agreement, completion of the planning and zoning entitlement process, and agreement on any public improvements and development design.

Councilmember Boultinghouse noted that nothing in the Agreement obligates the City to approve any public incentives; and the Developer will establish a \$10,000 fund to reimburse for any City expenses incurred during discussion and review of a final development agreement. The specific terms of a final development agreement will be considered once City staff and the City’s consulting team have evaluated the request and formulated a recommendation to the City Council.

Moved by Boultinghouse, seconded by Chociej to approve a predevelopment agreement with Mission & Beverly, LLC (Milhaus Development) in connection with consideration of a 228-unit multi-family and mixed-used redevelopment project known as the Mission-Beverly Mixed Use Project.

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

Resolution Adopting Antisemitism Definition

Councilmember Boultinghouse explained that during the March 15 City Council meeting, representatives from the Jewish Community Relations



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Bureau/American Jewish Committee (JCRB/AJC) presented information on the increasing incidents of antisemitism across the country, and in Johnson County and the Kansas City metro. They are working with cities throughout the region to educate and seek adoption of the International Holocaust Remembrance Alliance's working definition of antisemitism.

He further explained that antisemitism, including harassment based on actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation, or faith, remains a persistent and disturbing problem in American society. The Resolution presented outlines Mission's commitment to adopt the non-legally binding International Holocaust Remembrance Alliance Working Definition of Antisemitism and provides for the working definition be made available as an educational resource to all City employees.

Adoption of the working definition aligns with Mission's non-discrimination protections and Council's desire to act where appropriate to signal and reinforce our goal of being a welcoming and inclusive community.

Councilmember Thomas commented to disclose that she is employed by the JCRB/AJC, however there is no conflict of interest in connection with consideration of this Resolution.

Moved by Boultinghouse, seconded by Kring to approve the Resolution recognizing the growing problem of antisemitism in the United States and calling for the adoption of the International Holocaust Remembrance Alliance's working definition of antisemitism.

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

Purchase and Installation of Automated License Plate Readers

Councilmember Boultinghouse explained that in 2022, an appropriations request was submitted through Senator Moran's office to fund the purchase and installation of Automated License Plate Readers (ALPR) at key locations in Mission. An award of \$140,000 was approved through the Department of Justice. Since then, staff has worked with vendors, Public Works, and

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neighboring jurisdictions to coordinate this project. Eight of the nine locations chosen will be the sites the City of Mission will own. The Foxridge and Lamar location is being purchased and installed by the Johnson County Sheriff's Office to protect critical County infrastructure in the area.

It is important to remember that this technology takes photos of the rear of vehicles passing by the camera. The only time officers are alerted is if there is an association to the license plate that is in the database. This technology is not used for any type of traffic enforcement or other monitoring. He explained that Electronic Technology, Inc. was chosen for this project based on the lowest long-term cost as well as functionality of the system. Additionally, there were significant cost savings due to the Johnson County Sheriff's Office agreeing to host our data on their ALPR server.

A Memorandum of Understanding is in development by the Sheriff's Office for this service and will be provided back to the Council for review prior to making a final determination about data hosting. Most of the project costs will be covered by grant funds. The remaining balance of \$7,637.00 is recommended to be funded through the asset forfeiture fund.

Moved by Boultinghouse, seconded by Kring to enter into an agreement with Electronic Technology, Inc. for the purchase and installation of automated license plate readers at key locations throughout the City of Mission for an amount not to exceed \$147,637.00.

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

Classification and Compensation Recommendations – Mission Police Department

Councilmember Boultinghouse explained that at various points over the last several years, Staff has shared with Council the challenges faced by the Police Department in recruiting and retaining qualified, sworn law enforcement officers. The difficulties for smaller departments like Mission continue to increase as agencies (both public and private) in the metropolitan area are leap-frogging over one another to increase compensation to both attract and

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retain officers. Classification and compensation adjustments City-wide in 2017, 2021, and most recently with the 2022 merit increases. have allowed Mission to remain competitive when hiring across all departments, but a number of factors influencing the law enforcement profession specifically have led us to a situation where we need once again to address compensation for the Police Department. The City Administrator and Police Chief have been working together for several months to understand the competition and to try and develop recommendations which are both meaningful and sustainable into the future.

City Administrator Laura Smith reviewed an updated recommended salary structure handout, explaining that the request would be to approve the new salary structure, and that she would then work with Chief Madden to implement the specific increases, ranging from 6-12% for all hourly sworn personnel.

Councilmember Thomas asked Ms. Smith for clarification that the vote tonight is only for increases in the police department. Ms. Smith confirmed that is correct. She further clarified that the remaining items on the list that are not pertaining to the police department are from the classifications adopted in January of this year.

Moved by Boultinghouse, seconded by Kring to approve the new salary structure for sworn law enforcement personnel and authorize the City Administrator to proceed to implement one-time adjustments to compensation for commissioned police staff in order to address on-going issues of recruitment and retention.

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

Community Development Committee

Councilmember Chociejj reported that the Community Development Committee also met on April 12 and considered seven items. The meeting minutes, purchase of permitting software and purchase of trail counters were approved under the Consent Agenda. A supplemental building inspection services contract, declaration of structure as unfit for human habitation, the 2024-2028



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5-year CARS program plan and summer camp staff wage adjustments will be considered under the Regular Agenda tonight.

Supplemental Building Inspection Services, FSC, Inc.

Councilmember Chociej explained that the Community Development Department is experiencing an unprecedented number of applications for new development construction in the City, in particular for several large-scale project. These projects, in addition to regular building activity, has placed a significant burden on the department that cannot be handled by the Building Official alone. The City Council approved the addition of a Building Inspector for the 2023 Budget year and recruitment for that position is underway. However, the current workload still exceeds the current staff capacity, even after the Building Inspector's position is filled. To meet the needs of the development community and to ensure the construction of projects in accordance with building codes, Community Development Staff would like to contract with FSC to augment inspection services for new development construction. This would include structural, mechanical, fire, and life safety inspections.

Moved by Chociej, seconded by Davis to approve a contract with FSC, Inc. Consulting Engineers for Supplemental Building Inspection Services in an amount not to exceed \$230,000.

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

Declaration of Structure as Unfit for Human Habitation – 6350 W. 49th Street, Mission, Kansas

Councilmember Chociej explained that the structure located at 6350 W 49th Street (the "Property") is a townhome built in 1979. The structure has an ongoing history of unresolved code violations dating back to April 1, 2022. He explained that on February 17, 2023 an evidentiary hearing was held to make a determination on the Complaint and Order for Hearing personally served to the owner on January 26, 2023. The sole purpose of this hearing was to provide

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the owner and other interested parties the opportunity to provide evidence and documentation for the Building Official (serving as the Public Officer) to consider when making the final determination as to whether the Property was unfit for human habitation as noted in Item III of the Complaint and Order for Hearing and in accordance with Section 510.160 of the Mission Municipal Code (“the Code”).

As a result of the hearing, the Public Officer has made the determination that the Property located at 6350 W 49th Street, Mission, Kansas is hereby declared unfit for human occupancy and deemed a public nuisance. The Public Officer determined that the cost of the repairs do not exceed fifty percent of the value of the Property (which, since the Property is a duplex/townhome, it includes the value of the neighboring property sharing the common fire wall) and ordered the Property to be repaired, altered, or improved. On February 21, 2023, the Findings of Fact with Order of Abatement was personally served and mailed (certified) to the owner and all parties of interest. The deadline for compliance with the Findings of Fact with Order of Abatement was March 21, 2023. Despite all efforts by staff to achieve compliance, the violations have not been corrected and the Property remains in violation.

In accordance with Section 510.160(C) of the Mission Municipal Code, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure within thirty days from the date of such order, the Public Officer shall file with the Governing Body his/her written report of the proceedings and orders which shall be reviewed by the Governing Body at its next regular meeting and, upon approval of the report and proceedings by the Governing Body, the public officer may cause such structure to be repaired, altered or improved or to be vacated and closed.

Mr. Chociej welcomed Building Inspector Jim Brown, also the Public Officer, who gave additional background of the case. He explained that the Resolution will allow strict deadlines to be set and allows him to take action to obtain bids and the City to complete abatement and bring the property back into a habitable state should the appropriate repairs not be undertaken and completed by the property owner. Mr. Brown offered to answer questions about the process.

Councilmember Kring commented that the work Mr. Brown did to show the Council a picture of the issues over time was very well done and appreciated.



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Ms. Smith noted that, while the presentation this evening was brief, much more extensive information was shared during the Committee Meeting on April 12 along with detailed written information in the agenda packet.

Mayor Flora called for public comment on this item.

Randall Robb of Kansas City, MO introduced himself as the potential buyer of the property, as-is. He believes they are in a position to close quickly to take the property off the City's hand. The seller had some items that had to be completed that are now done. He hopes to close at the end of April, or within ten days. He will start immediately with roof replacement. He has asked Staff to treat him as a new property owner rather than have the issues hanging over his head left over from the previous owner. He doesn't want to be cited or a lien placed on the property for issues that were existing previously. He would like something in writing that will be the case. He reiterated he can close quickly.

Jay Meyer of Mission, KS introduced himself as the adjacent property owner of the property in question. He has lived in Mission for 42 years and a neighbor to the property for 32 years. Until about ten years ago there were no issues. He had been told by Mr. Robb since August 19 that he would be buying and closing quickly on the property with no action ever taken. He has had vermin in his ceiling for six months due to the issues with the adjacent property, including a dumpster on the property for 90 days. He would like to work with City staff to get the property back up to code. He previously was okay with working with Mr. Robb, however too many months of being led on by Mr. Robb makes that undesirable now.

Mike Page, the attorney of the homeowner, introduced himself and stated he believes they are at the end of the process. He believes Mr. Robb can purchase the property fairly soon and asked that whatever can be done to help facilitate that be done.

Mayor Flora moved to Council discussion of the item.

Mayor Flora asked if the violations and existing status go with the property or the property owner.

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City Prosecutor Jacob Turner answered that the violations go with the property. All parties have had the opportunity to participate in the process of determining if the property is unfit for human habitation, and today, if the Resolution passes, the City can decide what next steps they will take by either fixing the issues or working with the buyer to set up a timeframe to fit the issues.

Mayor Flora clarified that any potential buyer will step into the process as the violations go with the property rather than the owner individually. Mr. Turner explained that is correct.

Councilmember Chociej asked about the timeline of action that staff can take if the Resolution passes. Mayor Flora explained that an outline of the timeline is provided in the information in the agenda packet and asked Mr. Turner for more information.

Mr. Turner explained that, under City code, proceedings can begin immediately, however staff has built in some extra time for the potential buyer to figure out logistics.

Mayor Flora explained that May 1 is when that extra time runs out. Councilmember Chociej wanted to get more clarification about when staff would likely plan to go in and start making repairs.

Deputy City Administrator Brian Scott explained that the Resolution would be published in the newspaper prior to becoming effective, which will happen the following Tuesday. A copy will be hand delivered to interested parties three days after publication, which moves to April 28. Staff moved the deadline to May 1 for some extra time for parties. After May 1, there are 30 days to complete work either by the current owner or any new owner. Mayor Flora again clarified that the timeline will run with the property, not the owner. So any new owner would also be bound by the timeline laid out in the Resolution.

Councilmember Chociej voiced that he is employed by a title insurance company, and while the property is not currently identified as a conflict of interest, he will be recusing himself from the vote and offering the motion if possible.

Councilmember Davis asked if Staff will be giving the potential buyer Mr. Robb

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a letter like he asked for. Mayor Flora explained that would be setting out a new timeline, and since the decision runs with the property a vote tonight would keep the schedule established for the property, regardless of who the owner is.

Moved by Davis, seconded by Thomas to approve the Resolution declaring the structure at 6350 W 49th Street unfit for human habitation and ordering the structure to be repaired, altered, or improved or vacated and closed and identifying a strict timeline for compliance in accordance with Section 510.160 (C) of the Mission Municipal Code.

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

2024-2028 5-Year CARS Program

Councilmember Chociejj explained that through a combination of state gas tax dollars and County General Fund revenues, the CARS program provides funds to cities to construct and maintain eligible streets. Each year, cities submit a 5-year road improvement plan to the County from which projects are selected for funding (up to 50% of the project's construction and construction inspection costs). Approval of the resolution does not specifically commit the City to any expenditure of funds and its purpose is to communicate to the County the CARS eligible projects the City is considering over the 2024-2028 planning horizon. The City's proposed projects are Roe Avenue from Johnson Dr. to 63rd St.; 63rd Street from Nall Ave. to Roe Ave.; Johnson Drive from Metcalf Ave. to Lamar Ave.; Nall Avenue from Martway St. to 63rd St.; and Martway Street from Woodson Rd. to Roeland Dr.

Moved by Chociejj, seconded by Davis to approve the Resolution adopting the Five-Year City/County Street Improvement Program for the City of Mission for 2024-2028.

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

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Summer Camp Staff Wage Adjustments

Councilmember Chociej explained that camp instructor interest is low at this point for the Mission Summer Camp program. The Parks + Recreation Summer Camp Staff wage analysis conducted by the Parks + Recreation Director shows that Mission is in the mid-range level of the wage scale, with several comparable camps offering a higher starting rate. Other municipal departments paying staff similarly to Mission are either smaller camps or have less activities/inclusions. Staff are recommending an increase in the starting wage of Mission Summer Camp Counselors from \$12 per hour to \$14 per hour. The net increase in personnel expenses is \$1,760 per week for a total seasonal increase of \$15,840, which will be offset in 2023 by the Child Care Aware grant secured by Staff. The recently approved referral and sign-on bonus for part-time summer staff is anticipated to help with staffing as well. Future budgets can be impacted by an increase in camp fees and potentially increases in the number of campers accommodated each week.

Moved by Chociej, seconded by Davis to increase the starting summer camp staff pay rate to \$14.00 with an estimated budget impact of \$15,840.00.

Voting AYE: Boultinghouse, Thomas, Chociej, 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 is one item of new business tonight, the election of the Council President and Council Vice-President. She asked for nominations for Council President.



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Election of Council President and Vice-President

Councilmember Ryherd nominated Councilmember Boultinghouse for the position of Council President. There were no further nominations.

Moved by Ryherd, seconded by Davis to approve the nomination of Trent Boultinghouse for the position of City Council President with a term expiring April, 2025.

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

Councilmember Boultinghouse nominated Councilmember Chociejski for the position of Council Vice-President. There were no further nominations.

Moved by Boultinghouse, seconded by Davis to approve the nomination of Ben Chociejski for the position of City Council Vice-President with a term expiring April, 2025.

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

COMMENTS FROM THE CITY COUNCIL

Councilmember Chociejski mentioned that the new street light at the end of 60th Terrace and Nall is proving to be very helpful, and thanked Public Works Director Celia Duran for her work getting that up and running.

Councilmember Kring reminded folks of the Ward III Meeting the following evening at the Community Center.

Councilmember Davis thanked and congratulated Councilmember Boultinghouse on his new title of Council President.

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COUNCIL COMMITTEE LIAISON REPORTS

Sustainability Commission (Kring/Thomas)

Councilmember Kring noted that the Commission discussed the Citywide Clean Up coming up on April 22. She also shared photos of her trip to the Galapagos Islands to review their many sustainability practices in the area. The Commission also has some recycling updates including items that were previously able to be recycled cannot be now. She asked Deputy City Administrator Emily Randel to expand on the Citywide Clean Up event and the new recycling rules.

Ms. Randel explained that the clean up event is upcoming on Saturday, April 22. Participants to meet at Beverly Park at 9:00 a.m. Pre-registration was required for the event, with 190 volunteers signed up. She also referenced the recycling item, including a smart recycling event that was ongoing at the Community Center and was featured on Fox4 earlier in the day. She also referenced the delicacy of the recycling program and how contamination can really have an adverse effect on the system. She also noted that not bagging your recycling is very important.

Parks, Recreation + Tree Commission (Loudon/Ryherd)

Councilmember Loudon reported that the Commission met earlier in the week and reviewed the parks master plan for Waterworks Park with Stantec, which was very exciting. She was very pleased with how things were looking, including the parking lot changes that will help with safety, the addition of bathrooms, a new shelter and shaded spaces. Some trees will have to be removed, however Stantec did all that they could to keep older trees in place. At Mohawk Park, steel is up, the parking lot is complete, and picnic tables will come in May. The Phase I renovations are on track to be completed with only minor delays due to supply chain issues.

Mission Magazine Editorial Board (Boultinghouse)

Councilmember Boultinghouse asked City Administrator Laura Smith to provide the update for the board. Ms. Smith expressed her appreciation for the Mission Magazine and the work she gets to do with it. The Board has been working through some issues with mailing lists and personnel changes with the

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publisher. Each issue in 2023 will be themed, with the next one themed on Sustainability. She previewed some stories to be included in the next issue including solar panels, businesses using sustainable practices and backyard chicken and bee-keeping.

Family Adoption Committee (Chociej)

Councilmember Chociej reported that the Family Adoption Committee has not met due to the time of the year.

MAYOR'S REPORT

Mayor Flora made appointments to consider for the Parks, Recreation + Tree Commission. She put forward Dustin Wolfe, Ward I; and Sarah Emanuels, Ward III, for the Parks, Recreation + Tree Commission with terms expiring December 31, 2024. She welcomed Ms. Emanuels to the meeting and thanked her for attending.

Moved by Kring, seconded by Chociej to appoint Dustin Wolfe and Sarah Emanuels to the Parks, Recreation + Tree Commission with terms expiring December 31, 2024. Voting AYE: Thomas, Boultinghouse, Ryherd, Inman, Loudon, Kring, Chociej and Davis. **Motion Carried**

Mayor Flora's second item for her report was a public statement regarding a recent development in the Gateway project. She explained that staff and elected officials learned earlier in the day that Metropolitan Commercial Bank filed an action in state court to proceed with foreclosure on the property and that the City is not named in the litigation. Staff is closely monitoring the litigation and will take appropriate action if necessary to protect the interest of the City in relation to the project. She further explained that it would be premature to make further comments at this time, however information will be shared at a future date as it is available. Questions related to the litigation should be forwarded through the City Administrator Laura Smith.



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CITY ADMINISTRATOR'S REPORT

There was no City Administrator's report tonight.

EXECUTIVE SESSION

Mayor Flora explained that there was no need for an executive session tonight.

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 Loudon, seconded by Kring to adjourn the meeting at 7:52 p.m.
All present voted AYE. **Motion carried.**

Respectfully submitted by Robyn L. Fulks, City Clerk.

Solana Flora, Mayor

Robyn L. Fulks, City Clerk