



MINUTES OF THE MISSION SPECIAL CITY COUNCIL MEETING

July 17, 2023

The Mission City Council met in a Special City Council meeting on Monday, July 17, 2023 at 5:30 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 and Ken Davis. Councilmember ChocieJ appeared via Zoom. No councilmembers were absent.

Mayor Flora explained that 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.

Mayor Flora advised that because this is a special meeting, the Governing Body will only be considering the one item listed on the Agenda this evening which is a Resolution of the City of Mission, Kansas, Terminating the Redevelopment Agreement for the Mission Gateway Project

1. Resolution of the City of Mission, Kansas, Terminating the Redevelopment Agreement for the Mission Gateway Project

City Administrator Laura Smith began by explaining that a notice of default was sent to the Developer on May 15 under the terms of the January, 2023 Redevelopment Agreement for non-payment of taxes that were due on May 10. The current redevelopment agreement gives the Developer sixty days to cure the default. If no cure is provided, Council has options available to them under Section 9.01 of the agreement. Ms. Smith explained that the 60-day cure period expired on Saturday (July 15) and that verbal confirmation was received from the Developer's representative last week that they did not intend to make the tax payment. Staff confirmed again that morning that the tax payment had not been made to the County.

Ms. Smith referenced that at least one other time, under a previous iteration



MINUTES OF THE MISSION SPECIAL CITY COUNCIL MEETING

July 17, 2023

of the redevelopment agreement, a notice of default has been issued as well. In that situation the default was cured within the appropriate time period.

Mayor Flora next invited members of the public to speak on the issue.

Kim Donaway of Mission, Kansas voiced her support for the termination of the redevelopment agreement, as she would like to not have the Valenti family involved in the property. She does not believe the Developer has ever had financing and in place to complete the project. Additionally, she stated that Mission citizens previously stopped a big box store on the site in question, but she feels that the Planning Commission may be allowing those types of places due to the large white walls erected on the Developer's site. She also feels that the partially constructed site violates the rights of the citizens of Mission. She would like to ensure that Councilmembers who did not live in Mission in the early years of the project know the history of the site. She encouraged the Council to reject the redevelopment agreement, as she feels like the Developer is not trustworthy.

Tom Geraghty of Mission, Kansas, a former Councilmember, stated that he feels the City has been humiliated and disrespected for years by the Developer, and he believes the time has come to vote them out. He feels like the humiliation needs to end, and the City should be able to move on. He feels the Developer is disrespectful for not showing up to meetings or answering inquiries and he would like to see them off the site.

Deputy City Administrator Emily Randel read an online question from Tim Oberle of Roeland Park, Kansas asking, "can the County use eminent domain to take the property from the owner and sell it"?

Ms. Smith answered that a City would be the entity who would be able to use eminent domain, not the County. She further explained that eminent domain is a tool that cities can use to acquire property for a public purpose. The land would still have to go through an appraisal process, and the City would have to acquire the property at fair market value and then maintain or improve it. It cannot be sold to anyone, including another developer, for use other than for public purpose.

Moved by Boultinghouse, seconded by Kring to adopt a Resolution of the



MINUTES OF THE MISSION SPECIAL CITY COUNCIL MEETING

July 17, 2023

City of Mission, Kansas, terminating the redevelopment agreement dated January 20, 2023 for the Mission Gateway Project to be effective July 17, 2023.

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

Councilmember Thomas stated that, while she did not vote for the redevelopment agreement, she is disappointed by this being the outcome yet again. She stated she believes that, after 17 years, Mission residents and businesses have had enough and deserve better. She is still hopeful to see a development on the site.

Mayor Flora stated that over the years, Mission has invested an enormous amount of time and energy towards enabling the developer to achieve a successful Mission Gateway project, all while taking measures to protect the City's financial interests. Unfortunately, Mission's herculean efforts alone have not been enough. The reality of the matter is that even if you do all that you can to make something a success, at the end of the day you can't completely control the actions (or inactions) of others. It takes two for a successful public-private partnership, and the developer hasn't kept its end of the bargain. She stated she is beyond frustrated that we've been left with no other meaningful choice than to terminate the Development Agreement, but that's where we are at tonight.

Ms. Smith ended the evening by thanking the Council for their time and stated that she does believe it is important to remind the public that, although the action terminates the redevelopment agreement and the public/private partnership, the City does not and has not ever owned the site. This action does not put the City in a position to be in control of what happens to the property or the timing of any future development. She wanted to be clear that the action tonight does not accelerate any timeline for construction activity on the site.

She noted the City will continue to monitor the foreclosure action. She also acknowledged, to Ms. Donaway's comments previously, that there has been conversation for many years regarding big box discount retailers, and that Code language is very specific to not allow big box discount retailers vs. just the size of a building as a part of the development plan. She also touched on Mr. Geraghty's comments regarding the condition of the buildings. The last structural assessment of the buildings determined that they were not yet in a condition that would allow the City to take action, however Staff will continue to monitor that situation as well.



MINUTES OF THE MISSION SPECIAL CITY COUNCIL MEETING

July 17, 2023

Councilmember Kring asked if there was any information at this point as to if or when the structures currently on the site will come down. Ms. Smith replied that those buildings are what she was referencing, and that, because of the current structural assessment, the City cannot currently require that. Ms. Smith also stated that there is an approved final development that could, in theory, be picked up by a future developer to continue construction.


Councilmember Davis asked Ms. Smith about maintenance of the property in the interim, and who is responsible for maintaining the property. Ms. Smith confirmed that the Developer is still responsible for maintenance. She indicated Staff frequently reaches out to the owners to work with them and their local representative for maintenance of the fence, weeds and grass on the site.

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 Kring to adjourn the meeting at 5:45 p.m. All present voted AYE.
Motion carried.

Respectfully submitted by Robyn L. Fulks, City Clerk.



Solana Flora, Mayor

Robyn L. Fulks, City Clerk