



## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023

The Mission City Council met in a regular meeting on Wednesday, August 16, 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, Ben Chociej and Ken Davis. Councilmember Inman was 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.

### **REVISED AGENDA**

The Council considered a revised agenda to move the Mayors Report to the beginning of the agenda to accommodate guests in the audience.

**Moved by Kring, seconded by Boultinghouse** to approve the August 16, 2023 City Council meeting Agenda as revised.

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

### **MAYOR'S REPORT**

Mayor Flora announced her intention to recommend the appointment of Christine Korth as City Treasurer and explained that State Statutes require the City to appoint a City Treasurer who is a qualified elector of Johnson County. Mayor Flora asked City Administrator Laura Smith to provide a brief explanation.

Ms. Smith explained that City Clerk Robyn Fulks was currently serving as the City Treasurer as other Staff do not reside in the County. Budget and Finance



## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023

Manager Christine Korth is a resident of Johnson County and the appointment aligns well with her position.

**Moved by Boultinghouse, seconded by Davis** to uphold the appointment of Christine Korth as City Treasurer with a term expiring August 16, 2024.

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

**Motion Carried**

Mayor Flora next made recommendations for appointments to the Parks, Recreation + Tree Commission. She put forward Katie Anderson, Ward I; and Sam Komosa, Ward II, for the Parks, Recreation + Tree Commission with terms expiring December 31, 2024. She welcomed both to the meeting and thanked them for attending.

**Moved by Ryherd, seconded by Loudon** to uphold the appointments of Katie Anderson and Sam Komosa to the Parks, Recreation + Tree Commission with terms expiring December 31, 2024.

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

**Motion Carried**

### **PUBLIC HEARING**

There were no Public Hearings.

### **SPECIAL PRESENTATIONS**

There were no Special Presentations.

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

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

### **CONSENT AGENDA**





## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023

- 4a. Minutes of the July 17, 2023 Special City Council Meeting and July 19, 2023 City Council Meeting
- 4b. CFD2 Special Event Permit for Street Solicitation
- 4c. Interlocal Agreement for 2022 Stormwater System Renewal Project/2022 Mission Street Repair
- 4d. Powell Community Center (PCC) and Mission Square Parking Lot Repairs

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

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

### **PUBLIC COMMENTS**

Joe Donoway of Mission, KS commented that he was hopeful for a line-item budget prior to the September 6 budget hearings online. He also wanted to know if the City is losing any money from TIF districts, and if the City is able to levy fines against the Gateway project if it becomes blighted or violates City Code.

### **PLANNING COMMISSION**

#### **6a. Preliminary Development Plan – Residence on Rock Creek Phase**

#### **II**

Deputy City Administrator Brian Scott introduced the preliminary development plan for Phase II of the Residence of Rock Creek. Phase I is under construction currently on the site of the former Mission Bowl, and the Developer is now ready to move forward with Phase II on a lot just east of the existing Phase I site. The lot is currently an overflow parking lot for the office building on the north side of the street, formerly the Mission Bank or Security Bank building. Sunflower Development is the applicant for the project and have submitted a



## MINUTES OF THE MISSION CITY COUNCIL MEETING

**August 16, 2023**

proposal which includes a 5-story apartment building, four stories of residential on top of a one-story podium structure with parking underneath with a total of 96 apartment units. Approximately 20% will be two-bedroom units, with the remaining units being one-bedroom and studio units. Renderings of the proposed project were shown to the Council. Mr. Scott also showed that a retail space will be on the ground floor in the northwest corner. The Developer envisions that space will be a coffee shop or a small cocktail bar. Mr. Scott explained that the site is in the MS2 zoning district with a maximum height requirement of 3 stories or 45 feet and a density restriction of 35 units per acre. The Developer has asked for a deviation from these two requirements as the proposed building will be five stories or 58 feet in height and have 55 units per acre. These deviation requests are consistent with the ones the Developer asked for and received for Phase I of the project.

Mr. Scott explained that the site will have 98 parking spaces with 7 additional on-street parking spaces for the retail site. The zoning requirements for MS2 for parking stipulate one space per bedroom, which would equate to 112 spaces total for the residential units. The Developer is also proposing a cross access parking agreement with the tenants in the old Mission Bank building on the north side of Martway Street. That would allow for parking in the office building parking spots during evening hours and the office building would then be able to use parking spots on the south side of Martway during daytime working hours. Obtaining the full cross-access parking agreement is a stipulation of the preliminary development plan. Mr. Scott also laid out that the owner of the building on the north side of Martway will make improvements to the property that will also provide additional parking for that property. Mr. Scott also provided that this item was heard by the Planning Commission at their meeting on July 24, and a public hearing was also held at that time. There were no comments from the public at the meeting. The Planning Commission met and approved for recommendation to the City Council by a vote of 7-0 with two Commissioners absent.

Mr. Scott reviewed the Ordinance provided that includes nineteen stipulations to the project, including the parking access agreement, ADA parking, landscaping and others. Mr. Scott explained that the original plan from the Developer was a building that exactly matched the Phase I building, however Staff encouraged a different look that would draw the eye. The design elements will be similar; however, coloring and textures will be different along with





## MINUTES OF THE MISSION CITY COUNCIL MEETING

**August 16, 2023**

different landscaping. Mr. Scott introduced Banks Floodman of Sunflower Development who was in attendance and offered to answer any questions.

There were no comments from members of the public.

Councilmember Davis asked Mr. Floodman about the staging plan for Phase II, as staging for Phase I was done on the site proposed for Phase II.

Mr. Floodman responded that he doesn't have that information at this point, although he hopes to be able to stage on the south portion of the site. The final determination will be made by the general contractor once work begins and would likely be within the boundaries of the site.

Councilmember Loudon asked about parking on the site. She wondered if parking would be at an additional cost for residents. Mr. Floodman explained that parking within the parking structure is an additional monthly fee for residents, however the surface parking available is free. Ms. Loudon asked to clarify that there will be free parking across the street as well. Mr. Floodman explained that his team is still working through that, but that is their plan.

Councilmember Chociejski stated that he lives behind Phase I and very near to Phase II. He believes that there will be some parking scarcity, and he would like to look at removing the center turn lane from Martway Street and add in parallel parking, as Martway doesn't seem to need the center turn lane. That would alleviate parking issues at the Mission Mart and allows for ADA improvements and a shortened crosswalk distance. He also believes his suggestion ties into the Rock Creek Trail study currently happening.

Mr. Floodman agreed that proposal would really add to their desired walkability component of the project.

Councilmember Davis responded to Councilmember Chociejski's suggestion that a consultation with the public bus system be done prior to making parking changes to ensure they wouldn't impact their operations.

Mr. Scott added that, in reference to the Rock Creek Corridor study that Councilmember Chociejski alluded to that is currently underway, the stakeholder meeting the previous week worked on planning a Walk and Roll on September



## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023

16 along the Rock Creek Corridor. A component of the study is examining the portion of Martway that the project will be built on and where Councilmember Chociejski is referencing. He also mentioned that other conversations have been had with Staff regarding improvements to that stretch of Martway Street.

Councilmember Kring mentioned that Mr. Floodman was the featured speaker at the recent Sustainability Commission meeting where he gave an update on sustainable features of the project, which were impressive to the Commission and encouraging.

**Moved by Chociejski, seconded by Davis** to approve a preliminary development plan for Phase II of Residence on Rock Creek (PC Case #23-13)

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

### **6b. Tobacco Retailer Buffer Regulations – Zoning Code Amendment**

Mr. Scott introduced the second item from the Planning Commission, proposed zoning code amendments for tobacco retailer buffer regulations. The item was heard before the Planning Commission at their July 24 meeting with no public comments made. The Planning Commission voted 7-0 for approval to send the item to the City Council. Mr. Scott explained that the Ordinance will provide restrictions on any new tobacco retailers moving into the City. The restrictions provide a 1,000-foot buffer zone to any existing tobacco retailer, church, park or school. Current retailers selling tobacco products will be grandfathered in under the zoning changes, however new retailers would have to comply with the 1,000-foot buffers.

There were no public comments.

Councilmember Davis thanked Staff for their hard work on the project, and he welcomes the new policy and thanks everyone involved. He also asked for the point of privilege of making the motion on this matter.

**Moved by Davis, seconded by Kring** to approve the amendment to Chapter 400 (Zoning Code) of the Mission Municipal Code providing certain stipulations for the location of tobacco retailers in the City of Mission (PC Case #23-14).





## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023

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

### **COMMITTEE REPORTS**

#### **Finance and Administration Committee**

Councilmember Ryherd reported that the Finance & Administration Committee met on August 2 and considered three items. The meeting minutes, and a special event permit for CFD2 for street solicitation were approved under the Consent Agenda earlier this evening. The First Amendment for the Residence on Rock Creek Redevelopment Agreement will be considered under the Regular Agenda this evening.

#### **7a. First Amendment – Residence on Rock Creek Redevelopment Agreement**

Councilmember Ryherd reported that the preliminary development plan (PDP) for the proposed Mission Bowl Apartments (now Residence on Rock Creek) project (5399 Martway) was approved in December of 2020, along with the tax increment financing (TIF) project plan and the redevelopment agreement.

The Developers have continuously and diligently pursued work on the project from the outset but have needed two development schedule extensions to date. Both extensions (May 2021 and February 2022) were granted. Recently, the developer advised the City of the need to request an additional extension to adjust the November 1, 2023 construction completion milestone. A letter outlining the factors contributing to the extension request was also provided. The developer is requesting the completion milestone be extended to September 1, 2024.

Based on the continuous execution of project work, staff and the City's land use attorney do not believe this request for additional time is unusual or unreasonable, and Staff recommends that the City Council consider granting an extension of time for completion of construction for the Residence on Rock Creek apartments. The extension would be granted through an amendment to the original redevelopment agreement and would memorialize in one place the previous extensions that were granted and the assignment of the agreement.



## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023

**Moved by Ryherd, seconded by Davis** to approve the First Amendment to the Redevelopment Agreement for the Residence on Rock Creek Apartment project granting an extension of time for completion of construction the project.

Voting AYE: Boultinghouse, Thomas, Loudon Chocie, Davis, Ryherd, and Kring.

**Motion Carried.**

### **Community Development Committee**

Councilmember Loudon reported that the Community Development Committee also met on August 2 and considered 3 items. The meeting minutes, Interlocal Agreement for 2022 Stormwater System Renewal Project/2022 Mission Street Repair and Powell Community Center and Mission Square Parking Lot Repairs were approved under the Consent Agenda earlier this evening. No items will be considered under the Regular Agenda this evening.

### **UNFINISHED BUSINESS**

Mayor Flora explained that there was no unfinished business tonight.

### **NEW BUSINESS**

Mayor Flora explained that there was no new business tonight.

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

Councilmember Davis announced that the loss of Fairway, KS police officer Jonah Oswald is a real loss for the community. He wanted to offer to Chief Madden and his team his pride in the work they do every day and his appreciation for all that our local police provide to residents.

### **COUNCIL COMMITTEE LIAISON REPORTS**

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

Councilmember Kring shared that the Commission met the previous Monday, where they heard from Mr. Floodman and the sustainability practices and sustainable principles rating of his Phase II project. She also shared that the





## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023

planned dog park on the site was a big hit to the Commission, especially as it appears it will be able to be used by the community. Councilmember Kring also shared more information about the new County recycling facility at 105<sup>th</sup> Street and Mastin.

Councilmember Thomas added that she was unable to attend the last Commission meeting, however the Climate Action Task Force is having a virtual meeting upcoming on Monday. Additionally, the Climate Action KC Climate Action Summit will be held on Saturday, September 9.

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

Councilmember Ryherd announced that the Commission has not met since the last Council meeting and will be meeting the upcoming Monday. She also announced a ribbon cutting event for Mohawk Park Phase I on August 17 at 4:00 p.m.

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

Councilmember Boultinghouse stated that the Editorial Board will meet next on August 30 at noon, and he will be happy to provide an update at the next Council meeting.

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

Councilmember Chociej reported that the Family Adoption Committee met in July, however he was unable to attend due to a family illness. He stated he has been working with Parks + Recreation Director Penn Almoney on ideas requested by the Committee to streamline and maximize operations and how to increase web and email presence and other online engagement.

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

Ms. Smith shared that, uploaded to the meeting packet earlier in the day, was a project status update presentation. She shared that original plans were to share these updates quarterly, however due to the large volume of information being shared it will be two updates per year going forward. She reviewed highlights from the report across the entire organization, including planning activity, permitting and inspection activity, neighborhood assistance program updates, new business updates, code enforcement statistics and significant cases and parks and recreation mid-year revenues. Ms. Smith also highlighted the high attention to details in the City's outdoor parks, led by Taylor Schaffer and his team. Public Works projects and activities were also included. Public



## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023

Works Superintendent Brent Morton provided some valuable statistics regarding work performed by Department staff. A matrix for larger scale projects and social media/website analytics are also included, along with police statistics. She also reviewed that mental health co-responder program statistics are provided.

Councilmember Davis mentioned he has had requests regarding vegetation overgrowth throughout the city, and whose responsibility it is, especially blind spots due to vegetation on Lamar Avenue at 62nd and at Shawnee Mission Parkway and Lamar Avenue. Ms. Smith explained that any sightline issues should be reported to the Public Works department.

Councilmember Kring asked for an update on the Popeye's and Big Biscuit projects. Ms. Smith explained that updates on both projects are included in the status update.

Mr. Scott provided that Big Biscuit is under construction with work ongoing to clean out the old space and do interior renovations. There is a target date of late fall to open. He also updated that a new Popeye's is in the works with ownership. The preliminary development plan will be submitted and go before the Planning Commission on August 28 and to the Council in September.

Ms. Smith echoed Councilmember Ryherd's invitation to the Mohawk Park Ribbon Cutting on August 17, and also that a Movie in the Park will be held on Friday, August 18 at Mohawk Park.

City Clerk Robyn Fulks provided business updates for the month, including:

- Sunflower Lagree Fitness, 5805 Outlook
- Spirit Halloween will open a temporary pop-up shop at 6753 Johnson Drive for the months of September and October
- Prairie Sailor, LLC will open a bicycle and retail shop at 5811 Johnson Drive

Ms. Smith provided answers to the public comment questions from Mr. Donoway. She answered that, with regards to lost revenues on TIF projects, that TIF projects work by establishing a base year, and base year taxes are received throughout the duration of the TIF period (up to 20 years). The increment generated based on the investment in the property is what can be negotiated or provided back to the Developer or shared with the City. She shared that the Residence on Rock Creek is in a TIF District, however it is too





## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023

soon in the project to communicate the value, however the City did not commit 100% of the increment to the Developer either. It is on a sliding scale. The only other current TIF project is at Mission Crossing, and that TIF will likely be able to be retired early. She also mentioned that in the case of TIF or tax abatement, the stormwater utility fees and any other special assessments on the property are not exempted. She also referenced that TIF District was set up for the Gateway Project, however no incentives were ever paid to that Developer before the Redevelopment Agreement was cancelled earlier this year.

Ms. Smith stated she will have a line-item budget with the packet in the last week of August prior to the September 6 budget public hearings. She also mentioned that notice of violation for code enforcement are continuing to be issued and if additional action is appropriate Staff will proceed as they are able.

Councilmember Davis thanked Ms. Smith for the project update report and is very appreciative of the work that goes into it by all staff. Ms. Smith emphasized the work is really a cumulative effort by all staff.

### **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 Chocie, seconded by Kring** to adjourn the meeting at 7:43 p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Robyn L. Fulks, City Clerk.

  
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Solana Flora, Mayor



## MINUTES OF THE MISSION CITY COUNCIL MEETING

August 16, 2023



Robyn L. Fulks, City Clerk