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She thanked Mr. Almoney for his time and effort on the grant application. She also stated that the Planning Commission will be looking at the Preliminary Development Plan for Phase II of Mohawk Park soon. Staff is hopeful to break ground on this second phase April or May of 2024. Additionally, the Broadmoor Park trail project is beginning, and the Water Works Park construction bid is out with a review meeting planned for early October. It has been suggested that the Water Works Park groundbreaking include students from Rushton Elementary School, so the groundbreaking will be timed to include students and families. The Commission is looking for volunteers for the City's Spooky Walk, happening on Friday October 20. The Commission also reviewed proper recycling procedures and will be sharing that information on social media more as well to reach residents.

Mission Magazine Editorial Board (Boultinghouse)

Councilmember Boultinghouse shared that he was only able to attend a short period of the meeting due to an appointment, however in that time there was good feedback about the sustainability issue of the magazine and seeing what residents are doing for sustainability around town. The board also discussed story ideas for 2024. Ms. Smith shared that the 4th issue is themed around pets and is in the works. The final issue for 2023 will be themed around arts and culture.

Family Adoption Committee (Chociej)

Councilmember Chociej thanked Staff, Council and vendors for the Walk and Roll event held earlier in September along the Rock Creek Trail. He really enjoyed the event and studying the trail system.

The Committee met earlier in September; however he had some issues with accessing the meeting via Zoom. Members are working through logistics including donations and storage. He is working with Mr. Almoney on how to set up an Amazon wish list to easily purchase gifts and provide a more convenient avenue for donations.

MAYOR'S REPORT

Mayor Flora shared her congratulations to Councilmember Thomas on a very successful Climate Action KC Summit event, which Councilmember Chociej echoed. Maor Flora shared that Councilmember Thomas is a leader of that organization. Over 500 attendees were present, with a waitlist of those who



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week about the Comprehensive Master Plan that included Staff hours not only for the plan, but in all areas of City services. She is really appreciative of the work that City Staff does and wanted to express that.

COUNCIL COMMITTEE LIAISON REPORTS

Sustainability Commission (Kring/Thomas)

Councilmember Thomas shared that her daughter Harper joined the Sustainability Commission at their meeting and enjoyed that. She also shared that the "Go Green 2023" Environmental Fair will happen on Saturday, September 23 at the Powell Community Center. The Commission also debriefed from the Climate Action KC Summit earlier in the month. She sits on the Climate Action KC Board and appreciates that feedback for future events. She also shared that Deputy City Administrator Emily Randel shared to the Commission that Mission is slated to receive all three Carbon Reduction Grant funding requests that the City applied for this year.

Councilmember Kring gave a reminder for the environmental fair, and that over 40 vendors are included. She also shared that information with the Johnson County Solid Waste Board, and every person at the meeting was excited for the event. Councilmember Kring also had a conference call about issues going forward to the National League of Cities, including about PFAS, which is a manmade chemical impacting water systems that has really become prevalent. It is being treated as lead used to be as those key issues will affect water supplies. Those concerns will be shared with the Sustainability Commission after her next call on the matter.

Parks, Recreation + Tree Commission (Loudon/Ryherd)

Councilmember Loudon shared that the Commission met on Monday of this week. The Commission enjoyed wrap up presentations about the Mission Summer Camp and MFAC from the Parks + Recreation staff, with both programs enjoying successful years. One thing that the presenters expressed was being fully staffed with great employees, which they credited to the good wages and staff referral bonus program that the Council authorized earlier in 2023. A letter from a family was also read to express what a great program the summer camp was. Councilmember Loudon thanked the Mayor and Council for those wage increases and the bonus program. Mission did not have to close any facilities or cancel due to staffing issues like many other surrounding cities.

She also noted that Parks + Recreation Director Penn Almoney shared that the Mohawk Park Phase II grant request had been completed and submitted to the State for the Land and Water Conservation Grant, a 400-page grant project.



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There were no public comments.

Councilmember Chociej expressed his excitement and thanks for the sidewalk going in on the east side of Roe Avenue, as he believes that is badly needed.

Moved by Loudon, seconded by Chociej to approve an Agreement between the City of Mission, Kansas and the cities of Roeland Park, Kansas and Fairway, Kansas for the public improvement of Roe Avenue from Johnson Drive to 63rd Street.

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

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 shared a concern about an Evergy power outage again in his area, and that residents had contacted him for an update on the situation. He has shared information that Staff received from Evergy during the last outage but wanted to know if Ms. Smith had anything additional that could be shared. Ms. Smith provided that she heard from Evergy at the end of August that the circuit with the outage was not scheduled for trimming again until 2025, but that the issue that day was caused by vegetation. However there were some other power outages on different circuits around town that morning as well. Evergy has also been looking at other infrastructure issues which could be contributing to the frequency of the outages. The City's Evergy representative had been out of the office, however he is back now, and they are coordinating schedules for a meeting, hopefully by the end of the month.

Councilmember Kring commented that she received an email from Brian Scott this



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

Community Development Committee

Councilmember Loudon reported that the Community Development Committee also met on September 6 and considered 5 items. The meeting minutes, Beverly Storm Sewer Relocation, Interlocal Agreement for 2023 Stormwater System Renewal Project/1-MI-2023-R-501 Mission Street Repair, Broadmoor Park Trail Inspection Services and Nuisance Abatement Contract Award were approved under the Consent Agenda. An Interlocal Agreement for the Roe Avenue CARS Project will be considered under the Regular Agenda this evening.

8b. Interlocal Agreement - Roe Avenue CARS Project

Councilmember Loudon explained that The City of Mission's proposed CARS project for 2024 is the Roe Avenue (Johnson Drive to 63rd Street) Street Rehabilitation Project. This is a joint project between the cities of Mission, Roeland Park, and Fairway and has been approved by Johnson County for CARS funding up to 50% of the project's construction and construction inspection costs. The proposed improvements include a two-inch mill and overlay; new pavement markings; a new traffic signal at Johnson Drive and Roe Ave; pavement and median repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; Additionally, the improvements include installation of a five-foot wide sidewalk on the east side of Roe Ave within Mission and Roeland Park city limits.

The Interlocal Agreement outlines the purpose, project financing for design services, and project administration. Construction is estimated to begin in the Spring of 2024. The preliminary total project cost is \$1,845,657.00 with estimated CARS funding of \$870,000.00. Estimated costs for each City are Mission \$608,060.07; Roeland Park \$137,365.86; and Fairway \$215,174.50. There are no costs associated specifically with the execution of the interlocal agreement. It is the mechanism through which each participating city commits to funding their portion of the project.



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amendments seriously for the safety of residents. She also thanked Councilmember Davis for his knowledge shared on the issue of credentialing and the information he provided.

Councilmember Kring stated that the League of Kansas Municipalities in October may be a good place to work on extending this information at the State level.

Councilmember Thomas asked for some clarification on the education requirements for the therapist license, as she is having some trouble understanding the relevance of that piece. She believes that, as a Council, they should feel comfortable in knowing the process of licensing internally, knowing that this goes into effect quickly without a grace period. Her concern is for employees who may fall into that gap. Ms. Smith shared that the Ordinance can be changed quickly if something needs to be fixed or handled differently. From the Staff perspective, she feels that businesses who are not currently subject to licensing requirements are still offering massage services and should be subjected to those educational requirements as others who have been issued permits. Ms. Smith hopes to gain more understanding of the services provided by City businesses as what is advertised on individual businesses' websites indicate that they should already be licensed as massage establishments. She also offered information that was shared in the summer of 2022 from massage professionals about the dangers surrounding unlicensed practices. She believes this scrutiny and the licensing requirements levels the playing field.

Councilmember Thomas asked if the establishments not currently identifying as massage establishments but providing those services originally received business licenses for. Ms. Smith shared that reflexology services were what was indicated the services provided would be, and that time, reflexology was not regulated under existing Ordinances. Councilmember Thomas thanked Ms. Smith for the information and asked that she keep the Council updated as the process moves forward. Ms. Smith confirmed she would do so.

Moved by Ryherd, seconded by Boultinghouse to adopt Amendments to Chapter 620 of the Mission Municipal Code, Massage Establishments.



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identifying those employees who need to be licensed. She also explained that if something comes up that would preclude a business from obtaining the massage establishment license due to issues with a background check, then now therapist licensing would proceed without further review. If there is a need to review a grace period after the initial contact with business owners, Ms. Smith will bring that information back for further discussion. But without knowing much about employees who may need to get licensed, it's hard to say at this time.

Councilember Davis asked if Staff thought there was a need to establish a sub-category for licensure of reflexologists as part of the amendments. Ms. Smith stated that Staff has found that a sub-category for licensure has not been part of the practice, however massage licensing is a large burden on Staff, partly due to the deregulation at the State level for massage in general. She believes Staff would like to see where things are after the process begins if the Ordinance is passed. Other communities have communicated that licensure of reflexology establishments has not been a difficult process.

Councilmember Boultinghouse stated his support of the more general definition aspect of the amendments so as to be able to encompass any sub-specialties as they arise. It may also be an administrative burden and a slippery slope to attempt to name each sub-specialty, while the current language captures the spirit of the intent and allows for flexibility. He would like to caution against attempting to try and specifically name each sub-specialty.

Councilmember Davis voiced his thoughts that, if this is a County wide issue and needs to be credentialed by municipalities, it would behoove the Council to look into a countywide adoption of regulation for these services, or to advocate at for creation of a State licensing process. Because the State does not provide that licensing at this time, he believes the City's lobbyists may be able to advocate for these changes at the State level. That could diminish the need at the City level and would remove the issues with different cities having different rules and regulations. Ms. Smith believes that, in the absence of something at the County or State level, these Ordinances keep Mission in step with other local cities. Next steps may include taking that licensing out of the City's hands if the County or State would do so.

Councilmember Loudon thanked the Council and Staff for taking these



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that, if they are performing the services now included, if a grace period will be allowed to achieve the proper certifications. Ms. Smith answered that Staff will work with applicants as much as possible and will work to try to understand concerns. Staff has researched the changes to the Ordinance and have looked at how other communities license sub-specialties. Several other communities hold employees to the same standards as massage therapists and have been able to license employees as needed.

Councilmember Thomas stated that she believes the requirements are standard and should be able to be fulfilled quickly with the exception of the education requirement. She was curious to know how long it would take to complete the 500 hours of massage therapy training. Ms. Smith did not have that information available. Councilmember Thomas then reflected that she understands not grandfathering in businesses but would like to see a grace period that is more codified from the conversation to allow her to feel comfortable that employees who may not have the education component will be given the time needed to complete that.

Mayor Flora clarified that the education component only on the therapist license is what she's meaning, and Councilmember Thomas confirmed that is correct.

Councilmember Kring asked Ms. Smith to speak to clarify 620.010 – definitions as to what a sub-specialty is and what are other services similar in nature, as she felt that was a bit vague. Police Chief Dan Madden clarified that the reason the definition was broadened is because there are so many sub-specialties and similar in nature services that come up and continue to evolve, and Staff felt it was important to include any practice that resembles that manipulation of the body without having to name each specific type of sub-specialty. Ms. Smith explained that a sub-specialty is laid out in the first page of the Ordinance, where examples of sub-specialties are listed. However, the Ordinance is not limited only to those and is intended to be all-encompassing.

Councilmember Davis commented that he would like to know if this Ordinance will allow for background checks on individuals who are performing services listed in the amendments. Ms. Smith confirmed that is correct. He followed up to ask if the grace period will be determined by Staff. Ms. Smith clarified that Staff will notify businesses of the changes and then provide a period of time to work through the issues with the business owners and employees after



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- 620.100 Issuance of Massage Therapist Permit Changes to this section were made to more clearly define reasons applications for a Massage Therapist Permit can be denied.
- 620.220 Exceptions Changes to this section were to remove antiquated language and clearly illustrate that healthcare professionals are not subject to other requirements that massage therapists are subject to.

If approved, the ordinance changes would become effective on September 27, 2023 following publication on September 26. The revised ordinance provisions would apply to all existing businesses, whether currently licensed as massage establishments or not, meaning there would be no "grandfathering" under the proposed code changes. Following the Finance and Administration Committee meeting on September 6, 2023, section 620.220 was amended to match the language used in the proposed definition of Massage Therapy or Massage in 620.010.

There were no public comments.

Councilmember Davis expressed his thanks to Staff and Mayor Flora for meeting with him and discussing the exceptions for the new amendments, and the new language used in section 620.220 aligns the definition more with the beginning of the section. He still does have questions about implementation of the Ordinance once effective. He would like to know how the implementation process will happen.

City Administrator Laura Smith shared that internal discussions have surrounded identifying establishments that are not licensed under the existing ordinance but will need to be under the amendments. Information will be shared with everyone impacted, and the licensing process for those who already have massage licenses will not change. Staff has received information recently about establishments that are not licensed but may need to be. Staff will collaborate and provide support for those newly required to license, including waiving fees and working with owners and therapists to identify who needs licensing.

Councilmember Davis asked if those individuals who do not have a current therapist license will not be able to obtain one without the certifications laid out in the amendments and Ms. Smith confirmed that is correct. He then asked



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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 September 6 and considered four items. The meeting minutes, taser lease/purchase and 2023 STO-UPOC Adoption were approved under the Consent Agenda. The Massage Licensing Ordinance Revisions will be considered under the Regular Agenda this evening.

8a. Massage Licensing Ordinance Revisions

Councilmember Ryherd reported that as new forms of body work establishments open or evolve in the City of Mission, ordinances governing these establishments are reviewed. During a recent review it was determined that updates to the Mission Municipal Code regulating massage establishments would be warranted. Currently, Mission Municipal Code regulates massage establishments, as well as the persons who provide massages. Massage establishments, as well as the massage therapists require background checks as well as educational requirements that help to ensure the safety of those who seek their services. In addition to those requirements, massage establishments can be inspected by City staff to make sure they comply with all regulations related to their operations. Other businesses that provide services similar in nature and are equally intimate are currently not regulated in the same fashion. To rectify this, staff recommends amending Chapter 620 of the Mission Municipal Code, Massage Establishments. The specific articles to be amended include:

- 620.010 Definitions Changes to this section include updating the definition of massage to include subspecialties of massage, and other services similar in nature to massage. The definition also specifically excludes certain health care providers.
- 620.090 Issuance of Business Permit Changes to this section were made to more clearly define reasons applications for a Massage Establishment Permit can be denied.



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Mayor Flora asked for a timeline for the new restaurant to open. Mr. Scott stated he believes it will be this time next year.

Moved by Boultinghouse, seconded by Kring to approve a preliminary development plan for Popeye's Louisiana Kitchen Restaurant at 6827 Johnson Drive (PC Case #23-16)

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

7b. Special Use Permit for Discount Sales Outlet - 5470 Martway Street

Mr. Scott introduced the second item from the Planning Commission, a request for approval for a Special Use Permit for Leland Lynch of Discount Sales Outlet. Mr. Lynch has had his store on Broadmoor Street for many years, where he sells mattresses and other furniture. He is now semi-retiring and would like to move his business address to a storage space he has rented for years at 5470 Martway, which is basement space under the Domino's Pizza. Mr. Lynch also has a wholesale operation of sorts with several non-profits in the area who provide beds and bedding for veterans. The store on Broadmoor will close in the near future while he continues to operate the wholesale operation out of the Martway address. No clients will come to the location and there will not be a storeroom for shoppers, the space will remain storage for online or telephone sales. Mr. Scott also mentioned that the storage has been in the same space for many years and is very non-descript. Mr. Scott also reported that this matter was considered by the Planning Commission on August 28 and was approved 7-0.

There was no public comment.

There was no Council discussion.

Moved by Kring, seconded by Chociej to approve the Special Use Permit for Discount Sales Outlet at 5470 Martway Street (PC Case # 23-17) with an initial term of 5 years.



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

PUBLIC COMMENTS

There were no public comments.

PLANNING COMMISSION

7a. Preliminary Development Plan Popeye's Louisiana Kitchen Restaurant – 6821 Johnson Drive

Deputy City Administrator Brian Scott explained to the Council that the current restaurant was built in 1977 and sustained serious fire damage early in 2023. The ownership group has decided to rebuild on the site due to the damage. He explained that the site is ½ acre per AIMS. The site is in the form-based code zoning district, where a one-story building is allowed per the size of the lot. The code would prefer to have the building fronting the main road (Johnson Drive), however that would situate the building in an inefficient way for operation of the drive-through and the kitchen. The original site had 21 parking spaces and the new building will have 16 parking spaces. There will also be a brick wall surrounding the parking area with natural light coming through. Insets will also have outdoor eating areas and landscaping. The building is 26 feet tall per the Code and looks like it is a two-story building although it is not. The drivethrough will have double queuing to help alleviate spillage onto Broadmoor Street during heavy use times. Parking engineers reviewed the studies of the site and the double queuing plan and deemed it a reasonable solution to keep traffic off of the street. He also provided the Ordinance with conditions and stipulations and introduced the applicant.

There were no public comments.

Councilmember Loudon expressed her enthusiasm for the double queuing as that was something several residents asked for to help alleviate traffic.

Councilmember Kring asked if the outdoor seating was still part of the site plan and Mr. Scott confirmed that it is.



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Moved by Chociej, seconded by Kring that the 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). Also attending the executive session will be City Attorney Dave Martin, City Attorney Jacob Turner, Police Chief Dan Madden and City Administrator Laura Smith. The open meeting will resume in the Council Chambers at 7:20 p.m. (15 minutes).

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

The Council returned to the Council Chambers at 7:20 p.m.

Moved by Chociej, seconded by Kring that the Council return to executive session for an additional ten minutes, returning at 7:31 p.m.

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

The Council returned to the Council Chambers at 7:31 p.m. and Mayor Flora noted that no further action was required by the Council.

ISSUANCE OF NOTES AND BONDS

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

CONSENT AGENDA

- 5a. Minutes of the August 16, 2023 City Council Meeting and September 6,
- 2023 Special City Council Meeting
- 5b. Taser Lease/Purchase
- 5c. 2023 STO-UPOC Adoption
- 5d. Beverly Storm Sewer Relocation
- 5e. Interlocal Agreement for 2023 Stormwater System Renewal Project/1-
- MI-2023-R-501 Mission Street Repair
- 5f. Broadmoor Park Trail Inspection Services
- 5g. Nuisance Abatement Contract Award

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



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local call center with trained mental health professionals who are available to provide support, listen, and provide guidance on next steps to keep yourself and others safe. They can also contact the Johnson County Mental Health Center's 24/7 crisis line where help is available day or night by calling 913-268-0156. She offered hope for continued progress for those tirelessly working in this effort and well-being and care for those experiencing distress.

Happy Bottoms Diaper Awareness Proclamation

Mayor Flora's final proclamation of the night recognized "Diaper Needs Awareness Week 2023." She shared that for the past few years, Mission has observed this week by issuing a proclamation to raise awareness of the widespread need for diapers to improve the health and welfare of infants and toddlers. In the Kansas City area, 22,000 children need diaper assistance each year. She also noted that diapers cannot be bought with food stamps or WIC vouchers, and a monthly supply can cost, on average, \$100.00, or as much as 6% of a full-time minimum wage worker's salary. Families living in the urban core without access to big box or warehouse stores must pay a premium at their corner store or local market. She encouraged the Community to support this important effort and provide relief to those in need by donating to the Happy Bottoms diaper bank in Kansas City.

EXECUTIVE SESSION

Mayor Flora explained that there was a need for an executive session tonight.

The Mayor explained that the Governing Body will adjourn to Executive Session for the allotted time. When that time has expired, the Governing Body will reconvene to do one of the following. Either extend the time required for discussion and return to Executive Session or return and continue with the special City Council meeting.

Mayor Flora shared a reminder that the Governing Body may take no binding action in an Executive Session. She noted that with only one item of business pending, she would entertain a motion.



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The Mission City Council met in a regular meeting on Wednesday, September 20, 2023 at 7:01 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.

PUBLIC HEARING

There were no Public Hearings.

SPECIAL PRESENTATIONS

Suicide Awareness Month Proclamation

Mayor Flora proclaimed September as National Suicide Prevention and Awareness Month. She explained that many organizations and individuals throughout our Community work to collaborate and raise awareness of suicide prevention resources which are available to all. She also recognized and thanked educators, mental health professionals, police officers and Mission's Mental Health Co-responder for all their work on this crucial matter.

Finally, she promoted the National Suicide Prevention Lifeline that is staffed 24 hours a day, 7 days a week to assist those in need as well as provide support for their loved ones. Citizens can call 988 on any telephone and connect with a



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could not get tickets. Mayor Flora sat on a panel discussing local government implementation of the Climate Action plan. She thanked Deputy City Administrator Emily Randel for her help and support in preparing for that. She also shared that many people were engaged to think about what they can do to get their cities moving on climate action matters. She also seconded Councilmember Chociej on the success of the Walk and Roll event, and thanked Mr. Scott and City Planner Karie Kneller for their work. The group she walked with was very engaged and excited to give input.

Councilmember Thomas shared that there was standing room only for Mayor Flora's panel ath the Climate Action Summit, with about 250 people in attendance. She got wonderful feedback about the steps Mission is taking and reat energy surrounding the leadership of Mayor Flora and the City.

CITY ADMINISTRATOR'S REPORT

Ms. Smith shared that a work session will be held on Wednesday, September 27 at 6:00 p.m. to review the tax abatement request from the 58/Nall project. Additionally, budget certificates need to be signed by the Council prior to leaving tonight's meeting to wrap up the budget submission process to the County. She and Public Works Superintendent recently attended a meeting with KDOT and the City of Overland Park surrounding improvements to the Metcalf bridge and Johson Drive. She hopes to have more information on that project before the end of the year.

Councilmember Kring shared that there is a ribbon cutting at Victor's Upholstery the following day at 4:00 p.m.

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.

<u>Moved by Kring, seconded by Chociej</u> to adjourn the meeting at 8:24 p.m. All present voted AYE. <u>Motion carried</u>.

Respectfully submitted by Robyn L. Fulks, City Clerk.

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Solana Flora, Mayor

Robyn L. Fulks, City Clerk