

## MINUTES OF THE MISSION CITY COUNCIL MEETING, AUGUST 19, 2015

The Mission City Council met in regular session at Mission City Hall on Wednesday, August 19, 2015. The meeting was called to order by Mayor Schowengerdt. The following councilmembers were present: Jennifer Cowdry, Suzie Gibbs, Debbie Kring, Amy Miller, Pat Quinn, Arcie Rothrock, David Shepard, and Jason Vaughn.

### SPECIAL PRESENTATIONS

Chief Haley stated that Ed McClain, a former long time Mission Police officer passed away and services will be on Friday, August 21st.

#### David Moly, 25 Year Service Award

Chief Hadley recognized Capt. David Moly for his 25 years of service to the City of Mission. Capt. Moly is the most senior officer in the department. His family was also introduced.

#### Tip A Cop Recognition for Sandi Russell and Doug Gregg

Chief Hadley recognized Sandi Russell, Twisted Sisters Coffee Shop, and Doug Gregg, AnswerPro Ltd., for their support of the "Coffee with a Cop" program. Ms. Russell provided her coffee shop for the event and Mr. Gregg sponsored three of these coffee events. He stated that both have greatly supported the Police Department as they work to move forward in Mission.

### CONSENT AGENDA

**Moved by Kring, seconded by Miller** to approve the Consent Agenda, items 3a through 3e.

- 3a. Minutes of the July 15, 2015 City Council Meeting and Minutes of the July 29, 2015 Special City Council Meeting
- 3b. Kansas Gas Service Franchise Ordinance Renewal
- 3c. Selection of Voting Delegates for LKM Annual Conference
- 3d. Community Center AV Replacement Bid
- 3e. Extension of Mission Crossing Temporary Construction Easement

Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

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## PUBLIC COMMENTS

There were no public comments.

## PLANNING COMMISSION

### Special Use Permit, Bib Bob's Italian Ice, 6655 Martway

Ms. Murray stated that this special use permit has been reviewed by the Planning Commission and they recommend approval by the City Council with several conditions. Big Bob's Italian Ice would be a seasonal business located on the east side of Hy-Vee.

**Moved by Miller, seconded by Quinn** to approve an ordinance for Special Use Permit 15-05 authorizing certain property within the City of Mission, Kansas to be used for or occupied by a Special Use with the conditions recommended by the Planning Commission. There was no discussion on this item. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

## FINANCE & ADMINISTRATION COMMITTEE

### Resolution Expressing the Property Taxation Policy of the Mission City Council with Respect to Financing the Annual Budget for 2016

Councilmember Rothrock reported that the City's proposed 2016 budget expects to levy property taxes higher than those levied in 2015. State statute requires the Governing Body to approve a resolution attesting to this fact prior to final adoption of the 2016 Budget. The resolution itself does not express an anticipated mill levy; the mill levy will be specifically adopted through a separate budget resolution included as item 6b on the agenda.

**Moved by Rothrock, seconded by Kring** to approve a resolution expressing the property taxation policy of the City Council of the City of Mission with respect to financing the annual budget for 2016. There was no discussion on this item. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

## 2016 Budget Resolution

Councilmember Rothrock reported that over the past several months, Council and staff have worked to prepare the proposed 2016 Budget, which establishes policies that maintain basic services and City operations, sets the mill rates for the City of Mission

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and the Rock Creek Drainage Districts No. 1 and No. 2, and formalizes the 2016-2020 Community Investment Program. She stated that as part of the budget process, Council first adopts a budget resolution which outlines and describes the financial policies, tax and fee structures, and other related issues included in the proposed 2016 Budget. The budget resolution forwarded from the August 5th Finance & Administration Committee meeting increases the property tax mill levy by 7 mills, to support the residential street maintenance program, and increases the stormwater utility fee by \$5 per ERU per month. There will be four separate motions tonight to consider and adopt the 2016 Budget. First we will consider the 2016 Budget Resolution. Then Council will formally adopt the 2016 budgets for the City of Mission, Rock Creek Drainage District No. 1 and Rock Creek Drainage District No. 2.

**Moved by Rothrock, seconded by Miller** to approve the 2016 Budget Resolution establishing budget policies for the City of Mission, Kansas as published.

**Moved by Gibbs, seconded by Kring** to amend the 2016 Budget Resolution establishing budget policies for the City of Mission, Kansas as follows: Section 1.(4) to be amended to read, "Increase the mill levy in the General Fund by 4.5 mills (estimated total mill rate of 15.854). The revenues generated from the mill increase (\$535,000 annually) will be transferred to the Capital Improvement Fund to support the residential street maintenance program" and Section 2.(1) to be amended to read, "Preserve the equivalent 2015 mill levy rate (11.354) for General Fund operations. Although the total mill to be levied in the General Fund is 15.854, the revenues generated by the 4.5 mill increase will be used exclusively for street maintenance."

Councilmember Quinn stated that he understood the Council would first vote on the budget resolution as recommended by the Committee and expressed his concerns with an amendment being made to the original motion at this time. Ms. Smith provided information on the voting process when an amendment is made to a motion. Mayor Schowengerdt noted that should both motions fail, a new motion could be made with the increase to the mill levy at any number, such as 5 or 6. Discussion continued on the resolution presented from the committee and again, how the voting process would work. Councilmember Kring stated that she knows how she will vote so she is not opposed to the amendment. Councilmember Gibbs stated that she made the amendment to the motion after receiving several call from residents concerned with the proposed 7 mill increase.

Frank Bruce, Mission resident, asked to provide comment on the budget. Council discussed whether comments and discussion by the Council should occur prior to voting

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on the amendment. Councilmember Miller stated that discussion should be prior to the vote on the amendment. Mr. Bruce stated that he has been opposed to the Transportation Utility Fee, but not the intent to spread the cost of street maintenance among those who use them. He expressed his concerns regarding the negative impact a 7 mill increase could have on businesses, and stated that he supports a 4.5 mill increase with a sales tax. He believes an increase in the sales tax would have those that visit Mission share in the cost of street maintenance, as was the original intent of the TUF.

Councilmember Miller stated that she originally ran against the TUF, but that she now realizes the impact of infrastructure costs. Citizen surveys have indicated that sidewalks are a priority to residents, and these are lacking from the street program. She also discussed how the TUF impacts businesses, those properties that previously paid the TUF and are exempt from property taxes thus increasing the burden on residents, the fact that she does not want to increase taxes and did not support the level of expenses for the Johnson Drive project, and also stressing that Council should be responsible and increase the mill by 7 mills and the ERU by \$5 to meet the needs of our street maintenance program and stormwater debt.

Councilmember Kring stated that she feels she can afford a tax increase, but that may not be the case for all residents in her ward. She also discussed the impact increases from Johnson County and the State are having on residents. She hopes that as redevelopment continues and we have additional residents in Mission, there will be increased revenues.

Councilmember Quinn stated he supports all that Councilmember Miller said, and discussed the citizen satisfaction surveys that have consistently shown that residents' priority is for street maintenance. He does not feel that an increase of 4.5 mills is sufficient, and that Council should be responsible and not put off an increase that will be needed in the future. He stated that it would be short-sighted to approve a 4.5 mill increase to appease a few residents now and then have to increase the mill in a year or two. He also stated that he ran on the issue of debt, and supports pay-as-you-go financing of projects. He feels we are headed in the right direction with paying off debt and building fund balance, but stressed that we can not take care of our streets and make parks improvements without increases in funding.

Councilmember Cowdry stated that there will always be more to spend money on than what we have, and stressed that we must decrease spending. She supports modest increases in taxes, and would support the 4.5 mill increase. She stated that residential

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streets must be the priority.

Ms. Smith noted several handouts provided to Council showing the impact of a 4.5 mill increase, and the information included in the Council packet showing a 7 mill increase. Each option was discussed with Ms. Smith stating that all options allow the city to continue to pay debt service and \$350,000 in the street maintenance program, but not necessarily the full depth replacement of some streets and larger projects. Council also discussed the impact the Foxridge Drive project would have on the CIP, and whether this project should be pushed out to future years.

Councilmember Miller stated that she supports the 7 mill increase and \$5 per ERU increase, noting that for a \$150,000 house this would amount to approximately \$40/year or .11 cents a day. Councilmember Cowdry stated that we must decrease spending and should delay larger projects to focus on residential streets. She also stated that with additional development in the City this will generate additional sales taxes.

Councilmember Vaughn stated that all on Council want fiscal responsibility, and discussed the progress the city has made with redevelopment and the Johnson Drive project. He stressed that with increased retail and development, we will have more residents choosing Mission for their home who will then spend locally, but if infrastructure is not maintained and improved this will not happen. He feels that if the street maintenance program is not sufficiently funded, all work up to this point will be for nothing. We need to remember "how we got here" and not allow this to happen again.

Mayor Schowengerdt expressed his support for the 4.5 mill increase and stated that he believes a sales tax increase would have increased support with the lower mill increase. He supports an increased sales tax that would have others outside the City helping to pay for street maintenance and improvements. If a sales tax vote does not pass, then Council could consider increasing the mill levy in future years. Discussion continued on a potential sales tax election and whether the 4.5 mill increase will meet our current needs.

**The question was called on the amendment to the original motion.** Voting AYE: Cowdry, Gibbs, Kring. NAY: Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion failed.**

**The question was called on the original motion as stated.** Voting AYE: Miller, Quinn, Rothrock, Shepard, Vaughn. NAY: Cowdry, Gibbs, Kring. **Motion carried.**

**Moved by Kring, seconded by Cowdry** to amend the 2016 Budget Resolution

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establishing budget policies for the City of Mission, Kansas as follows: Section 2.(6) to be amended to read, "Maintain the Franchise and Mill Rate Rebate program at 100% of the City Franchise Fees, 100% of the total City mill exclusive of all City special assessments, and 50% rebate of the Solid Waste Utility Fee. This expense is estimated at approximately \$18,000."

Councilmember Kring stated that her amendment to the budget resolution will assist those who struggle to pay their property taxes. Ms. Smith clarified that this proposed amendment would only change the level of the rebate for the City mill from 75% to 100% for those who qualify. This would amount to a \$4,000 increase for this program. She stated that this additional funding would come from the General Fund, and noted that income guidelines for recipients would remain the same.

Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

Ms. Smith stated that due to the various amendments to the budget resolution, Council should vote on the final resolution at this time.

**Moved by Quinn, seconded by Miller** to approve the 2016 Budget Resolution as amended. Councilmember Miller stated that the motion should be restated to reference the 2016 Budget Resolution as amended and "approved," which would include a 7 mill increase, \$5 per ERU increase and rebate of 100% of the total City Mill levy through the Franchise and Mill Rate Rebate Program. **Councilmember Quinn withdrew his motion,** and Councilmember Miller agreed.

**Moved by Miller, seconded by Vaughn** to approve the 2016 Budget Resolution as amended and previously passed (approved) by Council. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

### **2016 Budget - City of Mission**

**Moved by Rothrock, seconded by Miller** to adopt the City of Mission 2016 Budget as published, with an estimated total mill rate of 18.354 and a stormwater utility fee of \$28 per ERU per month. There was no discussion on this item. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

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### 2016 Budget - Rock Creek Drainage District No. 1.

**Moved by Rothrock, seconded by Kring** to adopt the 2016 Budget for Rock Creek Drainage District No. 1 with an estimated mill rate of 10.5 mills. There was no discussion on this item. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

### 2016 Budget - Rock Creek Drainage District No. 2

**Moved by Rothrock, seconded by Kring** to adopt the 2016 Budget for Rock Creek Drainage District No. 2 with an estimated mill rate of 10.5 mills. There was no discussion on this item. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

### Resolution Adopting 2016-2020 CIP

Councilmember Rothrock reported that in connection with the annual budget adoption, the Council also considers a resolution adopting the 2016-2020 Community Investment Program (CIP). The proposed CIP resolution outlines the revenues programmed in the 2016 Budget, with the remaining years designed to be fluid and flexible to allow opportunities to evaluate and address changes in resources or priorities in future years. Approval of the CIP resolution does not commit the City to any specific expenditures beyond those contemplated in 2016.

**Moved by Rothrock, seconded by Kring** to adopt a resolution adopting the 2016-2020 Community Investment Program (CIP) for the City of Mission, Kansas. Councilmember Miller asked that, given the survey responses identifying sidewalks as a priority, projects included in the CIP be reprioritized to add sidewalks. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

### COMMUNITY DEVELOPMENT COMMITTEE

#### Ordinance Regulating Urban Chickens and Beekeeping

Councilmember Quinn stated in response to several requests by Mission residents, the Community Development Committee discussed updates to the City's Code to allow for both chickens and beekeeping in Mission. Permits for keeping chickens and bees would be administered by staff and require an annual license fee of \$50. The ordinance also imposes a number of requirements on would-be permittees, including the denial of a license if the applicant has a history of animal and/or code enforcement violations. Additionally, inspections of the premises are required. He stated that regulations for

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chickens include: no more than 6 adult chickens; no roosters are allowed; and the chicken coop must be located at least 10 feet from the nearest property line. Regulations for beekeeping include: no more than 2 hives which must be located at least 10 feet from the nearest property line; the yard must have fencing at least 42 inches tall and a flyway structure or barrier, such as shrubbery, is required if the fence is less than 6 feet tall; the keeper must manage the hives to minimize swarming; and the keeper must provide a source of water on the property.

**Moved by Quinn, seconded by Cowdry** to adopt an ordinance amending Chapter 210 of the Code of the City of Mission, Kansas relating to Animal Control and the regulation of domestic animals. Councilmember Gibbs stated that the application will include information on Countryside's deed restrictions. Ms. Smith clarified that the application will include information regarding the need for the applicant to verify deed restrictions for their specific home owners association. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

### **Downtown District Task Force Resolution**

Councilmember Quinn reported that the Downtown District Task Force was appointed by the Mayor in January 2015 to continue the momentum of business activity and redevelopment following the completion of the Johnson Drive project. The group met for six months and established a set of recommendations, which are outlined in the proposed resolution. Included in the recommendations are the formation of a Business Association to attract new visitors and businesses, and the formation of a Business Improvement District to create a sustainable funding source for future improvement and promotion of the district.

**Moved by Quinn, seconded by Kring** to adopt a resolution supporting the recommendations of the Downtown District Task Force. Mayor Showengerdt thanked the members of the Task Force for their work. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

### **Safe Routes to School KDOT Agreement**

Councilmember Quinn stated that in June, Council approved acceptance of the Safe Routes to School Phase I Grant in the amount of \$20,000 in Federal funding to perform a Safe Routes to School Phase I Study. This study will examine how students travel to four nearby schools, and will provide a plan that shows opportunities to improve bicycle and pedestrian safety. Mission's match to this grant is \$5,000. The proposed Project Agreement with KDOT is the second step in the grant process. Council will next need to approve a contract for completion of the actual study.

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**Moved by Quinn, seconded by Rothrock** to approve and authorize the Mayor to execute an agreement with the Kansas Department of Transportation regarding the Safe Routes to School Phase I Study grant. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

### **NEW BUSINESS**

#### **2015-2016 Aetna Medical Plan Renewal**

Mr. Scott stated that the City currently offers health insurance to employees through Aetna. Approximately 60 employees are utilizing this insurance and Mission is considered a large market group, which means that we are rated based on a composite of demographics, past medical experience and recent claims. As of January 1, 2016 this will change and Mission (due to our size) will be rated on a "community basis." Aetna will allow the City to enter into an early renewal on October 1st which will allow the City to defer the transition to community based rating for one year. This renewal will also result in a slight decrease in premiums. He stated that Delta Dental will renew on January 1st with no increase in premiums. Because this information was so recently received from Aetna, there was not sufficient time for the issue to be presented to the Finance & Administration Committee.

**Moved by Cowdry, seconded by Kring** to approve a renewal of the City's current health insurance plan with Aetna for one year beginning October 1, 2015 with no increase in premiums. Councilmember Shepard stated that on the surface this looks good, but that unknown factors with ACA may have unintended consequences in the future. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

#### **Other New Business**

Councilmember Gibbs stated that the Mission Magazine will be in homes by the end of the month. It will feature Mission resident Laura Calwell who organizes canoe and kayak trips on the Kaw River. She has organized a trip for Mission on October 18th from 12:00 noon - 5:00 p.m. that will include a picnic lunch. The cost to participate is \$25.

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## MAYOR'S REPORT

Mayor Schowengerdt did not have a report.

## CITY ADMINISTRATOR'S REPORT

Ms. Smith stated that the natatorium at the Community Center is currently closed for painting, tile work and sauna repairs. The painting is looking great and swimmers are using the outdoor pool during this maintenance period.

There will be no worksession next week. She stated that committee agenda for the fall are getting very full.

Councilmember Cowdry reported that two neighbors are taking adult and child beginning to swim lessons and have said that the program is great.

Councilmember Miller reported that the Pie 5 opening is underway with many excited about this new restaurant. She stated that the wait to get in this evening was 1.5 hours. She also requested an update on the opening date for Starbucks. Ms. Smith stated that the City has not yet been notified of their opening date.

## EXECUTIVE SESSION

**Moved by Kring, seconded by Quinn** to adjourn to Executive Session for 30 minutes to discuss the status of current litigation. Also attending will be City Administrator Laura Smith, City Attorney David Martin, Attorney Mike Seck, and Police Chief Hadley. The Council will reconvene in Council Chambers at 8:40 p.m. Voting AYE: Cowdry, Gibbs, Kring, Miller, Quinn, Rothrock, Shepard, Vaughn. **Motion carried.**

Council adjourned to Executive Session at 8:10 p.m.

Council reconvened in Council Chambers at 8:40 p.m.

## ADJOURNMENT

**Moved by Quinn, seconded by Miller** to adjourn the meeting at 8:40 p.m. All present voted AYE. **Motion carried.**

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Respectfully submitted by Martha M. Sumrall, City Clerk.

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Steve Schowengerdt, Mayor

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Martha M. Sumrall, City Clerk