

## **MINUTES OF THE MISSION CITY COUNCIL MEETING, DECEMBER 19, 2018**

The Mission City Council met in regular session at Mission City Hall on Wednesday, December 19, 2018. The meeting was called to order by Mayor Ron Appletoft. The following councilmembers were present: Ken Davis, Sollie Flora, Kristin Inman, Debbie Kring, Pat Quinn, Arcie Rothrock, Nick Schlossmacher, and Hillary Thomas.

Mayor Appletoft welcomed the public and provided a brief overview of meeting procedures.

### **PUBLIC HEARING** **2018 Budget Amendment**

Ms. Smith stated that when the annual budget is adopted, a maximum expenditure amount is set for each fund. Exceeding these expenditures without formally amending the budget is a violation of Kansas budget statutes. A public hearing is required when amending the budget. This proposed budget amendments is for the Mission Convention & Visitors Bureau Fund which serves as a pass through for a variety of fundraising opportunities. This amendment is not the result of unanticipated or unauthorized expenditures and we never spend more than is taken into this fund. The proposed amendment would increase the budget from \$60,000 to \$90,000. The largest expense from this fund is the Mission Magazine.

Mayor Appletoft opened the public hearing on the 2018 Budget Amendment and called for public comments. He also stated that this issue, along with others on this agenda, were all discussed at length at the December 12th committee meetings. There being no public comments, the public hearing was closed.

The resolution to adopt this budget amendment will be considered later on this agenda.

### **SPECIAL PRESENTATIONS** **Recognition of Fire Wok Restaurant**

Mayor Appletoft recognized Fire Wok Restaurant for their many years in Mission. Recently, the restaurant closed its doors after 33 years of being one of the City's best known destinations. He stated we have all enjoyed their great food and their presence on Johnson Drive will be missed. He invited the Bonnie Huyn and her family and guest forward to accept an award recognizing their contributions to the Mission community. They thanked all for their support over the years and said they will miss everyone that visited their restaurant.

**Recognition of Doug Gregg, AnswerPro Limited**

Mayor Appletoft recognized long-time Mission business owner Doug Gregg, AnswerPro Limited, who recently retired. Mr. Gregg has been a community leader in Mission, serving on a variety of boards and committees, including the Sustainability Commission. He also generously donated to the Community Center mugs that can be used on a regular basis rather than depending on disposable products. Mr. Gregg has sponsored the Coffee with a Cop event. Mayor Appletoft wished Mr. Gregg well in his retirement and presented him with an award recognizing his contributions to the Mission. Mr. Gregg stated it has been a great pleasure to be a part of the Mission community.

Chief Hadley presented Mr. Gregg with an award recognizing his generosity in sponsoring Coffee with a Cop.

**Police Department / Parks & Recreation Department Special Presentations**

Chief Hadley recognized Officer Jeremy Assal and Aquatics Manager Luis Benavides who assisted with a life saving event at the Community Center on November 13th. A patron was unconscious and not breathing and staff performed CPR and used the AED to resuscitate the individual until assistance arrived.

Ms. Smith stated we always expect our public safety staff to respond in these situations, but Community Center staff also responded and saved this individual's life. Luis Benavides and Jelissa Colbert were presented with Lifesaving Awards, and Jenny Smith, Nick Shepherd, Erica Zeitz and Aaron Cherry (absent) were presented with Lifesaving Certificates for their heroic actions. Ms. Smith stated that as a result of this incident, staff replicated this scenario for training purposes to strengthen the skills of all Community Center staff. All were congratulated.

**Recognition of Brian Scott, Certified Public Manager**

Ms. Smith recognized Assistant City Administrator/Finance Director Brian Scott who recently received his Certified Public Manager accreditation. This is a national program which has been offered in Kansas since 1993. She stated that there were 87 students in Mr. Scott's class and it requires a significant time commitment on top of regular work duties (300 hours). Mr. Scott has been covering several additional job responsibilities this past year (Planning Commission, plan review, building permits) since we are short staffed and she expressed her appreciation and congratulations on this achievement. Mr. Scott was congratulated by all.

**CONSENT AGENDA**

**Moved by Quinn, seconded by Kring** to approve the Consent Agenda, item 4a. through 4i.

- 4a. Minutes of the November 28, 2018 City Council Meeting and Minutes of the December 12, 2018 Special City Council Meeting
- 4b. KERIT Renewal
- 4c. Personnel Policy & Guidelines Update
- 4d. Property / Casualty / General Liability Renewals
- 4e. 2019 IT Support Services Contract
- 4f. Alcohol Tax Fund Recommendations
- 4g. 2018 Budget Ordinance
- 4h. Ordinance Directing City Administrator to Spend According to Budget
- 4i. 2019 CMB License Renewals

Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas.  
**Motion carried.**

**PUBLIC COMMENTS**

Kim Donoway, Mission resident, stated she believed the Mission Convention & Visitors Bureau had disbanded and that their last meeting was in 2015. She also stated that there is an organizational committee for the Holiday Adoption Programs. She expressed her concerns regarding transparency and the ability to attend meetings. She has provided fresh produce to the Holiday Adoption Program for several years, and would like to see minutes from the committee meetings. She also expressed her concerns about Mission Magazine meetings being open to the public. She would like all meetings posted to the City's website.

**FINANCE & ADMINISTRATION COMMITTEE**

Councilmember Schlossmacher stated that the Finance & Administration Committee met on December 12th and discussed 14 items. Some of these items were approved under the Consent Agenda and there are now four additional items for consideration.

**Non-discrimination Ordinance**

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Councilmember Schlossmacher reported the Finance and Administration Committee discussed a non-discrimination ordinance at the October 3 and November 14 committee meetings. The intent of the ordinance is to provide uniform legal protection within Mission prohibiting discrimination in employment, housing and public accommodations on the basis of race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or military status. The ordinance would also provide for a complaint and enforcement process.

As the committee discussed the ordinance, postcards were mailed to all businesses included in the City's business license database and all properties included in the rental licensing database to advise these stakeholder groups of the issues the Council was considering. Information was also available on the City's website, including a reference page and on-line comment section. Public comment was taken at both the October and November meetings.

A draft ordinance was presented at the November committee meeting and, following consideration by the committee, it was recommended that the draft ordinance as presented be forwarded to Council for consideration with one change included in the final ordinance - the amount of civil penalty would change to \$1,000. If approved, this ordinance will take effect after its publication on January 1st.

**Moved by Schlossmacher, seconded by Flora** to adopt an ordinance amending Title 6 of the Code of Ordinances of the City of Mission, Kansas relating to civil rights. Ms. Smith stated that the packet has been revised as Section 615.020 (5) of the draft ordinance was not taken out after discussion by committee. The section has been removed in its entirety to reflect the recommendation of the committee. There were no public comments on this issue.

Councilmember Quinn stated this is an important issue, but he is not able to support it. He wants to see this handled at the state level and expressed his concerns with each city having a different ordinance. He feels this issue has been pushed down to the municipal level and that our legislators in Topeka are shirking their duties. It is an emotional issue, and enforcement could be a problem and have costs to adjudicate complaints. Because of this, he is voting "no."

Councilmember Thomas stated she commends Councilmember Flora for bringing this issue forward, and appreciates all who spoke about the issue. Adoption of the ordinance will confirm that Mission is a safe community and she thanked all for their testimony as the issue was discussed at the committee level.

Councilmember Kring stated she has served on Council for 20 years and she would like to see our council stay non-partisan. She believes this issue came through political channels and she will support the ordinance, but asked that the political arena be left outside our door.

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Councilmember Flora stated that she heard from constituents regarding this issue, particularly after the adoption law passed at the state level and after the Unified Government (Wyandotte County/KCK) adopted a non-discrimination ordinance. She stated that this is supported by chamber groups and equality groups, and thanked all who spoke both in favor of the ordinance and against it. She always wants all voices heard. She encouraged everyone to stay engaged in their community and encouraged all to continue to come to meetings. She will vote in favor of the ordinance.

Councilmember Schlossmacher stated that Council will be voting on the ordinance proposed at the November committee meeting that includes a \$1,000 fine. The other changes discussed at the November committee meeting are not included in the proposed ordinance. He stated that he agrees with Councilmember Quinn that this issue should be addressed at the state level, but that we must take a stand and support non-discrimination. He also asked for clarification on which complaints Mission will address. Ms. Smith stated that we will intake all complaints and direct those that are not related to sexual orientation and gender identity to other entities. If the person does not chose to go that route then the City can investigate the complaint. Councilmember Schlossmacher encouraged supporters to work on gaining momentum at the state level and push for them to address this issue.

Voting AYE: Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. NAY: Quinn. **Motion carried.**

### **Resolution Calling Public Hearing on Establishing CID, Roeland Court Townhomes**

Councilmember Schlossmacher stated In August 2017, a subsidence of the parking lot/parking area of the Roeland Court Townhomes occurred. Since then, staff has been working with the residents, consultants and engineers to address the situation and a cooperative solution has been identified. Creation of a Community Improvement District (CID) for this area would allow a special assessment component to be activated to allow property owners a longer period of time to repay repair costs. Before a CID could be considered by Council, the homes association would have to guarantee that property owners representing at least 55% of the land area and 55% of the assessed valuation within the district would sign the petition. These thresholds have been met and a valid petition for consideration by Council has been submitted. The next step is to set the public hearing, which would be accomplished through this proposed resolution. The public hearing would be set for January 16, 2019 at 7:00 p.m. at the City Council Meeting. This resolution does not commit the City to any other action related to establishment of this CID at this time.

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**Moved by Schlossmacher, seconded by Davis** to adopt a resolution calling and providing for the giving of notice of a public hearing on the advisability of creating a Community Improvement District in the City of Mission, Kansas to be known as the Roeland Court Townhomes Community Improvement District and regarding the City's intent to issue general obligation bonds and levy special assessments within such district. There was no discussion on this item. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

### **Contracts for Animal Control Services**

Councilmember Schlossmacher reported the Northeast Animal Control Commission was established in 1983 and included the cities of Fairway, Mission, Mission Woods, Roeland Park, Westwood, and Westwood Hills. In recent years, various member cities have expressed a desire to leave the commission and explore alternative service delivery. After careful evaluation, Mission believes our residents would be better served if animal control services are provided in-house through the newly created position of Community Service Officer. Mission is committed to offering animal control services to other current NEACC members on a contractual basis. Contract documents were developed and reviewed by all current member cities, and their respective Governing Bodies have approved contracts to become effective January 1, 2019. These contracts now need final approval by our City Council.

**Moved by Scholssmacher, seconded by Quinn** to approve the individual contracts with the cities of Roeland Park, Fairway, Westwood, Mission Woods and Westwood Hills to provide animal control services beginning January 1, 2019. Councilmember Schlossmacher asked the length of these contracts and Ms. Smith stated they will be year to year. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

### **2018 Budget Amendment**

Councilmember Schlossmacher stated the adopted annual budget establishes the maximum expenditure authority for each fund or taxing authority and exceeding these expenditures without formally amending the budget is a violation of Kansas budget statutes. A public hearing on this proposed budget amendment was held at the beginning of this meeting tonight. This budget amendment is not the result of unanticipated or unauthorized expenditures, but results from the fact that the MCVB fund is used as a pass through for a variety of fundraising opportunities. The expenditure authority is being increased to account for holiday adoptions and collections

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received to support Alexander Goodwin and “Alexander’s Journey,” and other charitable giving activities over the past year. Funds expended do not exceed revenues collected. This budget amendment is established by resolution and will increase the expenditure authority in the 2018 Budget for the MCVB Fund from \$60,000 to \$90,000.

**Moved by Schlossmacher, seconded by Rothrock** to adopt a resolution of the City of Mission, Kansas amending the maximum expenditure authority for the 2018 Budget for the Mission Convention and Visitors Bureau (MCVB) Fund. Ms. Smith stated, in response to Ms. Donoway’s public comments, that the MCVB Committee was disbanded in 2015 and that the MCVB Fund is a repository for transient guest taxes as required by law. This fund is also used for other charitable giving. Councilmember Flora asked that transparency issues be discussed with Ms. Gibbs. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

### **COMMUNITY DEVELOPMENT COMMITTEE** **SPJCC Rental Agreement, Mission Project**

Councilmember Inman reported the Mission Project, a non-profit agency located in Mission, approached the Community Center to consider a partnership to provide services and programs for their members. Members of The Mission Project have outgrown their current fitness space and are looking to increase overall health and wellness by moving to the Community Center. Under the terms of this agreement, the Community Center would offer annual memberships and user specific classes six days each week. In 2018 there were 12 Mission Project participants with Community Center memberships. Under this agreement, that number will increase to 31 resulting in more Mission Project participants having access to additional wellness opportunities. The estimated annual revenue from this cooperative agreement is \$30,400.

**Moved by Inman, seconded by Quinn** to approve the proposed agreement for memberships and services between The Mission Project and the Sylvester Powell, Jr. Community Center. Councilmember Schlossmacher stated this is a great partnership. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

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

Councilmember Kring reminded all of the Holiday Adoption Program and encouraged people to select tags to purchase gifts for families participating in the program. Tags are

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available at the Community Center and basket assembly and gift wrapping will be on Friday, December 21st at the Community Center.

Councilmember Thomas reminder all that there will be a Ward I meeting on January 23rd, 6:30 p.m. at The Bar. She also stated that she, the Mayor and several other councilmembers recently attended a workshop with other elected officials on green initiatives, and will be looking seriously at climate change issues.

Councilmember Schlossmacher announced a Ward II meeting on December 27th at RJ's BBQ's new event space. All were invited to attend.

Councilmember Schlossmacher also reminded all of the basket assembly and gift wrapping event on Friday, December 21st. He stated that we are sponsoring 90 families in the area and there are still tags to be selected or money for donations is always welcome. He will be participating with his co-workers and encouraged others to do the same.

Councilmember Quinn stated there was still shopping to be done for the Holiday Adoption Program and challenged councilmembers to participate by agreeing to match their donations up to \$100 each.

### **MAYOR'S REPORT**

Mayor Appletoft stated there will be a City Council Retreat on Saturday, January 26th at 9:00 a.m. - location to be determined. A facilitator will also attend to help with the retreat.

### **Appointments to the Planning Commission**

Mayor Appletoft stated appointments to the Planning Commission are made at the December City Council Meeting and appointments to our other boards and commissions will occur at the January City Council Meeting.

Mayor Appletoft put before Council the appointments of Stuart Braden (Ward I), Frank Bruce (Ward II), Charlie Troppito (Ward III), Mile Lee (Ward IV) and Robin Dukelow (Ward IV) to the Planning Commission with terms expiring on December 31, 2020.

**Moved by Quinn, seconded by Davis** to uphold the appointments of Stuart Braden, Frank Bruce, Charlie Troppito, Mike Lee and Robin Dukelow to the Planning



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Commission with terms expiring December 31, 2020. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

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

Ms. Smith announced the following:

- The January committee meetings will be held on Wednesday, January 9th rather than January 2nd.
- City Hall will be closed for the Christmas Holiday on December 24th and 25th.

She thanked the Governing Body and staff for the many hours put in over the past year. We were short-staffed in 2018, but are looking forward to 2019. The annual Year End Video was played and she thanked Ms. Randel for preparing this.

### **EXECUTIVE SESSION**

**Moved by Thomas, seconded by Rothrock** to adjourn to executive session to discuss current litigation pursuant to the exception for consultation with an attorney on matters deemed privileged, K.S.A. 75-4319 (b)(2). Also attending will be City Administrator Laura Smith and City Attorney David Martin. The open meeting will resume in Council Chambers at 8:10 p.m. (10 minutes).

Council adjourned to Executive Session at 8:00 p.m.

Council reconvened in Council Chambers at 8:10 p.m.

### **ADJOURNMENT**

**Moved by Kring, seconded by Quinn** to adjourn the meeting at 8:10 p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Martha Sumrall, City Clerk.

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Ronald E. Appletoft, Mayor

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Martha M. Sumrall, City Clerk