

MINUTES OF THE MISSION CITY COUNCIL MEETING, JANUARY 16, 2019

The Mission City Council met in regular session at Mission City Hall on Wednesday, January 16, 2019. 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.

REVISED AGENDA

Moved by Quinn, seconded by Kring to approve the revised agenda as printed. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

PUBLIC HEARING

Roeland Court Townhomes Community Improvement District

Mayor Appletoft opened the public hearing on the Roeland Court Townhomes Community Improvement District. Ms. Smith stated in 2017, there was a subsidence of the parking lot/parking area of the Roeland Court Townhomes. Staff has been working with the residents, consultants, and engineers to address the situation and find options to solve the problem. At this time, a cooperative solution is ready to be considered. Establishment of a Community Improvement District (CID) would allow a special assessment to be activated to allow property owners a longer period of time over which to repay repair costs. This was explored with the HOA and property owners, and a valid CID petition by property owners has been submitted to the City. Following receipt of the petition, the first step was to adopt a resolution setting the time and date of the public hearing on the CID. This was approved at the December City Council Meeting. Notice as required has been submitted to property owners. Ms. Smith stated the cost to property owners would be approximately \$343,000, which would be \$781 per property maximum annual payment over a 21 year period.

Mayor Appletoft opened the floor to public comments. There being no public comments, the public hearing was closed at 7:10 p.m.

The ordinance establishing the Roeland Court Townhomes CID will be considered later on this agenda.

SPECIAL PRESENTATIONS

Consolidated Fire District No. 2 Update

Mayor Appletoft introduced Deputy Fire Chief Chick and Fire Marshall Kerkhoff to provide an update on activity in Mission. Deputy Chief Chick reported during the recent weather event there were 125 storm related calls and all 25 calls from Mission were resolved. They are planning for additional storm related calls this upcoming weekend with additional winter weather. Fire Marshall Kerkhoff stated there was a fire at 6909 W 51st Place on December 16th, which resulted in one victim who sustained injuries. The resident had lived in the apartments for 20 years and was taken to KU Medical Center where they succumbed to their injuries the following day. The State Fire Marshall assisted with the investigation of the fire, and it was determined that it began in the living room, probably due to smoking.

Police Department Special Presentations

Capt. Lane provided an update on staffing in the Police Department and stated there are nine new officers. There is strong leadership in the department with corporals having an average of 15 years of experience and sergeants having an average of 20 years of experience.

Officer Nate Fleming was introduced. He was recently promoted to corporal. He received his corporal pins and was congratulated by all.

Capt. Lane stated Officer Tony Palmiere and Officer Drake Sparks recently responded to an attempted suicide where the resident was found to be hanging from a tree. Their quick response to hold up the victim and free him resulted in his life being saved. For their actions, Officer Palmiere and Officer Sparks were awarded the Police Department's Life Saving Award. Each were congratulated by all, and introduced their families and friends in attendance.

Suzie Gibbs - Year End Report - Holiday Adoption Program

Ms. Gibbs began by stating that the Mission Magazine is in its 10th year, with the first publication in February 2019. Rachel Finn and Carina White, who were both highlighted in the first edition, will be in the upcoming edition with an update on where they are 10 years later. She encouraged all who have story ideas for the magazine to share them with her.

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Ms. Gibbs thanked all who helped with the recent Holiday Adoption Program. She thanked specific members of her committee, including Lynn Kring, Cathy Casey, Kathy Bauer, Kathy Lockard, Mary Funk, and Joanna Rush. The program began in 2006 with six families and grew to 91 families being served in 2018. She provided various statistics on the program, noting there were approximately 150 volunteers who helped with the program and \$14,000 was donated to fund the program in 2018. She also thanked the schools that assisted, businesses who volunteered in groups, and parents who brought their children to help. Additionally, she thanked Councilmember Quinn for his monetary challenge, Fiorella Schlossmacher for her donations from her jewelry party and assistance as a translator, the Public Works, Police and Fire Departments, and other individuals and groups that assisted. She provided several examples of families helped through the program and again thanked all who participated in any way.

CONSENT AGENDA

Councilmember Davis stated that the committee meeting minutes are not yet complete as the meetings were held one week ago. He asked that Council defer approval of the committee meeting minutes until February.

Moved by Quinn, seconded by Thomas to approve the Consent Agenda with the exception of the committee minutes, item 4a. through 4e.

- 4a. Minutes of the December 19, 2018 City Council Meeting
- 4b. Resolution for the Destruction of Certain Records
- 4c. Replacement of Computer Switches
- 4d. Interlocal Agreement with City of Overland Park - Chip Seal, Lamar South of Shawnee Mission Parkway
- 4e. Operation Green Light Interlocal Agreement

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

Motion carried.

PUBLIC COMMENTS

There were no public comments.

ACTION ITEMS
Planning Commission

Lot Split, 5529 Maple Street

Mr. Scott reported the Planning Commission met on December 17th to consider the proposed lot split at 5529 Maple Street. Steve Clayton of Clayton Custom Homes has purchase the property and plans to build two new homes on the land once the lot is split. The dimensions of both of the proposed lots would be 62.5 feet wide by 140 feet deep, which meets code requirements. At the December Planning Commission meeting, one resident spoke in favor of this lot split stating that it would improve the overall neighborhood. The Planning Commission voted unanimously to adopt the findings of fact contained in the staff report and recommend approval of the proposed lot split (Case #18-12).

Moved by Schlossmacher, seconded by Rothrock to uphold the recommendation of the Planning Commission and approve the proposed Lot Split of 5529 Maple, Case #18-12. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

FINANCE & ADMINISTRATION COMMITTEE

Councilmember Schlossmacher stated the Finance & Administration Committee met on January 9th and discussed four items. Two items were considered on the Consent Agenda and there are two additional items for consideration

Ordinance Establishing Roeland Court Townhomes
Community Improvement District

Councilmember Schlossmacher reported 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. A valid CID Petition was submitted to the City by the affected property owners. In December, Council approved a resolution calling a public hearing on the creation of this proposed CID, and the public hearing was held at the beginning of this meeting. Over the last few weeks, the property owners and the Roeland Court Homeowners Association have explored

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options to increase the scope of the project on their property. These changes could add to overall project costs and the maximum CID assessment included in the original petition. Staff is working with the HOA on this change, which could impact the parameters of the CID. Because of this, it is recommended that no action be taken tonight on this proposed ordinance to establish the Roeland Court Townhomes Community Improvement District.

Moved by Schlossmacher, seconded by Davis to table consideration of the proposed ordinance authorizing the creation of the Roeland Court Townhomes Community Improvement District. Ms. Smith stated that the issue could be tabled or sent back to the Finance and Administration Committee for consideration in February.

Moved by Schlossmacher, seconded by Quinn to amend the original motion to add that consideration of the proposed ordinance will be considered at the February 6, 2019 Finance & Administration Committee Meeting. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

The vote was called on the original motion as amended. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

2019 Legislative Program

Councilmember Schlossmacher stated each year, Council adopts policies and priorities for the upcoming state legislative session. These are presented in the proposed 2019 Legislative Program, which is helpful in communicating the City's general position to our legislators. Once approved, the program is provided to all of our legislators. The proposed program includes some issues of municipal interest as identified in the *2019 Statement of Municipal Policy* prepared by the League of Kansas Municipalities. The 2019 program also includes many of the policies and priorities of last year's program with 12 additional policies that were identified by councilmembers during the January 9 Committee meeting. All additional policies agreed to by a majority of the members present at that meeting have been included in the final proposed 2019 Legislative Program.

Moved by Schlossmacher, seconded by Kring to adopt the 2019 Legislative Program for the City of Mission. Councilmember Davis referred to the policy in support of legalized marijuana. He feels this is in conflict with our policy on prevention of substance abuse and would like to amend the motion to substitute language related to the legalization of medical marijuana.

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Moved by Davis, seconded by Kring to amend by substitution that legalization of marijuana be substituted with legalization of medical marijuana, which reads, “The City supports the legalization of medical marijuana in 2019. The medical marijuana taxation opportunities, as seen in neighboring states, could create a significant revenue stream for our city. Additionally, this legitimate medicine should not be withheld from Mission or Kansas residents.”

Councilmember Schlossmacher asked if there were specific dollar numbers associated with potential tax revenues for medical marijuana and Councilmember Davis stated there there are not at this time. Councilmember Davis also stated he feels this change would make our policy consistent with the policy supporting substance abuse prevention and noted Chief Hadley stated at the committee meeting that he had concerns with the legalization of marijuana. Councilmember Thomas stated we can support both substance abuse prevention and the legalization of marijuana as the data is not consistent with legalization causing greater substance abuse. Councilmember Flora agreed with Councilmember Thomas and discussed criminal justice reform as the criminalization of marijuana is racially disparate.

The vote was called on the amendment to the original motion. Voting AYE: Davis. NAY: Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion failed.**

The vote was called on the original motion as originally stated. Councilmember Flora encouraged residents to look at the approved 2019 Legislative Program and to bring forward to Council other policies they would like to see added next year. Councilmember Thomas stated she will be attending the League of Kansas Municipalities Government Day and will be meeting with our representatives in Topeka and answering any questions they may have regarding Mission’s 2019 Legislative Program. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

COMMUNITY DEVELOPMENT COMMITTEE

Councilmember Inman stated the Community Development Committee also met on January 9th and discussed seven items. Several of those items were informational or for discussion only, and two were considered on the Consent Agenda. There are two additional items for consideration.

CARS Interlocal, Broadmoor (Johnson Drive to Martway)

Councilmember Inman reported the Improvements to Broadmoor between Johnson Drive and Martway are included in the City's Capital Improvement Program for construction in 2019. This project is also approved for funding through the Johnson County CARS Program. Up to 50% of the project's construction and construction inspection costs are eligible to be reimbursed by the CARS Program. Costs associated with design, utility relocation, and right-of-way/easement acquisition are not eligible for CARS reimbursement. Total project costs are estimated at \$1,162,706, and this proposed interlocal agreement specifies the County's participation in the project for a total cost not to exceed \$453,000 and commits City funds to the project. Approval of this interlocal agreement is the final step with the County to move the Broadmoor reconstruction project forward in the County's CARS approval process. It is anticipated that this project will be put out for bid in early spring.

Moved by Inman, seconded by Kring to approve the Interlocal Agreement with Johnson County for the public improvement of Broadmoor Drive (Johnson Drive to Martway), CARS Project No. 320001308 using 2019 CARS Program funding in an amount not to exceed \$453,000. Councilmember Flora asked if this also commits City funds to this project and Ms. Smith stated it does. Councilmember Flora stated the City's obligation will be approximately \$700,000 and she wished this project was more forward thinking. She expressed her concerns with City funds being used for a project that does not comply with our codes, but she does understand the importance of the project and the benefits of CARS funding. Councilmember Kring noted the work WaterOne already has underway in the area and traffic issues. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Stormwater Repairs - 50th & Dearborn Street

Councilmember Inman reported a portion of corrugated metal pipe (CMP) under the driveway at 5028 Dearborn collapsed late last fall and sinkholes formed adjacent to this area causing unsafe conditions for the public. Public Works has installed a temporary solution, until a permanent solution can be identified. Because of the condition of other pipe in the area, some of which is underneath the roadway, the limits of the project were expanded to ensure the repairs would provide long term stability for the road. This is particularly important since Dearborn is a dead end street, providing only one way in and out of the neighborhood. The design for this project includes removal, replacement, or abandonment of existing stormwater pipe, as well as a bid alternate to design slip lining of the storm culvert under Dearborn Street, which would allow for repairs without

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disturbing the road. The scope and fees identified in this task order from GBA include surveying, site investigation, and development of plans for repairs at this location, as well as project administration and bid phase services.

Moved by Inman, seconded by Quinn to approve a task order from GBA for survey, design, and bid phase services for repairs to the storm drainage infrastructure failure at 50th and Dearborn Street in an amount not to exceed \$28,179.50. Councilmember Thomas asked if any additional bids were received for this project. Ms. Smith stated that is not our practice for these types of projects and that we routinely use our on-call engineer. She expressed her confidence with the bid price for this project. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

NEW BUSINESS

Storm Debris Clean-up

Ms. Smith provided an update on the recent winter storm that caused many power outages and tree damage in the City. She thanked both Public Works and the Police Department staff for all their hard work during the storm and stated there are several options for limb pick-up due to the significant damage to trees. The City has not offered curbside pick-up since a storm in 2002 and has had drop-off sites for storms since then. She stated the volume of debris is a concern and would be too much for any site to handle as a drop-off. It would also be a challenge to use our trucks for curbside pick-up as they have their spreaders on them in anticipation of additional winter weather. Staff has considered the option of using a contractor and has priced this option. Additionally, Waste Management will remove the current limit for yard waste set-outs (currently 6) through the month of February so residents have time to place smaller bundles at the curb. There will be no additional charge to the City for this service. Bundles should be the same size as currently allowed. Staff anticipates some residents will use this option, but others have more than can be handled by Waste Management. Staff has contacted KC Tree Company and they have quoted a price of \$3,400 per 8 hour day for labor and disposal. Ms. Smith stated we anticipate it would require one truck for two weeks at a total cost of \$34,000 for 10 days. Residents would not be required to cut limbs to size, but would just need to get them to the front curb.

Councilmember Flora asked if neighborhoods would have an assigned day for pick-up and Ms. Smith stated a start date would be set and the crews would then work through the neighborhoods. Councilmember Flora also asked what the cost to the City would be to have a drop-off site rather than curbside pick-up. Ms. Smith stated the last one we had cost approximately \$25,000-\$27,000. We do not budget for these events so this will be paid for out of the General Fund. She also stated with additional weather

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anticipated this week it is recommended that we wait for at least a week to begin the program, and suggested January 28th as the earliest start date.

Councilmember Kring asked that this information be put on the website and Ms. Smith stated it will also be shared with residents via various social media. Councilmember Kring also asked if other bids were received, and stated she appreciates us using a Mission business. Ms. Smith stated we have not gotten other bids and discussed many companies already being under contract due to the widespread tree damage.

Moved by Quinn, seconded by Rothrock to give authority to staff to contract with a tree service firm for curbside pick-up of limbs in an amount not to exceed \$40,000. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas.
Motion carried.

Councilmember Thomas asked if there was a size limit on the limbs to be picked-up and Ms. Smith stated that they must just get them to the curb. A call will be put out to residents volunteers to help neighbors with moving limbs to the curb. Councilmember Flora recommended that staff be allowed to use their discretion in setting the timing of this project due to upcoming weather.

Councilmember Davis expressed his concerns with residents not maintaining their trees and then causing major power outages. He spoke with a KCPL foreman who said the City could obtain a list of locations that repeatedly lose power due to tree maintenance issues, and that we work with residents and KCPL to address the situation. Councilmember Flora discussed the KCPL Line Audit and encouraged the City to “stay on them” to ensure they are completing their required maintenance. Councilmember Davis also asked if “tree maintenance” is included in our franchise agreements.

COMMENTS FROM THE CITY COUNCIL

Councilmember Kring announced the Ward III meeting scheduled for January 17th at the Community Center, 7 p.m. All were invited to attend.

Councilmember Thomas announced the Ward I meeting scheduled for January 23rd at The Bar. All were invited to attend.

Councilmember Quinn commended the Police Department on their special presentation of life saving awards and the work of the department. He hopes the Shawnee Mission Post will write a story of this life saving event.

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Mayor Appletoft commended Public Works for all their work to plow and pull limbs from the street during the recent storm. He is very proud of the department. Councilmember Thomas agreed and thanked all City staff for their hard work during the storm and for communicating with residents.

Councilmember Quinn announced that his daughter Kerri was recently promoted to Major, US Army. He traveled to Washington DC for the pinning ceremony on the White House grounds. He stated he is very proud of his daughter and this was a highlight of his life.

Councilmember Kring stated she was contacted by a resident in Ward 3 who is disabled and was without power for three days during the recent storm. She expressed her concerns with how to best assist residents in this situation. Councilmember Rothrock stated Consolidated Fire District No. 2 has a list of many individuals with disabilities and Ms. Smith stated the Police Department is also aware of many of the residents with disabilities. She stressed that when contacted, you should always call 911 to assess the situation.

MAYOR'S REPORT

Appointments to the CIP Committee

Mayor Appletoft put before Council the reappointments of Lea Loudon (Ward II) and Bill Nichols (Ward IV) to the CIP Committee with terms expiring December 31, 2020. Councilmember Davis asked if attendance is considered when considering someone for reappointment, and Ms. Smith stated that it is.

Moved by Quinn, seconded by Rothrock to uphold the appointments of Lea Loudon and Bill Nichols to the CIP Committee with terms expiring December 31, 2020. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Appointments to the Parks Recreation & Tree Commission

Mayor Appletoft put before Council the reappointments of Anne O'Leary (Ward I), Lekha Sreedhar (Ward I), Mellissa Currie (Ward II), Mary Funk (Ward IV), and Mark Raduziner (Ward IV) to the Parks, Recreation and Tree Commission with terms expiring December 31, 2020.

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Moved by Quinn, seconded by Davis to uphold the appointments of Anne O’Leary, Lekha Sreedhar, Mellissa Currie, Mary Funk and Mark Raduziner to the Parks, Recreation and Tree Commission with terms expiring December 31, 2020. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Appointments to the Sustainability Commission

Mayor Appletoft put before Council the reappointments of Hannah McFarland (Ward I), Josh Thede (Ward II), Andy Hyland (Ward II), and Manny Trillo (Ward III) to the Sustainability Commission with terms expiring December 31, 2020.

Moved by Kring, seconded by Quinn to uphold the appointments of Hannah McFarland, Josh Thede, Andy Hyland, and Manny Trillo to the Sustainability Commission with terms expiring December 31, 2020. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Appointments of City Officials

Mayor Appletoft put before Council the reappointments of Keith Drill, Municipal Court Judge, and Jeffrey Austin, David Bell, and Peter Simonsen as Municipal Court Judges Pro-tem.

Moved by Kring, seconded by Davis to uphold the appointments of Keith Drill as Municipal Court Judge, and Jeffrey Austin, David Bell, and Peter Simonsen as Municipal Court Judges Pro-tem. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Councilmember Flora asked how these positions are evaluated and if we have contracts for our these appointments. Ms. Smith stated we have not had a specific process for judges as they are a mayoral appointment, but we have gone through a periodic review process for our bond counsel, financial advisor, and others.

Appointments of Bond Counsel, Financial Advisor, and Land Use Attorney

Mayor Appletoft put before Council the reappointments of Gilmore & Bell as Bond Counsel, Ehlers, Inc. as Financial Advisor, and Pete Heaven, Spencer Fane as Land Use Attorney with contracts expiring January 15, 2020.

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Moved by Kring, seconded by Davis to uphold the following for appointment with contracts expiring January 15, 2020: Gilmore & Bell, Bond Counsel; Ehlers, Inc., Financial Advisor; and Pete Heaven, Spencer Fane, Land Use Attorney. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

CITY ADMINISTRATOR'S REPORT

Ms. Smith announced the following:

- Staff will be working on improved communication during the weekend weather events. Some Public Works equipment was down during the las storm, but it is now back up and running.
- There are still vacancies on various boards and committees. A call will be put out for those, some of which are ward specific.
- Council will have their retreat on Saturday, January 26th at the Community Center. The facilitator for this will be emailing Council with specific information.
- City offices will be closed on Monday, January 21st in observance of Martin Luther King, Jr. Day.
- A good response has been received from residents regarding the committee for the Hodges planters issue. Staff is working to ensure there is a representative from each street and that all interests are represented.

EXECUTIVE SESSION

Moved by Quinn, seconded by Kring 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, City Attorney David Martin and Brian Friese, Lathrop & Gage. The open meeting will resume in Council Chambers at 8:45 p.m. (20 minutes).

Council adjourned to Executive Session at 8:25 p.m.

Council immediately came out of Executive Session to make a motion to adjourn to executive session that includes Tom Murray, Lathrop & Gage.

Moved by Rothrock, seconded by Schlossmacher to adjourn to executive session with the previously listed attendees and adding Tom Murray, Lathrop & Gage. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

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Council adjourned to Executive Session at 8:27 p.m.

Council reconvened in Council Chambers at 8:47 p.m.

Moved by Davis, seconded by Rothrock to adjourn to executive session for an additional five minutes. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Council adjourned to Executive Session at 8:47 p.m.

Council reconvened in Council Chambers at 8:52 p.m.

**Heartland Apartment Association Litigation and
Danley Class Action Litigation**

Moved by Quinn, seconded by Rothrock, subject to execution by all parties, that the City approve and perform the Settlement Agreement and Full and Complete Release proposed by the City's legal counsel in the Heartland Apartment Association versus City of Mission case. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Moved by Kring, seconded by Quinn, subject to execution by the Plaintiff and his counsel and approval by Court, to approve and perform the Class Action Settlement Agreement and Release or a substantially similar document with non-material modifications as proposed by the City's legal counsel in the Danley versus City of Mission class action case. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

ADJOURNMENT

Moved by Quinn, seconded by Kring to adjourn the meeting at 8:55 p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Martha Sumrall, City Clerk.

Ronald E. Appletoft, Mayor

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Martha M. Sumrall, City Clerk