

MINUTES OF THE MISSION CITY COUNCIL MEETING, NOVEMBER 18, 2019

The Mission City Council met in regular session at Mission City Hall on Monday, November 18, 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.

PUBLIC HEARING

Division of Rock Creek Redevelopment District

Mayor Appletoft opened the public hearing on the division of the Rock Creek Redevelopment District. Ms. Smith provided background on this issue stating the district was established in 2006 and includes approximately 71 acres of property between Lamar and Roe Avenue, including The Gateway. This district was created following an update of the FEMA flood maps which increased the area of the floodplain. The district included four redevelopment areas, but was amended in 2009 to include five redevelopment areas including Area 2a which is the Capitol Federal site. The TIF Act provides that increment is computed on a district-wide basis. This law works where there is a single project area within a district or multiple project areas, all of which have positive incremental assessed valuation. This is not currently the case as all redevelopment areas are not generating a positive increment so the other areas are unable to be compensated. She noted that this is not a new TIF district and no new taxes are being established - this is just splitting the existing redevelopment areas into five separate districts. She also noted that the Wendy's property was previously in the Gateway district but will now be back in Redevelopment District #3. She provided information on the required public hearing notice, which was published and provided to all property owners and occupants via certified mail. Following the public hearing tonight, Council will consider an ordinance to adopt the final districts.

Mayor Appletoft opened the floor to public comments.

Kevin Smith, Mission resident, stated he lives in Rock Creek District #2 and asked if there are any plans underway or a timeline for projects in this district. Ms. Smith stated there are not and that The Gateway project is driving this change and their project is already approved. There are currently no other TIF project plans for any of the other districts. There may not be any in the future, but this change to the separate districts will allow a better opportunity for them should they come along.

Collette Fleming, Mission resident, stated she lives in Rock Creek District #3 and asked how residents can follow any proposed projects for their district. Ms. Smith stated notice

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would need to be sent to all in the district should any projects come forward. Gary Anderson, Gilmore & Bell, stated if a project comes forward there would be a public hearing requirement and similar notice procedures for tonight's public hearing would be required (published and certified mail). Ms. Smith also stated that in addition to the notice for the public hearing, a project would need to move through the Planning Commission and Council, and could take months or years before breaking ground. There are many opportunities to follow a project through the process and she also recommended reviewing agendas on the City's website and subscribing to the Mission Monthly email newsletter.

Kevin Smith asked if the City would consider the use of eminent domain for a redevelopment project. Mr. Anderson stated that the legislature has taken away the use of eminent domain for economic development. It can still be used for public projects such as streets, but not economic development.

Councilmember Quinn asked how this issue was discovered and Ms. Smith stated that it was a team effort with Gilmore & Bell finding a path forward to resolve the issue.

There being no further public comments, the public hearing was closed at 7:17 p.m. Mayor Appletoft stated the next step in this process is for Council to consider an ordinance on the issue. The ordinance will be considered under the Finance & Administration Committee report, item 7a.

SPECIAL PRESENTATIONS

Introduction of Kathy Stratman, Payroll and Benefits Specialist

Ms. Randel introduced Kathy Stratman, Payroll and Benefits Specialist who has been working for the City since May. She brings with her many years of experience in the human resources field and has been a tremendous help to the City, especially with the recent update to the review process and implementation of electronic timecards. Ms. Stratman was welcomed to the City of Mission.

CONSENT AGENDA

Moved by Quinn, seconded by Kring to approve the Consent Agenda, items 4a through 4e.

- 4a. Minutes of the October 16, 2019 City Council Meeting and Minutes of the November 6, 2019 Special City Council Meeting
- 4b. Resolution Declaring Surplus Property

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- 4c. Human Service Fund Recommendations
- 4d. Property / Casualty / General Liability Insurance Renewals
- 4e. Employee Benefits Renewals
- 4f. Metromedia Contract Renewal

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

Motion carried.

PUBLIC COMMENTS

There were no public comments.

FINANCE & ADMINISTRATION COMMITTEE

Councilmember Flora stated the Finance and Administration Committee met on November 6 and considered a total of 10 items, including approval of the meeting minutes. The meeting included a presentation by the auditors and discussion of a draft 2020 Legislative Program. Five of the action items from the meeting were approved on tonight's Consent Agenda. There are two remaining items for consideration tonight.

Ordinance Dividing Rock Creek Redevelopment District

Councilmember Flora reported the Rock Creek Tax Increment Financing (TIF) District was established in 2006 and includes approximately 71 acres of property which generally follows the Rock Creek Floodplain from Roe to Lamar. The district originally included four redevelopment areas within the district, but this was amended in 2009 to include five redevelopment areas. The TIF Act provides that increment is computed on a district-wide basis, which works when there is a single project area within a district or multiple project areas, all of which have a positive incremental assessed valuation. When some areas have a negative incremental assessed valuation, those areas with a positive increment are unable to be compensated until the entire district is generating positive increment. She stated that as we have amended the Gateway Redevelopment Agreement and considered the issuance of Special Obligation Bonds for the project, it was determined that the current Rock Creek TIF District should be split into separate districts, including moving the Wendy's property that was originally in Project Area 1 to Project Area 3. All other areas will remain as they currently exist. A public hearing on this issue was held at the beginning of this meeting as required by State statute, and all owners and occupants of the district were notified via certified mail. The final step in the process is adoption of an ordinance formally dividing the district.

Moved by Flora, seconded by Schlossmacher to adopt an ordinance of the City Council of the City of Mission, Kansas, making findings and dividing the Rock Creek

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Redevelopment District into five redevelopment districts pursuant to K.S.A. 12-1770 et seq., and amendments thereto. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Issuance of Special Obligation Tax Increment Revenue Bonds (Gateway Project) Series 2019

Councilmember Flora stated at the November 6th Special City Council Meeting, Council approved a resolution authorizing the offering for sale of Special Obligation Tax Increment Bonds in connection with The Gateway Project. The Preliminary Limited Offering Memorandum (PLOM) is anticipated to be posted by November 22, with bond pricing to be determined by the underwriters following Council's adoption of this proposed ordinance. All conditions precedent to pricing set by the underwriter for these bonds have been met and bond closing is estimated to occur before the end of the year. Once the bonds are issued, the proceeds will be escrowed and will be distributed in accordance with the conditions precedent to bond proceeds distribution as outlined in the First Amendment to the Third Amended and Restated Redevelopment Agreement. These Special obligation Bonds are payable exclusively from revenues generated by The Gateway Project and are not backed by the full faith and credit of the City. The City is not responsible for the repayment of these bonds under any circumstances

Moved by Flora, seconded by Kring to adopt an ordinance authorizing the issuance of Special Obligation Tax Increment Revenue Bonds (Gateway Project), Series 2019, in the maximum principal amount of \$46,000,000 of the City of Mission, Kansas for the purpose of paying certain redevelopment project costs in connection with the Fourth Amended Tax Increment Financing Redevelopment Project Plan for the Mission Gateway project; authorizing execution of certain other documents; and making certain covenants with respect thereto. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

COMMUNITY DEVELOPMENT COMMITTEE

Councilmember Thomas reported the Community Development Committee also met on November 6th and discussed nine items. These included approval of the committee minutes, presentations on the Adopt-A-Park program and the Amendment of the Gateway Final Site Development Plan. The committee discussed a marketing/branding project, the current Snow Plan, and potential modifications to the Rock Creek Channel project design. She stated there are three action items from the committee to be considered at this time.

Resolution Adopting the Findings of Fact Regarding Structure at 5399 Martway

Councilmember Thomas reported the structure at 5399 Martway (Mission Bowl), was damaged by a fire on April 3, 2015 and sustained extensive damage. Subsequent restoration of the structure has been stalled due to protracted litigation that was initiated not long after the fire occurred. During this time, the building has become exposed to the elements leading to further deterioration. In accordance with State statutes, a written report from our building official was prepared and presented to the City Council, outlining issues associated with the structure. This report was based on inspection of the building, which was conducted by Mission's building official and Consolidated Fire District No. 2. A copy of the report was sent to the owner, with no response. Following presentation of the report to Council, a resolution was adopted setting the public hearing for the purpose of taking testimony from any interested parties as to why the structure should not be condemned and ordered repaired or demolished. The public hearing was held on October 16th. At the conclusion of the public hearing, Council approved a motion directing staff to develop findings of fact regarding this issue. She stated this proposed resolution presents the findings of fact, and includes the next steps to address and alleviate the current, unsafe conditions of the structure. Following adoption of this resolution, the owner has 10 days to present a plan for the restoration or removal of the structure, and 30 days to prosecute their plan. If no plan is presented, or the work is not completed within 30 days, the City may take action to have the structure removed and costs billed to the property owner. If not paid, a lien will be placed on the property.

Moved by Thomas, seconded by Quinn to adopt a resolution finding that the structure at 5399 Martway is unsafe and dangerous, and directing that the structure be repaired or removed and the premises made safe and secure. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Mayor Appletoft stated that although there was no discussion on this issue at tonight's meeting, it was discussed in great detail at the committee meeting.

Ordinance Amending Notice Requirements for Code Violations

Councilmember Thomas reported the Community Development Department sometimes deals with repeat violators of the nuisance code, and these cases can be very challenging. Currently, City Code requires that when a property owner is noticed for a nuisance violation, they are given 10 days to correct it. If they fail to do so within 10 days, then the City can abate the nuisance and /or issue a citation. Usually, the nuisance issue is addressed within the 10 days, but there are times when the issue will develop again within

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a few weeks or months of the initial violation. Under the current code provisions, staff is required to go back through the 10 day notice process before abating the nuisance or issuing a citation. This proposed ordinance would add a section to the Code that essentially provides that if a second notice is given within a 12 month period of the first being issued, then the City is not required to give a 10 day notice period for the nuisance issue to be resolved. Instead, the City can move right to abatement.

Moved by Thomas, seconded by Inman to adopt an ordinance adding Article IV to Chapter 220 of the Municipal Code of Mission, Kansas; defining unlawful repeat nuisance violator and penalties therefore. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

Contract Award for Mohawk Park Design

Councilmember Thomas stated the Park & Recreation Master Plan underscores the goal of expanding and improving our park facilities. After several months of discussion and evaluation, the Parks, Recreation and Tree Commission is recommending the addition of restroom facilities in Mohawk Park as the first capital project to be implemented from the Master Plan. The next step in implementing this plan is to bring the planning process down to the specific park level, which will provide an opportunity to take a comprehensive look at the amenities to be added over a longer term horizon. The planning/conceptual design process also provides the opportunity to get more specific feedback from neighbors and other stakeholders for the park. She stated a request for proposals was prepared by staff and three responses were received. Of those responding, Confluence has been determined to be the lowest and most responsive proposal at a cost not to exceed \$30,500. The scope of this project will include site analysis, public engagement, and preparation of refined concept plans and cost estimates.

Moved by Thomas, seconded by Davis to approve a proposal from Confluence in an amount not to exceed \$30,500 for conceptual park design and restroom design for Mohawk Park. Councilmember Schlossmacher stated that a great deal of money has been spent on the Parks Master Plan and he trusts this plan for Mohawk Park will be used in the future as a planning template for other Mission parks. Councilmember Thomas stated she agrees and is excited to move forward with the Parks Master Plan. She also encouraged park improvements throughout the City. Councilmember Flora stated Mr. Almoney and Ms. Duran attended a recent Ward IV meeting and everyone is excited to see improvements to our parks moving forward. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas. **Motion carried.**

NEW BUSINESS

Change in Dates for January 2020 City Council Committee Meetings

Mayor Appletoft stated that because the January committee meetings fall on New Year's Day, they will need to be moved to the second Wednesday of the month - January 8th.

Moved by Schlossmacher, seconded by Rotherck to move the regularly scheduled January City Council Committee Meetings to Wednesday, January 8, 2020 at 6:30 p.m. Voting AYE: Davis, Flora, Inman, Kring, Quinn, Rothrock, Schlossmacher, Thomas.
Motion carried.

COMMENTS FROM THE CITY COUNCIL

Councilmember Rothrock wished Ms. Smith happy birthday.

Councilmember Thomas stated we plan to recognize Councilmember Quinn for his service at the December Council Meeting, but she wanted to take this time to thank him for his work as a councilmember and his mentorship to her.

Councilmember Flora stated she appreciates Mr. Almoney and Ms. Duran attending their recent Ward IV meeting and their enthusiasm.

Councilmember Kring announced that she and Councilmembers Flora, Thomas and Schlossmacher will be attending NLC's City Summit in San Antonio. They will be sharing ideas from Mission with others attending and bringing back information from a variety of sessions.

MAYOR'S REPORT

Mayor Appletoft shared information from Shawnee Mission School District regarding recent evaluations of elementary schools and stated that Rushton is at the top of the list to be rebuilt. The district is gathering public input and anticipates a bond issue in 2020 or 2021 to fund these projects. He encouraged Council to stay involved in this process and to share information with others.

Mayor Appletoft reported that at a recent NE Mayors Luncheon, Stuart Little shared his proposal for working for the Northeast Johnson County cities (as a coalition) as a lobbyist.

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His proposal includes a contract for January 1 - December 31, 2020 with those cities interested in participating. He would provide a weekly report to the participating cities and report to each of their councils three times per year. His lobbying would target issues that impact our Northeast Johnson County cities and the fee would be based on population at \$1 per person (Mission approximately \$9,400). Mayor Appletoft stated that this contract would be within Ms. Smith's authority to execute, but he would like the consensus of Council prior to moving forward. His recommendation would be to contract with Mr. Little for one year to see what value it brings to the city.

Councilmember Kring asked for an example of the issues Mr. Little would lobby on our behalf and Mayor Appletoft suggested the dark store tax issue, noting that he would use our legislative platform and "be at the table" for us. Councilmember Davis asked if other cities have committed to this contract already. Mayor Appletoft stated Mr. Little would like an answer by December 2nd, but he believes Prairie Village, Fairway and Roeland Park are interested. Mr. Little already lobbies for the City of Merriam. Councilmember Quinn asked about his experience as a lobbyist and Mayor Appletoft stated he has been doing this for the past 20 years, representing Merriam, Lenexa, Shawnee Mission School District, and some health industry clients. He is no longer lobbying for the city of Lenexa. Councilmember Thomas stated she is interested in this, but would like additional information on Mr. Little and his background. Councilmember Flora asked why he is no longer representing Lenexa and the Mayor stated they want to expand their efforts to include marketing also. Merriam has stated they are satisfied with Mr. Little's work and the Mayor noted that he has a very small staff (about four people).

Discussion continued on the benefits and work of a lobbyist, how his lobbying efforts would work with a coalition of cities, and how differences in policy priorities between cities would be handled. Mayor Appletoft also shared that Mr. Little is a registered lobbyist and has been working in Topeka for the past 20 years. His efforts would be more focused on our priorities as opposed to the League of Kansas Municipalities that represents all cities in Kansas. Since members of the coalition (NE Johnson County cities) are all in the same area, hopefully there will be similar interests, and those paying for Mr. Little's contract would be driving his efforts.

Ms. Smith suggested that Mr. Little be contacted to see if he can wait on a commitment until mid-December when the Council Committees would have additional time to discuss this proposal. She will share his proposal with Council so there is time to review if prior to further discussion. Councilmember Flora stated if he can not wait, she is comfortable with Ms. Smith deciding on whether to move forward with this.

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Councilmember Rothrock reminded all of the Mission Family Adoption Program that is underway for the holidays.

CITY ADMINISTRATOR'S REPORT

Ms. Smith made the following announcements:

- The Uplift clothing and white socks drive will be on Thursday, November 21st prior to Thanks for Seniors.
- Thanks for Seniors is scheduled for Thursday, November 21st at the Community Center.
- Coffee with A Cop will be held on Friday, November 22nd at Hy-Vee, 8:00 a.m.
- Assembly of Thanksgiving baskets will be on Monday, November 25th at 8:00 a.m. at the Community Center
- There will be a blood drive at the Community Center on Wednesday, November 27th.
- Burn Before the Turkey is scheduled for Thanksgiving Day at the Community Center.
- City offices will be closed for the Thanksgiving holiday on November 28th and 29th.
- Holiday Lights and Festive Sights is scheduled for Friday, December 6th at 5:00 p.m. at the Community Center
- Pearl Harbor Remembrance Event is scheduled for Saturday, December 7th at the Community Center.

EXECUTIVE SESSION

Moved by Kring, seconded by Inman to recess to executive session under the preliminary discussion of the acquisition of real property exception, K.S.A. 75-4319(b)(6). Also attending the meeting will be City Administrator Laura Smith and City Attorney Dave Martin. The open meeting will resume in Council Chambers at 8:07 p.m.

Council recessed into executive session at 7:52 p.m.

Council reconvened in Council Chambers at 8:07 p.m.

ADJOURNMENT

Moved by Quinn, seconded by Flora to adjourn the meeting at 8:08 p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Martha Sumrall, City Clerk.

Ronald E. Appletoft, Mayor

Martha M. Sumrall, City Clerk