

# **MINUTES OF THE MISSION CITY COUNCIL MEETING**

**November 18, 2020**

The Mission City Council met virtually for a regular meeting on Wednesday, November 18, 2020 at 7:00 p.m. The meeting was called to order by Mayor Ron Appletoft. The following Councilmembers participated virtually: Trent Boultinghouse, Ken Davis, Sollie Flora, Kristin Inman, Debbie Kring, Arcie Rothrock, Nick Schlossmacher and Hillary Thomas.

The Mayor stated that because of the COVID-19 social distancing recommendations, the meeting was held virtually via ZOOM. The Mayor, City Councilmembers and staff all joined remotely. The public was invited to participate in the meeting by using the instructions included in the City Calendar item listed on the front page of the website. The public could join or just listen, or join with audio and/or video using a webcam or smartphone. The public was allowed to make comments through the "chat" feature and was informed that comments are visible by the group. Members of the public were requested to state their name and city of residence when making a public comment. Mayor Appletoft also asked all to be conscientious of others talking and to speak clearly and slowly.

## **PUBLIC HEARING**

Mayor Appletoft stated that there was one public hearing which is a proposed Amendment to the 2020 Adopted Budget. Mr. Scott explained that the City Council adopted the current 2020 budget in August of 2019 which established the maximum expenditure authority for each fund or taxing authority for that particular fiscal year. Exceeding these expenditures without formally amending the budget is a violation of Kansas budget statutes.

Mr. Scott advised that as the end of the year approaches, Staff reviews all budgeted funds to determine if there have been changes which require a formal budget amendment. For 2020, that analysis revealed that an increase in the maximum expenditure authority for the Capital Improvement (CIP) Fund was necessary.

The budget amendment is not the result of unanticipated or unauthorized expenditures, but rather results from the settlement of a class action lawsuit pertaining to the Transportation Utility Fee. In accordance with the settlement agreement a set amount of money had to be accessed by the

# **MINUTES OF THE MISSION CITY COUNCIL MEETING**

**November 18, 2020**

City to pay for those parties that may have a claim. Once claims were submitted, certified, and paid out, the funds remaining had to be used for transportation related expenses. This settlement was not agreed upon until after the 2020 budget had been adopted, and results in the need to amend the budget now.

The budget amendment is established through a resolution and will increase the expenditure authority in the 2020 Budget for the Capital Improvement Fund from \$2,017,318 to \$2,306,000, a difference of approximately \$288,682. The Capital Improvement Fund has excess funds in fund balance that will be used to cover this increase in the expenditure maximum.

There were no comments from the public.

## **SPECIAL PRESENTATIONS**

Mayor Appletoft reported that there was one special presentation which is the recognition of Shop Small Saturday.

### **Shop Small Saturday**

Mayor Appletoft explained that the City recognizes Shop Small Saturday which is observed on the Saturday after Thanksgiving, November 28th. This initiative aims to encourage supporting small businesses during one of the most popular shopping periods of the year. The City of Mission is fortunate to have a variety of small, independently owned businesses spread throughout the shopping district, including everything from snow boards to specialty roast coffee beans and handmade jewelry. He encouraged people to remember these businesses and their owners that work hard not only during the holiday season but all year to provide products and services that are as unique and special as their customers.

## **CONSENT AGENDA**

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

4a. Minutes of the October 21, 2020 City Council Meeting and

# **MINUTES OF THE MISSION CITY COUNCIL MEETING**

**November 18, 2020**

November 4, 2020 Special City Council Meeting.

- 4b. UCS Human Service Fund Allocation
- 4c. Data Collection/Management Software Purchase for Police Department
- 4d. Property and Casualty Insurance Renewal
- 4e. Hazard Mitigation Plan Resolution
- 4f. Purchase of Pickup Truck for Public Works

Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock, Schlossmacher, Thomas. **Motion Carried.**

## **PUBLIC COMMENTS**

There were no public comments.

## **PLANNING COMMISSION**

There was nothing presented from the Planning Commission.

## **FINANCE & ADMINISTRATION COMMITTEE**

Councilmember Kring reported that the Finance & Administration Committee met on November 4th and considered six items including acceptance of the meeting minutes. The UCS Human Service Fund Allocation and Police Department Software Purchase along with the Insurance Renewal and Hazard Mitigation Plan Resolution were all approved under the Consent Agenda. There was one additional item for consideration on the Regular Agenda.

### **Resolution Amending the 2020 Budget**

Councilmember Kring explained that the adopted annual budget establishes the maximum expenditure authority for each fund or taxing authority for that particular fiscal year. Exceeding these expenditures without formally amending the budget is a violation of Kansas budget statutes. State law requires that a public hearing be held when amending the budget. A public hearing was held at the beginning of the City Council meeting this evening.

# **MINUTES OF THE MISSION CITY COUNCIL MEETING**

**November 18, 2020**

The budget amendment will increase the expenditure authority in the 2020 Budget for the Capital Improvement Fund from \$2,017,318 to \$2,306,000, a difference of approximately \$288,682. This amendment is not the result of unanticipated or unauthorized expenditures, but rather results from the settlement of a class action lawsuit pertaining to the Transportation Utility Fee. The final settlement was not established until after the 2020 budget had been adopted. The Capital Improvement Fund has excess funds in fund balance that will be used to cover this increase in the expenditure maximum.

**Moved by Kring, seconded by Flora** to approve the Resolution to amend the maximum expenditure limit for the Capital Improvement Fund in the 2020 Budget. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock and Thomas. Voting NAY: Schlossmacher. **Motion Carried.**

## **COMMUNITY DEVELOPMENT COMMITTEE**

Councilmember Flora reported that the Community Development Committee also met on November 4th and considered four items. These included acceptance of the Committee minutes along with the purchase of a pickup truck for Public Works which were approved under the Consent Agenda. There were two additional items for the Council's consideration on the Regular Agenda.

### **Snow Shoveling Ordinance**

Councilmember Flora explained that on several occasions over the past year, the Council had discussed the City's current policy for shoveling sidewalks after a snowfall. The discussion included concerns regarding students walking to school on unshoveled sidewalks in residential areas as well as uncleared sidewalks in some commercial locations.

The City's current policy, Resolution No. 786, was approved in 2010 and states that "owners of property adjacent to public right-of-way or easement upon which a public sidewalk is located are encouraged to remove snow, ice and other debris therefrom." Although shoveling is encouraged, this Resolution does not specifically require property owners to shovel sidewalks and there is no enforcement mechanism or associated fine schedule. This makes it difficult for staff to respond effectively to complaints.

# MINUTES OF THE MISSION CITY COUNCIL MEETING

November 18, 2020

In order to address Council concerns, Staff recommended adoption of an ordinance that requires property owners to shovel snow on adjacent sidewalks abutting their property within 48 hours after a snowstorm and would be incorporated into Chapter 220 of Mission's Municipal Code which deals with Nuisances. The proposed ordinance includes a no-fee courtesy notice that will be sent to properties in violation. By passing this ordinance, staff is provided with opportunities to require private property owners to complete the snow removal, thereby alleviating the need for the City to dedicate limited staff resources to this purpose.

Councilmember Flora commented that along with Councilmember Davis they had received a concern from a constituent regarding residents that are out of town, during the winter, and the expense that will be incurred to hire a service to clear their sidewalks.

Councilmember Davis thanked staff for their hard work in bringing this item to Council, which was initiated by a resident who had concerns with sidewalk safety, adding that he appreciates that some of these concerns will now be addressed.

Councilmember Thomas asked about the forms of communication that would be utilized to inform residents about the change. Ms. Smith replied that there will be a full page, in the new Mission magazine, dedicated to the new ordinance and those requirements. Staff has also been assessing more communication with businesses and a letter for residential areas with sidewalks, adding that the methods of communication will be shared with Council as they are developed.

**Moved by Flora, seconded by Davis** to approve the Ordinance adopting requirements for keeping public sidewalks free of snow and ice within 48 hours after a snowfall. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock and Thomas. Voting NAY: Schlossmacher. **Motion Carried.**

## **FCIP Consultant Selection**

Councilmember Flora reported that in July 2019, the Community Development Committee directed staff to move forward with the Facility

# **MINUTES OF THE MISSION CITY COUNCIL MEETING**

**November 18, 2020**

Conservation Improvement Program (FCIP) offered by the Kansas Corporation Commission (KCC) as a way to achieve energy conservation through energy performance contracts.

Cities can take advantage of the program's single procurement energy performance contracts that include the cost of an energy study, audit, improvement or equipment design and costs associated with the implementation of approved improvements. Energy performance contracting guarantees energy savings, and if the savings are not achieved, the Energy Service Company (ESCO) reimburses the City the difference.

In October, a review group met consisting of two councilmembers, a member of the Sustainability Commission, a member from the Planning Commission, and four City staff members to consider the qualifications of three firms which had assessed the City's energy demands. The result was the recommendation to pursue an investment grade audit with Control Technology & Solutions, LLC (CTS Group). This audit will include a detailed analysis of the energy needs of the City and the anticipated cost of upgrading or replacing various equipment in each building.

The audit will also weigh the benefits of converting the streetlights not yet using LED lighting. Each element included in the eventual contract and project will be evaluated by the ESCO, the project team, City Council, and the Sustainability Commission. The audit will include engineering and construction services and will be comprehensive in fee for service, the administrative fee owed to the State, and the monitoring of the improvements for a minimum of three years following installation.

Councilmember Schlossmacher commented that he was happy to participate in the comprehensive process of reviewing vendors, adding that CTS seems exceptional in this work and he is looking forward to their services. This will be a great step for the City and allow for money and energy savings.

Councilmember Flora asked if the guaranteed cost savings could be addressed. Ms. Randel answered that the process thoroughly evaluates current costs that are spent both through energy usage, maintenance and billing. The anticipated and approved budget expenses that are determined by the life-cycle of a piece of equipment is then applied to pay down what is

# **MINUTES OF THE MISSION CITY COUNCIL MEETING**

**November 18, 2020**

invested in the improvements.

Councilmember Kring stressed that during the three-year process that there is continued environmental strides and City participation in grants through the Department of Energy and the Environmental Protection Agency because this will be a sustainable practice in obtaining revenues to support our environmental efforts.

Ellie Blankenship, with CTS Group, was present and explained that they have an extensive process to measure and verify the savings. Also, if the Company does not meet that savings then they will write a check for the difference.

Councilmember Davis thanked CTS for conducting the investment level audit at no cost to the City.

**Moved by Flora, seconded by Kring** to approve the authorization of staff to formally enter into the Facility Conservation Improvement Program (FCIP) and solicit an investment grade audit with Control Technology & Solutions, LLC. Voting AYE: Boultinghouse, Davis, Flora, Inman, Kring, Rothrock and Thomas. Voting NAY: Schlossmacher. **Motion Carried.**

## **NEW BUSINESS**

There were no New Business items.

## **COMMENTS FROM THE CITY COUNCIL**

Councilmember Inman reported that they met for the Broadmoor Park task force earlier in the month and had great participation. She thanked Mr. Almoney for his fantastic job leading the group and added there will be great prospects coming up for the Park.

## **MAYOR'S REPORT**

There was no Mayor's Report.

# **MINUTES OF THE MISSION CITY COUNCIL MEETING**

**November 18, 2020**

## **CITY ADMINISTRATOR'S REPORT**

Councilmember Kring asked about where the easement begins and ends near Don Chilito's since a constituent inquired about protesting. Ms. Smith replied it would have to be determined if there is a public sidewalk and follow-up with the Council.

Ms. Smith reminded the public that City Hall offices will be closed for Thanksgiving holiday. Also, since there has been the newly adopted Johnson County health orders, all City holiday celebrations and community gatherings will be moved to a virtual platform. This includes the Pearl Harbor Remembrance event on December 7th.

The Holiday Adoption program has been adjusted to keep volunteers and staff safe while still providing this important service. Ms. Smith thanked Mr. Almoney and the Family Adoption Committee for their hard work in organizing the program. Mr. Almoney reported that the City will be serving 82 families at Thanksgiving, and have had great support from residents and the community.

It was reported that the Uplift truck would be coming to the Powell Community Center for donations on November 19th, there is a list of needed items available on the City's website.

Ms. Smith reminded the public that the Council will be having an in-depth discussion regarding the Mission Bowl and Sunflower Development Group request for tax increment financing (TIF) incentives at the December 2nd, 2020 Finance and Administration Committee meeting. This will keep the project on track for the public hearing at the December 16th, 2020 legislative meeting.

## **ADJOURNMENT**

Mayor Appletoft announced that the public video from the meeting will be available through a link on the City's website - [missionks.org](http://missionks.org).



# MINUTES OF THE MISSION CITY COUNCIL MEETING

November 18, 2020

**Moved by Thomas, seconded by Kring** to adjourn the meeting at 7:32 p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Audrey M. McClanahan, City Clerk.

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Ronald E. Appletoft, Mayor

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Audrey M. McClanahan, City Clerk