

REVISED

CITY OF MISSION, KANSAS
COMMUNITY DEVELOPMENT COMMITTEE

WEDNESDAY, AUGUST 7, 2019

7:30 P.M.

(or immediately following 6:30 p.m. Finance & Administration Committee)

Mission City Hall

PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

- **Replacement of Fire Sprinkler Heads at SPJCC - Laura Smith** ([page 3](#))

The fire sprinkler system at the Community Center is one of several components that make up the fire protection system. After 20 years of service, the fire sprinkler heads need to be replaced. The work will be performed during the scheduled facility closure scheduled from August 19 to September 2. The recommended bid is from Advantage Fire Protection Systems, Inc. in the amount of \$40,375.

ACTION ITEMS

1. Acceptance of the July 10, 2019 Community Development Committee Minutes - Martha Sumrall ([page 5](#))

Draft minutes of the July 10, 2019 Community Development Committee meeting are included for review and acceptance.

2. A Resolution Setting a Public Hearing for the Purpose of Determining the Structure at 5399 Martway Street to be a Dangerous Structure and to Cause Said Structure To Be Either Repaired or Demolished - Brian Scott ([page 13](#))

The structure at 5539 Martway Street experienced a fire on April 3, 2015, which resulted in extensive damage. No repair or restoration work has been done on the structure since. The City's Building Official recently inspected the structure and deemed it to be an unsafe and dangerous structure. Notice has been sent to the property owner with no response. The Building Official is now requesting that a public hearing be set for the purpose of allowing the owner, or any other interested parties, to appear and show cause as to why the structure should not be condemned and ordered repaired or demolished.

3. Agreement with State of Kansas Department of Transportation - Transportation Alternatives Project - Emily Randel ([page 49](#))

The agreement enables funding through the Federal Surface Transportation (STP) funds for Transportation Alternatives for retrofitted bike lanes and sharrows on Lamar Avenue

between Foxridge Drive and Shawnee Mission Parkway. The bike lanes are a recommendation from the Safe Routes to Schools Study completed in 2016. The agreement is for an amount not to exceed \$68,000, representing 80% of the total estimated costs of \$85,000. The project is planned for the summer of 2020.

4. Resolution Authorizing Release of Escrow Funds for Property Purchased by the City of Mission at 5703 - 5715 Johnson Drive - Brian Scott ([page 68](#))

In 2006, the City of Mission purchased property at 5703 - 5715 Johnson Drive in order to remove it from the Rock Creek floodplain. At the time of the purchase, the seller's were required to place \$7,500 of the sale proceeds into escrow with Chicago Title Company, LLC for payment of any remediation of contamination on the property that may need to be done. The City did not discover any contamination on the property and the funds were never used. This resolution will authorize the release of the escrowed funds back to the sellers.

DISCUSSION ITEMS

5. Update on Hodges Planters - Laura Smith ([page 76](#))

The summary report of the discussions surrounding the planters and the recommendations of the neighborhood working group will be distributed prior to the meeting.

OTHER

Department Updates - Laura Smith

Hillary Thomas, Chairperson
Ken Davis, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913-676-8350

City of Mission	Item Number:	
INFORMATIONAL ITEM	Date:	8/6/2019
Parks and Recreation	From:	John Vaughn

Information items are intended to provide updates on items where limited or no discussion is anticipated by the Committee.

RE: Contract to replace fire sprinkler heads in the north section of Sylvester Powell, Jr. Community Center.

RECOMMENDATION: Approve the bid from Advantage Fire Protection Systems, Inc. in the amount of \$40,375.00.

DETAILS: The north section of Sylvester Powell, Jr. Community Center was opened on May 15, 1999. The fire protection systems have undergone routine maintenance since that time. The fire sprinkler system is one of several components that make up the building's fire protection system.

During a routine inspection in late 2018, a deficiency in the system was noted. Staff has been working with GBA to confirm the extent of the issue and to ensure that any changes would be compliant with NFPA standards. Following that evaluation, the scope of the project was finalized to cover the removal and replacement of over 360 fire sprinkler heads in the north section of the building. The work involves working at heights over the indoor pool, in the entry and meeting rooms, and the north gymnasium, as well as in office areas and hallways.

Quotes were solicited from four firms, with only two submitting bids by the deadline. These are included in the table below:

Firm	Bid
Advantage Fire Protection Systems	\$40,375
American Fire Sprinkler	\$69,963

With a 73% difference in the bids, staff felt it was critical to schedule an on-site meeting with the low bidder to ensure a complete understanding of the project requirements and limitations. Staff encountered some difficulty in scheduling that meeting in time to submit information in accordance with regular Council approval processes. As of the first of this week, all outstanding questions and concerns have been addressed.

The nature of the work requires it to be performed when the building is not in use. During the contractor's recent site visit, a plan was developed to complete the work in the following order: 1) remove / replace sprinkler heads in the North gym, 2) work in rooms A/B along with Adult Lounge, 3) While the sprinkler system is drained the

Related Statute/City Ordinance:	NA
Line Item Code/Description:	45-90-805-809
Available Budget:	\$50,000

City of Mission	Item Number:	
INFORMATIONAL ITEM	Date:	8/6/2019
Parks and Recreation	From:	John Vaughn

Information items are intended to provide updates on items where limited or no discussion is anticipated by the Committee.

contractor will remove 2-3 sprinkler heads where there is a hard ceiling area (south lobby & ceiling in rooms A&B in order to test for difficulty in removing the heads without damaging the ceiling), 4) proceed into the pool area, 5) finish in the offices. The schedule coincides with other contractors working in and around the same areas are gym floors are refinished and vinyl tile flooring is installed. In addition, the work in the natatorium can only be completed while the pool is drained.

If the work does not proceed with the upcoming facility closure scheduled for August 19 through September 2, we would either need to shut down at a later date for an extended period of time, or wait until the 2020 maintenance closure. Staff does not feel it is feasible to wait until 2020 to complete the work to upgrade the fire protection system.

Because of the timing of the notice of the system deficiency, this project was not originally included in the capital budget for Parks and Recreation in 2019. However, with more than \$85,000 in savings generated in connection with the flooring replacement project, funds are available to cover replacement of this important component of the facility's fire protection system.

Staff recommends that the City Council acknowledge the City Administrator plans to proceed, under the emergency authorization provisions outlined in Section 120.140 A(5) of Mission's Municipal Code, with a contract for \$40,375 with Advantage Fire Protection Systems to replace approximately 360 fire sprinkler heads in the north portion of the Sylvester Powell, Jr. Community in connection with the 2019 facility closure scheduled for August 19 through September 2.

The item would then be placed on the August 21 City Council meeting agenda for Council ratification/confirmation.

CFAA CONSIDERATIONS/IMPACTS: The City's current insurer inspects the Sylvester Powell, Jr. Community Center annually and values the building at \$16.3 million. The contents are estimated at \$4 million value. Up-to-date, properly maintained fire protection systems, including the fire sprinkler system should be in place to protect the structure and contents, and mitigate exposure for the City.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	45-90-805-809
Available Budget:	\$50,000

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	August 7, 2019
Administration	From:	Martha Sumrall

Action items require a vote to recommend the item to full City Council for further action.

RE: July 10, 2019 Community Development Committee minutes.

RECOMMENDATION: Review and accept the July 10, 2019 minutes of the Community Development Committee.

DETAILS: Minutes of the July 10, 2019 Community Development Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

Draft minutes are linked to the City Council agenda packet so that the public may review the discussion from the committee meeting in advance of the Council action on any particular item.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

MINUTES OF THE MISSION COMMUNITY DEVELOPMENT COMMITTEE

July 10, 2019

The Mission Community Development Committee met at Mission City Hall, Wednesday, July 10, 2019 at 6:30 p.m. The following committee members were present: Pat Quinn, Hillary Thomas, Arcie Rothrock, Nick Schlossmacher, Debbie Kring, Kristin Inman, Ken Davis and Sollie Flora. Councilmember Davis called the meeting to order at 6:30 p.m. Councilmember Schlossmacher arrived at 7:00 p.m.

Also present were City Administrator Laura Smith, Assistant City Administrator Brian Scott, City Clerk Martha Sumrall, Chief Ben Hadley, Assistant to the City Administrator Emily Randel, Street Superintendent Brent Morton, and Capt. Dan Madden.

Amended Preliminary Development Plan / Final Development Plan, Tidal Wave Auto Spa, 6501 Johnson Drive

Mr. Scott reported that developers for the Tidal Wave Auto Spa submitted plans for this site a year ago. This location is within the Form Based Code (FBC) area and staff worked with the owners on the requirements which include a two-story building at the sidewalk. A proposal for a two-story building was submitted, with the lower level having drive-through car wash bays and the second story as office for their regional headquarters. This plan was approved by the Planning Commission and City Council last year. The developers have closed on the purchase of this property and the underground fuel tanks have been removed so the site is now free from contamination. As the developer has moved forward refining costs for the project, they have been unable to “make the numbers work” for a two story building. This was discussed with staff, who suggested value engineering, etc. to help the project move forward. The developer has since then requested an amendment to the preliminary and final development plans for this project, which would provide only a one-story building. All other aspects of the final development plan would still be applicable including design, material, streetscape and overall site plan. Mr. Scott stated that application of the FBC has been challenging, and provided options that businesses / developers have when applying. They can go through the FBC and, if the project receives a passing score, the project is reviewed and approved by the Planning Commission only. If they are unable to meet the requirements (passing score), they can go through the traditional route of Planning Commission and City Council approval for the preliminary development plan, with the final plan approved by the Planning Commission.

Discussion by the committee continued on various issues associated with this project and the Form Based Code, including:

- Whether the FBC pertains only to properties greater than .5 acres. Mr. Scott stated that it applies to all commercial properties in the west gateway area of the City regardless of size. He noted that tracts that are larger in size have more flexibility to comply with FBC requirements (i.e. Mission Crossing and Cornerstone Commons).

- Did the original plan (two-story building in front with one-story building behind) comply with the FBC and was this an accessory building/use.
- The intent of the Form Based Code is to not focus on the use of the building, but rather the form. This results in more long term, sustainable use of buildings. Staff originally pushed to make this building deeper for future use.
- When Johnson Drive between Lamar and Metcalf is reconstructed in the next few years, will the trees and sidewalks for this project be torn up? Mr. Scott stated that he hopes they will not, but that may happen.
- Are doors included on the front of the building in the current plan? Mr. Scott believes there is a door but will confirm and we can ask that one be added.
- The need to have a super-majority vote of Council to override the recommendation of the Planning Commission.
- Car washes are not allowed along the Johnson Drive corridor east of Lamar - where does this fall in the codes. Mr. Scott stated this is part of our zoning code and provided information on the three overlay districts - East Gateway, Downtown District, West Gateway. Existing car washes are grandfathered in. Ms. Smith stated if a car wash is vacant for 180 days then the grandfather exemption no longer exists.
- Issues with the FBC not matching up with the underlying zoning codes.
- Due diligence required by developers when purchasing property in the FBC area so they are aware of all requirements.

Councilmember Quinn stated that he is not a proponent of the Form Based Code as he believes it has cost us some businesses locating in Mission. He stated he is in favor of this current development plan as it looks much better than what is currently on the site.

Councilmember Kring expressed her concerns with the current proposed building only being one-story and the precedent set when granting an exemption. She feels we have told others they must comply, and feels Tidal Wave should also. Ms. Smith noted that some of the other projects in the FBC area asked for and received incentives. Councilmember Thomas also expressed her concerns with setting a precedent, and stated that whether or not we want to retain the Form Based Code is a separate discussion. Councilmember Davis stated he feels the Planning Commission recommending approval is ignoring our adopted policy. He feels this should be discussed as part of the annual review of the Comprehensive Plan. He also stated he feels this is really just a wash tunnel with a facade. Discussion again continued on the due diligence required by the property owner prior to purchasing property in the FBC area for development.

Ms. Smith provided additional information on previous amendments granted under the Form Based Code. Discussion included Cornerstone Commons, Mission Crossing, and issues Mr. Scott has encountered with potential developers in the area once they realize the requirements of the FBC. Ms. Smith stated that approving this amended plan for Tidal Wave will not set a precedent and other developments have been granted amendments also.

Councilmember Rothrock stated that she can see both sides of this issue, but can support this amended plan. She also feels there needs to be a larger discussion on the Form Based Code. Discussion continued on voting options at the City Council Meeting. Council can vote to deny approval of this amended plan, approve the plan, or remand it back to the Planning Commission with specific requirements to be considered. A super majority (6 votes) is required to deny the application, simple majority to remand, and if it comes back again approval is by simple majority.

Councilmember Flora stated that although the property does not look good at this time, she does not favor “throwing our hands up” and approving it based on this. She feels this is a tough situation. Ms. Smith stated she has reached out to the developer and if approved, they anticipate beginning demolition of the current structure immediately. If Council does not approve this amended plan, then staff will look at options through our property maintenance codes.

This item was informational only and no action was taken. It will be considered at the July City Council Meeting under Action Items/Planning Commission.

Acceptance of the June 5, 2019 Community Development Committee Minutes

Updated minutes of the June 5, 2019 Community Development Committee were provided to the committee. There being no objections or corrections, the updated minutes were accepted as presented.

Contract Award for Sinkhole Repairs

Mr. Morton reported Council authorized a task order with GBA to provide survey, design and bid phase services for stormwater infrastructure failures that have occurred on Foxridge and on Woodson. Corrugated metal pipe has failed at these locations and one is under a storm box. Bids for this project were received on July 8th with two bidders responding. SheDigsIt LLC (SDI) was the lowest and most responsive bid with a total price of \$73,307. Ms. Smith stated that \$150,000 is the available budget for this project so it came in well under budget.

Councilmember Inman recommended that the contract with SheDigsIt, LLC (SDI) for repairs to two storm drainage infrastructure failures in an amount not to exceed \$73,307 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

50th & Dearborn Storm Sewer Repairs

Mr. Morton stated in January, Council approved a task order with GBA for the design and bid phase services for a storm sewer failure at 50th and Dearborn. He noted this issue has been discussed at several meetings and is in an area with open ditch lines. Because of the condition of other pipes in the area this is an opportunity to update infrastructure including slip lining the storm culvert under Dearborn. This project was presented to the CIP Committee and they

recommend approval. The estimated project total is \$184,975 and he anticipates this going to bid for construction in 2019.

Councilmember Flora asked if this still includes the bid alternate to slip line the creek channel. Mr. Morton confirmed that it did with a cost of \$18,470. He stated that doing this work with the rest of the project will result in an overall savings, rather than having to bring in a crew at another date to complete this.

Councilmember Inman recommended staff move forward with the bidding phase of the 50th & Dearborn Street Stormwater Repair Project for construction in 2019 with an estimated project total cost of \$184,975. All on the committee agreed. This will be a consent agenda item.

BHC Rhodes Street Asset Inventory

Mr. Morton reported that BHC Rhodes has been working on our stormwater asset management and is now ready to continue this project with asset management of our streets. The City has collected data on the condition of the residential streets over the last few years, and BHC Rhodes will continue this work by collecting, inventorying and compiling all existing data. The City's street maintenance program was started 10 years ago, but it was found that approximately 50% of the streets could not support the recommended mill and overlay treatment and would actually require full-depth reconstruction. This asset management program will assist with developing an updated street maintenance program.

Councilmember Davis stated he has asked staff about the terms and conditions of the BHC Rhodes contract related to ownership of the documents. Ms. Smith stated she has reached out to BHC Rhodes and will share information on this when received. Councilmember Flora asked if we were to switch companies at some point, would we still have access to this data. Mr. Morton stated in the past, companies have always been willing to share the data as it is in their best interest to do so. Councilmember Davis asked that the contract be modified prior to coming forth to Council.

Councilmember Inman recommended that the task order with BHC Rhodes to perform services related to asset management, condition inventories, and conceptual program costs for Mission's residential street network in an amount not to exceed \$9,000 be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Task Order with GBA to Proceed with Foxridge Survey

Mr. Morton reported the Foxridge project (Lamar to 51st Street) is included in the CIP for construction in 2021. Staff is recommending approval for the survey portion of the design contract to occur now. The project will include road improvements, as well as stormwater, sidewalks, and ADA improvements which may require the acquisition of additional right-of-way. By conducting the survey work now, this will allow the project to get ahead of schedule and be

helpful with cost estimates. This task order with GBA is in an amount not to exceed \$49,831.80 and includes surveying, property research, conceptual design, estimates for right-of-way needs, and project meetings.

Councilmember Inman asked when temporary patching of Foxridge that was approved earlier this year will begin. Mr. Morton stated it is scheduled for Monday, July 15 and will require several days of street closure.

Councilmember Quinn recommended the task order with GBA for Foxridge engineering services in an amount not to exceed \$49,831.80 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Other

Councilmember Kring stated that she would like to be fair to businesses west of Lamar and would like information on where the Form Based Code and incentives have been used. Ms. Smith stated it is all over the board and that we need to revisit our policy on the FBC. Discussion continued on the FBC, including:

- Urban Planning students from the University of Kansas who participated in a design project for the FBC area and were critical of some parts of the code.
- Not wanting to give mixed-messages to businesses in the area.
- Conflicts in the codes puts staff, Planning Commission and Council in a bad position.
- The need to look at time horizons to affect change, parcel size, balance business friendly requirements with the changing character of the area and promoting sustainable building practices.
- Consideration of the future reconstruction of Johnson Drive west of Lamar.

Councilmember Flora stated she feels the FBC is on the right tract and we should not just throw it out, but instead discuss how to make it work. Ms. Smith stated that the FBC did work on the Broadmoor street project, but that it is often on a case-by-case basis. She noted that when considering development in the FBC area, some developers back out but it is important to remember that this happens in other areas of the City also. Mr. Scott discussed another issue recently before the Planning Commission that allowed for a non-conforming situation permit. This has been done with a few businesses in the FBC area (McDonald's, Slim Chickens, CVS, etc).

Facility Conservation Improvement Program

Ms. Randel stated that the Sustainability Commission recently had a presentation on the Kansas Corporation Commission Facility Conservation Improvement Program. Information was shared on this program and the technical support that would be available to Mission when going through an energy audit and conservation efforts at City facilities. The program eliminates the

need for issuing a request for qualifications and uses KCC's list of preapproved Energy Service Companies. She stated that these are preliminary discussions but wanted to share this potential program with Council.

Councilmember Flora stated the presentation to the Sustainability Commission was very good and the program looks promising. The City of Shawnee is currently working through this program and Ms. Randel stated she plans to reach out to them for additional information.

This item was informational only and no action was taken.

Update on Speed Limit and Traffic Signage - 51st Street, East of Lamar

Mr. Morton provided an update on speed limit concerns on 51st Street that were raised by a resident at the March committee meeting. GBA was tasked with evaluating the sight distance and speed limit along this section of road. Following their assessment, GBA has recommended no change in the 25 mph speed limit, but did recommend additional signs and changing the location of some of the current signs. This work has been completed by Public Works staff. Ms. Smith stated the time to look at any additional changes to this street would be during full depth reconstruction, but even at that time it would be challenging due to the steep hills and grade of the driveways.

This item was informational only and no action was taken.

Department Updates

Ms. Smith stated the development section of the City's website has been updated with current information on various development and construction projects throughout the City. Going forward, this will be updated on a regular basis and information will also be included in the monthly email newsletter. She also noted that there have been questions recently about progress at The Gateway Project. A lease with Cinergy has been signed by the developers and they are re-evaluating their phasing of the project. Additional wastewater permitting was needed for the project and this has been addressed. Mr. Scott stated permits for the footings for Cincergy are in process. Councilmember Quinn asked who the contractor is and Mr. Scott stated VCC, a company that specializes in the construction of theaters. Plans for the hotel have been submitted. Mr. Scott also stated they anticipate the apartments to get underway this fall.

Councilmember Davis congratulated all on the success of the Mission Summer Family Picnic. All the staff involved did a great job and the fireworks display was phenomenal. Ms. Smith also thanked all who helped and stated next year the event will go back to the second Saturday in July.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 7:32 p.m.

Respectfully submitted,

Martha Sumrall
City Clerk

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	August 7, 2019
Administration	From:	Jim Brown / Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: Request to set a public hearing for the purpose of determining the structure at 5399 Martway Street to be a dangerous structure and to cause said structure to be either repaired or demolished.

RECOMMENDATION: Approve the attached resolution fixing a time and place for a public hearing to allow the owner, owner's agent and other parties of interest to appear and show cause as to why a certain structure located at 5399 Martway Street, Mission, Kansas should not be condemned and ordered demolished or repaired.

DETAILS: The structure at 5539 Martway Street is more commonly known as Mission Bowl - a bowling alley built in 1958. The structure experienced a fire on the afternoon of April 3, 2015, which resulted in extensive damage.

Shortly after the fire, the owners of the structure initiated plans to rebuild, but soon encountered an issue where, allegedly, the restoration company failed to properly secure the building from the elements resulting in further damage. This claim has resulted in protracted litigation, including bankruptcy, that is still ongoing. In the meantime, no action has been taken to restore the structure. The City has received numerous inquiries and complaints regarding the appearance and condition of the property.

The City's Land Use Attorney, Pete Heaven, entered a motion with the U.S. Bankruptcy Court requesting the Court's permission to allow the City to proceed with the process of declaring the structure a dangerous structure and having it either repaired or demolished. This motion was granted by the Court in June.

The Community Development Department is responsible for ensuring all property in Mission meets various building and property safety codes and does not pose a risk to the general public. To meet this goal, department staff responds to citizen complaints and requests, as well as requests from the Mission Police Department and the Johnson County Consolidated Fire District #2 regarding possible dangerous structures. Staff also performs self-initiated inspections when a structure presents a clear danger to the public. Inspections are conducted using criteria listed in the 2012 International Property Maintenance Code Section 108.1.5.

In accordance with Kansas Statutes Annotated 12-1752, when staff determines that a structure is dangerous, a written report from the building official is prepared and presented to the City Council. This written report becomes the basis for the City Council to conduct a public hearing for the purpose of taking testimony from the owner,

Related Statute/City Ordinance:	K.S.A 12-1750 / Mission Code Section 510
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	August 7, 2019
Administration	From:	Jim Brown / Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

and all other interested parties, as to the condition of the structure, and to determine whether the structure should be repaired or demolished, and the time frame for such.

On July 8th, an inspection of the structure at 5399 Martway was conducted by Mission's Building Official, Jim Brown, and Consolidated Fire District #2 Fire Marshall, Todd Kerkhoff. (See *Exhibit A, 5399 Martway Street; Dangerous Structures Inspection dated July 8, 2019*).

A copy of the report was sent to the owner requesting a response as to the action they intended to take be presented to the building official by July 26th. (See *Exhibit B, Notice of Violation and Order to Abate dated July 10, 2019*). No response has been received as of this writing.

In accordance with Kansas Statutes Annotated, 12-1752, staff is now presenting the report to the City Council and requesting that the attached resolution be adopted scheduling a public hearing at which time interested parties may appear and show cause as to why the structure should not be condemned and ordered repaired or demolished pursuant to state statutes and the Building Official's Request for Condemnation.

The resolution setting a public hearing is to be published for two consecutive weeks on the same day of the week at least 30 days prior to the date of the public hearing. If the City Council chooses to adopt the resolution at its August 21 meeting, the following schedule could be applied:

August 21	Adoption of the Resolution Setting the Public Hearing
August 27	First Publication of the Resolution in the Legal Record (notice sent to owners of record)
September 3	Second Publication of the Resolution in the Legal Record
October 16	Regular City Council Meeting (minimum of 30 days after the second publication).

At the conclusion of the public hearing, the Council will adopt "findings of fact" and direct staff to prepare a resolution for their consideration stating whether the structure should be repaired or demolished and time frame for same. This would be considered at the next regular meeting of the Council, which would on November 20. Once adopted, the resolution will need to be published for one week, and copies sent to all interested parties via certified mail. Following publication and notice, staff would be able to take

Related Statute/City Ordinance:	K.S.A 12-1750 / Mission Code Section 510
Line Item Code/Description:	NA
Available Budget:	NA

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Action items require a vote to recommend the item to full City Council for further action.

bids for demolition if so directed by the resolution. Actual demolition would most likely occur after the first of the year. If the City were to demolish, the costs would be certified and assessed back against the property.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	K.S.A 12-1750 / Mission Code Section 510
Line Item Code/Description:	NA
Available Budget:	NA



Community Development Department
6090 Woodson Street
Mission, KS 66202

Request for Condemnation and Evidentiary Hearing

Date: August 21, 2019

TO: Governing Body

Location of Violation (address): 5399 Martway Street, Mission, KS 66202

KS Uniform Parcel Number: 0460620902028002000

Legal Desc. MISSION MART LT 3 & LT 4

Tax Property ID: KP32400000 0003 KP32400000 0004

Zoning: MS2

***Violations:** Dangerous Structure- [Mission Code- Chapter 510- Article I];

History: On July 8, 2019, an on-site investigation was performed on this property in response to complaints received regarding a dilapidated, abandoned, unsafe building thereby serving as an attractive nuisance to unauthorized individuals. The results of this investigation are as follows:

1. The structure suffered significant fire damage on April 3, 2015 and is currently boarded up.
2. Windows are broken out and evidence of trespassing/unauthorized entry is noted at several areas of the building and adjacent lot.

Pursuant to K.S.A 12-1752 and in support of the Dangerous Building Inspection Report (attached) the Building Official is hereby requesting that the Governing Body schedule an evidentiary hearing to allow the owner, the owner's agent, any lien holders of record and any occupant of the structures described above to appear and show cause why such structure should not be condemned and ordered repaired or removed.

Jim Brown
Building Official

(Attachments) (Photographs)

Cc: Laura Smith, City Administrator
Brian Scott, Assistant City Administrator
Pete Heaven, City Attorney



DANGEROUS STRUCTURES INSPECTION

2012 International Property Maintenance Code as adopted by:
Mission Municipal Code Chapter 500 Article IX

DATE OF INSPECTION: July 8, 2019

ADDRESS: 5399 Martway Street (Lots 3 & 4)

KS UNIFORM PARCEL NUMBER: 0460620902028002000

TAX PROPERTY ID: KP32400000 0003 KP32400000 0004

ZONING: MS2

PROPERTY OWNER: Mission Mart Shopping Center LLC
Commercial Ventures, Inc.
5426 Martway Street
Mission, KS 66205

LESSEE/TENANT: Mission Recreation Inc.
Attn: Beverly O'Donnell
1020 S Weaver St
Olathe, KS 66061

BUILDING OFFICIAL: Jim Brown

International Property Maintenance Code (IPMC) Sec. 108.1.5 Dangerous structure or premises.

Any structure or premises which have any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdictions related to the requirements for existing buildings.
Extensive damage at the origin of the fire located adjacent to the front entrance to the building eliminates all points of safe entry/exiting.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
The intensity of the fire and firefighting operations heavily damaged the means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse or to become detached or dislodged. **The fire damaged several areas of the structure. An area of roof structure adjacent to the front entry which is composed of four (4) Warren/SJ type joists at approximately 5 feet on center with corrugated roof decking is reliant upon temporary shoring due to the fact the front exterior wall is heavily damaged and cannot carry the imposed roof loads.**

In the area of the fire's origin all protective galvanized coating on the roof decking has burned away thereby exposing the roof decking to substantial rust and evidence of structural deflection is noted throughout this area. Evidence of several roof leaks exist which continue to allow rainwater into the building. Mold and mildew is present in several areas of the building with heaviest concentration toward the front of the building. The building continues to deteriorate from the fire event dating back to April 2015.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value. **The front wall of the building adjacent to the entrance is incapable of supporting the imposed loads of the roof structure, thereby necessitating the temporary shoring which is in place.**
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. **Due to the extensive fire event and associated firefighting efforts, the temporary shoring, the evidence of damage, instability of the front wall to support the roof structure, and all utilities being disconnected, clearly demonstrates the building is unsafe for its intended use and occupancy.**
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. **The building is abandoned and the front door was discovered as being unlocked and unsecured, thereby contributing to its enticement as an attractive nuisance which leads to harboring of vagrants and other unauthorized persons. Evidence of unauthorized individuals occupying the rear storage building was also discovered.**
8. Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. The above listed conditions are hereby deemed detrimental to the health, safety, and/or welfare of the city's residents, the existence of which constitutes a public nuisance. Any building or

structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health. **All utilities have been shut off since the fire event dating back to April 2015. There is no operating fire, mechanical or plumbing system.**

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public. **The building is vacant and the front door was discovered as being open and unsecured thereby contributing to the determination the building in its present condition is an attractive nuisance and ongoing hazard. Evidence of unauthorized individuals occupying the rear storage building was also discovered.**

All dangerous buildings and structures are hereby declared to be a public nuisance and shall be vacated, repaired and/or demolished in accordance with the procedures specified in the Mission Municipal Code Chapter 510, Article I and under authority of Kansas Statutes Annotated KSA 12-1750 through 12- 1756a.

Exhibit A

Photographs and Legend

Photograph Legend:

1. View looking north toward main entrance. North wall damaged to the extent it cannot support the imposed roof loads. Temporary shoring supporting the roof loads in this area spanning four Warren type roof joists.
2. Additional view of temporary shoring and damage to exterior wall at the load bearing points of the roof joists.
3. View of exterior load bearing wall showing deflection in roof joists and corrugated roof decking.
4. Origin of the fire. Grease duct in kitchen. This area is located east of main entrance. Fire travelled from east to west the length of the building.
5. View looking east from main entrance. Extensive heat from the fire caused the roof decking and joists to deflect in numerous areas, which attributed to several roof leaks throughout the building.
6. View from existing restrooms looking north/northwest.
7. View from existing restroom looking north. Note: in all areas of the fire damage the intensity of the heat burned off all galvanized protective coating from the corrugated roof decking thereby leading to accelerated rusting, deterioration and failure in multiple areas.
8. View to the east showing a main support beam and damage to the roof structure including major deflection of the bridging iron and corrugated roof deck. Note: The main support beam also exhibits warping and deflection due to the intense heat from the fire. In addition, the steel support column appears to have been relocated toward the east from its original location as indicated on the beam (see red arrow).
9. Addition view looking east of the major deflection in the bridging angle and corrugated roof decking and joists. Also note the ductwork running north to south at the bottom of the photograph which is significantly damaged by the fire.
10. Significant damage of the roof components adjacent to the main structural beam running east to west.
11. See comment #10. Also note charring of wooden support blocking.
12. See comment #10.
13. See comment #10.
14. View of extensive heat damage to the main supply duct for the building running north to south.
15. Main entrance door, which was unlocked and unsecured at the time of this inspection.
16. Rear supply room doors remain secure.
17. Rear storage room area main electrical panel. No utilities are active since the fire event.
18. Rear storage room area.
19. South rear door of building. Evidence of pry marks and attempts to gain entry. Door remains secure.
20. Restroom, southeast corner of building. Note screwdriver at window latch to help prevent unauthorized entry.
21. Photo of rear storage building located east of the south rear door. There is evidence of unauthorized individuals/vagrants sleeping/residing in the storage building.
22. Photo of putt putt golf area adjacent to the building. Evidence of unauthorized individuals/vagrants along the south end of the area.

1

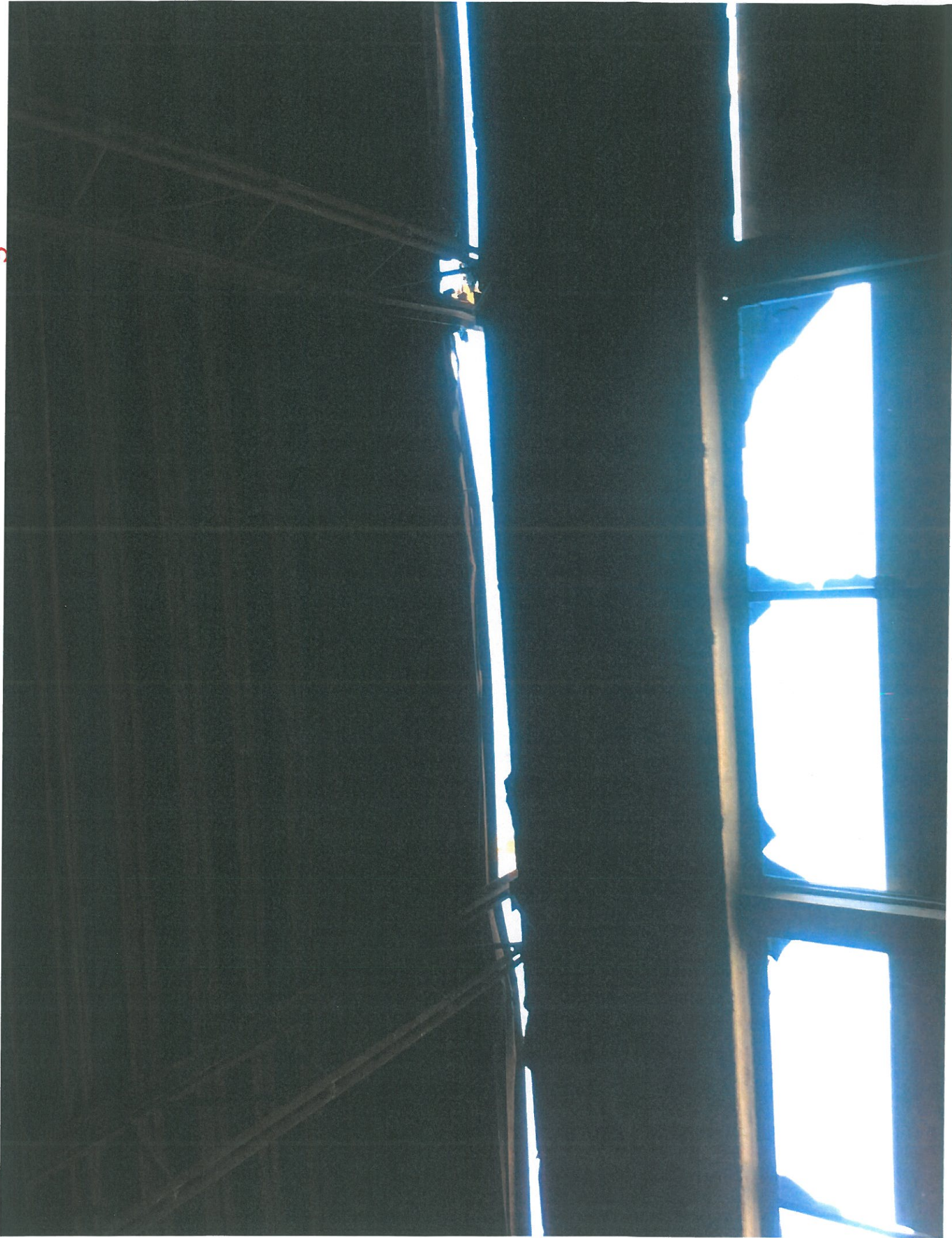
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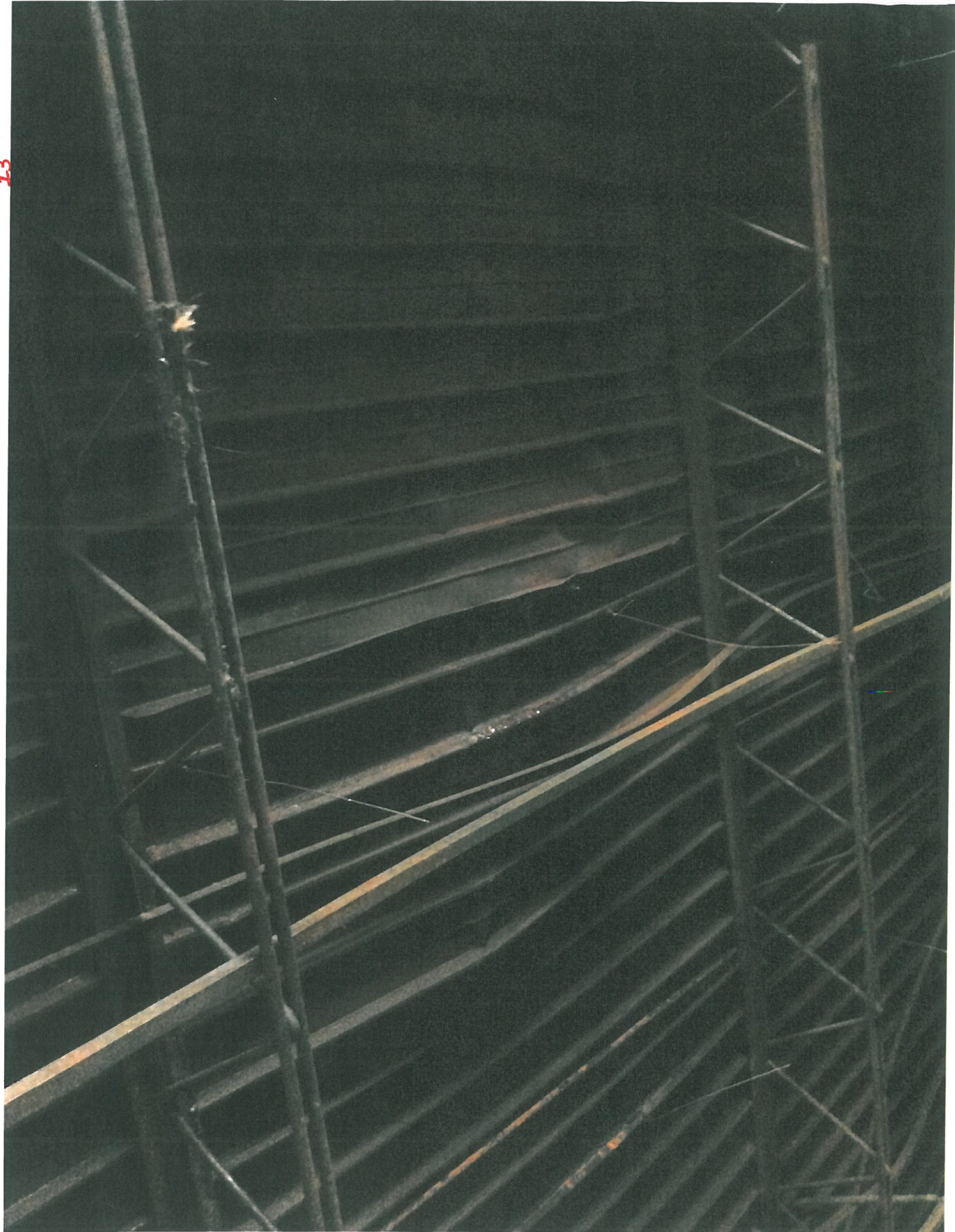


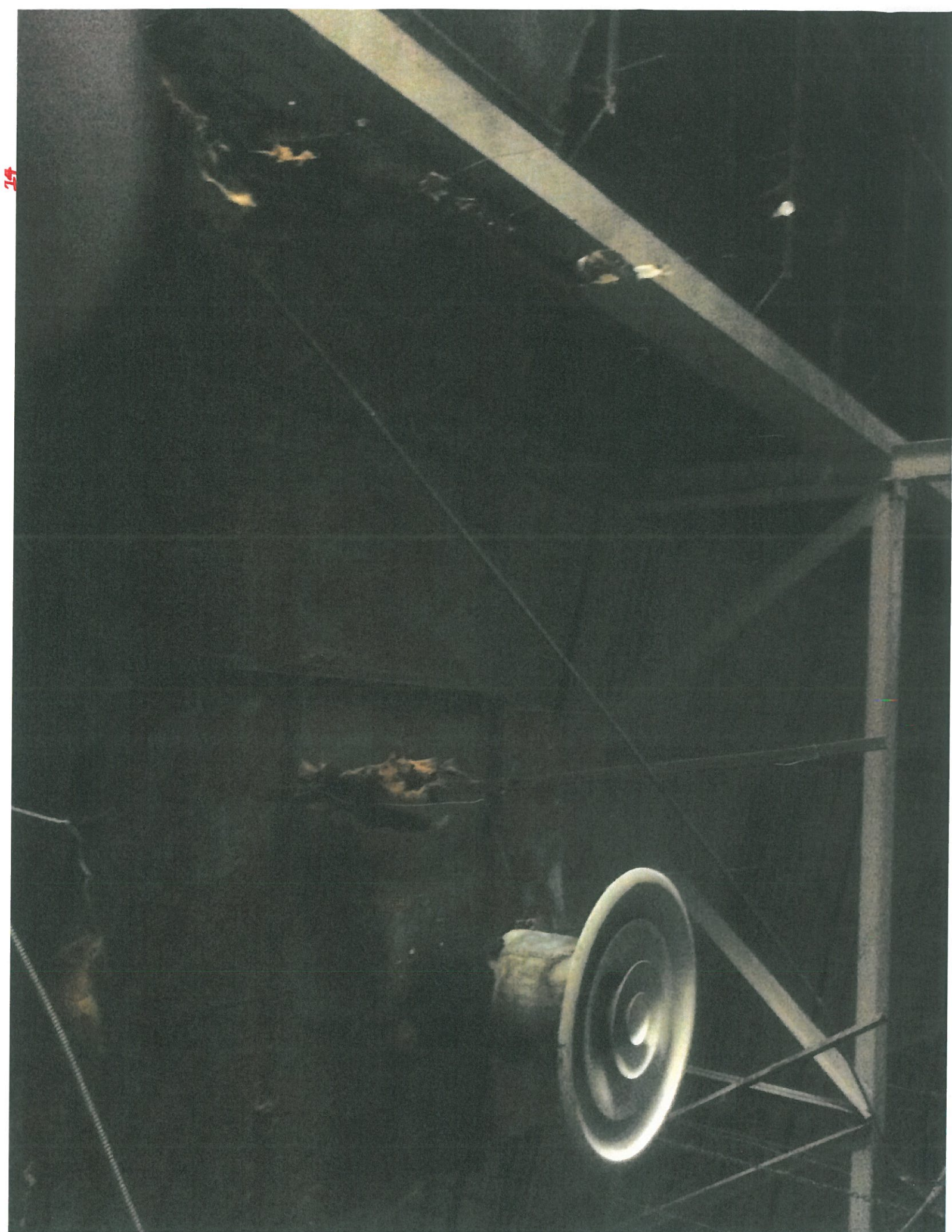


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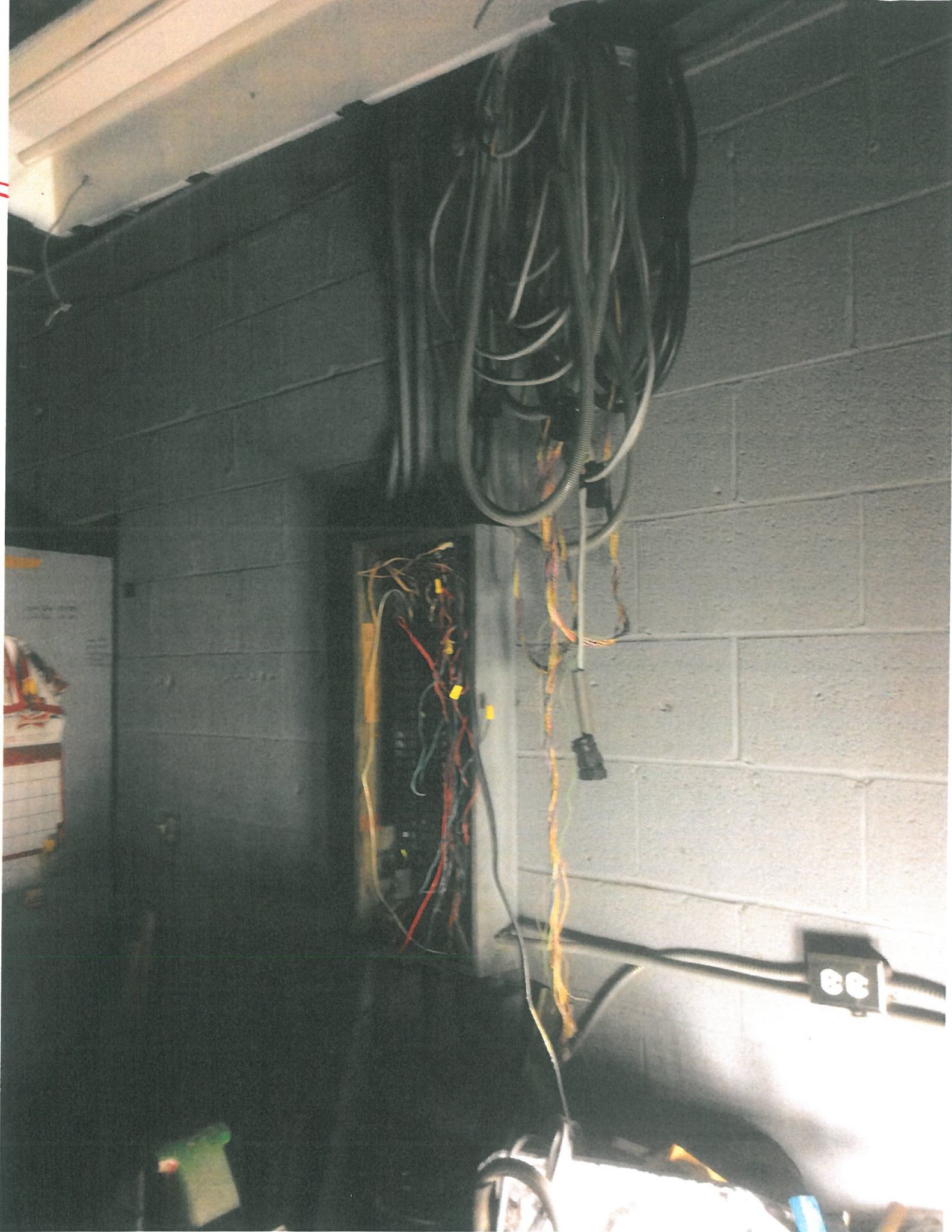


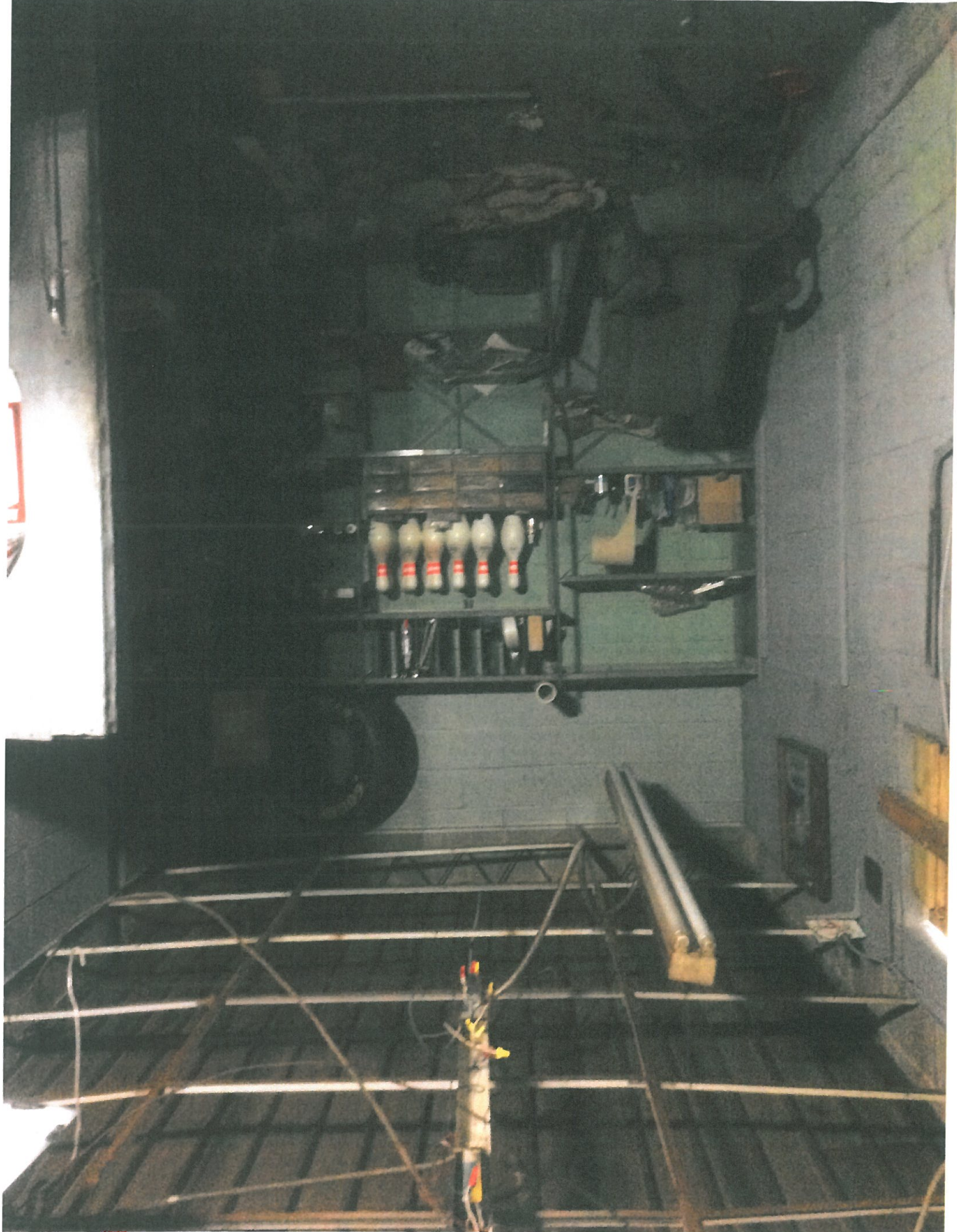


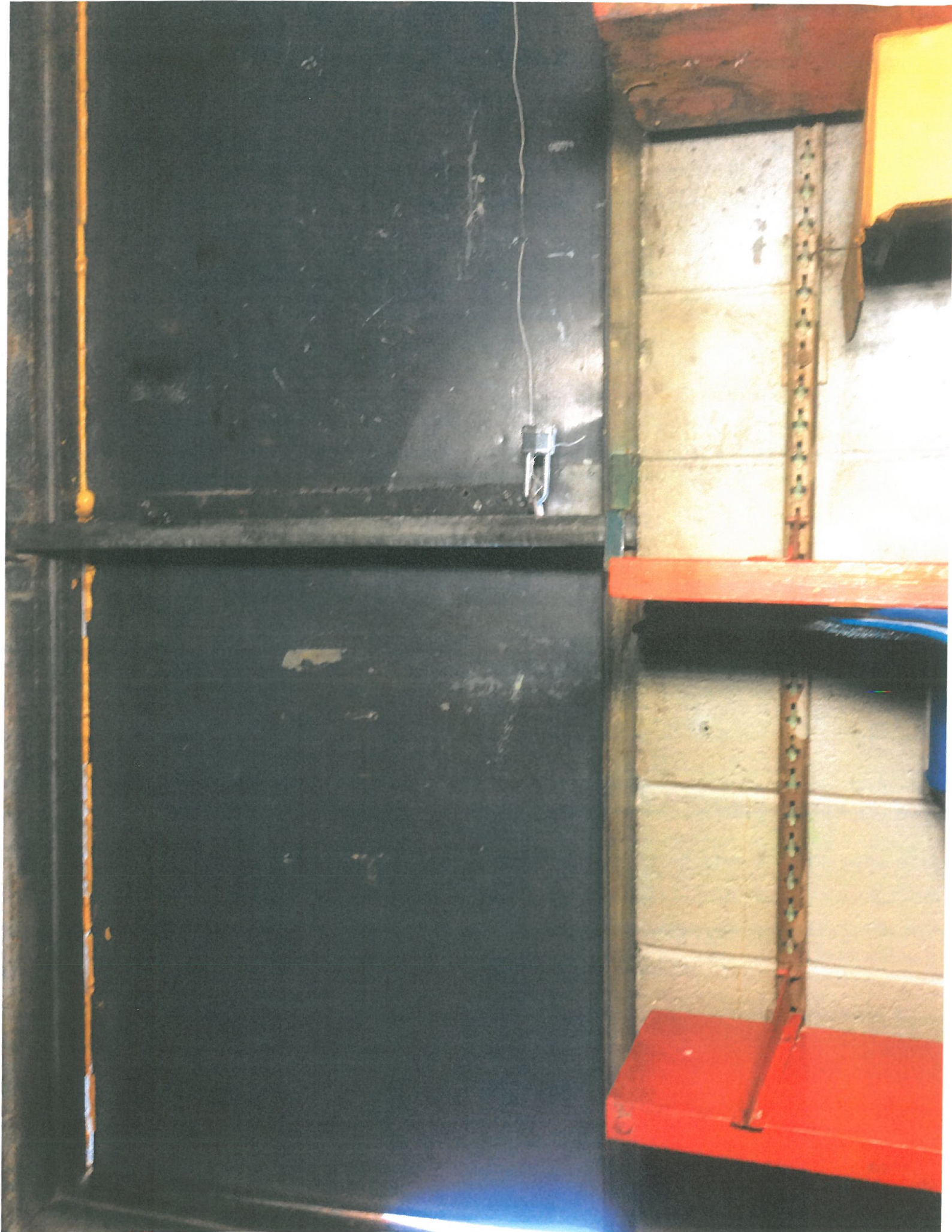




17











28

NEW BEAR HATS
MADE IN CANADA
CAMPBELL





Community Development Department
6090 Woodson Street
Mission, KS 66202

Violation Notice with Order to Abate

Date: July 10, 2019

VIA FIRST CLASS AND CERTIFIED MAIL

Owner: Mission Mart Shopping Center, LLC
Commercial Ventures, Inc
Attn: Steve Choikhit
5426 Martway Street
Mission, Kansas 66205

Lessee/Tenant: Mission Recreation Inc.
Attn: Beverly O'Donnell
1020 S Weaver St
Olathe, KS 66061

Location of Violation (address): 5399 Martway Street, Mission KS 66202

Legal Description: MISSION MART LT 3 AND 4

KS Uniform Parcel Number: 0460620902028002000

Tax Property ID: KP32400000 0003

Occupancy Status: Vacant

Building Description: Commercial Building

Zoning: MS2

Violations: Dangerous Structure- [Mission Code- Chapter 510- Article I];


History: On July 8, 2019, an on-site investigation was performed on this property in response to complaints received regarding a dilapidated, abandoned, unsafe building thereby serving as an attractive nuisance to unauthorized individuals. The results of this investigation are as follows:

1. The structure suffered significant fire damage on April 3, 2015 and is currently vacant and uninhabitable.
2. The building is hereby declared a dangerous structure in accordance with Chapter 510, Article I of the Mission Municipal Code and the dangerous structure inspection report dated July 8, 2019.(attached)

The following correction action(s) must be completed in order to abate this nuisance:

1. Within fourteen (14) days from receipt of this notice, provide a detailed course of action with timeframe to apply for and obtain the necessary permits to either demolish the structure(s) or rebuild the structure(s).
2. Failure to respond will result in the City taking action by requesting an evidentiary hearing in accordance with Chapter 510 Article I of the Municipal Code.

Date of Compliance: The required corrective action(s) must be completed on or before July 25, 2019.



Jim Brown
Building Official

Attachments:
Photographs;
Dangerous Structure Inspection Report

Cc: Laura Smith, City Administrator
Brian Scott, Assistant City Administrator
Pete Heaven, City Attorney

Mission Bowl Demolition

Notice Dates and City Council Committee and Council Dates

Action	Date
<p>Notice sent to property owner of potential dangerous structure and request to inspect.</p> <p>Note: Received response from property owner 6.19.19. Requested that we contact the former tenant to gain access.</p> <p>Advised by city attorney to mail the letter to the former tenant to request entry for inspection.</p>	<p>June 14, 2019 Mailed (certified) *6.14.19 (to owner) *6.20.19 (to former tenant per city attorney request) (complete)</p>
<p>Inspection of structure to determine the condition. (14 days from date notice is sent) Received contact from former tenant (Beverly O'Donnell) 7/1/19. Inspection/investigation is scheduled for 7/8/19 @ 9:00 a.m.</p>	<p>June 28, 2019 (completed 7/8/19)</p>
<p>Letter sent to owner with report of inspection and requesting plan of action for correcting condition. (14 days from date report is sent) Inspection occurred 7/8/19. Letter mailed 7/10/19</p>	<p>July 12, 2019 (completed 7/10/18)</p>
<p>Response due providing plan of action for addressing concern</p>	<p>July 26, 2019 (No response received by 7/26/19)</p>
<p>Statement of Dangerous Structure filed with the City Council.(Request for Public Hearing)</p>	<p>August 7, 2019 Community Development Committee (Packet deadline - <u>July 26th</u>) (packet completed 7/26/19)</p>
<p>Resolution adopted by the City Council establishing a date, time, and place for a public hearing for the owner and/or other interested parties to appear and provide a reason for why structure should not be repaired or demolished.</p>	<p>August 21, 2019 City Council Meeting</p>
<p>1st Notice of Public Hearing</p>	<p>August 22, 2019 Publish in Legal Record (week one)</p>
<p>Resolution sent to owner, agents, lienholders or occupants at their last known address by certified mail (within 3 days after 1st publication)</p>	<p>August 23, 2019</p>

2nd Notice of Public Hearing	August 29, 2019 Publish in Legal Record (week two)
Public hearing before the city council. (Minimum of <u>30 Days after second publication</u>)	October 16, 2019 City Council Meeting
Resolution adopted by City Council determining the structure is unsafe and should be repaired or demolished. Resolution shall state timeframe for completion of such.	November 6, 2019 Community Development Committee (Packet deadline - <u>October 25th</u>) November 20, 2019 City Council Meeting
Resolution published 1 time after hearing	Publish in legal record November 21, 2019
Resolution sent by certified mail to owners, agents, lienholders of record and occupants in the same manner provided in the notice of hearing (<i>within 3 days after publication</i>).	November 22, 2019
Notice placed on structure if found to be a dangerous structure	November 21, 2019
Bids taken for demolition	November 30, 2019
Bids approved by Council	December 4, 2019 Community Development Committee (Packet deadline - <u>November 15th</u>) December 16, 2019 City Council meeting
Demolition occurs	End of January 2020

CITY OF MISSION

RESOLUTION NO. _____

A RESOLUTION PROVIDING NOTICE AND FIXING A TIME AND PLACE TO APPEAR AND SHOW CAUSE WHY THE STRUCTURE AT 5399 MARTWAY STREET SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE STRUCTURE IN ACCORDANCE WITH K.S.A. 12-1750 ET. SEQ.

WHEREAS, on April 3, 2015, a fire damaged the structure located at 5399 Martway Street in the city of Mission, Kansas; and

WHEREAS, no repairs or restoration of the structure have been made since the date of the fire and the structure remains unsecured and exposed to the elements; and

WHEREAS, pursuant to K.S.A. 12-1750 et. seq. and Mission City Code Section 510.000 et. seq, the Governing Body has the power to cause the repair or removal of, or to remove any structure located within the city which is determined to be unsafe or dangerous; and

WHEREAS, if necessary, the City may recover costs for the repair or removal of an unsafe or dangerous structure in accordance with and K.S.A 12-1755 and Mission City Code Section 510.100 ; and

WHEREAS, pursuant to K.S.A 12-1752, the Building Official of the City of Mission has determined the structure located upon the following described parcels of real estate:

5399 Martway Street:

Lots 3 - Tax Property ID: KP32400000 0003 / KS Uniform Parcel #:
0460620902028002000

Lot 4 - Tax Property ID: KP32400000 0004 / KS Uniform Parcel #:
0460620902028003000

to be unsafe and dangerous and has filed a written statement of such determination with the Governing Body on August 21, 2019; and

WHEREAS, pursuant to K.S.A 12-1752, the Governing Body shall provide notice and call for a public hearing so that the owner, owner's agent and any lien holders of record may appear and show cause as to why the structure should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure; and

WHEREAS, pursuant to this notice and in accordance with K.S.A. 12-1752 et seq., the City may ultimately repair or demolish such structure and the owner may lose any interest in the salvage proceeds of such structure and that any costs borne by the City in excess of the salvage value may be assessed against the real property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS

Section 1. That pursuant to K.S.A. 12-1752, a public hearing shall be held by the Mission Governing Body on October 16, 2019 at 7:00 p.m. at the Mission City Hall, 6090 Woodson Road, Mission, Kansas 66202 in order that the owner, the owner's agent, any lien holders of record and any occupant of the structure described above may appear and show cause as to why such structure should not be condemned and ordered repaired or demolished.

Section 2. This resolution shall be in full force and effect from and after its adoption by the Governing Body, and the City Clerk shall cause it to be published once each week for two consecutive weeks on the same day of each week in the official city newspaper as required by K.S.A. 12-1752.

Section 3. The City Clerk is hereby directed to mail a copy of this resolution, by certified mail, to the owner, owner's agent, any lien holders and occupants of record within three days following the first publication hereof, all in accordance with K.S.A 12-1752.

THIS RESOLUTION IS PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF MISSION, this 21st day of August, 2019.

APPROVED BY THE MAYOR OF THE CITY OF MISSION, this 21st day of August, 2019

Ronald E. Appletoft, Mayor

ATTEST:

Martha Sumrall, City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	August 7, 2019
Public Works	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

RE: Agreement with Kansas Department of Transportation - Transportation Alternatives Project

RECOMMENDATION: Approve the Agreement between the City of Mission and the Kansas Department of Transportation for the Transportation Alternatives Project of Constructing an Off-Street School Route on Lamar Avenue.

DETAILS: The City of Mission applied for and was granted funding to construct retrofitted bike lanes and sharrows on Lamar Avenue, a recommendation from the Safe Routes to Schools Study completed in 2016. The agreement is for an amount not to exceed \$68,000 in Federal Surface Transportation (STP) funds for Transportation Alternatives. The award represents 80% of the total estimated costs of \$85,000.

Letting for the project is expected in October 2019. City staff is working with Olsson to finalize the design plans for the bike lanes that will be forwarded to the Kansas Department of Transportation for review. The project will take place within the existing right of way. Construction of the project is planned for the summer of 2020.

The installation of bike lanes will happen in coordination with a UBAS surface treatment on Lamar Avenue between Foxridge Drive and Shawnee Mission Parkway. The surface treatment is not included in the scope of the federal funding. The surface treatment was originally budgeted in 2019, but staff shifted the timing of the project in order to allow 50% of the construction and construction inspection costs to be eligible for reimbursement. The project includes a UBAS surface treatment, spot curb/gutter and sidewalk repair, and pavement markings, including bike lanes.

CFAA CONSIDERATIONS/IMPACTS: The installation of bike lanes along Lamar Avenue will benefit bicyclists, reduce traffic speeds, and increase separation between cars and pedestrians.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	25-90-805-09
Available Budget:	2020 project funds will be funded with the Street Sales Tax revenues and/or the mill levy designated for streets.

PROJECT NO. 46 N-0700-01
TA-N070(001)
TRANSPORTATION ALTERNATIVES PROJECT
CONSTRUCTION OF OFF-STREET SCHOOL ROUTE
CITY OF MISSION, KANSAS

AGREEMENT

This Agreement is between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the “Secretary”) and the **City of Mission, Kansas** (“City”), **collectively**, the “Parties.”

RECITALS:

- A. The Secretary is authorized by the current Federal-Aid Transportation Act to set aside certain portion of Federal funding allocated under the current Federal-Aid Transportation Act for Transportation Alternatives (TA) projects.
- B. The Secretary is empowered to pass through Federal Surface Transportation Program (STP) funds for TA projects to eligible state agencies or local governments.
- C. The Secretary and the City are empowered by the laws of Kansas to enter into agreements for Federal STP funding under the Transportation Alternatives Provision of the current Federal-Aid Transportation Act.
- D. The City has requested and Secretary has authorized a Transportation Alternatives (TA) project, as further described in this Agreement.
- E. Under the terms of the current Federal-Aid Transportation Act and the rules and regulations of the Federal Highway Administration (FHWA), states and local governments are, under certain circumstances, entitled to receive assistance in the financing of TA projects, provided however, that in order to be eligible for such federal-aid, such work is required by Federal law to be done in accordance with the laws of the state.

NOW THEREFORE, in consideration of these premises and the mutual covenants set forth herein, the Parties agree to the following terms and provisions.

ARTICLE I

DEFINITIONS: The following terms as used in this Agreement have the designated meanings:

- 1. **“Agreement”** means this written document, including all attachments and exhibits, evidencing the legally binding terms and conditions of the agreement between the Parties.
- 2. **“City”** means the City of Mission, Kansas, with its place of business at 6090 Woodson Mission, KS 66202.

3. **“Construction”** means the work done on the Project after Letting, consisting of building, altering, repairing, improving or demolishing any structure, building or highway; any drainage, dredging, excavation, grading or similar work upon real property.
4. **“Construction Contingency Items”** mean unforeseeable elements of cost within the defined project scope identified after the Construction phase commences.
5. **“Construction Engineering”** means inspection services, material testing, engineering consultation and other reengineering activities required during Construction of the Project.
6. **“Consultant”** means any engineering firm or other entity retained to perform services for the Project.
7. **“Contractor”** means the entity awarded the Construction contract for the Project and any subcontractors working for the Contractor with respect to the Project.
8. **“Design Plans”** means design plans, specifications, estimates, surveys, and any necessary studies or investigations, including, but not limited to, environmental, hydraulic, and geological investigations or studies necessary for the Project under this Agreement.
9. **“Effective Date”** means the date this Agreement is signed by the Secretary or the Secretary’s designee.
10. **“Encroachment”** means any building, structure, farming, vehicle parking, storage or other object or thing, including but not limited to signs, posters, billboards, roadside stands, fences, or other private installations, not authorized to be located within the Right of Way which may or may not require removal during Construction pursuant to the Design Plans.
11. **“FHWA”** means the Federal Highway Administration, a federal agency of the United States.
12. **“Hazardous Waste”** includes, but is not limited to, any substance which meets the test of hazardous waste characteristics by exhibiting flammability, corrosivity, or reactivity, or which is defined by state and federal laws and regulations, and any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, including but not limited to leaking underground storage tanks. Any hazardous waste as defined by state and federal laws and regulations and amendments occurring after November 11, 1991, is incorporated by reference and includes but is not limited to: (1) 40 C.F.R. § 261 *et seq.*, Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristics Revisions; Final Rule; (2) 40 C.F.R. § 280 *et seq.*, Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules; (3) 40 C.F.R. § 300, National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule; and (4) K.S.A. 65-3430 *et seq.*, Hazardous Waste.
13. **“KDOT”** means the Kansas Department of Transportation, an agency of the state of Kansas, with its principal place of business located at 700 SW Harrison Street, Topeka, KS, 66603-3745.
14. **“Letting” or “Let”** means the process of receiving bids prior to any award of a Construction contract for any portion of the Project.

15. **“Non-Participating Costs”** means the costs of any items or services which the Secretary, acting on the Secretary’s own behalf and on behalf of the FHWA, reasonably determines are not Participating Costs.
16. **“Participating Costs”** means expenditures for items or services which are an integral part of highway, bridge and road construction projects, as reasonably determined by the Secretary.
17. **“Parties”** means the Secretary of Transportation and KDOT, individually and collectively, and the City.
18. **“Preliminary Engineering”** means pre-construction activities, including but not limited to design work, generally performed by a consulting engineering firm that takes place before Letting.
19. **“Project”** means all phases and aspects of the Construction endeavor to be undertaken by the City, as and when authorized by the Secretary prior to Letting, being: **retrofitting bike lanes and sharrows on Lamar Avenue from Shawnee Mission Parkway to Foxridge Drive in Mission, Kansas**, and is the subject of this Agreement.
20. **“Project Limits”** means that area of Construction for the Project, including all areas between and within the Right of Way boundaries as shown on the Design Plans.
21. **“Responsible Bidder”** means one who makes an offer to construct the Project in response to a request for bid with the technical capability, financial capacity, human resources, equipment, and performance record required to perform the contractual services.
22. **“Right of Way”** means the real property and interests therein necessary for Construction of the Project, including fee simple title, dedications, permanent and temporary easements, and access rights, as shown on the Design Plans.
23. **“Secretary”** means the Secretary of Transportation of the state of Kansas, and his or her successors and assigns.
24. **“Useful Life Period”** means a sufficient period of time, as specifically designated in this Agreement in Article IV, paragraph 2, to secure the investment of federal funds in the Project based on the nature and magnitude of Project costs and generally accepted economic or useful life cycle norms for the type of Construction involved in the Project.
25. **“Utilities” or “Utility”** means all privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, and other similar commodities, including non-transportation fire and police communication systems which directly or indirectly serve the public.

ARTICLE II

SECRETARY RESPONSIBILITIES:

1. **Technical Information on Right of Way Acquisition.** The Secretary will provide technical information upon request to help the City acquire Right of Way in accordance with the laws and with procedures established by KDOT's Bureau of Right of Way and the Office of Chief Counsel and as required by FHWA directives to obtain participation of federal funds in the cost of the Project.
2. **Letting and Administration by KDOT.** The Secretary shall Let the contract for the Project and shall award the contract to the lowest Responsible Bidder upon concurrence in the award by the City. The Secretary further agrees, as agent for the City, to administer the Construction of the Project in accordance with the final Design Plans, as required by FHWA, to negotiate with and report to the FHWA and administer the payments due the Contractor or the Consultant, including the portion of the cost borne by the City.
3. **Indemnification by Contractors.** The Secretary will require the Contractor to indemnify, hold harmless, and save the Secretary and the City from personal injury and property damage claims arising out of the act or omission of the Contractor, the Contractor's agent, subcontractors (at any tier), or suppliers (at any tier). If the Secretary or the City defends a third party's claim, the Contractor shall indemnify the Secretary and the City for damages paid to the third party and all related expenses either the Secretary or the City or both incur in defending the claim.
4. **Payment of Costs.** The Secretary agrees to be responsible for eighty percent (80%) of the total actual costs of Construction (which includes the costs of all Construction Contingency Items) and Construction Engineering, but not to exceed \$68,000.00 for the Project. The Secretary shall not be responsible for the total actual costs of Construction (which includes the costs of all Construction Contingency Items) and Construction Engineering that exceed \$85,000.00 for the Project. The Secretary shall not be responsible for the total actual costs of Preliminary Engineering, Right of Way, and Utility adjustments for the Project.
5. **Final Billing.** After receipt of FHWA acknowledgement of final voucher claim, the Secretary's Chief of Fiscal Services will, in a timely manner, prepare a complete and final billing of all Project costs for which the City is responsible and shall then transmit the complete and final billing to the City.

ARTICLE III

CITY RESPONSIBILITIES:

1. **Secretary Authorization.** The Project shall be undertaken, prosecuted and completed for and on behalf of the City by the Secretary acting in all things as its agent, and the City hereby constitutes and appoints the Secretary as its agent, and all things hereinafter done by the Secretary in connection with the Project are hereby by the City authorized, adopted, ratified and confirmed to the same extent and with the same effect as though done directly by the City acting in its own individual corporate capacity instead of by its agent. The Secretary is authorized by the City to take such steps as are deemed by the Secretary to be necessary or advisable for the purpose of securing the benefits of the current Federal-Aid Transportation Act for this Project.

2. **Legal Authority.** The City agrees to adopt all necessary ordinances and/or resolutions and to take such administrative or legal steps as may be required to give full effect to the terms of this Agreement.

3. **Conformity with State and Federal Requirements.** The City shall be responsible to design the Project or contract to have the Project designed in conformity with the state and federal design criteria appropriate for the Project in accordance with the current the American Institute of Architects (AIA) standards, the Secretary of the Interior's Standards for the Treatment of Historic Properties, the American Society of Landscape Architects guidelines, KDOT's Design Engineering Requirements, the current Local Projects LPA Project Development Manual, Bureau of Local Project's (BLP's) project memorandums, memos, the KDOT Design Manual, Geotechnical Bridge Foundation Investigation Guidelines, Bureau of Road Design's road memorandums, the latest version, as adopted by the Secretary, of the Manual on Uniform Traffic Control Devices (MUTCD), the current version of the Bureau of Transportation Safety and Technology's Traffic Engineering Guidelines, and the current version of the KDOT Standard Specifications for State Road and Bridge Construction with Special Provisions, and any necessary Project Special Provisions, and with the rules and regulations of the FHWA pertaining to the Project.

4. **Design and Specifications.** The City shall be responsible to make or contract to have made Design Plans for the Project.

5. **Submission of Design Plans to Secretary.** Upon their completion, the City shall have the Design Plans submitted to the Secretary by a licensed professional engineer, a licensed professional architect, and/or licensed landscape architect, as applicable, attesting to the conformity of the Design Plans with the items in Article III, paragraph 3 above. The Design Plans must be signed and sealed by the licensed professional engineer, licensed professional architect, and/or licensed landscape architect, as applicable, responsible for preparation of the Design Plans. In addition, geological investigations or studies must be signed and sealed by either a licensed geologist or licensed professional engineer in accordance with K.S.A. 74-7042, who is responsible for the preparation of the geological investigations or studies.

6. **Consultant Contract Language.** The City shall include language requiring conformity with Article III, paragraph 3 above, in all contracts between the City and any Consultant with whom the City has contracted to perform services for the Project. In addition, any contract between the City and any Consultant retained by them to perform any of the services described or referenced in this paragraph for the Project covered by this Agreement must contain language requiring conformity with Article III, paragraph 3 above. In addition, any contract between the City and any Consultant with whom the City has contracted to prepare and certify Design Plans for the Project covered by this Agreement must also contain the following provisions:

- (a) **Completion of Design.** Language requiring completion of all plan development stages no later than the current Project schedule's due dates as issued by KDOT, exclusive of delays beyond the Consultant's control.
- (b) **Progress Reports.** Language requiring the Consultant to submit to the City (and to the Secretary upon request) progress reports at monthly or at mutually agreed intervals in conformity with the official Project schedule.

- (c) Third Party Beneficiary. Language making the Secretary a third party beneficiary in the agreement between the City and the Consultant. Such language shall read:

“Because of the Secretary of Transportation of the State of Kansas’ (Secretary’s) obligation to administer state funds, federal funds, or both, the Secretary shall be a third party beneficiary to this agreement between the City and the Consultant. This third party beneficiary status is for the limited purpose of seeking payment or reimbursement for damages and costs the Secretary or the City or both incurred or will incur because the Consultant failed to comply with its contract obligations under this Agreement or because of the Consultant’s negligent acts, errors, or omissions. Nothing in this provision precludes the City from seeking recovery or settling any dispute with the Consultant as long as such settlement does not restrict the Secretary’s right to payment or reimbursement.”

7. **Responsibility for Adequacy of Design.** The City shall be responsible for and require any Consultant retained by it to be responsible for the adequacy and accuracy of the Design Plans for the Project. Any review of these items performed by the Secretary or the Secretary’s representatives is not intended to and shall not be construed to be an undertaking of the City’s and its Consultant’s duty to provide adequate and accurate Design Plans for the Project. Reviews by the Secretary are not done for the benefit of the Consultant, the construction Contractor, the City, any other political subdivision, or the traveling public. The Secretary makes no representation, express or implied warranty to any person or entity concerning the adequacy or accuracy of the Design Plans for the Project, or any other work performed by the Consultant or the City.

8. **Design Exception Indemnification.** Any design exception to the current version of the American Association of State Highway and Transportation Officials (AASHTO) Design Standards shall be in accordance with 23 C.F.R. § 625. For any design exception, the City agrees to the extent permitted by law and subject to the maximum liability provisions of the Kansas Tort Claims Act, to defend, indemnify, hold harmless, and save the Secretary and the Secretary’s authorized representatives from any and all costs, liabilities, expenses, suits, judgments, damages to persons or property or claims of any nature whatsoever arising out of or in connection with the design exceptions for this Agreement by the City, the City’s employees, or subcontractors.

9. **Authorization of Signatory.** The City shall authorize a duly appointed representative to sign for the City any or all routine reports as may be required or requested by the Secretary in the completion of the Project.

10. **Right of Way.** The City agrees to the following with regard to Right of Way:

(a) **Right of Way Acquisition.** The City will, in its own name, as provided by law, acquire by purchase, dedication or condemnation all the Right of Way shown on the final Design Plans in accordance with the schedule established by KDOT. The City agrees the necessary Right of Way shall be acquired in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Surface Transportation and

Uniform Relocation Assistance Act of 1987, and administrative regulations contained in 49 C.F.R. Part 24, entitled Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs. The City shall certify to the Secretary, on forms provided by the KDOT's Bureau of Local Projects, such Right of Way has been acquired. The City further agrees it will have recorded in the Office of the Register of Deeds all Right of Way, deeds, dedications, permanent easements and temporary easements.

(b) Right of Way Documentation. The City will provide all legal descriptions required for Right of Way acquisition work. Right of Way descriptions must be signed and sealed by a licensed land surveyor responsible for the preparation of the Right of Way descriptions. The City further agrees to acquire Right of Way in accordance with the laws and with procedures established by KDOT's Bureau of Right of Way and the Office of Chief Counsel and as required by FHWA directives for the participation of federal funds in the cost of the Project. The City agrees copies of all documents, including recommendations and coordination for appeals, bills, contracts, journal entries, case files, or documentation requested by the Office of Chief Counsel will be delivered within the time limits set by the Secretary.

(c) Relocation Assistance. The City will contact the Secretary if there will be any displaced person on the Project prior to making the offer for the property. The Parties mutually agree the Secretary will provide relocation assistance for eligible persons as defined in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, and as provided in 49 C.F.R. Part 24, entitled Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, and in general accordance with K.S.A. 58-3501 to 58-3507, inclusive, and Kansas Administrative Regulations 36-16-1 *et seq.*

(d) Non-Highway Use of Right of Way. Except as otherwise provided, all Right of Way provided for the Project shall be used solely for public street purposes. Any disposal of or change in the use of Right of Way or in access after Construction of the Project will require prior written approval by the Secretary.

(e) Trails and Sidewalks on KDOT Right of Way. With regard to any bike or pedestrian paths or sidewalks ("Trail/Sidewalk") constructed pursuant to the Design Plans, the City agrees as follows:

- (i) City Responsible for Repairs and Providing Alternative Accessible Routes. The City agrees that the primary purpose of KDOT Right of Way is for the construction and maintenance of US-56/169. If the construction or maintenance of US-56/169 reasonably requires the Trail/Sidewalk on KDOT Right of Way to be damaged or removed, the City shall be responsible for all repairs to the Trail/Sidewalk made necessary as a result of US-56/169 construction or maintenance. In the event the Trail/Sidewalk on KDOT Right of Way is temporarily closed or removed for any reason and for any length of time, the City will be wholly responsible for providing an alternative accessible path and for compliance with all laws and regulations relating to accessibility.
- (ii) Interference with KDOT Right of Way. If the Secretary, in the Secretary's sole judgment, determines that continued use of the Trail/Sidewalk is or will interfere

with KDOT use of its Right of Way or is otherwise rendered impractical, inconvenient, or unsafe for use by the traveling public, the City will remove the Trail/Sidewalk and restore the KDOT Right of Way location to its original condition prior to the Construction of the Trail/Sidewalk.

(iii) Incorporation of Trail/Sidewalk into Local Transportation System. The City agrees to take all steps necessary to designate the Trail/Sidewalk component of the Project as an integral part of its local transportation system, being primarily for transportation purposes and having only incidental recreational use for purposes of 49 U.S.C. § 303 and 23 C.F.R. 771.135.

(iv) Maintenance. When the Project is completed and final acceptance is issued, the City, at its own cost and expense, will maintain, including snow removal if required by law, the Trail/Sidewalk on KDOT Right of Way and make ample provision each year for such maintenance. If notified by the State Transportation Engineer of any unsatisfactory maintenance condition, the City will begin the necessary repairs within a reasonable period and will prosecute the work continuously until it is satisfactorily completed. Any notification by the State Transportation Engineer, however, is not intended to and shall not be construed to be an undertaking of the City's absolute duty and obligation to maintain the Trail/Sidewalk.

(f) Use of City Right of Way. The Secretary shall have the right to utilize any land owned or controlled by the City, lying inside or outside the limits of the City as shown on the final Design Plans, for the purpose of constructing the Project.

11. **Removal of Encroachments.** The City shall initiate and proceed with diligence to remove or require the removal of all Encroachments either on or above the limits of the Right of Way within its jurisdiction as shown on the final Design Plans for this Project. It is further agreed all such Encroachments will be removed before the Project is advertised for Letting; except the Secretary may permit the Project to be advertised for Letting before such Encroachment is fully removed if the Secretary determines the City and the owner of the Encroachment have fully provided for the physical removal of the Encroachment and such removal will be accomplished within a time sufficiently short to present no hindrance or delay to the Construction of the Project.

12. **Future Encroachments.** Except as provided by state and federal laws, the City agrees it will not in the future permit Encroachments upon the Right of Way of the Project, and specifically will require any gas and fuel dispensing pumps erected, moved, or installed along the Project be placed a distance from the Right of Way line no less than the distance permitted by the National Fire Code.

13. **Utilities.** The City agrees to the following with regard to Utilities:

(a) Utility Relocation. The City will move or adjust, or cause to be moved or adjusted, and will be responsible for such removal or adjustment of all existing Utilities necessary to construct the Project in accordance with the final Design Plans. New or existing Utilities to be installed, moved, or adjusted will be located or relocated in accordance with the current version of the KDOT Utility Accommodation Policy (UAP), as amended or supplemented.

(b) Status of Utilities. The City shall furnish the Secretary a list identifying existing and known Utilities affected, together with locations and proposed adjustments of the same and designate a representative to be responsible for coordinating the necessary removal or adjustment of Utilities.

(c) Time of Relocation. The City will expeditiously take such steps as are necessary to facilitate the early adjustment of any Utilities, initiate the removal or adjustment of the Utilities, and proceed with reasonable diligence to prosecute this work to completion. The City shall certify to the Secretary on forms supplied by the Secretary that all Utilities required to be moved prior to Construction have either been moved or a date provided by the City as to when, prior to the scheduled Letting and Construction, Utilities will be moved. The City shall move or adjust or cause to be moved or adjusted all necessary Utilities within the time specified in the City's certified form except those necessary to be moved or adjusted during Construction and those which would disturb the existing street surface. The City will initiate and proceed to complete adjusting the remaining Utilities not required to be moved during Construction so as not to delay the Contractor in Construction of the Project.

(d) Permitting of Private Utilities. The City shall certify to the Secretary all privately owned Utilities occupying public Right of Way required for the Construction of the Project are permitted at the location by franchise, ordinance, agreement or permit and the instrument shall include a statement as to which party will bear the cost of future adjustments or relocations required as a result of street or highway improvements.

(e) Indemnification. To the extent permitted by law, the City will indemnify, hold harmless, and save the Secretary and the Contractor for damages incurred by the Secretary and Contractor because identified Utilities have not been moved or adjusted timely or accurately.

(f) Cost of Relocation. Except as provided by state and federal laws, the expense of the removal or adjustment of the Utilities located on public Right of Way shall be borne by the owners. The expense of the removal or adjustment of privately owned Utilities located on private Right of Way or easements shall be borne by the City except as provided by state and federal laws.

14. **Hazardous Waste.** The City agrees to the following with regard to Hazardous Waste:

(a) Removal of Hazardous Waste. The City shall locate and be responsible for remediation and cleanup of any Hazardous Waste discovered within the Project Limits. The City shall take appropriate action to cleanup and remediate any identified Hazardous Waste prior to Letting. The City will also investigate all Hazardous Waste discovered during Construction and shall take appropriate action to cleanup and remediate Hazardous Waste. The standards to establish cleanup and remediation of Hazardous Waste include, but are not limited to, federal programs administered by the Environmental Protection Agency, State of Kansas environmental laws and regulations, and City and County standards where the Hazardous Waste is located.

(b) Responsibility for Hazardous Waste Remediation Costs. The City shall be responsible for all damages, fines or penalties, expenses, fees, claims and costs incurred from remediation and cleanup of any Hazardous Waste within the Project Limits which is discovered prior to Letting or during Construction.

(c) Hazardous Waste Indemnification. The City shall hold harmless, defend, and indemnify the Secretary, the Secretary's agents and employees from all claims, including contract claims and associated expenses, and from all fines, penalties, fees or costs imposed under state or federal laws arising out of or related to any act of omission by the City in undertaking cleanup or remediation for any Hazardous Waste.

(d) No Waiver. By signing this Agreement the City has not repudiated, abandoned, surrendered, waived or forfeited its right to bring any action, seek indemnification or seek any other form of recovery or remedy against any third party responsible for any Hazardous Waste on any Right of Way within the Project Limits. The City reserves the right to bring any action against any third party for any Hazardous Waste on any Right of Way within the Project Limits.

15. Inspections. The City is responsible to provide Construction Engineering for the Project in accordance with the rules and guidelines developed for the current KDOT approved construction engineering program and in accordance with the current edition of the KDOT Standard Specifications for State Road and Bridge Construction with Special Provisions and any necessary Project Special Provisions. The detailed inspection is to be performed by the City or the Consultant. The Secretary does not undertake for the benefit of the City, the Contractor, the Consultant or any third party the duty to perform the day-to-day detailed inspection of the Project, or to catch the Contractor's errors, omissions, or deviations from the final Design Plans. The City will require at a minimum all personnel performing Construction Engineering to comply with the high visibility requirements of the MUTCD, Chapter 6E.02, High-Visibility Safety Apparel. The agreement for inspection services must contain this requirement as a minimum. The City may require additional clothing requirements for adequate visibility of personnel.

16. Traffic Control. The City agrees to the following with regard to traffic control for the Project:

(a) Temporary Traffic Control. The City shall provide a temporary traffic control plan within the Design Plans, which includes the City's plan for handling multi-modal traffic during Construction, including detour routes and road closings, if necessary, and installation of alternate or temporary pedestrian accessible paths to pedestrian facilities in the public Right of Way within the Project Limits. The City's temporary traffic control plan must be in conformity with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the Secretary, and be in compliance with the American Disabilities Act of 1990 (ADA) and its implementing regulations at 28 C.F.R. Part 35, and FHWA rules, regulations, and guidance pertaining to the same. The Secretary or the Secretary's authorized representative may act as the City's agent with full authority to determine the dates when any road closings will commence and terminate. The Secretary or the Secretary's authorized representative shall notify the City of the determinations made pursuant to this section.

(b) Permanent Traffic Control. The location, form and character of informational, regulatory and warning signs, of traffic signals and of curb and pavement or other markings installed or placed by any public authority, or other agency as authorized by K.S.A. 8-2005, must conform to the manual and specifications adopted under K.S.A. 8-2003, and any amendments thereto are incorporated by reference and shall be subject to FHWA approval.

(c) **Parking Control.** The City will control parking of vehicles on the city streets throughout the length of the Project covered by this Agreement. On-street parking will be permitted until such time as parking interferes with the orderly flow of traffic along the street.

(d) **Traffic Movements.** The arterial characteristics inherent in the Project require uniformity in information and regulations to the end that traffic may be safely and expeditiously served. The City shall adopt and enforce rules and regulations governing traffic movements as may be deemed necessary or desirable by the Secretary and the FHWA.

17. **Access Control.** The City will maintain the control of access rights and prohibit the construction or use of any entrances or access points along the Project within the City other than those shown on the final Design Plans, unless prior approval is obtained from the Secretary.

18. **Maintenance.** When the Project is completed and final acceptance is issued and until expiration of the Useful Life Period, the City will, at its own cost and expense, maintain the Project and will make ample provision each year for such maintenance. If notified by the State Transportation Engineer of any unsatisfactory maintenance condition, the City will begin the necessary repairs within thirty (30) days and will prosecute the work continuously until it is satisfactorily completed.

19. **Financial Obligation.** The City will be responsible for twenty percent (20%) of the total actual costs of Construction (which includes the costs of all Construction Contingency Items) and Construction Engineering, up to \$85,000.00 for the Project. In addition, the City agrees to be responsible for one hundred percent (100%) of the total actual costs of Construction (which includes the costs of all Construction Contingency Items) and Construction Engineering that exceed \$85,000.00 for the Project. Further, the City agrees to be responsible for one hundred percent (100%) of the total actual costs of Preliminary Engineering, Right of Way, and Utility adjustments for the Project. The City shall also pay for any Non-Participating Costs incurred for the Project along with the associated Non-Participating Construction Engineering costs.

20. **Remittance of Estimated Share.** The City shall deposit with the Secretary its estimated share of the total Project expenses based upon estimated approved contract quantities. The City will remit its estimated share by the date indicated on the resolution form Authorization to Award Contract, Commitment of City Funds received by the City from the Secretary. The date indicated for the City to deposit its estimated share of the total Project expenses is fifty (50) days after the Letting date.

21. **Payment of Final Billing.** If any payment is due to the Secretary, such payment shall be made within thirty (30) days after receipt of a complete and final billing from the Secretary's Chief of Fiscal Services.

22. **Accounting.** Upon request by the Secretary and in order to enable the Secretary to report all costs of the Project to the legislature, the City shall provide the Secretary an accounting of all actual Non-Participating Costs which are paid directly by the City to any party outside of the Secretary and all costs incurred by the City not to be reimbursed by the Secretary for Preliminary Engineering, Right of Way, Utility adjustments, Construction, and Construction Engineering work phases, or any other major expense associated with the Project.

23. **Cancellation by City.** If the City cancels the Project, it will reimburse the Secretary for any costs incurred by the Secretary prior to the cancellation of the Project. The City agrees to reimburse

the Secretary within thirty (30) days after receipt by the City of the Secretary's statement of the cost incurred by the Secretary prior to the cancellation of the Project.

ARTICLE IV

SPECIAL TRANSPORTATION ENHANCEMENT REQUIREMENTS:

1. **No 4(f) Status.** It is the Parties' intention that neither this Agreement nor the Project create or expand the status of any land involved in this Project as a "significant publicly owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site," for purposes of 49 U.S.C. § 303 and 23 C.F.R. 771.135 ("4(f) status"), except as otherwise modified by this Agreement.

(a) **Transportation Alternatives.** Unless otherwise stated below in this section, the Parties agree the major purposes or functions of land involved in the Project are to preserve or enhance the scenic, historic, environmental or archeological aspects, or the usefulness for intermodal users (including bicyclists, pedestrians, and other non-motorized transportation users) of existing or new transportation facilities. It is further agreed any park, recreation or refuge purposes or functions are secondary or incidental for purposes of 49 U.S.C. § 303 and 23 C.F.R. 771.135. Exceptions: NONE.

(b) **4(f) Determinations.** The Parties agree for purposes of any future determinations of 4(f) status issues as required by 49 U.S.C. § 303 or applicable regulations the Secretary is hereby designated as the public official having jurisdiction of such determinations. However, it is not the intent of this section to affect the determination of whether a historic or archaeological site is on or eligible for inclusion on the National Register of Historic Places.

2. **Useful Life.**

(a) **Useful Life Period.** The Parties agree the Useful Life Period of the Project is 10 years, commencing on the date the Secretary gives notice of final acceptance of the Project.

(b) **Insurance.** If the Project includes improvements to a building, the City will purchase and maintain insurance for property damage to the building continuously during the Useful Life Period of the Project in an amount equal to or in excess of the federal funds expended on the Project.

(c) **Change in Public Use.** After the Project is completed and during the entire Useful Life Period, any change in the public use of the real property for the Project will require written approval from the Secretary with FHWA concurrence.

(d) **Recapture of Federal Investment.**

(i) During the first five years of the Useful Life Period, if the Project is not used for the purpose set forth in this Agreement or other use approved by the Secretary and the FHWA under subparagraph (c) above, then the City shall pay to the Secretary 100% of the federal funds invested in the Project.

(ii) Following the first five years of the Useful Life Period and until the Useful Life Period expires, if the Project is not used for the purpose set forth in this Agreement or other use approved by the Secretary and the FHWA under subparagraph (c) above, then the City shall pay to the Secretary as recapture of federal funds invested in the Project an amount, which will be determined according to the following formula:

$$\frac{\textit{Total Amount of Federal Funds Invested in the Project}}{\textit{Entire Useful Life Period for the Project}} \times \frac{\textit{Number of Full Years Remaining in the Useful Life Period at the time of unauthorized change in use}}{\textit{Recapture Amount}} = \textit{Recapture Amount}$$

(iii) Any payments due to the Secretary pursuant to this subparagraph (d) shall be made within ninety (90) days after receipt of billing from the Secretary’s Chief of Fiscal Services.

ARTICLE V

GENERAL PROVISIONS:

1. **Incorporation of Design Plans.** The final Design Plans for the Project are by this reference made a part of this Agreement.
2. **Civil Rights Act.** The “Special Attachment No. 1, Rev. 09.20.17” pertaining to the implementation of the Civil Rights Act of 1964, is attached and made a part of this Agreement.
3. **Contractual Provisions.** The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12), which is attached hereto, are hereby incorporated in this contract and made a part hereof.
4. **Headings.** All headings in this Agreement have been included for convenience of reference only and are not to be deemed to control or affect the meaning or construction or the provisions herein.
5. **Termination.** If, in the judgment of the Secretary, sufficient funds are not appropriated to continue the function performed in this Agreement and for the payment of the charges hereunder, the Secretary may terminate this Agreement at the end of its current fiscal year. The Secretary will participate in all costs approved by the Secretary incurred prior to the termination of the Agreement.

6. **Binding Agreement.** This Agreement and all contracts entered into under the provisions of this Agreement shall be binding upon the Secretary and the City and their successors in office.

7. **No Third Party Beneficiaries.** No third party beneficiaries are intended to be created by this Agreement and nothing in this Agreement authorizes third parties to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

The signature page immediately follows this paragraph.

IN WITNESS WHEREOF the Parties have caused this Agreement to be signed by their duly authorized officers as of the Effective Date.

ATTEST:

THE CITY OF MISSION, KANSAS

CITY CLERK (Date)

MAYOR

(SEAL)

Kansas Department of Transportation
Secretary of Transportation

By: _____
Burt Morey, P.E. (Date)
Deputy Secretary and
State Transportation Engineer

CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

"The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12), which is attached hereto, are hereby incorporated in this contract and made a part thereof."

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the _____ day of _____, 20_____.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges-hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) if it is determined that the contractor has violated applicable provisions of ADA, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

Contractor agrees to comply with all applicable state and federal anti-discrimination laws.

The provisions of this paragraph number 5 (with the exception of those provisions relating to the ADA) are not applicable to a contractor who employs fewer than four employees during the term of such contract or whose contracts with the contracting State agency cumulatively total \$5,000 or less during the fiscal year of such agency.

6. **Acceptance Of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority To Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility For Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101 et seq.
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

KANSAS DEPARTMENT OF TRANSPORTATION

Special Attachment
To Contracts or Agreements Entered Into
By the Secretary of Transportation of the State of Kansas

PREAMBLE

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d to 2000d-4) and other nondiscrimination requirements and the Regulations, hereby notifies all contracting parties that it will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level or Limited English Proficiency (“LEP”).

CLARIFICATION

Where the term “contractor” appears in the following “Nondiscrimination Clauses”, the term “contractor” is understood to include all parties to contracts or agreements with the Secretary of Transportation, Kansas Department of Transportation. This Special Attachment shall govern should this Special Attachment conflict with provisions of the Document to which it is attached.

ASSURANCE APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”), agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in its Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration (FHWA), the Federal Transit Administration (“FTA”) or the Federal Aviation Administration (“FAA”) as they may be amended from time to time which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, Including Procurements of Material and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA, Federal Transit Administration (“FTA”), or Federal Aviation Administration (“FAA”) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or, the FHWA, FTA, or FAA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA, FTA, or FAA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of the paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any

subcontract or procurement as the Recipient or the FHWA, FTA, or FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

ASSURANCE APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- The Federal Aid Highway Act of 1973 (23 U.S.C. § 324 et. seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et. seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et. seq.), prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL No. 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with LEP, and resulting agency guidance, national origin discrimination includes discrimination because of LEP. To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681)

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	August 7, 2019
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: Release of Escrow Funds for Property Purchased by the City of Mission at 5703 - 5715 Johnson Drive.

RECOMMENDATION: Approve the resolution releasing escrow funds in the amount of \$7,500, plus any earned interest, to the sellers of property purchased by the City of Mission at 5703 - 5715 Johnson Drive.

DETAILS: In 2006, the City of Mission purchased the property that housed the Mission Pet Mart at 5703 - 5715 Johnson Drive in order to remove it from the Rock Creek floodplain.

At the time of the purchase, the seller's (Chad and Joyce Owens) were required to place \$7,500 of the sale proceeds into escrow with Chicago Title Company, LLC for payment of any remediation of contamination on the property that may need to be done. The City did not discover any contamination on the property and the funds were never used.

A representative of the Chicago Title Company recently contacted the City inquiring about the status of this escrow and if it would be appropriate to release the funds back to the sellers.

The attached resolution provides the City Council's approval to release the escrow funds and authorizes the City Administrator to sign the Mutual Release of Escrow Funds.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

CITY OF MISSION

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE RELEASE OF ESCROW FUNDS HELD FOR ENVIRONMENTAL REMEDIATION OF 5703 – 5715 JOHNSON DRIVE, MISSION, JOHNSON COUNTY, KANSAS.

WHEREAS, on or about September 8, 2006, the City of Mission purchased real property located at 5703 – 5715 Johnson Drive, Mission, Johnson County, Kansas (the “Real Property”) from Clarence A. Owens, Jr. and Joyce M. Owens (jointly referred to as the “Seller”) as a part of Rock Creek flood plain project; and

WHEREAS, prior to acquiring the Real Property, the City of Mission received a preliminary report that the Real Property could contain environmental hazards (the “Contamination”); and

WHEREAS, as a condition to the City of Mission’s acquisition of the Real Property, the Sellers were required to place the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) (the “Escrowed Funds”) into escrow with Chicago Title Company, LLC (the “Title Company”) for payment of the Seller’s portion of any remediation of the Contamination; and

WHEREAS, the City of Mission did not discover any Contamination on the Real Property; and

WHEREAS, the City of Mission has not and does not plan on spending any funds to remediate any Contamination; and

WHEREAS, it has been almost thirteen (13) years from the City of Mission’s acquisition of the Real Property and the City of Mission has determined that it is no longer necessary to require the Seller’s to maintain any funds in escrow concerning the Contamination;

WHEREAS, the City of Mission authorizes the release of the Escrowed Funds, including any accrued interest or earnings on said Escrowed Funds, back to the Seller; and

WHEREAS, the Title Company requires the City of Mission and the Sellers execute the Mutual Release of Escrow Funds in order to allow for the release of the Escrowed Funds, including any accrued interest or earnings on said Escrowed Funds, back to the Seller (the “Release of Funds Agreement”).

WHEREAS, the Release of Funds Agreement, approved by the City of Mission’s Attorney has been presented to the City Council for consideration; and

WHEREAS, the Release of Funds Agreement is subject to the approval by the City of Mission City Council; and

WHEREAS, the City Council approves the release of the Escrowed Funds, including any accrued interest or earnings on said Escrowed Funds, to the Seller pursuant to the Release of Funds Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

Section 1. The City of Mission shall release the Escrowed Funds, including any accrued interest or earnings on said Escrowed Funds, to the Seller pursuant to the Release of Funds Agreement presented to the City Council.

Section 2. The City Administrator for the City of Mission is hereby authorized to take any and all action necessary to execute the Release of Funds Agreement and deliver the same to the Title Company.

THIS RESOLUTION IS PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF MISSION, this ____ day of _____, 2019.

THIS RESOLUTION IS APPROVED BY THE MAYOR this ____ day of _____, 2019.

Ronald E. Appletoft, Mayor

ATTEST:

By: _____
Martha Sumrall, City Clerk

PREPARED BY:

PAYNE & JONES, CHARTERED

By: _____
David K. Martin, #09206
11000 King, Suite 200
P. O. Box 25625
Overland Park, KS 66225-5625
ATTORNEY FOR THE CITY OF MISSION



File No. FKCM 20062982

MUTUAL RELEASE OF ESCROW FUNDS

Date: July 10, 2019

The undersigned parties, being the Seller (s) and Purchaser (s) under a certain AGREEMENT FOR ESCROW OF FUNDS FOR ENVIRONMENTAL REMEDIATION OF 5703 -5715 JOHNSON DRIVE, MISSION, KANSAS dated September 8, 2006 ("Agreement") authorize Chicago Title Company, LLC ("Title Company") to release the escrow funds deposited with Title Company on September 8, 2006, in the amount of \$7,598.72 to the Sellers, CLARENCE A. OWENS, JR. and JOYCE M. OWENS. Release of escrow funds is due to the fact that all conditions of said Agreement are satisfied dated as of September 8, 2006.

This release may be signed in counterparts and each shall be considered an original and together they shall constitute one Release. Facsimile signature on this Release shall be deemed original signatures.

Effective as of this _____ day of _____, 2019.

PURCHASER
CITY OF MISSION, a Kansas municipal
corporation

SELLER
CLARENCE A. OWENS, JR.

By its: _____
Print Name: _____

Print Name: _____

SELLER
JOYCE M. OWENS

Print Name: _____

AGREEMENT FOR ESCROW OF FUNDS
FOR ENVIRONMENTAL REMEDIATION
OF
5703-5715 JOHNSON DRIVE, MISSION, KANSAS

THIS AGREEMENT FOR ESCROW OF FUNDS (this "**Agreement**") is entered into as of September 8, 2006, by and among CLARENCE A. OWENS, JR. and JOYCE M. OWENS, husband and wife (hereinafter referred to jointly as "**Seller**"), CITY OF MISSION, KANSAS, a Kansas municipal corporation ("**BUYER**") and CHICAGO TITLE INSURANCE COMPANY ("**Escrow Agent**").

WHEREAS, Seller and Buyer have entered into a Real Estate Contract dated as of August 30, 2006 (the "**Contract**"), pursuant to which Seller has agreed sell to Buyer certain real property (the "**Property**") located in Mission, Kansas and commonly known as 5703-5703-5715 Johnson Drive; and

WHEREAS, environmental site assessments of the Property disclose that the property contains environmental hazards (the "**Contamination**"); and

WHEREAS, Buyer has agreed to cause the Contamination to be remediated and the Seller and Buyer have agreed to evenly split the cost to remediate said Contamination estimated to cost approximately \$15,000; and

WHEREAS, pursuant to the Contract, the Seller is required to place \$7,500 into escrow with the Escrow Agent for payment of Seller's portion of the remediation expenses; and

WHEREAS, the parties hereto desire to further set forth the rights, duties and obligations of each of the parties with respect to the escrow of funds for remediation of the Contamination.

NOW, THEREFORE, in consideration of the agreements in the Contract, the mutual covenants set forth herein and other good and valuable consideration, the parties hereto agree as follows:

1. At closing of the Contract, Seller will deposit the sum of \$7,500 (the "**Escrow Funds**") in escrow with Escrow Agent to pay Seller's share of the expenses of the remediation of the Contamination (the "**Remediation Action**"). The Escrow Funds will be placed in escrow with Escrow Agent in an interest bearing account with a federally insured banking institution reasonably acceptable to Seller and Buyer. The Escrow Funds shall be disbursed to pay one-half (1/2) of the costs of remediation of the Contamination ("**Remediation Costs**") as the same are incurred pursuant to invoices for Remediation Costs submitted by Buyer or Buyer's environmental remediation contractor ("**Remediation Contractor**") to Escrow Agent. Payments from the Escrow Funds shall be made on a monthly basis for work completed by the Remediation Contractor during that time period.

2. The Seller and Buyer agree that should the Remediation costs exceed \$15,000, that Seller shall only be responsible for \$7,500.

3. Upon completion of the Remediation Action, all amounts in the escrow account in excess of one-half (1/2) of the unpaid amounts owed to the Remediation Contractor shall be released by Escrow Agent to Seller.

4. Seller and Buyer agree to hold and indemnify Escrow Agent from any loss or liability, including without limitation attorneys' fees incurred as a result of Escrow Agent's holding and investing the Escrow Funds and disbursing and/or interpleading the same in conformance with the terms hereof, but Escrow Agent shall liable for acts or omissions done or taken in bad faith or for gross negligence. In the event of a dispute regarding the Escrow Funds, Escrow Agent is authorized in its sole discretion to hold such funds until an agreement is reached or a civil action is commenced, in which case Buyer agrees to cause the necessary pleadings to be prepared to interplead such funds into court and to hold harmless and indemnify Escrow Agent for all costs and /or attorney's fees incurred in filing said interpleader. Escrow Agent may rely upon all signatures on any instructions of persons making submittals hereunder as genuine and shall not be liable to any party hereto for such reliance.

5. In the event of a dispute between any of the parties hereto relating to disbursement of any of the Escrow Funds, Escrow Agent may file an interpleader action in the appropriate court and deposit therein all such funds in possession of Escrow Agent whereupon Escrow shall be relieved of any further obligation hereunder.

6. All notices, requests, demands and other communications hereunder shall be in writing and shall be delivered by hand, transmitted by facsimile transmission, sent prepaid by Federal Express (or a comparable overnight delivery service) or sent by the United States mail, certified, postage prepaid, return receipt requested, at the addresses and with such copies as designated below. Any notice, request demand or other communication delivered or sent in the manner aforesaid shall be deemed given or made (as the case may be) when actually delivered to the intended recipient. The addresses for notice are as follows:

IF TO SELLER:

Clarence A. Owens, Jr.
Joyce M. Owens
5703 Johnson Drive
Mission, KS 66202
Fax No. (913) _____

with a copy to:

Ellis Rainey, Esq.
RAINEY & RAINEY
5900 Nieman Road
Shawnee, KS 66203
Fax No. (913) 962-8801

or to such other address or addresses as Seller shall from time to time and at any time designate by notice to the other parties.

IF TO BUYER: Mike Scanlon, City Administrator
City of Mission
6900 Woodson
Mission, KS 66202
Fax No. (913) 722-1415

with a copy to: Jon Gilchrist
PAYNE & JONES, CHARTERED
1100 King, Suite 200
Overland Park, KS 66218
Fax No. 913-469-8182

or to such other address or addresses as Buyer shall from time to time and at any time designate by notice to the other parties.

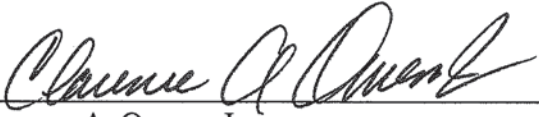
IF TO ESCROW AGENT: Chicago Title Insurance Company
106 W. 11th Street, Suite 1800
Kansas City, MO 64105
Fax No. (816) 274-0245

or to such other address or addresses as Escrow Agent shall from time to time and at any time designate by notice to the other parties.

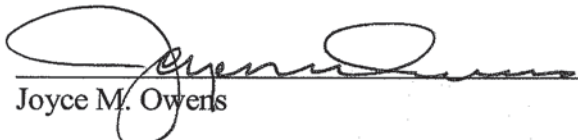
7. The provisions of this Agreement shall be governed by and construed in accordance with the laws of the State of Kansas and shall be binding upon and enure to the benefit of the parties hereto, their successors and assigns.

8. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the day first above written.



Clarence A. Owens, Jr.



Joyce M. Owens

“SELLER”

CITY OF MISSION, KANSAS, a Kansas Municipal Corporation

By: Laura McConwell
Print Name: Laura McConwell
Title: Mayor

“BUYER”

CHICAGO TITLE INSURANCE COMPANY

By: Sharon E Dains
Print Name: Sharon E. Dains
Title: Commercial Escrow Officer



Hodges Planters Working
Group
Summary Report
August 2019

**Hodges Planters Report
Index of Attachments**

1. August 6, 2019 Working Group Report to Governing Body
2. Appendix A - Road Closure Alternatives Presentation, March 14, 2019
3. Design Alternative sketches
4. Aerial View - 1954
5. Aerial View - 1995
6. City Council Minutes:
 - a. 10-13-71
 - b. 09-25-74
 - c. 10-29-74
 - d. 10-26-94
 - e. 11-09-94
 - f. 02-22-95
 - g. 03-22-95
 - h. 04-26-95
7. August 2018 Letter to Residents regarding damaged planter
8. Joan Taylor Letter, 2018
9. Form letters submitted to City from neighborhood (2018)
10. Compilation of neighborhood e-mail responses (2018)
11. November 29, 2018 Meeting Agenda
12. January 9, 2019 Community Development Committee minutes



MEMORANDUM

Date: August 2, 2019
To: Mayor and City Council
From: Laura Smith, City Administrator
RE: Report and summary from Hodges Planters Working Group

In the early 1970's, guardrails were installed along Hodges at 61st Terrace, 62nd Street, and 62nd Terrace in response to requests from residents who expressed concerns regarding a proposed apartment development that was under consideration by the City of Mission.

According to AIMS imagery, the streets were dead-ends prior to the construction of Hodges. In the mid-90s the guardrails were removed and planters were put in their place. City Council meeting minutes reflect that residents have been actively engaged in the discussions surrounding access to Hodges and the planters each time they have occurred.

Over the years, the planters have been maintained by the Public Works Department. Maintenance included watering, weeding, planting, and mulching. On a number of occasions, the planters have been damaged by vehicles or fallen trees.

When removal of the planters was discussed in both the 1970s and 1990s, there was significant opposition from the neighborhood to opening up the streets, and ultimately the City Councils decided to leave the intersections barricaded.

Following a police pursuit in the spring of 2018 that resulted in damage to the planter at 61st Terrace, Staff and Council once again engaged in discussions regarding the planters. The City's on-going concerns included, but were not limited to, the following:

- Emergency Services Response: The planters potentially hinder emergency response by not allowing direct access from Hodges.
- Snow Plow Operations: During snow plow activities, Public Works staff is required to back down 62nd Street and 62nd Terrace in order to plow and treat these streets. This causes concerns with weaving around vehicles parked on the street and the dangers of backing in general, particularly when weather conditions are less than ideal.
- The planters do not conform with highway safety standard requirements, particularly as they relate to reflectivity or breakaway/crash requirements for barricades. While not ideal, there is no law or regulation related to these standards that require immediate removal of the planters.

When the conversation surrounding the planters was initiated in the summer of 2018, the neighborhood once again expressed overwhelming opposition to the removal of the planters. Their concerns were expressed through form letters circulated by residents and submitted to the



MEMORANDUM

City Council, as well as various other letters, phone calls and emails.

Based on the neighborhood response, a public meeting was scheduled for November 29, 2018 at the Sylvester Powell, Jr. Community Center. Postcards detailing the date and time of the meeting were mailed to all residents in the area. More than 45 neighborhood residents attended the meeting.

The purpose of the meeting was to make sure the staff and Council clearly understood the residents' issues surrounding the planters and the street access. The following issues/points were presented by residents at the meeting:

- Belief that dead-end streets increase property values
- Concern for increased traffic
- Dead-end streets allow for children to play/cycle/walk to school more safely
- Dead-end streets/planters help to build a sense of "community" - all residents know one another
- Planters increase neighborhood safety - serve as a deterrent to crime

All who spoke at the meeting expressed opposition to removing the planters. There were no residents who spoke in favor of their removal. The Mayor and six members of the City Council, along with numerous staff, were in attendance at the November 29 meeting.

Residents concerns and issues were clearly heard and documented. Staff and Council committed to a review of options and recommendations, and that residents would be kept apprised of the process and given the opportunity for input before any final recommendations were presented to the City Council.

Following the November meeting staff engaged traffic engineers at GBA in initial conversations about the planters, street design standards, and traffic control measures. A neighborhood working group was formed to review and discuss potential design alternatives. The working group met at the Sylvester Powell, Jr. Community Center on March 14 and May 23, 2019. Members of the working group included: Kathy Boutros (6031 Juniper), Jay Culklin (4835 W. 62nd Terrace), Susie Genova (6130 Hodges), Ron Monson (6056 Juniper), Sara Newell (4840 W. 62nd Street), Adam Nigg (6200 Hodges), Kelly/Kathy Pinkham (6212 Hodges), and Amber Vigil (4811 W. 62nd Terrace).

At the March 14 meeting, Dave Mennenga of GBA provided a PowerPoint presentation with a number of design alternatives and options that could address both neighborhood and City concerns with varying degrees of success. A copy of the presentation has been provided as Appendix A to this report.

MEMORANDUM

The members of the working group continued to express very strong opinions that some sort of “hard” barrier - i.e. gate, wall, planter, etc. - should be installed at each intersection. Residents believe this type of barrier works to deter/prevent crime in the area, therefore making the area safer and increasing their property values.

During the March meeting, the group brainstormed with staff and GBA and sketched out a design alternative that included installing essentially an “island” in the intersection with a design that also included pavers and a gate. GBA was tasked to come back to the next meeting with a revised design and cost information.

When the group convened on May 23, the design alternative shown below was presented and critiqued/evaluated. Detailed below is additional information on each feature of this design.



61st Terrace/Hodges Design Alternative

1. The intersections cannot be connected directly from side to side because the area lacks stormwater structures. Any solution must be designed in a way to allow water to continue to flow onto Hodges.



MEMORANDUM

2. The gate (shown as black line) would be locked, and public safety vehicles would be provided with keys allowing them to unlock for the purpose of exiting only. While this option does not provide better ingress from the west, it does eliminate the need for ambulances or fire apparatus to back out of the neighborhood at the conclusion of a call.
3. The gates would be designed to meet highway safety crash/breakaway requirements and the appropriate reflective signage would be installed to ensure drivers would be aware of their presence. Pavers that would support the weight of public safety vehicles and allow grass to grow up in between would be installed through the center section of each grassy area.
4. This cost of this design solution is estimated at approximately \$12,000 - \$15,000 per intersection.

The table below details how the design addresses both the concerns of residents and the City.

Issue/concern:	Addresses	Does not Address
Increased traffic (Resident)	X	
Access for public safety vehicles (City)	X (partial, egress only)	
Access for snow plows or trash trucks (City)		X
Serve as a deterrent to crime (Resident)	X	
Improves crash safety (Resident)	X	

Following the May 23 meeting, Staff committed to bringing this preferred design alternative back to the Council for review and consideration. The discussion was originally slated to occur at the July Community Development Committee meeting, but was deferred to August based on the size of the agendas for the July Committee meetings.

As the Council reviews options, the following could be evaluated and considered:

1. Remove the remaining planters and install the design alternative described above at the intersections of 61st Terrace, 62nd Street and 62nd Terrace. Estimated cost: \$36,000 - \$45,000.



MEMORANDUM

2. Install the design alternative at the 61st Terrace intersection where one of the planters is missing. Estimated cost: \$12,000 - \$15,000. This would allow both the City and the neighborhood to test the effectiveness of this design solution without committing to the expense of all three intersections. Appropriate reflective signage would be installed on the planters that remain at 62nd Street and 62nd Terrace.
3. Replace the planter at 61st Terrace and install appropriate reflective signage on all the planters. The City could then consider installing alternative design solutions at such time as the streets are either scheduled for a mill and overlay or a full depth reconstruction. Estimated total cost: \$2,500. The Council has previously posed questions about liability and whether leaving the streets blocked, particularly with planters that did not meet federal highway crash standards, created increased liability for the City. Especially in light of the fact that there have been public conversations around the subject. According to the City Attorney, the City does not specifically increase its risk/liability if the existing planters were to remain.
4. Remove all the planters and open the streets to two-way traffic. **This option is not supported by the residents of the area.** Estimated total cost: \$1,500.

Regardless of the option chosen, staff will insure that better signage is installed at the east end of each street (61st Terrace, 62nd Street and 62nd Terrace) to assist in more clearly communicating with those drivers unfamiliar with the neighborhood and street configuration.

In order to ensure that the full history of the discussions surrounding the planters from the early 1970s through today is easily accessible in the future, all items in the City's possession related to this topic have been included with this report and catalogued in the attached index.

Hodges Drive Planters Road Closure Alternatives

City of Mission, Kansas

March 14, 2019

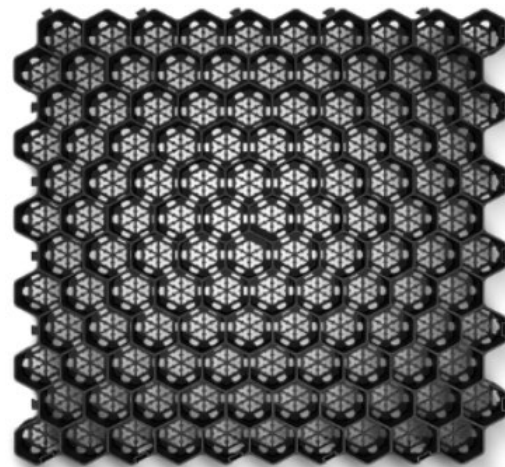


GBA

Tufftrack™ Grass Pavers have features found in no other grass paver product in the industry. A unique domed opening at the base of each hexagonal cell wall promotes a greater flow of water, oxygen and nutrients. The slot opening allows root penetration to the soil below the paver and allows roots to grow between cells, promoting healthier grass.

Tufftrack™ Grass Pavers are ideal for:

- Fire lanes
- Truck maintenance and equipment yards
- Construction entrance soil stabilization
- Emergency vehicle or service access roads
- Parking lots
- RV & boat access and parking
- Residential driveways



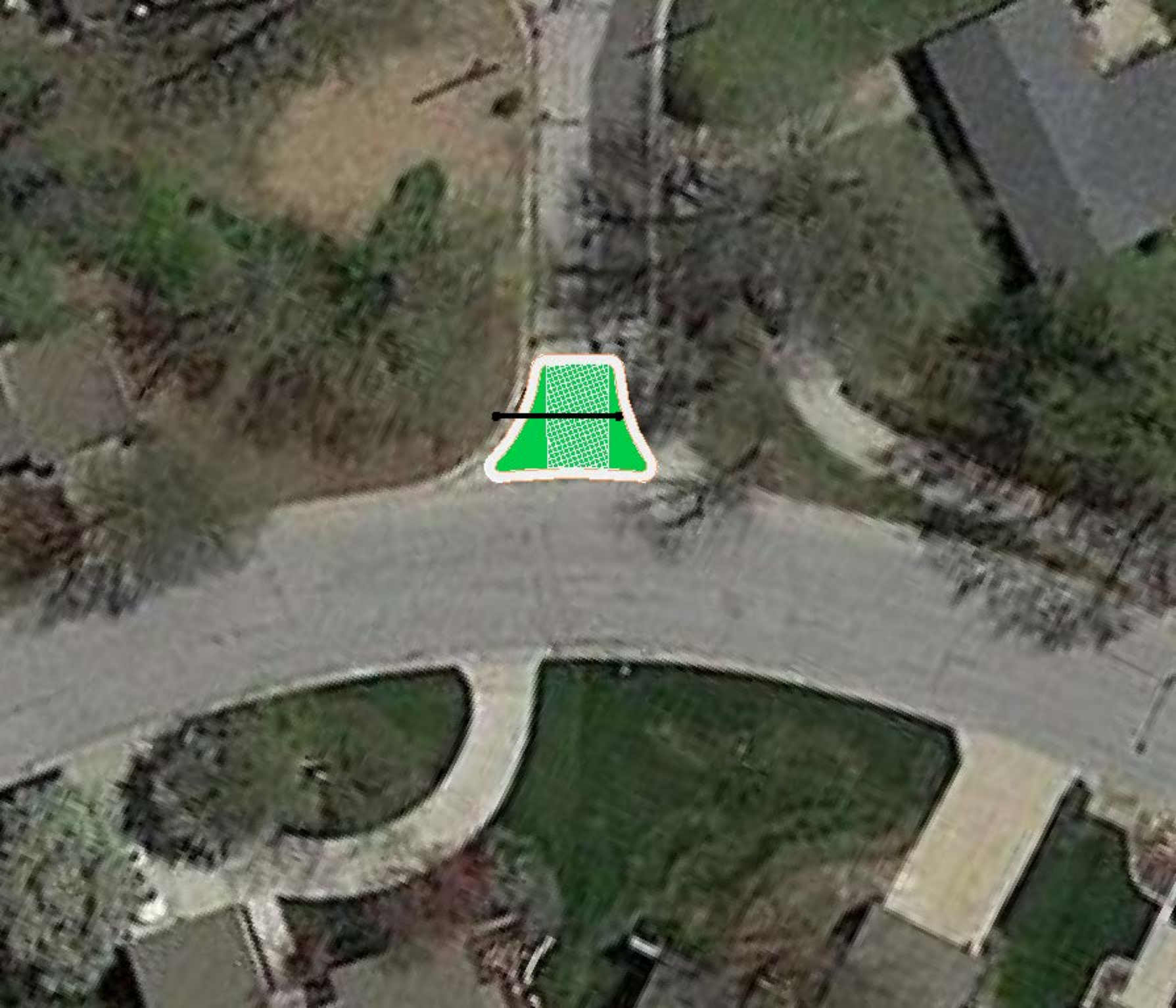




GBA



GBA







A product of Johnson County AIMS, 111 S Cherry, Ste 3100, Olathe KS 66061 - 913-715-1600 - <https://aims.jocogov.org> - mapper@jocogov.org



Johnson Co AIMS Map

LEGEND

AIMS Imagery: 1954 [aerial]



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Johnson Co AIMS Map

LEGEND

AIMS Imagery: 1991 [DOQQ]



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October 13, 1971

The Mission City Council met in regular session on Wednesday, October 13, 1971 at 8:00 p.m. with Mayor George D. Anderson presiding and the following Councilmen present: Rolan Warman, Jr., George Lauber, Robert Mellott, George Calvert, Jr., William King, Ralph Weber, Lloyd Thomas and Robert Raupp. Councilman Lauber arrived at 8:08 p.m.

Mayor Anderson called the meeting to order and the pledge of allegiance was said by all.

Thereupon, Mayor Anderson presented a ten year pin and a plaque to Sgt. Wilmer R. Ivan for his dedicated service in the Mission Police Department. Chief Pike introduced Sgt. Ivan and stated that he started with the department on November 16, 1960 and is now the Senior Sergeant in the department. He stated that this award is a token for the City's appreciation in recognizing his long and faithful service to the City of Mission. Mayor Anderson read the wording on the plaque and stated that he is very proud of the department and very proud of men like Sgt. Ivan.

Councilman Lauber arrived at 8:08 p.m.

On a motion made by Councilman Warman and seconded by Councilman King, the minutes of September 22, 1971 were approved by unanimous vote with the following corrections:

Page 3, last paragraph: change one billion dollars to one million dollars.

Page 5, top of page: add that a statement was made by Frank Hursh that the boundaries do not include any of the home owners along the creek.

Mayor Anderson read the Planning Commission's recommendation of approval for rezoning of the property located at 63rd & Hodges Drive on the West side of Hodges Drive for a depth of 120 feet from 63rd Street to Highway 50 from R-1, One Family District to R-3A, Townhouse District.

Mr. Russell Baltis with Herbert V. Jones Company presented a site plan and rendering of the property including the townhouses, as proposed. He stated that several months ago Herbert V. Jones Company received from the Council zoning for the apartment project but that this 120 feet they are requesting rezoning on now was left R-1 and Councilman Warman made the suggestion that it be left R-1 so that they could come back in for duplex housing for the transition between the residential area and the apartment complex. Mr. Baltis stated that they asked their architect, Bill Wilson, to do a detailed study of which would be more compatible, single family, duplexes and townhouses. It was decided that townhouses would create a better change from single family to multi-family.

Mr. Wilson stated that the buildings are not very big. The ones to the inside are the biggest. He stated that there are three entrance/exits onto Hodges Drive from the complex and they all feed off of these entrances.

A lady in the audience asked how many townhouse units there would be. Mr. Baltis stated that there would be 24 townhouse units and 160 apartment units for a total of 184 units. He stated that 216 apartment units were approved by the City Council for this site.

A resident in the audience asked as to why the Planning Commission is now recommending that no street cuts be put in on the East side of Hodges Drive. He stated that originally they were to be put in and blocked off. He stated this is going to mess up those property owners as they would have to drive all the way around. Why not open it up and let them onto Hodges. He stated that he knows there was feeling against it at the first meetings but if you're going to do it why not open them up. Mayor Anderson stated that this was talked about quite a bit and he feels the reasoning was there was feeling both ways on it. The proposal before was to build these street cuts and block them off so no one could get through. Later on they could be opened up if the residents to the east desired it.

Mr. Robert Morriss, who lives on the corner of 61st Terrace and the proposed Hodges Drive, stated that the way the plans are laid out now, showing the barricades, there is no way for him to get from the front of his house to his driveway without going out onto Highway 50 or go back down 61st Terrace and around onto Hodges Drive. Councilman Warman stated that a curb cut has been provided in the original zoning onto Hodges Drive for his driveway. Mr. Baltis stated that this man bought the house from Tom Beels. This house has had an addition built onto it at some time in the past. The original garage was on the east side of the house on 61st Terrace. Another garage was added and Mr. Beels was using the unimproved or dedicated part of Hodges Drive to get into the added garage. Mr. Morriss indicated that he would rather have 61st Terrace open and not barricaded. Councilman Lauber stated that he gathered from what was said that this man had been more or less using some other persons property to get into his garage. Mr. Asher Langworthy stated that this is so. This property used to be owned by the Trinity Lutheran Church. The church built a family room with a basement garage on the back end of the house and at that time they requested permission from Hodges to be able to go around and put this driveway in. This was approximately 1964 and has been used that way ever since. Mr. Beels bought the house from the Church and Mr. Morriss bought it from Mr. Beels.

Mr. Stanley Coleman, 4739 W. 61st Terrace, stated that he is Treasurer of the Mission Village Homeowners Association and that the Homes Association made an objection to this rezoning to the Planning Commission. He stated that in rezoning this 120 foot strip it would destroy any buffer zone granted to the residential area. He stated that he does not want these townhouses and the other homeowners do not want them who value their property or the lives of their children. He asked the Council to disapprove the request before them. Councilman Weber asked Mr. Coleman what he thought should be built in this 120 foot strip. Mr. Coleman said individual unit residences to be sold with a proper landscaping in back of these units to isolate them from the apartment complex, which was provided for in the 14 points.

Elvin Miller then presented a petition containing 19 homeowners of the area in addition to the petitions presented to the City Clerk late this afternoon. Mayor Anderson asked Frank Hursh, City Attorney, if these petitions were valid petitions. Mr. Hursh said that the State Statutes states that a protest petition should be filed with the City Clerk within 14 days of the conclusion of public hearing pursuant to notice. He stated that the petitions are a couple of weeks out of time. A man in the audience stated that one of the homeowners who lives within the 200 feet area was not notified of the hearing. He stated

that this homeowner received a letter dated October 8th in this regard from the Planning Commission. He stated that Mr. & Mrs. DesCombes, 5007 W. 63rd Street, cannot recall receiving any notification. It was stated that those people who were not notified did sign the petitions. Mr. Hursh stated that the Statutes does say that failure to receive notice does not prevent the Planning Commission or the Governing Body from going ahead. The individual who can prove that he did not receive notice might have cause of action in court against the reasonableness of the zoning.

Councilman Warman stated that according to the Planning Commission minutes there are only one or two people who do not want the curb cuts, there may be more, but only a few spoke up. Also in regard to the notification he asked Mr. Hursh if the Planning Commission does'nt request that these notifications either be delivered in person or sent registered mail. Mr. Hursh stated that they go by regular mail. There is no way to prove that they received the notices. In fact we determined that the affidavit left out one family and a letter was written to this family to determine if they did receive notice. He stated that he has not determined that they are the owners of the property but it appears that Mr. Rodriguez does live within 200 feet and they were not on the affidavit of mailing. A man in the audience stated that this is the family he was referring to but they have signed the petition opposing this rezoning. Councilman Warman then stated that there is a question as to whether they received notice or not. Mr. Hursh stated that Mr. Rodriguez was on the original affidavit of mailing on the other application.

A man in the audience stated that he was trying to make up in his mind why the change is even proposed. The developer seemed quite happy at the time and agreed to this 120 feet off of Hodges Drive being left zoned R-1. Now he wants this 120 feet zoned for townhouses. He wanted to know why they want to change this. Mr. Baltis stated that he did not have any proposal to keep this area R-1. He stated that when Councilman Warman made his recommendation from his list he said that he was specifically saying 120 feet in depth so that you may have the opportunity to go in for duplex zoning at a later time. They are now making this request. He stated that he thought there is a serious doubt that single family residences in that area is the highest and best use. The man in the audience stated that as he understands the developer planned on coming back with this proposal all the time. Mr. Baltis stated that this is true, there was never any doubt in his mind that the City would not expect them to come back with a request for a change in zoning for this 120 feet. Councilman Warman stated that he would like to clarify something as his name has been involved many times. He stated that it is hard to remember the exact words but it was part of his intent when he made the motion that this be zoned R-1, period. He stated that the question came up if this could be rezoned and of course it could be if the Council so decided for duplexes or anything else. It was not a recommendation but he keeps getting this inference. He stated that he did not know at the time what the developer would or would not do. He stated that he does remember someone asking the question could it be rezoned if it would be brought up later and he thought it was answered in the affirmative.

Councilman Raupp stated that he is sitting there is a state of shock. He stated that he is hearing things here this evening that is brand new to him and is sincere in saying he is in a state of shock. He hopes that he is not a party to something in selling these people a bill of goods if they were not going to

have a 120 foot green area between them and the apartments. On his part the intent was that they would have a green area and would be that far removed from the apartment units. As far as any regard to rezoning, and he thought that 14 point agreement was important to the people, that they would have this protection and that they wouldn't have them pushed right back against them there and that they were going to make that (turned tape over) that we as a Council negotiated with both parties and at that time when we discussed these 14 points Herbert V. Jones Company was very much in agreement with them and they never mentioned coming back for rezoning for this area for duplexes or anything. He stated that he felt that the homeowners in the Mission Village area were promised by this Council a green barrier between their homes and the apartment units. He stated that he feels like he sold somebody down the river. He stated that as representatives to the people they should honor their commitments to them on these 14 points and hold our end of the bargain. He stated that it is being shown to him that this all was pre-determined that these folks would be coming back. He stated that he thought they had the problem solved, the people were partially happy and Herbert V. Jones was happy. He stated that in all honesty he was awed.

Mayor Anderson then asked the developer if they had anything new to add. Mr. Baltis stated that the specific depth was set and it was mentioned at the Council meeting that single family residence depth was 115 feet and this was specifically pointed out by someone on the Council, as the tape would show, but it was specifically recommended a depth of 120 feet so that it could be zoned for duplex zoning. He stated that he wanted to make this clear. He stated that it was never their intention, and he believed also the Planning Commission, there would be a 120 foot strip that would never be built on. Councilman Raupp stated that he thought that these people were going to be given some protection from this apartment project. He stated that this was the full intent as far as he was concerned. The whole negotiated package went this was as far as he was concerned. He didn't like the 14 points but he did like, if we had to do something, that 14th point was some concession given by Herbert V. Jones Company. He stated that he thought they were going to concede something to get something.

Councilman Lauber stated that he agreed with Councilman Raupp and did not remember anything about doing any construction work in that 120 feet. He also stated that he did not remember any talk about coming back for zoning on this thing.

A motion was made by Councilman Lauber and seconded by Councilman Thomas that this recommendation be sent back to the Planning Commission for further study and in their review see if their recommendation agreed with the conditions as originally granted.

A motion was made by Councilman Warman and seconded by Councilman Mellott to amend the original motion to include that the basis for the recommendation going back is not only to study, but for definite clarification about street cuts to the east as apparently only a small number of property owners really have requested that there be no street cuts to the east. Also the question of access to the property at 4845 W. 61st Terrace.

The vote was taken on the motion to amend and was approved unanimously.

The vote was taken on the original motion and was approved unanimously.

Councilman Raupp asked Mr. Hursh if these people will now have the opportunity to refile their petitions. Mr. Hursh stated that they would not. The period for filing a protest petition is within 14 days after the conclusion of the public hearing pursuant to publication. He stated that he will probably recommend to the Planning Commission, since he does on occasion advise them legally, that they should restudy the affidavit of mailing to the people within 200 feet.

A man in the audience asked Mr. Hursh if when this is referred back to the Planning Commission and the Planning Commission considers this referral does this constitute a new consideration and do the residents have 14 days to file a new protest petition. Mr. Hursh stated that they do not; however, he will advise the Planning Commission of the discrepancy in the affidavit. He thought that the applicant would have the right to file a new affidavit if in fact they did send one to that party. If the Planning Commission would determine that notice was not given they could order another public hearing and then you would have a new public hearing to commence from, but this would be a determination they would have to make. Mr. Hursh stated that if the Planning Commission does not set a new hearing, they may have to contact some of the owners in order to resolve the questions sent back by the City Council.

Councilman Raupp told the people that they should not be afraid to call any of their Councilmen as they are working for them and to call City Hall as these people work for them too.

A man in the audience stated that he mentioned this to one of the Councilmen at one time but he would like to say that when he took the petitions around to have them signed, a man told him that he personally thought he was wasting his time because the City Commission does not care one iota about what goes on. He also told him that he has gone so far as to cancel all or close out all accounts he has with any Mission merchants because of that. He feels that the City Commission is not interested in the individual but is interested in the large firm. He said that he ran onto this several times and some of the other gentlemen carrying petitions did too. He stated that he did not want that happening to American Government at any level. If people feel that they are getting a fair shake they will have faith but if they feel like they're not they won't; they will feel like they are being sold down the river. He stated that he personally feels that the City Council has treated them fair -- tonight. He stated that he hopes that they will continue to do so.

Another man stated that he thought he could express the opinion of everyone here tonight and he wished to thank all of the City Council members and even the representatives of the projected complex for hearing us. He has attended several meetings and has gained a lot of confidence and he is sure that if other people would come he thought they would gain confidence. He stated that people who generally raise the most Cain are the people who don't come and if they would come he thought they would find out that everybody in the City has everyone's interest at heart.

Thereupon, Mayor Anderson stated that there would be a coffee break. Councilman Thomas left at 9:45 p.m.

Mayor Anderson read a letter to the Council from Larry Jones, Chairman of the Mission Planning Commission, dated June 23, 1971, in regard to the area along

The Mission City Council met in regular session on Wednesday, September 25, 1974 at 8:00 P.M. with Mayor George D. Anderson presiding with the following Councilmen present: Rolan Warman, Jr., George Lauber, Robert Mellott, George Calvert, Jr., William King, Warren Neal, Lloyd Thomas and Robert Raupp. Councilmen Warman and Lauber arrived at 8:40 P.M.

The meeting was called to order and the Pledge of Allegiance was said by all present.

On a motion made by Councilman Calvert and seconded by Councilman King, the minutes of September 11, 1974 were approved by unanimous vote.

Mayor Anderson stated that the application for renewal of the temporary sign at Foxridge Drive and Lamar for Dick Sandifer would be postponed to the next meeting.

Thereupon, a petition was presented from residents of the 4700 block of West 62nd Street to remove the barricades at 62nd & Hodges Drive. A motion was made by Councilman King and seconded by Councilman Mellott to authorize Keith Hubbard to have the barricades removed at 62nd & Hodges Drive. Mr. Hursh reported that 15 of the 18 homeowners signed the petition for the removal of the barricades.

Two area homeowners stated they were against the removal of the barricades and stated they could not understand why the residents of this street wanted them down.

Councilman Raupp stated he was against taking the barricades down as they offer protection for the children and asked that the matter be deferred until he could discuss the matter with the residents.

After further discussion, a motion was made by Councilman Calvert and seconded by Councilman Thomas to table the matter to the next Council meeting. The motion was approved by unanimous vote.

A motion was made by Councilman Calvert and seconded by Councilman Thomas to approve the Appropriation Ordinance. Mr. Hubbard stated he would like to add a check for the transfer of funds in the amount of \$31,176.19. This was included into the motion and approved by unanimous vote.

Councilman King, Chairman of the Street Committee, stated they met last Wednesday and discussed the following:

- (1) Temporary stop signs in the area west of Lamar. The Street Committee recommends removal of the stop signs at 61st & Walmer (2) and the northwest corner of 62nd and Glenwood (1). All other stop signs to be permanent. Councilman King stated he would make this a motion. Councilman Calvert seconded and was approved by unanimous vote.
- (2) Discussion of the parking problem at the Telephone Company garage at Martway and Broadmoor. The Highway Commission has given the City authority to put up bumper blocks. A motion was made by Councilman King and seconded by Councilman Mellott to install bumper blocks designating parking area. The motion was approved unanimously.
- (3) A representative from Fairway was present to discuss the possibility of sharing expenses for crossing guard at Highlands School. As it turned out we do not have the funds to do this and Fairway doesn't either. They discussed the volunteer participation program and that the City of Mission would train them. The representative was going to discuss this with Fairway and also see what could be worked out through the P.T.A.

The Mission City Council met in regular session on Wednesday, October 9, 1974 at 8:00 P.M. with Mayor George D. Anderson presiding and the following Councilmen present: Rolan Warman, Jr., George Lauber, Robert Mellott, George Calvert, Jr., Warren Neal, Lloyd Thomas and Robert Raupp. Councilman Bill King was not present. Councilman Calvert left at 11:00 P.M.

The meeting was called to order and the Pledge of Allegiance was said by all present.

On a motion made by Councilman Calvert and seconded by Councilman Mellott, the minutes of September 25, 1974 were approved by unanimous vote.

Mayor Anderson stated the next item would be the application for renewal of Temporary Sign Permit, Foxridge Drive & Lamar on the East side of Lamar, applied for by Dick Sandifer. The matter was tabled at the September 25th meeting. Mr. Hubbard reported that Mr. Sandifer called just before the meeting tonight. He is in bed with the flu and asked that the matter be postponed to the next meeting. Councilman Calvert asked when the permit expired. Mr. Hubbard stated it expired on September 1, 1974. Mayor Anderson stated the matter would be put on the October 23rd Agenda.

Mayor Anderson stated that the petition to remove the barricades at 62nd & Hodges Drive, which was tabled at the September 25th meeting, would be discussed.

Councilman Thomas stated that a meeting was held on Monday evening, October 7th, at Councilman Raupp's house. He stated that 121 home owners of the area were notified in writing of the meeting but only 2 homeowners who signed the petition were present and 17 other area residents were present. Councilman Thomas stated that there was a vote taken to leave the barricades up and the vote was 16 in favor, 2 to take them down and 1 abstained.

A motion was made by Councilman Thomas and seconded by Councilman Raupp to keep the barricades up and table the petition until such time as further information is received. The vote was taken as follows: Aye: Councilmen Lauber, Mellott, Calvert, Neal, Thomas and Raupp. Nay: Councilman Warman.

Councilman Thomas stated he would like to present some recommendations from the home owners of the area around the Hodges Drive project to the Council as follows:

1. Put dead end street signs at Cedar, 62nd & 62nd Terrace.
2. Extend barricades so the cars cannot go around them.
3. Post 25 MPH speed limit signs on Hodges Drive from 63rd Street to Highway 50. A motion was made by Councilman Thomas and seconded by Councilman Raupp to post the speed limit signs as requested. The motion was approved unanimously.
4. Install "no parking" signs on the west side of Cedar from 61st Terrace to 63rd Street. A motion was made by Councilman Thomas and seconded by Councilman Raupp to install the "no parking" signs as requested. The motion was approved unanimously.
5. Clean brush and weeds from the fenced-in sidewalk from Cedar to Highlands School.

Councilman Raupp stated that the meeting was held at his house and he was pleased to see those who did attend as it does show that some people are interested in what is taking place in the City.

MINUTES OF THE MISSION CITY COUNCIL MEETING

OCTOBER 12, 1994

The Mission City Council met in regular session at City Hall, 6090 Woodson, Wednesday, September 28, 1994, at 7:30 pm with Mayor Sylvester Powell, Jr., presiding. The following councilmembers were present: Williams, Sheehan, Footlick, Lorenz, McIntyre, Kring, Lind, Thomas.

APPROVAL OF THE MINUTES OF SEPTEMBER 28, 1994

Mr. Kring moved and Mrs. Footlick seconded a motion to approve the minutes of the City Council meeting of September 28, 1994 with the correction on page 2, section e., changing the word 'assure' to 'ensure'. The vote was taken as follows: AYE-Williams, Sheehan, Footlick, Kring, Lind, Thomas. ABSTAIN: Lorenz. The motion carried.

10 YEAR AWARD - STEVE WEEKS

Mayor Powell called Mr. Stephen Weeks to the podium and presented him with a 10 year award. Steve has been with the city almost eleven years.

SPECIAL USE PERMIT RENEWAL ORDINANCE—TACO BELL

Mr. Thomas moved and Mr. Lorenz seconded a motion to approve Ordinance No. 896, an ordinance authorizing certain property within the City of Mission to be used for or occupied by a special use, Taco Bell, restaurant with drive-thru window, for a period of one (1) year.

Mr. Robert Pike, 5831 Walmer, came before council noting that Taco Bell has not complied with the portion of the ordinance dealing with the noise level. Mayor Powell told Mr. Pike that Mr. Nessin, Manager, did not have a copy of the ordinance before tonight but he has assured us that he will comply. Mr. Pike is to notify us if the noise level is not lowered significantly.

The vote was taken and the motion carried unanimously.

COMMITTEE REPORTS:

-Public Works

Mr. Thomas told council that he would have a Public Works meeting on Wednesday, October 19, 1994, 7:30 pm.

Mayor Powell told council that this meeting will be in regard to the barricades at 63rd & Hodges. The mayor suggested that council go over to look at these barricades before the meeting. The Public Works Department sent a letter to residents in the area; council should get a copy. Discussion followed.

-Park & Rec

Mayor Powell informed council that the land next to his land that was zoned for the NCAA is now being considered by Mr. Jim Posey, who is representing a group that wants to put in a building for the elderly that will house 32 people. This group would like to buy this land but cannot afford the price and wonders if the city would want to take part of this parcel as a park. They have staked out the part that would be used as a park. I ask the council to meet on the northwest corner of Rock Creek Lane and Rosewood at 12:00 noon on Sunday, October 16, 1994.

POLE SIGN (CONT'D)

Ms. McIntyre moved and Mrs. Footlick seconded a motion to deny Mr. Lichteig's request for a variance to allow a pole sign at 5922 Broadmoor by Broadmoor Liquors. The vote was taken as follows: AYE-Footlick, McIntyre, Kring, Thomas NAY-Williams, Sheehan, Lorenz, Lind. The Mayor broke the tie by voting in opposition to the motion. The motion did not carry.

JUDGE PRO TEMS

Mr. Lorenz moved and Mr. Kring seconded a motion to approve Mayor Powell's appointment of John Cox and Keith Drill for Judge Pro Tems. The vote was taken and the motion carried unanimously.

BARRICADES

Mrs. Jean Sheffer, 4822 West 62nd Terrace, read letter (enclosed) regarding the barricades on streets at 62, 62 Terrace and 61 Terrace. Mrs. Sheffer asks that she be kept informed of meetings, etc.

EXECUTIVE SESSION

Ms. McIntyre moved and Mr. Williams seconded a motion to adjourn to Executive Session at 8:05 pm to discuss land acquisition. The vote was taken and the motion carried unanimously.

Council returned at 8:25 pm.

DATA ACCESS & LICENSE AGREEMENT

Mayor Powell request council approval to sign an agreement with the county for \$100.00. This will allow us access to the county's data base.

Mr. Lorenz moved and Mr. Kring seconded a motion to authorize Mayor Powell to enter into a contract with the county. The vote was taken and the motion carried unanimously.

COMMITTEE REPORTS:

-FINANCE

Mr. Williams told council that we were looking into costs for Workers Comp and would have a finance meeting to discuss this later.

Mr. Williams is meeting with Commerce Bank to discuss the Home Improvement Project; report will follow.

-PARK & REC

Mayor Powell questioned Mr. Kring on the Park Board's decision not to plant trees. Mr. Kring will report back on this matter.

occurs from access from people cutting thru their neighbor from SM Parkway to Lamar.

October 24, 1994

City Council Members
Sylvester Powell, Jr., Mayor
City of Mission City Hall
6090 Woodson Road
Mission, Kansas 66202

Dear Mayor and Council,

I was unable to attend the public meeting regarding the proposed removal of the barricades on my street because I was in Florence, S.C. on business. One principal consideration in the purchase my home last year was the fact that it was on a dead-end street. I felt more secure knowing that only local traffic would travel by my house and make it difficult for burglaries and other crimes to occur without someone noticing. The previous owners assured me they had been there for many years and would remain since they had been there for so long. There is a fire hydrant in front of my house and a street light which lights the area. The City of Mission seemed to be a well run, responsive town. The peace of mind I had appears to be threatened, although the majority of the residents on my block and the other streets affected are fighting to keep the barricades up.

As indicated in conversations with the Mayor and the Chairman of Public Works Committee, you have already heard arguments from both sides concerning this matter. I would like to take this opportunity to emphasize few of my own.

1. Safety:

- a. Highlands school borders the houses on Cedar at the opposite end of my street from Hodges. The amount of school children who use this route can also be put in danger with increased traffic and (even though extreme but not unheard of these days) kidnapping and molestation. There is no crossing guard or adult monitoring these crossways. There are also no sidewalks in the area. I'd also like to remind the council it is state law that children must ride their bikes on the streets. The safety of the children using these streets may be compromised.
- b. Neighborhood streets should not be seen as shortcuts for the convenience of drivers or relief from main thoroughfares. Also keep in mind the few high speed chases over this past summer, one ending in a serious accident on 63rd Street west of Roe. I personally have seen 4-5 auto accidents on 60th Street and Roe where traffic feeds from Shawnee Mission Parkway. People from another neighborhood can testify to the fact that increased traffic and speed

2. Police & Fire Access: The police and fire department have indicated to myself or other residents the barricades have not hindered their response to our neighborhood as inferred in the letter of October 5th. It is undisputable this access would be easier, but I believe the need would also be greater. A few incidents were raised at the October 19th meeting and I would like the Council to request Chief Sturm give his recollection of the "stand-off" at a council meeting before a vote is taken. My neighbor across the street had a small fire and the fire department responded quickly and effectively. An elderly woman across the street who was unable to attend the meeting, or even send her card in before the meeting due to an injured back, is also in favor of leaving the barricades up and not in fear of emergency equipment responding to her needs. I am also aware of several narrow and dead-end streets within the city of Mission that would pose the same problems to police, fire and other city contractors as our streets. I am not aware the city is wishing to correct all of these areas.
3. Privacy: The mayor himself told me yesterday, he would prefer living on a dead end street too. We all have that option and in the purchase of my home, and I believed that is what I did. I also believe that was the original intent of the residents when the road was barricaded more than twenty years ago. Without the barricades, I feel that the close proximity to Shawnee Mission Parkway from Hodges will make the area less attractive to the young families and professional people now moving into the area. We are not asking for these streets to become dead-ends - they are! I do not regard something in place for 20 years as a temporary fixture.

At this time I would like to formally request of the Mayor and City Council that:

1. Thorough traffic studies be done in this area, including study of traffic from Nall to 63rd Street and from SM Parkway & 60th Street to Roe. This would include a list of traffic tickets and accidents within the last twelve months. This is the traffic that will be "relieved" by neighborhood streets.
2. The original cards used to gather information should be disregarded and new cards mailed to residents with updated material information that has been gathered from fire, police and traffic studies. If this is not feasible, the residents should at least be notified of the results of the cities inquiries by mail.
3. I would like copies of letters from the neighborhood, along with items requested from my letter to the Mayor dated October 23, 1994.
4. The council obtain reasonable alternatives to the "take down", "leave up" scenario's. The city should consult outside experts in city planning to investigate solutions.

5. I would like to formally ask the council to include in any motion for the removal of the barricades to add the stipulation that the city provide signs and sidewalks, to be in place, to the neighborhood before the barricades are removed.

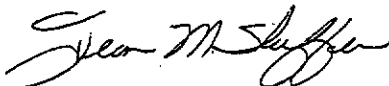
6. The streets in question become "one way" if agreed by the neighborhood.

7. I ask the council delay the vote in this matter until some or all of the above can be accomplished.

I will do all I can to protect my child, home and neighborhood and ask that alternatives to removing the barricades be thoroughly investigated before a decision is made. The little convenience that would be gained (Hodges only opens to SM Parkway eastbound traffic) will not out weigh the disturbance to this quiet street.

I would appreciate your consideration of my concerns in this matter. I request your recommendazion to leave the barricades up, replace them with curbs, or a resolution which would allow the streets remain a dead-end. Also, please inform me of any and all meetings concerning this matter.

Sincerely,



Jean M. Sheffer
4822 West 62nd Terrace
Mission, Kansas 66205

831-2957 Home

cc: Linda Cruz, Sun Publications

The Mission City Council met in regular session at City Hall, 6090 Woodson, Wednesday, November 9, 1994, at 7:30 pm with Mayor Sylvester Powell, Jr., presiding. The following councilmembers were present: Williams, Sheehan, Footlick, Lorenz, McIntyre, Kring, Lind, Thomas.

APPROVAL OF THE MINUTES OF OCTOBER 26, 1994

Mr. Lind moved and Mrs. Footlick seconded a motion to approve the minutes of the City Council meeting of October 26, 1994. The vote was taken and the motion carried unanimously.

BARRICADES

Mayor Powell addressed the residents present that all would be heard regarding the issue of the removal of the barricades along Hodges Drive. The majority of residents present wish the barricades to remain.

Mrs. Jean Sheffer, 4822 West 62nd Terr, came before the council to express the residents wishes to leave the barricades in place. Mrs. Sheffer feels that the wishes of the neighborhood is being ignored by the city and the council. The neighbors are concerned with safety. The residents expressed the frustration of the neighbors when dealing with city offices. Discussion followed.

Mr. Lorenz explained that he was contacted by a resident requesting removal and this instigated his investigation of the history of the barricades. His cross referencing of petitions were 50 residents to take the barricades down and 45 to leave the barricades up. Residents questioned this tally. Discussion followed.

Dean Collins, 4733 West 61 Terrace, a long time resident, explained to council and those present the history of the barricades. He explained earlier petitions and Mayor Warman's stand that these barricades would never come down. Discussion followed.

Mr. Williams asked Mr. Collins why the streets were made the way they are if they were going to be forever blocked off. Mr. Collins did not have an answer. Mr. Lorenz stated it was a zoning issue at that time.

Ms. McIntyre stated that she has driven through this neighbor and realizes that people do illogical things. People do cut through a residential neighborhood where there is a stop sign on a busy street to avoid stop lights, etc. She felt that 61st Terrace would suffer the brunt of the heavy traffic. Discussion followed.

Residents Cindy Carson, Mary Roberta Carlson, Janet Spriner, Lorena Schusnick expressed their concerns.

Mr. Warren Oberlinger, resident of Lido Villas, questioned why Lido Villas residents were not contacted. Mr. Oberlinger questioned why traffic studies and 'origination and destination' studies were not conducted. Mr. Weeks stated dates and locations of traffic counts. Discussion followed.

Mayor Powell told residents that he had mixed emotions; the barricades went in because Hodges went in, these were never through streets. It is now up to the council whether they wish to leave up these barricades or remove part of the barricades and leave part up.

WEEKEND

FRIDAY, NOV. 11, 1994

Mission tables decision on removal of street barricades

By Stella Thurkill
Sun Staff Writer

They've been called everything from unsightly to a necessary part of the neighborhood. And they're staying up. At least for now.

After a motion from Councilman James Lorenz, the Mission City Council Wednesday night decided to table a decision on removing the street barricades along Juniper at 61st Street, 62nd Street and 62nd Terrace. Five council members voted in favor of the motion, three were opposed. Voting to table the issue were Melvin Williams, Cletus Sheehan, Jim Lorenz, Amelia McIntyre and Tracy Lind. Voting against tabling it were Connie Footlick, Lynn Kring and Lloyd Thomas.

The move could be considered a *deja vu* of sorts, since a similar situation happened in September of 1974. At that time, the council first tabled a decision to take down the barricades at 62nd and Hodges Drive.

Twenty years later, residents packed City Hall and engaged in a lively discussion with council members. Many in the room wore buttons

with "Save Our Streets" in bold letters.

Their concerns were many, but they boiled down to one basic issue: safety. Neighbors say they don't want to see increased traffic in the area as a result of the barricades coming down.

Jean Sheffer, who lives on 62nd Terrace, said, "At the time I was looking to buy a home, I had a choice of three houses. I bought my house because of the barricades."

The whole controversy started last month, when a letter went out to about 160 residents. The letter, signed by Mayor Sylvester Powell Jr., cited the city's reasons for looking into the barricade issue. They were: emergency vehicle access to the area, access for garbage and snow removal trucks, and police patrols.

Councilman Lorenz said he started the process. "I'm the person who got the call, who did the investigation for sending out the letter," he said. The call apparently came from a person who thought the barricades were ugly and wanted them down. He also said, "The concern I have is we have to be concerned about the entire city."

Residents win battle to keep Hodges Drive barriers

BY STEPHEN ROTH
Staff Writer

The steel barricades that cut off 61st Terrace, 62nd Street and 62nd Terrace from Hodges Drive will survive for now, the Mission City Council ruled in a 5-3 vote Wednesday night.

MISSION

The decision delighted a large, vocal contingent of residents who attended the meeting in support of the barricades that separate their neighborhood from major thoroughfares.

"It's good to know you can still be heard at City Hall," said a happy Jan Spence, a 62nd Terrace resident who appealed to the council to keep the barriers up.

"This gives us a lot of faith in the democratic process," added 62nd Street resident Denise Iavakolina, who helped organize a door-to-door campaign in support of the barricades.

For the last several weeks, the council, sparked by a complaint from one local resident, had considered taking the barricades down. Several council members argued that the three barricades, which have been in place since the development of an apartment complex along Hodges Drive in 1973 (make 61st Terrace, 62nd Street and 62nd Terrace less accessible to police, fire and emergency personnel. The barricades also create hazardous conditions for pedestrians, they argued, because garbage truck drivers are forced to back their vehicles down

the streets, creating an air waste.

It would be difficult if we were able to drive through a driver for Deffenbaugh Disposal Service told the council. "When a driver is backing out, he has to look from one rear view mirror to another. It's very unsafe."

Not only are the barricades unsafe, said one resident, they are also unsightly, an assertion nobody at the meeting would argue.

"They're in my yard. I constantly have to mow around them," said Janet Springer of 62nd Terrace. "If we have to keep them up, could we possibly have a cul de sac built instead?"

Barricade proponents maintained the barriers' blunt appearance rated second to the safety they provide. They argued that removal of the barricades would

make their streets a shortcut between Roe Avenue and Shawnee Mission Parkway. The increased traffic, they argued, would be an added risk for neighborhood children.

"Sixty-first Terrace will suffer the brunt of the traffic," Dean Collins, a resident of that street, told the council. "We're a narrow street and we can't widen any more."

Warren Oblinger, an Ash Street resident and an independent planning consultant, asked the council to conduct more extensive traffic tests before taking the street barricades down.

"Why hasn't there been an origin and destination study of what the traffic is going to do?" he asked. "Without one, nobody will know how many people will go

down these streets and for what reason."

Eventually, Councilman James Lorenz made a motion that a decision on the fate of the barricades be withheld until further research on the issue could be conducted.

Lorenz said he originally planned to vote for removal of the barricades, but was swayed by the intensity of the 60 or so residents attending Wednesday's meeting who demanded the barriers stay up.

"You could see it was a very emotional issue for those people," he said. "This was grass-roots government and, as a council member, you can't ignore what's right or wrong, it's their area and the case is closed as far as I'm concerned."

MINUTES OF THE MISSION CITY COUNCIL MEETING

FEBRUARY 22, 1995

The Mission City Council met in regular session at City Hall, 6090 Woodson, Wednesday, February 22, 1995 at 7:30 pm with Mayor Sylvester Powell, Jr. presiding. The following councilmembers were present: Sheehan, Footlick, Lorenz, McIntyre, Kring, Lind, Thomas. Absent: Williams.

APPROVAL OF THE MINUTES OF FEBRUARY 8, 1995

Mr. Lind moved and Mrs. Footlick seconded a motion to approve the minutes of the February 8, 1995 meeting with any corrections or additions. The vote was taken as follows: AYE- Sheehan, Footlick, Lorenz, McIntyre, Kring, Lind ABSTAIN: Thomas. The motion carried.

GFOA CAFR AWARD

Mr. Mike Scanlon, Finance Officer for the City of Merriam, came before the council to present two awards to the City of Mission, Kansas. The first award is the prestigious GFOA Certificate of Achievement for Excellence in Financial Reporting. Mr. Scanlon presented the plaque to Mayor Powell; Mayor Powell presented it to Sue Grosdidier and told council that Mr. Melvin Williams, Finance Chairman, and Sue were the people responsible. Mr. Scanlon stated this is the highest form of recognition in the area of governmental accounting and financial reporting, and it's attainment represents a significant accomplishment by a government and it's management. Of the over 80,000 state and local government units that are eligible to apply for this award only 2,300 have applied and been awarded the Certificate of Excellence, even more significant is the fact that only 200 cities of populations less than 15,000 have been awarded the CAFR and there is only one (1) city in the State of Kansas smaller than the City of Mission to have achieved the Certificate of Excellence.

Mr. Scanlon then presented the Award of Financial Reporting Achievement to Sue Grosdidier as the staff person responsible for preparing and submitting the annual Financial Report to GFOA.

BARRICADES

Mr. Richard Rice, 6140 Hodges, came before the council to request that the barricade/guard rails be removed. Mr. Rice noted that the residents on Hodges were not notified of the previous hearings on this matter. Mr. Rice asked that this issue be reopened; he does not feel that this will cause traffic problems.

Mayor Powell told Mr. Rice that these were never open streets; they were always deadends. Ms. McIntyre expressed her concern that people will try to avoid the intersection at Shawnee Mission Parkway and Roe and cut through 61st. The street is very narrow, people park on both sides of the street. If it came back to a vote, Ms. McIntyre stated she would vote against 61st Street being reopened. Mr. Lorenz stated that these barricades have been there since 1977 and there have been no previous complaints. Mr. Lorenz stated that they are an eyesore but the residents petitioned the city not to remove these barricades. Mr. Lorenz said that Hodges was included in the draft letter but they were inadvertently excluded. Ms. McIntyre noted that an architect had recommended barricades that could be pushed over by emergency vehicles but not by cars.

MINUTES OF THE MISSION CITY COUNCIL MEETING MARCH 22, 1995 (P.3)

EXECUTIVE SESSION

Mr. Lind moved and Mrs. Footlick seconded a motion to adjourn to Executive Session at 7:50 pm to discuss a personnel issue and possible land acquisition for a period not to exceed 25 minutes. The vote was taken and the motion carried unanimously.

Council returned at 8:15 pm.

FAIR HOUSING MONTH PROCLAMATION

Mayor Powell told council he would sign a proclamation designating the month of April as Fair Housing Month.

DREW PROPERTY

Ms. McIntyre moved and Mr. Williams seconded a motion to authorize Mayor Powell to be the representative of the city at the foreclosure auction for the property commonly known as the Drew Property and bid on the city's behalf an amount determined to be reasonable and increments determined to be reasonable. The vote was taken and the motion carried unanimously.

DONALD KNOEBEL FUND

Mayor Powell asked City Clerk Sue Grosdidier to call the League of Kansas Municipalities to ascertain if the city can donate to the trust fund set up for the family of Donald Knoebel.

SUBSIDIZED HOUSING FOR SENIORS

The council was asked if they would be building housing for seniors and low income persons in the City of Mission. Mayor Powell said they would not be building housing, the city has a program to bring housing up to code for seniors and for low income families.

BARRICADES

Steve Weeks, Public Works Director, reported that it would cost the city approximately \$5,000.00 to remove barricades and beautify the area.

Ms. McIntyre again brought up the 'pushover barricades' to allow emergency vehicles. Mr. Lind stated that he voted to table the matter because of the overwhelming response of residents to leave the barricades in place; he is not in favor of any additional dollars spent on these barricades. Mayor Powell stated that the two residents that have objected did not appear before the council earlier even though the newspapers carried story after story regarding the barricades; they are interested in selling the property and blame the barricades. Mr. Williams stated that

BARRICADES (CONT'D)

these residents did not come to council until a month after the discussion was tabled. Discussion followed.

It was decided to leave this matter alone.

POOL BIDS

Mr. Lind asked if we had gone out for bids this past month for pool repairs. Mr. Weeks stated that the engineers are now recommending that we wait until May or June,

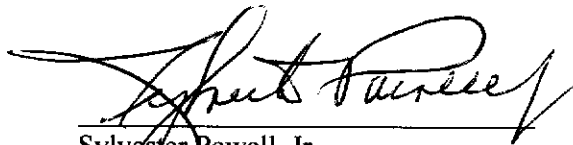
Mr. Lind questioned how we can go out for bids in June after the pool is open when we had closed the pool early to allow contractors to go through and examine pool. Discussion followed on why the pool had to be closed early and drained to get good bids and now the pool does not have to be closed and drained.

Mayor Powell stated that the pool would not be closed early this year and the inspections will have to be done in May before the pool is filled.

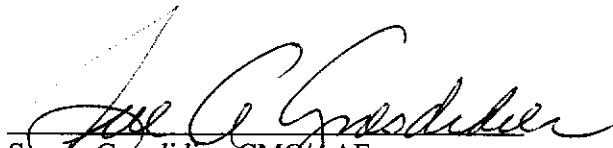
Ms. McIntyre questioned the sealant for the baby pool.

ADJOURNMENT

Mrs. Footlick moved and Mr. Lind seconded a motion to adjourn at 8:28 pm. The vote was taken and the motion carried unanimously.


Sylvester Powell, Jr.
Mayor

ATTEST:


Sue A. Grosdidier, CMC/AAE
City Clerk

BARRICADE ON HODGES

Mrs. Susie Genova, resident on Hodges, came before the council to express the residents preference that this barricade remain close but that this guard rail be replaced with something that looks better. The residents would be willing to maintain plantings. Mrs. Genova ask that council listen to the residents.

Mayor Powell told Mrs. Genova that this matter was on a previous agenda but she was not present at that meeting. The council decided then not to spend any money on this matter.

Ms. McIntyre reported that she had asked Mr. Weeks, the Public Works Director, to plan and give council an estimate where Juniper and 61st Terrace come into Hodges. This intersection is the one that Ms. McIntyre previously expressed concerns that 61st Terrace is the likely cut-through from Shawnee Mission Parkway to Roe and it is a narrow street with a lot of single family houses with single car garages but with two car families. There are a lot of cars parked on 61st Terrace, it is very narrow, with children walking through to Highlands School. Mr. Weeks was asked to come up with a bare bones proposal to do only the intersection of Juniper and 61st Terrace to put in 100 feet of curb; this is a curb at the existing barricade and a curb on Hodges to make it flush, to take out the asphalt and the contaminated soil, and to include 48 hours of man power and equipment use. With city employees and city equipment being used, such estimate comes to \$3, 114.00 for this one intersection but this does include landscaping. The southerly two access points were to remain up. Discussion followed on residents committing to the cost of the landscaping and their willingness to maintain the area, suggestions, etc.

Ms. McIntyre moved to approve a motion to authorize the expenditure of funds by the city for installation of curb at Juniper and 61st Terrace at two locations at the existing barricades and flush with Hodges., that the asphalt be removed from between those two installed barricades and that work not be undertaken until the neighborhood has raised and placed in a trust account funds for the landscaping at the bank of their choosing. This does not preclude cost projections for the other two.

Discussion followed on city versus residents paying cost, maintaining, removing other barricades.

The motion died for lack of a second.

Mr. Lorenz moved to approve a motion to spend up to \$5,000.00. **The motion died for lack of a second.**

Ms. McIntyre moved and Mr. Williams seconded a motion to authorize the expenditure of funds by the city for installation of curbs at Juniper and 61st Terrace at two locations at the existing barricades and flush with Hodges, that the asphalt be removed from between those two installed barricades and that work not be undertaken until the neighborhood has committed to \$1,400.00 This does not preclude the neighborhood coming up with specific plans with cost projections for the other two barricades.

Discussion followed on possibilities of cost saving methods of beautifying the area and whether or not residents should be responsible for maintenance. Statements were made that by requiring

MINUTES OF THE MISSION CITY COUNCIL MEETING APRIL 26, 1995 (P.5)

BARRICADES (CONT'D)

the neighborhood to commitment to purchase and maintain the landscaping they would be treated the same as other neighborhoods, such as Milhaven and Walnut View, which maintains it's own access areas.

Mr. Kelly Pinkham asked if this motion could be withdrawn and residents from a task force to decide on three propositions to present to council.

Ms. McIntyre withdrew the motion.

A task force was formed with Mr. Kelly Pinkham, Ms. Denise Tavakolinia, Brad Williams, Susie Genova, and Jean Sheffer. They will report back with at least three recommendations.

LOT SPLIT-CHARLES EBERT, 5729 WOODSON

Mr. Charles Ebert, 5729 Woodson, came before the council requesting a lot split at 5729 Woodson.

Discussion followed on removal of existing house and minimum dwelling size.

Ms. McIntyre moved and Mr. Lind seconded a motion to approve the recommendation of the Planning Commission to grant the lot split in full compliance in all particulars with the amended ordinance of March 1995. The vote was taken and the motion carried unanimously.

THE UNION OF THE HOMELESS FUND RAIER AND FOOD DRIVE

Mr. Williams moved and Mr. Lind seconded a motion to approve Midwestern Musical Company, 5911 Dearborn, requests to block Dearborn off in front of their store on Saturday, May 13, 1995, from noon to 6:00 pm. The vote was taken and the motion carried unanimously.

SPECIAL USE PERMIT RENEWALS

-DUDS 'N SUDS

Mr. Williams moved and Mr. Sheehan seconded a motion to approve the Special Use Permit renewal for Duds 'n Suds, Application #95-02, for a period of three years. The vote was taken and the motion carried unanimously.

-MASTERSON'S AUTO SALES

Mr. Thomas moved and Mrs. Footlick seconded a motion to approve the Special Use Permit renewal for Masterson Auto Sales, Application #95-03, for a period of three years. The vote was taken and the motion carried unanimously.



August 13, 2018

Dear Residents and Property Owners:

This letter comes to you regarding the planters on Hodges at 61st Terrace, 62nd Street, and 62nd Terrace.

Originally installed during the construction of Lido Villas, these planters were used to minimize traffic through the existing neighborhood. On a number of occasions throughout the years, the planters have been damaged by vehicles or fallen trees. Recently, a police pursuit resulted in damage to the planter at 61st Terrace.

From the City's perspective, these planters have been a concern for a number of years. They cause numerous safety issues including the potential for delayed response times from emergency services, dangerous conditions during snow plowing operations, and failure to meet construction standards for cul de sacs. Below are responses from the Fire Department and Police Department in reference to these planters:

"The adopted fire code for the City of Mission states the following:

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

The streets with the planters (62nd & 62nd Terrace) are approximately 640 feet. The planters present the fire department with the same problem as the snow plows. It is just a matter of time before they get in our way."

- Todd Kerkhoff, Fire Marshall Consolidated Fire District #2

"I would hate to see someone that needs medical attention or an emergency call for service cost someone their life due to emergency vehicles having to drive to W. 60th Street or W. 63rd Street to get to the area. Having more immediate access off Shawnee Mission Parkway by removing the planters would make the most sense from the standpoint of delivering public safety services."

- Ben Hadley, Chief of Police City of Mission

Staff will be presenting a discussion item at the September 5 Community Development Committee meeting recommending removal of the planters and reconnecting the three streets to Hodges for through traffic this fall. If you have questions, please contact John Belger at (913) 676-8381 or jbelger@missionks.org.

Sincerely,

John Belger
Director of Public Works
City of Mission

Ben Hadley
Chief of Police
City of Mission

JOAN TAYLOR
4810 West 62nd Street
Mission, Kansas 66205

RECEIVED
SEP 21 2018

September 18, 2018

Honorable Ronald Appletoft, Mayor
City Council Members
John Belger, Director of Public Works
City of Mission Kansas
6090 Woodson Road
Mission, Kansas 66202

Re: Removal of Planters on Hodges at
61st Terrace, 62nd Street and 62nd Terrace

This letter is in response to a flyer found attached to my mail box (copy enclosed). This document states half-truths and only opinions of the writer, Susie Genova, as listed below:

- **For nearly half a century our neighborhood has been secured by some form of barriers**

Security was not the original reason for the installation of metal and wood barriers. These were installed to keep heavy equipment away from residential streets when Lido Villas was being constructed. The barriers were to be removed upon completion of the Lido Villas Project and anticipated building of single family residences along Hodges, which construction was completed in 1979. The reference to a half century is a little broad. However, the barriers were not removed and were replaced with the present planters. The City was to plant flowers and maintain the planters which was done initially but not for long. The flowers soon died from lack of care and then some really ugly bushes were planted.

- Suddenly the City of Mission wants to open our streets.

This is not a sudden decision. The letter to Residents and Property Owners dated August 15, 2018, set out the original reason for the placement of the barriers and that these planters have been a City concern for a number of years.

- [City of Mission wants to] open our streets ... to heavier traffic

There possibly may be a slight increase in traffic on Hodges as result of removal of the planters. Egress to Shawnee Mission Parkway and access at the juncture of Shawnee Mission Parkway and Hodges is Eastbound only unless, of course, every resident on the three streets involved would all want to go east from Hodges at the same time which is improbable. Certainly traffic will not increase on the three other streets involved. Traffic from the West on Shawnee Mission Parkway onto Hodges could increase; however Nall Avenue is a main exit going south. Again it would be the residents on the three other streets involved. Again, it would take all residents in the affected area

wanting to exit from the West onto Hodges from Shawnee Mission Parkway at the same time. Not likely.

- [City of Mission wants to] open our streets ... to a higher potential for crime

I have been unable to ascertain the basis which might lead to this amazing pronouncement

- [City of Mission wants to] open our streets ... and lower property value

In a telephone conversation with the Johnson County Appraiser regarding this pronouncement I was advised that closed or open streets at the end of 61st Terrace, 62nd Street and 62nd Terrace are not a factor in determining property values.

In conclusion, from reading "Keep Our "Streets Safe" that this is a self-serving attempt to maintain the status quo for the benefit of one person with no consideration for the other residents of this area. The Internet indicates that this property has an estimated value of \$365,000 to \$404,200 which is 102.10% greater than the median listing price of \$200,000 for the Mission Area. The Kansas Secretary of State Records list Fast Lane Speed & Rod Shop at the same address of residence 6130 Hodges, Mission, Kansas owned and operated at that location by Jack Genova. Jack Genova is the owner of both the residence and business.

I have no idea how effective this flier will be for support of Ms. Genova's position concerning the planters. I hope that the responsible parties making a determination of this matter will take into account that this information distributed to residents has no basis in fact. Any such supporting statements should be disregarded since said support has been based on someone else's opinion and not on fact.

Thank you for your attention to this matter.

Very truly yours,


Joan Taylor

KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

We cannot let that happen.

Please take a moment to sign the petition below and return to me, Susie Genova, at 6130 Hodges in the bin on my front porch. Or phone/text me at 913-575-7311 and I will be happy to come pick it up. Thank you!



I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date _____

signature _____

full name printed _____

street address _____

Mission, Kansas 66205

I own the home

I rent the home

contact information/optional _____

spouse or co-owner living in the home _____

signature _____

full name printed _____

contact information/optional _____

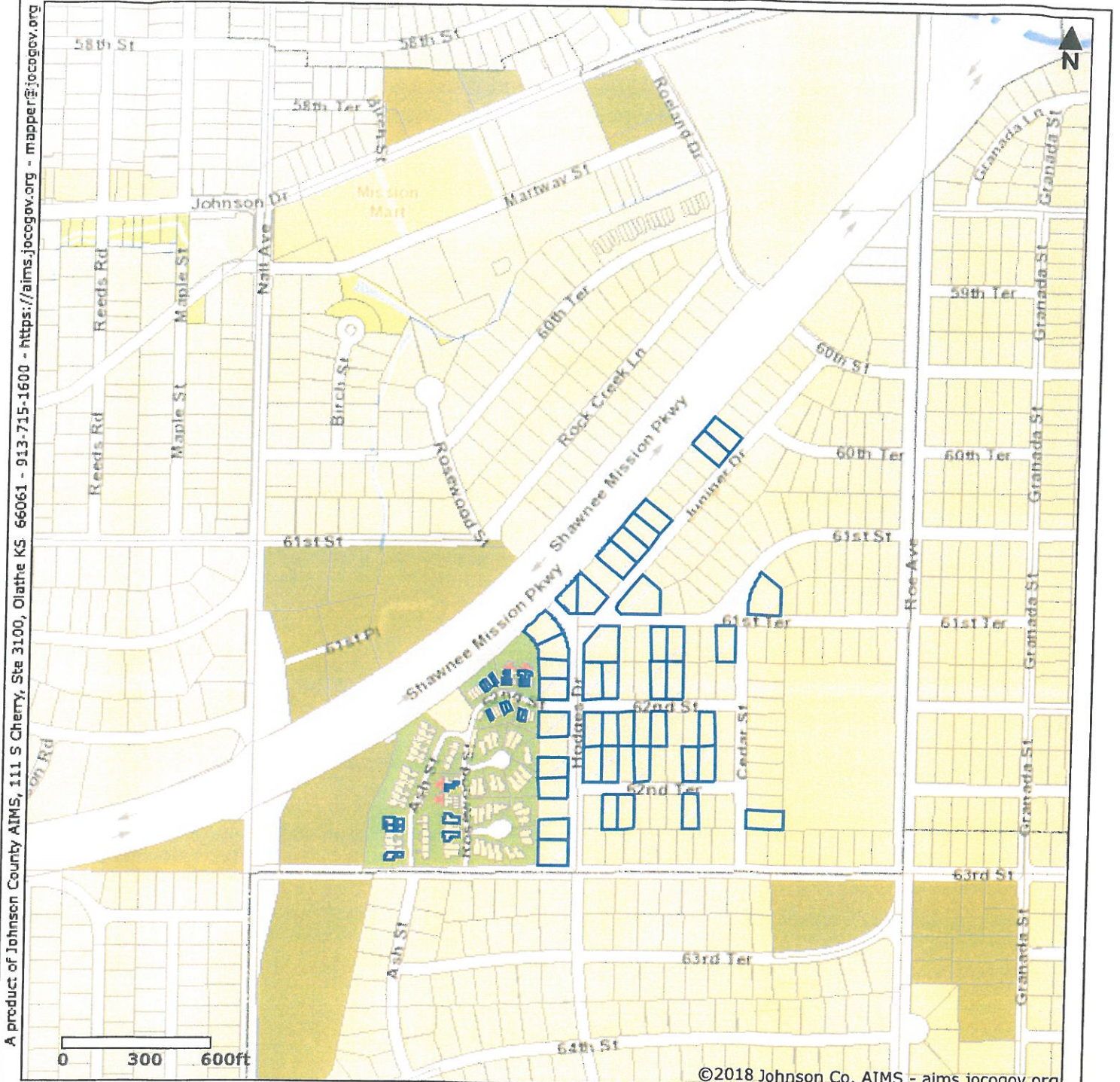
Anything you would like to say to the city council and mayor—please use the back of this sheet.



Mr. Mayor

11.6.18

These signed statements and personal comments are from those impacted when the idea of turning our quiet streets into thoroughfares is entertained. Please read and share with Council. The disregard for our area, our thoughts, and homes is disconcerting. The lack of pride in leaving this mess - half a year in puzzling, disappointing, aggravating, and frankly, embarrassing. Please get this resolved, get the repair done, and start maintaining the planters as was agreed upon. On behalf of my neighborhood, thank you
Susie Johnson



Johnson Co AIMS Map

LEGEND

- Address Point
- Building/Structure
- Property
 - Untaxed
 - Common Interest
 - Vertical
 - Platted
 - Unplatted
 - Right-of-way
 - Mineral Rights
 - Leased Land



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First	Last	Spouse name, if different	Street No.	Street	Email	Phone	Own	Rent
Robin & David	Hagedorn		6240	Ash St.		913-362-1247	X	
Jack	Fields		6242	Ash St.	jtfields@swbell.net		X	
Christy	Staats		6250	Ash St.				X
Ruth	Saragusa		6233	Cedar St.			X	
Shelley	Meyers	Royce Drake	6129	Hodges Dr.	smeyers3825@gmail.com		X	
Susan & Jack	Genova		6130	Hodges Dr.			X	
Brandon & Brenna	Winn		6140	Hodges Dr.		913-575-4412	X	
Steven & Jennifer	Helvey		6150	Hodges Dr.			X	
Cindy & Adam	Nigg		6200	Hodges Dr.			X	
Denise & Al	DeMarteau		6204	Hodges Dr.			X	
Tamas	Kapros		6210	Hodges Dr.			X	
Kelly & Kathleen	Pinkham		6212	Hodges Dr.	pinkhamk@umkc.edu	816-536-6885	X	
Robert	Geise		6028	Juniper Drive			X	
Won & Jung	Kim		6030	Juniper Drive		816-519-8488	X	
Mark	Churchill		6044	Juniper Drive	churcs1967@yahoo.com		X	
James	Schlight		6046	Juniper Drive		913-645-8494	X	
Carolyn	Cave		6048	Juniper Drive	cookie_cave@yahoo.com			X
Shana	Gadt		6050	Juniper Drive			X	
John & Kimberly	Mitchell		6059	Juniper Drive	macbeth.kc@att.net		X	
Helen	Borgmier		6234	Rosewood St.			X	
Joan	Pils		6252	Rosewood St.			X	
Charles	Schwall		6256	Rosewood St.			X	
Wade & Angela	Lewis		4742	W. 61st Terr.	jlewis.ma@gmail.com			X
Rebecca	Downey		4801	W. 61st Terr.				X
Joanne & Ron	Stang		4845	W. 61st Terr.			X	
Fred & Norma	Castellaneta		4821	W. 61st Terr.		913-722-3565	X	
Robert & Carol	Pinnick		4827	W. 61st Terr.			X	
Deidrae	Smith		4807	W. 62nd St.				X
Alicia	Sherman	Eisman, Ben	4816	W. 62nd St.				X
Kristen & Michael	Chouinard		4822	W. 62nd St.			X	
Kyle Lyn	Chamberlin		4822	W. 62nd St.			X	
Sarah	White		4823	W. 62nd St.			X	
Andrew	Barber		4835	W. 62nd St.	andrewlakebarber@gmail.com		X	
Sara & James	Newell		4840	W. 62nd St.	snewell3j@gmail.com	913-244-0792	X	
Marlio	Avalos		4841	W. 62nd St.		913-742-0525	X	
Robert & Angie	Taylor		4845	W. 62nd St.			X	
Karen	Cook		5102	W. 62nd St.			X	
Michelle	Buchanan		5104	W. 62nd St.	michellebuchanan0129@gmail.com		X	
Patricia	Eccles		5105	W. 62nd St.	ecclepatricia@gmail.com	913-216-1808	X	
J.C.	DeGrado		5109	W. 62nd St.			X	
Jialiang	Guo		5111	W. 62nd St.			X	
Joe	Haas		5118	W. 62nd St.			X	
Yvonne & Michael	Figueroa		5119	W. 62nd St.	vonne6963@gmail.com		X	
Tracy	Stotts		5120	W. 62nd St.			X	
Kirk	Lawthers		5124	W. 62nd St.		913-620-7960	X	
Mary Ann	Muehlebach		5126	W. 62nd St.			X	
Virginia (Jean)	Rau		5114	W. 62nd St.	rauvirginia@gmail.com		X	
Betty	Bevan		4810	W. 62nd Terr			X	
Erin	Rivers		4844	W. 62nd Terr	e.rivers@att.net		X	
Louss	Alos		4806	W. 62nd Terr.		256-975-0154	X	
Amber & Javier	Vigil		4811	W. 62nd Terr.		913-609-7644	X	
Amanda	Williams		4828	W. 62nd Terr.		763-486-6416		X
Lauryn	Baron	Jared Culkin	4835	W. 62nd Terr.	lauryn_baron@yahoo.com	603-477-8099	X	
April	Cremer		4840	W. 62nd Terr.		913-634-5169	X	
Mary Anne	McGannon		4841	W. 62nd Terr.	mmcgannon1@gmail.com		X	
Ryan	Leis		5107	W. 62nd St.			X	
Christopher & Irene	Ward		5100	W. 63rd St.		507-226-4642	X	


KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

We cannot let that happen.

Please take a moment to sign the petition below and return to me, Susie Genova, at 6130 Hodges in the bin on my front porch. Or phone/text me at 913-575-7311 and I will be happy to come pick it up. Thank you!

 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9-15-18

April Cremer

signature

April Cremer

full name printed

4840 W 62nd Terrace

street address

Mission, Kansas 66205

I own the home

I rent the home

913-634-5169 (cell)

contact information/optional


N/A

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet 

Safe - as a resident of 62nd
Terrace for almost 10 years,
the barricades have made me,
as a single resident, feel safe.
They were a major "win factor"
for me when I bought my house.
Our neighborhood knows when some-
one is not supposed to be on our
street. We watch out for each other.

On my side of the street, ~~6/9~~ 6/9
residents are single women. The other
side has at least 2 single women, and
2 single men. We are a close knit neighborhood

with Facebook connections + text chains that
notice little things. The removal of the

barricades would decrease our safety net +
home value. I love my neighborhood +
the planters play a huge part in

that. Please consider my voice + safety
in your decision - April Kerner


KEEP OUR STREETS SAFE!

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For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

We cannot let that happen.

Please take a moment to sign the petition below and return to me, Susie Genova, at 6130 Hodges in the bin on my front porch. Or phone/text me at 913-575-7311 and I will be happy to come pick it up. Thank you!

 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9-18-18

Robert Pinnick
signature

ROBERT PINNICK
full name printed

4827 W 61 TERR Mission, Kansas 66205
street address

I own the home

I rent the home


contact information/optional

CAROL PINNICK
spouse or co-owner living in the home

Carol Pinnick
signature

CAROL PINNICK
full name printed

913-236-9473
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 

WHEN WE BOUGHT OUR HOUSE THE HODGES
STREET WAS NOT BUILT. THERE WAS NEVER
A THROUGH STREET.

WHEN HODGES WAS BUILT WE ASK FOR
OUR STREET TO BE CLOSED OFF DUE TO
TRAFFIC CONCERNS. THIS MADE IT THE
SAME AS IT ALWAYS WAS.

WE HAVE BEEN HERE FOR 47+ YEARS
AND DO NOT WANT IT CHANGED

THIS IS OUR NEIGHBORHOOD NOT
THE PEOPLE WHO WANT TO CHANGE IT.


KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

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date 9/15/2018

Fred F. Castellaneta

signature

FRED F CASTELLANETA

full name printed

4821 W 61ST TERRACE

street address

Mission, Kansas 66205

I own the home

I rent the home

913-722-3565

contact information/optional

NORMA CASTELLANETA

spouse or co-owner living in the home

Norma Castellaneta

signature

NORMA CASTELLANETA

full name printed

SAME

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.



By removing the planters, the traffic on our relatively quiet street will become very busy and very unsafe especially for children. This would be a strong reason for us to re-locate.

Fred C

Our street 61st Terrace turns directly off Shawnee Mission Parkway. Our street will become a H.V. $\frac{1}{2}$ block East of us is a stop sign which is constantly being run thru. Police are forever sitting there giving tickets. After 44 yrs in this house at 82 yrs old we will probably be forced to move. The worse part will be the loud noise. Please do not do this.

Norma Castellano

KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

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date Sept 15, 2018

Patricia Eccles

signature

Patricia Eccles

full name printed

5105th W. 62nd St

street address

Mission, Kansas 66205

I own the home

I rent the home

913-216-1808, ecclespatricia@gmail.com

contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor--please use the back of this sheet



I've lived at my residence for 27 years. During all those years 62nd Street has been a quiet, peaceful residential street in the city of Mission. There is no reason to remove the planters on Hodges. They add to the attractiveness of our neighborhood and the lower flow of traffic makes the streets safer.


KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9-15-18

Shelley K Meyers
signature

Shelley K Meyers
full name printed

6129 Hodges Drive Mission, Kansas 66205
street address

I own the home

I rent the home


smeyers3825@gmail.com
contact information/optional

Royce Drake
spouse or co-owner living in the home

Royce Drake
signature

Royce A Drake
full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 

Please repair the planter
that is damaged.

We are expected to maintain
our homes / premises, the
City needs to do the same


KEEP OUR STREETS SAFE!

Dear Neighbor,

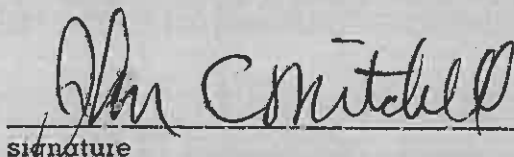
For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date Sept 25, 2018


signature

John C. Mitchell
full name printed

6059 Juniper Dr.
street address

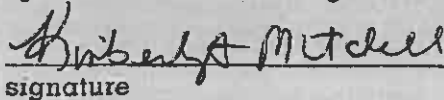
Mission, Kansas 66205

I own the home

I rent the home

macheth.kc@att.net
contact information/optional

Kimberly Mitchell
spouse or co-owner living in the home


signature

Kimberly A. Mitchell
full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.



Specifically regarding the intersection of Meyer/Juniper Drive

Our #1 concern with the prospect of opening this intersection is that drivers will use Juniper Drive as an alternate to Shawnee Mission Parkway. We feel that our neighborhood is quiet and safe. We would like to keep it that way. We support keeping the intersection closed and bringing it up to code. Thank you for your consideration.

John Mitchell


KEEP OUR STREETS SAFE!

Dear Neighbor,

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date 9-15-18

Mary Anne McGannon
signature

Mary Anne McGannon
full name printed

4841 W. 62nd Terr. Mission, Kansas 66205
street address

I own the home

I rent the home


M McGannon 1@gmail.com
contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 

I moved into my house Sept. 1999. When I moved in
they had metal barricades. Then the planters went
in. I DO NOT want it to be a cut through street!
It will also decrease my property value! Who wants that?
Please keep the PLANTERS!

Thank-you!
i


KEEP OUR STREETS SAFE!

Dear Neighbor,

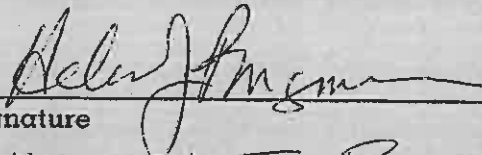
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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9-17-18



signature

HELEN J. BORGHER

full name printed

6234 ROSEWOOD

street address

Mission, Kansas 66205

I own the home

I rent the home

contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.



- 1) Streets + curbs are in dire need of replacement.
- 2) Barriers are an attractive addition to the area.
- 3) Too much traffic on Hodges!

The City of Mission followed the will of its people
when they built those barriers. We must show
them there to keep our neighborhood safe in
these perilous times. Why would you
possibly want to remove them now ???

KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

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* I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 09/18/18

Chris Ward

signature

Christopher J. Ward

full name printed

5100 W 60rd Street

street address

Mission, Kansas 66205

I own the home

I rent the home

contact information/optional

507 226 -4662

spouse or co-owner living in the home

Chris Ward

signature

Chris Ward

- spouse

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.



Let's be conservative here, The blocks were put in for a reason and they were an expensive undertaking. If you remove them there will be more speeding & some kid will get killed. Therefore leave them in place.

We live on the corner of 63rd Street and Hodges. Due to the heavy traffic on 63rd Street (and the fact that the sidewalk panels on 63rd are very uneven) our children can only bike / scoot on Hodges. There is no sidewalk between 63rd Street and Shawnee Mission Parkway but the traffic volume is usually low and it feels fairly safe. Taking off the barriers would - over time - increase through traffic to and from the busy highway significantly and endanger our neighborhood. The barriers may be inconvenient for some but they serve an important purpose.


KEEP OUR STREETS SAFE!

Dear Neighbor,

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date _____

signature

Joan E. Pils

JOAN E. PILS

full name printed

6252 ROSEWOOD

street address

Mission, Kansas 66205

I own the home

I rent the home

contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.



I live on Lido Villas on Rosewood
for 20 years. We had a lot of
traff cutting through before you but
up the planter. After they were
put on, ~~you~~ our neighbor became
very ~~private~~ private and quite. So please
keep the planter there on Hodges.

Joan E Pihl
6252 Rosewood


KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

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date 9/17/2018


signature _____

JACK T. FIELDS

full name printed _____

6242 ASH

street address _____

Mission, Kansas 66205

I own the home

I rent the home

JTFIELDS@SWIBEL.NET

contact information/optional _____

N/A

spouse or co-owner living in the home _____

signature _____

full name printed _____

contact information/optional _____

Anything you would like to say to the city council and mayor—please use the back of this sheet.



WHY - CHANGE? WHAT
ARE YOU ✓ REASONS —

—THANKS

—JACK FIELDS


KEEP OUR STREETS SAFE!

Dear Neighbor,

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date 9/16/18

Cindy Nigg
signature

CINDY NIGG
full name printed

10200 Hodges Dr Mission, Kansas 66205
street address

I own the home

I rent the home


contact information/optional

Adam Nigg
spouse or co-owner living in the home

Adam Nigg
signature

ADAM NIGG
full name printed

10200 Hodges Dr
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 

- Our 3 + 5 yr old ride their bikes on these streets.

The planters help keep the traffic low + slow. We also appreciate the reduced traffic since there are no sidewalks on any of these streets. It makes it safe for our kids to walk to school. However, if you choose to remove them, I request that you add some speed humps to Hodges to slow down the traffic.

KEEP OUR STREETS SAFE!

Dear Neighbor,

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date 9/15/18

signature

full name printed

street address

Mission, Kansas 66205

I own the home

I rent the home

contact information/optional

Jared Culkin

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. *

I, Jared Culkin, have a lot to say. I shared my opinions, facts, and thoughts w/ John Belger and will forward my email to them.


KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9-15-18

Sara M Newell
signature

SARA M NEWELL
full name printed

4840 W 62nd ST Mission, Kansas 66205
street address

I own the home

I rent the home

snewell8je@gmail.com 913-244-0792
contact information/optional

James David Newell
spouse or co-owner living in the home

James David Newell
signature
full name printed

mr_newell5001@yahoo.com 913 375 0592
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 

The planter boxes were a selling point when we purchased our home 11 years ago.

We have an 11, 8, and 6 year old who walk/ride bikes daily to Highlands Elementary. There are no sidewalks on our street or the 1.5 miles of street in the neighborhood. My 11 year old walks home from school, with our 11 year old neighbor every day by themselves. There is minimal traffic today and no sidewalk for them to walk on.

Removing the planters opens all of the neighborhoods to increased traffic without providing alternatives to the kids going to and from school. This creates a serious safety issue, even with an adult present.

In over 40 years the city has not done anything for alternative safety measures. I am curious to know what studies have been done to determine increased traffic flow with removal of the planters. I am also curious how many times emergency services were unable to get where they needed to go, and what was the time delay.

The planters need to stay to keep the neighborhoods and kids and all pedestrians safe.

SN


KEEP OUR STREETS SAFE!

Dear Neighbor,

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date 9/19/18

Kirk Lawthers
signature

Kirk Lawthers
full name printed

5124 W. 62nd Street Mission, Kansas 66205
street address

I own the home

I rent the home

Cell phone 913-620-7960
contact information/optional

None
spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.



I am a resident of Lido Villas II - townhouses that back up to this area.

Mrs. Genova has taken it upon herself to plant flowers and keep up these planters for years on her own budget.

Several months ago I noticed one of the planters was damaged, I was told by neighbors that a car was speeding on the other side of the planter and ran into it.

Our complex has a lot of elderly owners and it's a beautiful, quiet area. We don't need people speeding through especially with the winding roads. I appreciate Mrs. Genova for trying to make our neighborhood safer.

KEEP OUR STREETS SAFE!

Dear Neighbor,

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JOE HAAS
2 Joe Haas

date

9/15/18

signature

JOE HAAS

full name printed

street address

518 W 62nd St

Mission, Kansas 66205

I own the home

I rent the home

contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.



I am totally opposed to
have the Highway open
to heavy traffic

J. J. Hoss


KEEP OUR STREETS SAFE!

Dear Neighbor,

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date 9-15-18

Denise DesMarteau
signature

Denise DesMarteau
full name printed

6204 Holze Dr
street address

Mission, Kansas 66205

I own the home

I rent the home


contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

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date 9-15-18

Al Des Marteau
signature

Al Des Marteau
full name printed

6204 Hodges Dr Mission, Kansas 66205
street address

I own the home

I rent the home

contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.



KEEP OUR STREETS SAFE!

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date Sept. 16, 2018

Carolyn A. Cave
signature

Carolyn A. Cave
full name printed

6048 Juniper Drive Mission, Kansas 66205
street address

I own the home

I rent the home

cookie_cave@yahoo.com
contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Thank you for doing this!

Anything you would like to say to the city council and mayor—please use the back of this sheet.



KEEP OUR STREETS SAFE!


Dear Neighbor,

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Thank you Susie!

 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9-15-18

Shana J. Gadt

signature

Shana Gadt

full name printed

1050 Juniper Dr

street address

Mission, Kansas 66205

I own the home



I rent the home



contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet




KEEP OUR STREETS SAFE!


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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.


signature

date 9/21/18

Maribel Avalos
full name printed

4841 W 62nd St Mission, Kansas 66205
street address

I own the home I rent the home


913 7420825
contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 

KEEP OUR STREETS SAFE!

Dear Neighbor,

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date 09-15-2018

A Michelle Buchanan
signature

A Michelle Buchanan
full name printed

5104 W 62nd Mission, Kansas 66205
street address

I own the home

I rent the home

michellebuchanon2129@gmail.com
contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.


KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

We cannot let that happen.

Please take a moment to sign the petition below and return to me, Susie Genova, at 6130 Hodges in the bin on my front porch. Or phone/text me at 913-575-7311 and I will be happy to come pick it up. Thank you!

 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9.17.18

Charles S. Schwall
signature

Charles Schwall
full name printed

6256 Rosewood St Mission, Kansas 66205
street address

I own the home

I rent the home

contact information/optional

Jill Downen-Schwall
spouse or co-owner living in the home

Jill Downen-Schwall 9.18.18
signature

Jill Downen-Schwall
full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

signature Angie & Robert Taylor date 9-16-18
full name printed Robert & Angie Taylor
street address 4845 W. Grand St Mission, Kansas 66205

I own the home I rent the home

contact information/optional
spouse or co-owner living in the home Robert Taylor
signature [Signature]
full name printed Robert Taylor
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

signature *Kristen Rock Chouinard* date 9/15/2018

full name printed KRISTEN ROCK CHOUINARD

street address 4022 West Wind Terr. Mission, Kansas 66205

I own the home I rent the home


contact information/optional

spouse or co-owner living in the home MICHAEL CHOUINARD: HUSBAND

signature *Michael David Chouinard*

full name printed MICHAEL DAVID CHOUINARD

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 

KEEP OUR STREETS SAFE!

Dear Neighbor,

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✿ I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date Sept 16 2018

signature

Wade J. Lewis

full name printed

47412 W 61st Ter

street address

Mission, Kansas 66205

I own the home

I rent the home

jlewis.ma@gmail.com

contact information/optional

Angelia Lewis

spouse or co-owner living in the home

Angelia Lewis

signature

Angelia L. Lewis

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.




KEEP OUR STREETS SAFE!

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date

9/19/78

signature

Steven T. Helvey

full name printed

6150 Hodges Dr

street address

Mission, Kansas 66205

I own the home

I rent the home

contact information/optional

Jennifer Helvey

spouse or co-owner living in the home

signature

Jennifer Helvey

full name printed

Jennifer Helvey

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.




KEEP OUR STREETS SAFE!

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date

9/19/18

Christy Staats

signature

Christy Staats

full name printed

6250 Ash Street

street address

Mission, Kansas 66205

I own the home

I rent the home

contact information/optional

N/A

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.




KEEP OUR STREETS SAFE!

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date Sept. 18, 2018

Yvonne Figueroa
signature

Yvonne M. Figueroa
full name printed

5119 W. 62nd St. Mission, Kansas 66205
street address

I own the home

I rent the home


Donne6963@gmail.com
contact information/optional

Michael Figueroa
spouse or co-owner living in the home

Michael Figueroa
signature

Michael Steven Figueroa
full name printed

Putter69mf@gmail.com
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 

KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

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* I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 09/18/18

signature James J. Schlicht

full name printed JAMES J. SCHLICHT

street address 6046 JUNIPER DR. Mission, Kansas 66205

I own the home

I rent the home

contact information/optional CELL # (913) 645-8494

spouse or co-owner living in the home N/A

signature James J. Schlicht

full name printed JAMES J. SCHLICHT

contact information/optional CELL # (913) 645-8494

Anything you would like to say to the city council and mayor—please use the back of this sheet.



KEEP OUR STREETS SAFE!

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date 9/15/18

Andrew Barber
signature

ANDREW BARBER
full name printed

4835 W. 62ND ST. Mission, Kansas 66205
street address

I own the home

I rent the home

ANDREWLAKEBARBER@GMAIL.COM
contact information/optional

N/A
spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. *


KEEP OUR STREETS SAFE!

Dear Neighbor,

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date 9/19/18

Sarah White
signature

Sarah White
full name printed

4823 W. 62nd St. Mission, Kansas 66205
street address

I own the home I rent the home


contact information/optional

Jason White
spouse or co-owner living in the home

Jason White
signature

Jason White
full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

Dear Neighbor,

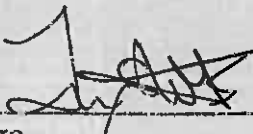
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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9/19/18


signature

Tracy Stotts
full name printed

5120 W. 62nd St. Mission, Kansas 66205
street address

I own the home I rent the home


contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

Dear Neighbor,

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signature Robin A Hagedorn date 9/23/18

full name printed ROBIN A HAGEDORN

street address 6240 Ash St Mission, Kansas 66205

I own the home I rent the home


contact information/optional 913 361-1247

spouse or co-owner living in the home DAVID F HAGEDORN

signature David F. Hagedorn

full name printed DAVID F HAGEDORN

contact information/optional (Same as above)

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

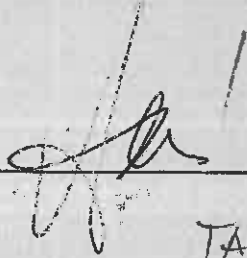
We cannot let that happen.

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 5/19/18

signature



TAMAS KAPROS

full name printed

6210 Hodges Dr Mission, Kansas 66205

street address

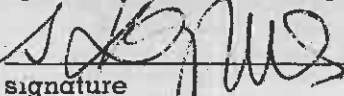
I own the home

I rent the home

contact information/optional

Ildiko Kapros

spouse or co-owner living in the home



signature

ILDIKO KAPROS

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 

KEEP OUR STREETS SAFE!

Dear Neighbor,

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Please take a moment to sign the petition below and return to me, Susie Genova, 6212 Hodges in the bin on my front porch. Or phone/text me at 913-575-7311. I will be happy to come pick it up. Thank you!

I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9/15/2018

[Signature]

Name printed KELLY J PINKHAM

Address 6212 HODGES ORVIE Mission, Kansas 66205

Phone 536.6885 / PINKHAM I own the home I rent the home
Email PINKHAM@UMKC.EDU

Name KATHLEEN M. PINKHAM (YES)
I am a co-owner living in the home

[Signature]

Name printed KATHLEEN M. PINKHAM

Phone 587.2082

Information/optional

If you would like to say to the city council and mayor—please use the back of this sheet.




KEEP OUR STREETS SAFE!

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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened. !

date 9-17-18

Mary Ann Muehlebach
signature

Mary ANN Muehlebach
full name printed

5126 W 62 St Mission, Kansas 66205
street address

I own the home

I rent the home


contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

Dear Neighbor,

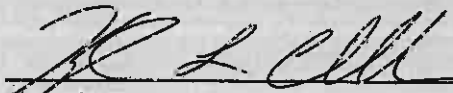
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date 9/15/18


signature

Kyle Lyn Chamberlin
full name printed

4822 W. 62nd ST Mission, Kansas 66205
street address

I own the home

I rent the home


contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

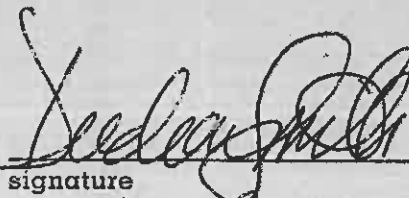
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signature

date 9/16/18

Deidrae Smith

full name printed

4807 W. 162nd Terrace

street address

Mission, Kansas 66205

I own the home

I rent the home
(several years)

contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

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signature J.C. De Grado date 9/15/18

full name printed J.C. DEGRADO

street address 5109 W. 62nd St. Mission, Kansas 66205

I own the home

I rent the home


contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet 


KEEP OUR STREETS SAFE!

Dear Neighbor,

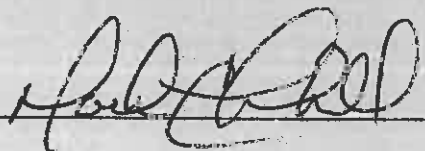
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date 9/15/18


signature

MARK CHURCHILL
full name printed

6044 JUNIPER DR Mission, Kansas 66205
street address

I own the home I rent the home


chunes1967@yahoo.com
contact information/optional

NA
spouse or co-owner living in the home

NA
signature

NA
full name printed

NA
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


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date 09/15/2018

Won I. KIM
signature

WON I. KIM / JUNG J. KIM
full name printed

6030 JUNIPER DR. Mission, Kansas 66205
street address


I own the home I rent the home
(816) 519-2422
contact information/optional

JUNG J. KIM
spouse or co-owner living in the home

Jung J. KIM
signature

JUNG J. KIM
full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


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 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9/21/18

Joanne Stang
signature

JOANNE STANG
full name printed

4845 W 61 Terr Mission, Kansas 66205
street address

I own the home I rent the home

contact information/optional

Ronald STANG
spouse or co-owner living in the home

X Ron Stang
signature

Ronald STANG
full name printed

contact information/optional

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date 9-14-18

Betty Bowen

signature

Betty Bowen

full name printed

4810 W. 62nd TERR

street address

Mission, Kansas 66205

I own the home

I rent the home

_____ contact information/optional

_____ spouse or co-owner living in the home

_____ signature

_____ full name printed

_____ contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet 


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date 9/15/13

Erin A Rivers
signature

Erin Rivers
full name printed

4844 W 62nd Terr Mission, Kansas 66205
street address

I own the home

I rent the home


e.rivers@att.net
contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

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date 09/15/2018

A Williams
signature

Amanda Williams
full name printed

4828 W 62nd Terrace Mission, Kansas 66205
street address

I own the home

I rent the home


(763) 486-6416
contact information/optional

Devin Abel
spouse or co-owner living in the home

[Signature]
signature

Devin Abel
full name printed

612-325-0556
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

Dear Neighbor,

For nearly half a century, our neighborhood has been secured by some form of barriers along Hodges. Suddenly, the city of Mission wants to open our streets—open them up to heavier traffic, a higher potential for crime, and a lower property value for you.

We cannot let that happen.

Please take a moment to sign the petition below and return to me, Susie Genova, at 6130 Hodges in the bin on my front porch. Or phone/text me at 913-575-7311 and I will be happy to come pick it up. Thank you!

 I am a resident of Mission. I live on a street benefiting from the planters on Hodges. I do not want the planters removed. I do not want the streets opened.

date 9.15.18

Amber Vigil
signature

Amber Vigil
full name printed

4811 W 62nd Terrace Mission, Kansas 66205
street address

I own the home I rent the home


913.609.7644
contact information/optional

Javier Vigil
spouse or co-owner living in the home


signature

Same as above
full name printed

913-219-3098
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


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date 9-15-2018

Susan A. Genova
signature

Susan A. Genova
full name printed

6130 Hodges Mission, Kansas 66205
street address

I own the home I rent the home


contact information/optional

spouse or co-owner living in the home

Jack Genova
signature

JACK GENOVA
full name printed

contact information/optional

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date 09/17/18

Ruth A. Saragusa
signature

RUTH A. SARAGUSA
full name printed

6233 CEDAR ST.
street address

Mission, Kansas 66205

I own the home

I rent the home

contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

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date 9/16/2018

Jiahang Guo
signature

Jiahang Guo
full name printed

5111 west 62nd street Mission, Kansas 66205
street address

I own the home I rent the home


contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

Dear Neighbor,

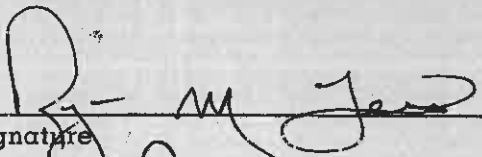
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date 9/15/18


signature

RYAN M. LEIS
full name printed

5107 W 62ND ST Mission, Kansas 66205
street address

I own the home I rent the home


contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

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date 09/15/18

signature

LOUIS ALON

full name printed

48006 ~~62nd~~ 62nd Terrace

street address

Mission, Kansas 66205

I own the home

I rent the home

256-975-0154

contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet.




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Dear Neighbor,

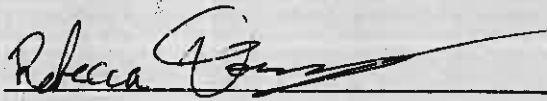
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date 9/15/18



signature

Rebecca Downey

full name printed

4801 W 61st Terr

street address

Mission, Kansas 66205

I own the home

I rent the home


contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

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date Oct 4, 2018

Robert M. Geise

signature

Robert M. Geise

full name printed

16028 Juniper Drive

street address

Mission, Kansas 66205

I own the home

I rent the home


contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

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Dear Neighbor,

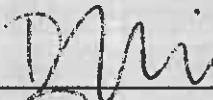
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date 9/19/18


signature

Brandon + Brenna Winn
full name printed

6140 Hodges Dr. Mission, Kansas 66205
street address


Brandon Winn I own the home I rent the home
913-575-4412
contact information/optional

Brenna Winn
spouse or co-owner living in the home


signature

Brenna Winn
full name printed

913-645-9039
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


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date 9/24/18

Karen Cook
signature

Karen Cook
full name printed

5102 W 62 St Mission, Kansas 66205
street address

I own the home

I rent the home

contact information/optional

spouse or co-owner living in the home

signature

full name printed

contact information/optional

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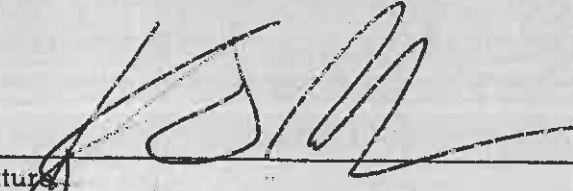
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date 9/15/2018

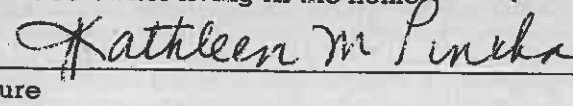
X 
signature

KELLY J PINKHAM
full name printed

6212 HODGES DRIVE Mission, Kansas 66205
street address


I own the home I rent the home
816.536.6885 / PINKHAMK@UMKC.EDU
contact information/optional

KATHLEEN M. PINKHAM (YES)
spouse or co-owner living in the home

X 
signature

KATHLEEN M. PINKHAM
full name printed

816.587.2082
contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet. 


KEEP OUR STREETS SAFE!

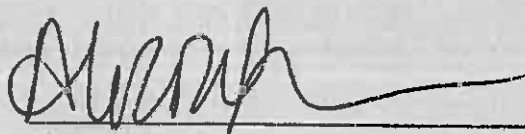
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date 9/15/18

signature

Alicia Sherman

full name printed

4816 W. 12nd St.

street address

Mission, Kansas 66205

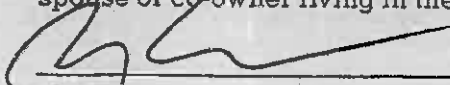
I own the home

I rent the home

contact information/optional

Ben Eisman - spouse


spouse or co-owner living in the home



signature

full name printed

contact information/optional

Anything you would like to say to the city council and mayor—please use the back of this sheet 

Hodges Planters Comments		
Name/Email	Address	Comments
		<p>I would like to see the city proceed with removing the planters along Hodges Dr and then replacing them with speed bumps and stop signs.</p> <p>In fact, it would be good to install several speed bumps at multiple points along 61st St as it connects directly from Roe to Hodges and SM Prkwy. Juniper is a bit less direct access from Roe to SM Prkwy. I know neighbors on 61 Terr, as well, who have discussed a need for speed deterrents for many years, as its just a temptingly long stretch of road.</p> <p>Having lived on Juniper Dr 62 years, I remember the seemingly sudden installation of the planters, cutting off direct access to Hodges, not long after that access was created. The area to the west had been what we kids called "the woods" and then the new, larger, more modern homes began to go up. When the planters "disconnected" the traffic access from our smaller, older homes to the new subdivision I felt strongly those planters represented a purposeful demarcation between the two neighborhoods, to shield the higher home values to the west. In fact, I recall a canvasser working the neighborhood with a protest petition, objecting to just exactly that seeming perception being created.</p> <p>What I do not recall is a traffic volume issue...either speed or numbers. But I was in school or working, etc, so I was not at the house except at night. The only "incident" I recall involving a vehicle was in the 80s when a neighborhood kid, in his "One Bad 55" (vanity plate), plowed the front lawns of the homes at the crest of Juniper hill.</p> <p>Several drivers (neighbors) frequently speed up & down Juniper in any case, as I'm sure they do on 61st St & Terr. Any longish road is a tempting opportunity.</p> <p>The planters are ugly barriers which imply a division of neighbors. Use speed bumps. They are less obtrusive, leave the roadways available to emergency vehicles. They may not stop a speeding car as effectively, but the damage sustained can be significant. Especially if theres a series placed along the most direct routes.</p>
Kathy Boutros kdboutros@sbcglobal.net	6031 Juniper Dr	
Richard Leaf Richard.Leaf@cerner.com	4817 W 62nd Terr	<p>I received the letter from the City of Mission today about the discussion item on removing the planters along Hodges. As a homeowner on one of the affected streets, I would very much like to provide my thoughts on this matter. I assume the public has an opportunity to provide feedback in these forums? If you could supply some details on meeting time and location I would appreciate it.</p>
		<p>Thank you for you recent letter regarding the damaged planter/DEAD END barrier adjacent to our property at 6056 Juniper Drive. We have been wondering what happened to the planters and when they would be repaired. This is the first communication we have received from the City of Mission on this matter.</p> <p>Will there be any time during the Sept 5, 2018 meeting for PUBLIC Comment?</p> <p>I can appreciate the City being concerned about safety issues relating to Fire and Police response in case of an Emergency. Juniper Drive and Hodges gets a lot of traffic and frankly the DEAD END does not have the proper signage which creates confusion by the driving public. Every weekend while working outside we see many cars driving too fast and stopping short of the planters. There is only one faded and dented Dead End sign on a distant light pole that looks 30years old.</p> <p>The planters don't have any signs saying "No OUTLET" or a guard rail of some kind.</p> <p>I agree something needs be changed but our property value could be impacted by opening up Juniper Drive and Hodges to all traffic. We bought this particular property because of the Dead End configuration. Last weekend when Roeland Dr. was blocked off due to needed road/median repairs all traffic was diverted down Juniper Drive and we had an all day all night stream of traffic down our street. Every single car almost drove into the planters that weekend because of the lack of proper signage like DETOUR signs.</p> <p>As for the other two streets 62nd and 62nd Terr. I do agree Fire trucks ,snowplows and weekly trash trucks have difficult time navigating the Dead Ends. There should be public input on the elimination of the planters.</p>
Melanie Monson and Family	6056 Juniper Dr	I look forward to working with you on a solution to this issue.
		<p>I'm writing in reference to the August 13th letter regarding the proposed removal of the planters on Hodges Drive at 61st Terrace, 62nd Street, and 62nd Terrace.</p> <p>In preparation for the September meeting I would like to ask the Community Development Committee to prepare a plan to address the complete lack of pedestrian amenities in the area east of and including Hodges Drive. It must be noted that the stated area all the way east to Highlands Elementary does not currently include a single sidewalk. I feel it's necessary to call this to attention as the proposed removal of the planters will create a thoroughfare from Shawnee Mission Parkway for drivers who will most certainly use the access to bypass the stoplight at Roe Avenue.</p> <p>I write you as a parent of two young children that live directly across from one of these planters. There are actually ten children between four different homes that are of elementary age living within 50 feet of the northern-most planter. The children utilize this neighborhood to walk and ride their bicycles to and from Highlands Elementary. Our concern is that the removal of these planters without an alternative plan to make the area friendlier to pedestrians or to slow the flow of traffic will result in a significantly higher risk of injury. We wish to hear an explanation of how that risk is a justifiable trade-off for municipal convenience.</p>
Brandon & Brenna Winn brandon.winn1@gmail.com winn.brenna@gmail.com	6140 Hodges Drive	Thank you for your attention. We look forward to the September 5th meeting.

Hi John,

Which room will the Community Development Meeting be held in? We're planning to bring a lot of people to the meeting so it would be good if it was in one of the larger rooms.

Thanks,

Steve Helvey
shelvey123@gmail.com

6150 Hodges

Steve Helvey - Mission/Hodges resident and lover of the planters that cause low-traffic streets that don't kill small kids on bikes and scooters

We received the notice today of possibly reconnecting three streets back to Hodges by removing the planters. The only planter we are concerned with is 61st Terr. We would be concerned because we would have four access points to check out when backing from our driveway at 4845 W 61st terr. We have lived here over 41 years and have seen all kinds of traffic issues concerning our particular street but are most concerned with our safety and the family and friends that visit our house. The other two planters on 62nd and 62nd Terr are probably unnecessary anymore.

Would love to discuss this with you in person to show you why we are concerned. You can contact us at 913-302-1937.

Joanne and Ron Stang

joanne.stang4845@hotmail.com 4845 W 61st Terr.

Hello, I am reaching out today to request more information on the meeting that is being held on Sept 5th for the planters at the end of our streets. Also, if possible could you please provide me with the fire codes for our city, or a location where I can find that information myself.

Amanda Williams

Thank you very much for your time,

I am looking at the complete fire code you provided a snippet of in your letter to Mission residents regarding the planters along Hodges.

It clearly states this code applies to structures built "hereafter" the code is adapted. And the code was adapted in 2015. It further states there may be instances in which an "approved access road" is not feasible.

I am interested in the cost of removing the planters. Do you know?

Do you know if the DUI suspect who damaged the planter while running from police was ever apprehended? An officer told me the person was not caught during the pursuit but I am wondering if that individual was ever arrested.

Also, can you please provide me with a record of all accidents or emergencies since 1976 that have been caused because the streets are not open?

Susie Genova
susiesnewemail@gmail.com

6130 Hodges

Just wanted to ask you about these items while they were fresh on my mind. I look forward to seeing you at the meeting on September 5 if not before.

My wife and I are thirty-year residents, and home owners, of Mission, Kansas. We reside at 6212 Hodges Dr., Mission KS 66205. We are in receipt of the letter signed by you and Chief Ben Hadley dated August 13, 2018 regarding the planters on Hodges.

The planters are an important feature in the lives of many Mission residents and property owners. It is our concern that all of the affected parties have received your letter, especially considering the relatively short notice about the upcoming meeting that will seek to decide the fate of the planters.

Therefore, may we learn the following please:

(1) Could you please inform us of how many Mission residents and property owners were mailed your notification letter?

(2) Also, more importantly, would you please indicate which blocks of what streets were mailed your letter?

(3) Finally, your letter does not say at what time the Community Development Committee will be meeting on September 5, nor does it state where the meeting is scheduled to take place, nor does it explain how Mission residents may provide input at the meeting. Could you provide that information too please.

Kelly Pinkham
pinkhamk@umkc.edu

6212 Hodges

I was curious on the logistics of the meeting on September 5th. Is it at 6:30 in city hall? If so, what room?

Adam Nigg
adam.nigg@gmail.com

Secondly, is input from the public welcome? How is the final decision ultimately made?

Erin Rivers
erinrivers59@gmail.com

It has come to my attention that the meeting in regards to the planters on Hodges has been moved from September 5 to an unspecified date. Could I be put on the list of those who will be notified when the next scheduled meeting will be?

Mary Anne McGannon
mmcgannon1@gmail.com

I live at 4841 W. 62nd Terrace. I am against the removal of the planters from my street and the streets to the North on Hodges.
4841 W. 62nd Terrace

Daniel J Sumrall
danielsumrall0@gmail.com

4811 W 62nd Street

I've lived in Mission and on 62nd Street for two years now and on a weekly basis I wish those planters would be removed. They are a massive hindrance not only to the residents of the streets on which they are installed, but also to the service vehicles that use our streets. It is a circus act just to have the trash picked up. I also feel there is a real concern should a fire or other emergency occur on one of these streets because I don't see how any emergency vehicle could navigate quickly and effectively. I hope that the Community Development Committee will take this issue up again in the near future and see that these planters are removed.

Ryan Leis
rleis65@gmail.com

5107 W. 62nd Street

As a resident of three and a half years that lives near the planters proposed to be removed, I would like to voice my opinion that the planters remain in place. Based only on cost, I think it would make economic sense to simply repair the damaged planter rather than go to the work and expense to remove all of them. The planter that was damaged could not cost that much to repair. I'm sure the City of Mission can find that money in the budget somewhere. Probably two or three hundred dollars paid to an ambitious high school kid would take care of it. I say that jokingly, but my point is that it would not take much to repair it.

More importantly to me though, I have noticed a number of vehicles that speed down Hodges Drive. I don't have children, but I know there are a number of families in the area. I would think that the ones that live on 61st Terrace, 62nd Street and 62nd Terrace probably would prefer living on a dead end street as opposed to a more heavily trafficked open street. I think for safety's sake, it would be best to keep the traffic on Hodges limited--as is the case now.

Thank you for hearing my opinion.

Dear Ms. Smith, Ms. Flora & Mr. Davis -

I received notice that a City of Mission staff member suggested removing the traffic barriers on Hodges Dr at 61st Terr, 62nd St and 62nd Terr. I've lived on Juniper Dr near the 61st Terr planters for 20 years, and I'm convinced that removing them would negatively impact my street due to traffic issues.

Many of the vehicles that would enter Juniper Dr from Hodges Dr will come & go from Lido Villa Townhomes, a 100+ unit densely populated multi-family subdivision. I've talked to a neighbor who lived here when the planters were installed, and I learned that they were installed to prevent the traffic coming from those townhomes from using Juniper Dr as their shortcut access. There were portable wooden road blocks installed at first due to the necessity of taking action without delay. Had Lido Villa been built prior to Hodges having access to Juniper, I believe there would be a curb and sidewalk on 61st Terr rather than having to close off access with planters at a later date.

We already have a traffic nightmare at the intersection of Juniper Dr & 60th St due to the Bank of America driveway being directly across the street. If you've ever had the joy of driving past the bank during morning/noon/evening rush hours, you know what I'm referring to. I'm sure that (30?) years ago when that parcel of land was zoned commercial, the City couldn't possibly have predicted the increase in traffic over the years on 60th St, which is a very short distance in-between Shawnee Mission Parkway and Roe. It's extremely difficult and dangerous to enter or exit the intersection of Juniper Dr and 60th St with a vehicle, and neither bicyclists nor pedestrians can safely cross or enter 60th St from Juniper Dr. Removing the barrier at 61st Terr would result in even more traffic at that intersection.

Drivers entering Juniper Dr from Hodges Dr or 60th St immediately encounter a hill that prevents them from seeing pedestrians & bicyclists on the other side of it. Off street parking results in vehicles, bicyclists and pedestrians traveling up that hill in the middle of the street. Some of us back our vehicles into our driveways because we can't see the oncoming traffic due to the hill and/or parked vehicles. There are often preschool aged children walking or playing near or in the street, and we can't see them in our rear-view mirrors. We already have the Highlands Elementary traffic cutting through because the school exit is a right turn only during drop off & pickup. When Hodges Dr, 61st Terr & Juniper Dr were designed, most kids walked to school or rode bicycles. Now, there are so many vehicles trying to get into the school that traffic is literally stopped and backed-up on Roe for several minutes prior to school pickup. My neighbors asked the City to install a Slow - Children sign because of the traffic on Juniper Dr. I would no longer be comfortable with my 12-year old daughter riding her scooter or bicycle on our street if traffic increases from opening up the intersection from Hodges Dr. If the barrier preventing Hodges Dr traffic from entering 61st Terr and Juniper St is removed, I'm concerned that someone will be struck by a vehicle.

Please use the insurance or restitution money from the criminal who damaged the planter at Hodges Dr & 61st Terr (Juniper Dr) to repair it and keep our street safe.

Thank you for your time and attention to this issue.

Best regards,

Hi, Laura

I'm wondering if the City kept the records of meetings that caused the Hodges Dr barriers to be put in place 25+ years ago. Reviewing the traffic problems of the past might help us answer the questions we're asking today. It was clearly a traffic issue, and there's much more traffic now.

James Gravatt
paratrooper1@gmail.com

6027 Juniper Dr.

Have a good day,

My husband and I will not be able to attend the meeting tonight concerning the removal of planters. We have lived in our home for 41 years and have had barriers in front of our house in some form or other. The planters have been the best. We do not want the barriers removed because they provide a safety net for our streets. We have lots of pedestrian traffic on our street and if cars come zooming off the highway it would be dangerous. In our particular case everytime we or any of our visitors would back out of our driveway they would have to check four different ways traffic would merge at the point of our house.

Ron and Joanne Stang
joanne.stang4845@hotmail.com 4845 W. 61st Terr.

We have seen many strange things happen in front of our house with the barriers and cannot imagine what would happen if they were gone. Please do not remove them. Thank you.

Laura-

I am writing to address the removal of the planters on Hodges at 61 Terrace, 62 St and 62 Terrace.

I live on Juniper Drive and DO NOT want the planters removed.

My husband and I have lived on Juniper for 21 years, and we enjoy the quiet and safety we have living on that street.

Many times we have seen cars drive down the street thinking they can "cut through" to get to Shawnee Mission Parkway, then they realize that they cannot access and hopefully don't try to cut through again.

If those planters are removed, it would cause a great increase in traffic on our street, which could include speeding and a threat to the children and adults who walk down our street and in the neighborhood!

We strongly object to the removal of the planters! The new construction where the old Mission Mall used to be will already cause an increase in traffic once all building is complete, and we don't want to encourage any more traffic driving through our neighborhood.

We enjoy living in Mission because of the quiet, friendly, safe neighborhood and feel that would be jeopardized if the planters are removed.

I can be reached on my cell phone if you have any questions at: 913-963-5765.

Thank you in advance for considering the safety and well-being of the residents of Mission.

Kim Mitchell
kimberlymitchell@wirecworldgrou Juniper

Kim Mitchell

Hello John,

I am a 8 year resident of 62nd Terr. I received a letter in the mail a while back in regards to the planters at the end of the block and possibility that they would be taken down. This was heartbreaking and very upsetting to read and even think that this was a consideration. Those planters are a big reason we bought the house. They provide safety for us, our house, our property, our animals, our vehicles, and children on the block out playing. Plus the increase in value of our home because of the planters is significant! The destruction of the planters would truly be devastating to all who live on the block and our sense of security would be lost. We hope this matter is reconsidered.

Lauryn Baron
lauryn_baron@yahoo.com 4835 W. 62nd Terr.

Thank you,

Linda Wade and John Peele 6383 Rosewood

We support repairing the planters.

Dear Laura,

I am very much opposed to removing the planters. I've lived here for 27 years and the planters have added beauty to our neighborhood for a long time. They also cut down on unnecessary traffic through the neighborhood.

I cannot think of any good reason to remove the planters now. They are not causing any harm by being there.

Thanks for letting me share my opinion.

Patricia Eccles 5105 W. 62nd St.

Respectfully,

We will not be able to attend the meeting tonight, but want to express that we want them fixed, not removed.

We are very much opposed to the removal of the planters ! We have lived here on 61st Terr for 47 years and have never heard of a problem with access to The homes in this area by police, fire or ambulance service and find it to be very troubling after this many years. With the respect to the police chase, maybe It should be considered that the fact is if the planters were not there, the house right behind may have been it and someone hurt. They were originally put in As a safety for our and other children in the area due to cars always driving fast up the street. That has not changed , but would increase the traffic if they were Removed. Also it is hard to understand removing three and here concrete bases instead of just taking a morning to repair a small amount of damage. That in itself Does not make any common sense. Does anyone on the staff that brought this up live in our area, without knowing I would bet not. Do not remove the planters, just take a morning and fix them. It has been to long already with the city dragging there heal.

Robert Pinnick 4827 61st Terr.

City of Mission
Hodges Planters - Neighborhood Meeting
November 29, 2018
6:30 p.m.
Sylvester Powell, Jr. Community Center

AGENDA

1. Welcome and Introductions
2. Background and History
3. What are the City's concerns and considerations?
 - a. Public Safety access (police/fire)
 - b. Efficiency and safety for other service vehicles (snow plows, trash trucks, delivery vehicles)
 - c. Safety and liability for all other vehicles
 - d. Planters are not an acceptable traffic control measure
 - e. What is the appropriate balance between best practices and neighborhood preferences?
4. What are the resident concerns and considerations?
 - a. Increased traffic
 - b. Pedestrian/cyclist safety/child play
 - c. Neighborhood safety/crime prevention
 - d. "If it's not broke, then don't fix it."
 - e. Others?
5. Next steps
 - a. Staff will be working with traffic engineer and others to explore options to the existing barricades
 - b. Recommendations and options will be presented for discussion at the January 9, 2019 Community Development Committee meeting.

MINUTES OF THE MISSION COMMUNITY DEVELOPMENT COMMITTEE

January 9, 2019

The Mission Community Development Committee met at Mission City Hall, Wednesday, January 9, 2019 at 6:30 p.m. The following committee members were present: Pat Quinn, Hillary Thomas, Arcie Rothrock, Nick Schlossmacher, Debbie Kring, Kristin Inman, Ken Davis and Sollie Flora. Mayor Appletoft was also present. Councilmember Inman called the meeting to order at 6:30 p.m.

Also present were City Administrator Laura Smith, Assistant City Administrator Brian Scott, City Clerk Martha Sumrall, Chief Ben Hadley, Assistant to the City Administrator Emily Randel, and Street Superintendent Brent Morton.

Lot Split, 5529 Maple Street, Case #18-12

Mr. Scott stated Council approved a similar lot split on Maple (across the street from this location) in May of this year. The property is located at 5529 Maple and currently has a house on it that was built in the 1920's. The house is currently vacant. The property was purchased by Steve Clayton of Clayton Custom Homes, who has built several houses in Mission, and he is requesting a lot split so he can demolish the current house and build two new ones. Mr. Scott provided information on code requirements and stated this proposed lot split will meet the requirements. A public hearing was held regarding this application at the December 17th Planning Commission Meeting and one resident spoke in favor, stating that this will only help to improve the entire neighborhood. The Planning Commission voted unanimously to approve this proposed lot split.

Councilmember Inman stated that the property is currently boarded up and does not look good. Mr. Scott stated that the applicant recently applied for permits to demolish the building and for building permits, pending Council action on this item.

This item was informational only and will be presented for Council consideration under "Planning Commission" on the January 16 City Council Agenda.

Update on Review of Alternatives to Hodges Planters

Ms. Smith reported that over the last several months, the City has engaged in conversations regarding planters along Hodges Drive at 61st Terrace, 62nd Street, and 62nd Terrace. The planters/barricades have been in place since the 1990's and the neighbors are passionate about keeping them in place. In August, a letter was sent to residents in the area expressing the City's concerns with the planters after one was damaged in a traffic incident. In November, approximately 45 residents attended a meeting at the Community Center to discuss the planters and better understand all the issues surrounding them. The residents were also advised that the planters, as they currently exist, will have to be removed, but that does not necessarily

mean the streets can't or won't remain barricaded in some fashion. It is important that any closure be accomplished with products or treatments that conform with national highway traffic standards. Ms. Smith stated we have been working with Dave Mennenga, GBA, on possible solutions. We have not yet come up with a specific alternative design, but are looking at the scope of the project, and the process to move the conversation forward. She stated we want to see this project move forward without delay, but have been impacted by staff changes. She stressed that the planters will not come out without neighborhood involvement in the solution, and suggested that the neighborhood designate several residents to work with staff on this issue. There are many alternatives to consider, including their design and costs.

Ms. Smith introduced Dave Mennenga, GBA, to provide additional information on issues with the current configuration and possible solutions. Mr. Mennenga stated that we are currently in the information gathering mode for this issue. Technical issues include traffic safety and traffic calming for the area, and there are many options available from temporary fixes to permanent ones. He stated there may be a way to mitigate the roads being closed completely that would allow for safety vehicles, trash, etc. to access the barricaded streets, but not the public. He discussed crash worthiness and federal and state guiding principles for this, and the importance of improving traffic safety so that vehicle occupants are not injured if there is a crash. These planters are not reflective as they are now and this is a hazard.

Councilmember Davis requested additional information on barrier options that are aesthetic and still allow for movement of trash, safety vehicles. Mr. Mennenga provided information on pavers and modified curbs that can support the weight of these vehicles. Signage at the entrance to the streets was also discussed and ensuring these meet required standards so drivers are aware of what to expect on the street.

Councilmember Kring asked if a limited traffic study should be conducted. Mr. Mennenga stated this has been considered and traffic counts in the area could provide a baseline that would be useful. Councilmember Kring stated a baseline on emergency vehicles accessing the streets would be helpful and expressed her concerns with them not having full access. She also asked if all emergency departments know that these streets are barricaded by the planters. Chief Hadley stated they have been barricaded for many years and police cars can get through (even if they have to drive through a yard), but fire and ambulance are unable to do that and would have to go around. This would take them longer to get there, and they also need a circle at the end of the street where they are able to turn their vehicles around. He also discussed the pros and cons of living on a cul-de-sac. Ms. Smith stated Kennet Place has a coded gate, and emergency services personnel will be part of the group to discuss possible solutions.

Discussion also included whether simply removing the planters was an option. Ms. Smith stated it will be the decision of Council and removal is one option, but this is not the preferred option of the neighborhood. She recommended further discussion and study with several neighborhood residents participating in the process, and coming back to the committee in March with possible options. Those residents interested in participating should email Ms. Smith. She also has a

contact list that has been built throughout this process and encouraged others who would like to receive information to share their email address with her. Postcards were mailed for the November meeting on this issue at the Community Center, but she anticipated future discussions to be on council committee agendas (available online). Councilmember Davis stated he would like the committee to include residents on both sides of this issue so that it is balanced and not one-sided. Several members of the audience stated that they would be willing to participate. Councilmember Schlossmacher asked if the streets had ever been “open” and requested information on the City’s liability if the barriers are non-compliant with safety standards. He would like for us to find “middle ground” on this issue.

Ms. Smith stated three to five representatives from the neighborhood would work best for this process and she will follow-up with the neighborhood group.

This item was informational only and no action was taken.

**Interlocal Agreement with City of Overland Park -
Chip Seal, Lamar South of Shawnee Mission Parkway**

Mr. Morton reported as part of their annual street program, Overland Park has proposed chip seal for Lamar from approximately the entrance to Kennett Place to Shawnee Mission Parkway. Last year, improvements were made to Lamar from Kennet Place south to 67th street. The area to be chip sealed this year was not completed with last year’s project as it was close to Shawnee Mission Parkway, which was scheduled for mill and overlay and it could have been damaged. Because of the shared boundary, Overland Park is requesting joint funding for this project, with costs shared equally between the two cities. Overland Park will administer the project and communicate with affected residents. This proposed interlocal is for improvements with an estimated cost of \$18,546.12. Overland Park is bidding their projects now and if for some reason it would exceed this amount, it will be brought back to Council. Mr. Morton stated that because Overland Park does such a large volume of chip seal, they are usually very close on their estimates.

Councilmember Davis recommended that the interlocal agreement with the City of Overland Park for the public improvement of Lamar Avenue, from 650 feet south of 63rd Street to the south side of 63rd Street in the estimated amount of \$18,546.12 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Councilmember Thomas stated Overland Park’s chip seal has a red tint to it and asked if this project would also. She likes this look. Mr. Morton stated it will.

Josh Thede, Mission resident, stated this is a good project and asked if improvements to Lamar will continue north of Shawnee Mission Parkway with bike lanes. Mr. Morton stated that would be part of a full depth replacement project.

Operation Green Light Interlocal Agreement

Mr. Morton stated Operation Green Light is a bi-state regional effort to improve traffic flow and reduce vehicle emissions. Mission has participated in the program since 2010 and it is managed by MARC. In Mission, Operation Green Light signals are along Shawnee Mission Parkway at Lamar, Nall and Roeland Drive. The program improves traffic flow, particularly during rush hour, they contact us when a signal is broken and monitor the loops, and it helps to reduce pollution by decreasing idling times. The cost for 2019-2020 has been reduced to \$600 (previously \$800) per signal so Mission's overall costs are \$3,300.

Councilmember Davis asked if only the signals along Shawnee Mission Parkway are included and how far do they extend. Ms. Smith stated that she will share with Council a link to Operation Green Light that lists all signals.

Councilmember Davis recommended that the agreement with MARC for operational funding of Operation Green Light in an amount not to exceed \$3,300 over the next two years be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

.CARS Interlocal - Broadmoor (Johnson Drive to Martway)

Mr. Morton stated that this is the final step in the Johnson County CARS Program to secure funding for the Broadmoor Reconstruction Project. The program will fund 50% of the project's construction and construction inspection costs in an amount not to exceed \$453,000. Currently, staff is working on securing easements and Olsson is completing final design documents. It is anticipated that this project will go to bid in early spring. He also stated that utility relocations are already underway.

Councilmember Kring asked how long we anticipate it taking to secure easements (approximately 30 days), and whether businesses in the area have provided any feedback. Mr. Morton stated he and Ms. Randel have gone door-to-door to speak with all businesses and most are "on board." We anticipate this project to take about 120 days. Ms. Smith stated that speaking face-to-face with business and property owners was very successful during the Johnson Drive project and we will be continuing to do that during this project. Ms. Randel stated that she has developed an email list for those in the affected area and encouraged others wanting updates on the project to provide their email to her. She will add Councilmember Kring and Councilmember Inman to this list (Ward III).

Councilmember Quinn recommended that 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 be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Stormwater Repairs - 50th/Dearborn Street

Mr. Morton stated a portion of corrugated metal pipe (CMP) under the driveway at 5208 Dearborn has collapsed and sinkholes have formed around it. This is an unsafe condition and Public Works has placed a steel plate over the area as a temporary fix. He provided a handout identifying the area at 50th & Dearborn that is in need of repairs. He also noted that Dearborn is a dead-end street in the area so there is only one way in and one way out, so if the pipe under the road fails this is a a problem for residents in the area. Because of this and the condition of the pipe that travels underneath the roadway, this project has been expanded in scope so that the project will address the longer term stability of the roadway. He discussed the area shown on the map handout, and the various aspects of the project that will be included such as adding curb. He also stated there will be a bid alternate for slip lining the storm culvert under Dearborn. He provided information on slip lining and previous uses in Mission.

Councilmember Kring asked the age of the connecting pipes in the area and what liability we would have for failing pipes. Mr. Morton stated we want to make these repairs as soon as possible, that the project will add curbs to the neighborhood, and if slip lining is used, it is not as invasive and they will be able to leave the road open during construction.

Councilmember Thomas stated that this is her street and noted that homes in the area are on septic. She understands this is why there are no curbs on the street. She asked if there were any concerns with the project - curbs specifically - damaging septic lines in the area. Mr. Morton stated he will check with the engineers to be sure this is not an issue. Discussion continued on the specific area for the project, the benefits of adding curbs now while doing other street work, noting there is always a start and stop point with each project so some areas of the neighborhood will not be getting curbs. Mr. Morton also stated slip lining increases the capacity of the line and this will help with flooding concerns. The proposed task order from GBA is for survey, design, and bid phase services in an amount not to exceed \$28,179.50.

Councilmember Davis recommended that the 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 be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Councilmember Schlossmacher stated that this price seems somewhat high and asked if any other bids were received. Ms. Smith stated that GBA is our on-call engineer and this doesn't seem to be out of line with past work. It has been our practice to use our on-call engineer for these types of projects. Councilmember Quinn asked if we have any idea of the overall cost of the project. Mr. Morton stated he anticipates it being under \$200,000.

Update on Rock Creek Channel Design and Financing

Ms. Smith provided an update on the proposed Rock Creek channel improvements and Roeland Court Townhomes CID. The area for creek improvements extend to the area behind Mission Bowl. She stated that we want to move the entire project forward if possible and that she has met with Kent Lage and Lee Kellenberger of the SMAC Program to provide information on the need to complete the entire project now in conjunction with repairs behind Roeland Court Townhomes. After meeting with SMAC officials, she is encouraged that we may be able to get SMAC funding for this project in 2020. The anticipated cost of this project is \$3.1 million. SMAC will be evaluating projects County-wide in early February and we will have a better idea at that time if Mission's project will receive funding in 2020. She stated that we would not have an interlocal agreement this year on the project, and that it would be 100% our cost, but would have a written agreement with SMAC regarding funding. Ms. Smith stated that additional information on this project will be provided at the February committee meeting.

This item was informational only and no action was taken.

Department Updates / Other

Ms. Smith did not have an update.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 7:25 p.m..

Respectfully submitted,

Martha Sumrall
City Clerk