

**City of Mission  
Regular Meeting Agenda  
Wednesday, July 15, 2020  
7:00 p.m.  
Meeting Held Virtually Via Zoom**

(Information for the public on how to participate will be available at  
missionks.org/calendar prior to the meeting)

*If you require any accommodations (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-676-8350 no later than 24 hours prior to the beginning of the meeting.*

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. PUBLIC HEARINGS**

**2. SPECIAL PRESENTATIONS**

- Parks & Recreation Month Proclamation

**3. ISSUANCE OF NOTES AND BONDS**

**4. CONSENT AGENDA**

*NOTE: Information on consent agenda items has been provided to the Governing Body. These items are determined to be routine enough to be acted on in a single motion; however, this does not preclude discussion. **If a councilmember or member of the public requests, an item may be removed from the consent agenda for further consideration and separate motion.***

**CONSENT AGENDA - GENERAL**

- 4a. [Minutes of the June 17, 2020 City Council Meeting](#) and  
[July 6, 2020 Special City Council Meeting](#)

**CONSENT AGENDA - Finance & Administration Committee**

[Finance & Administration Committee Meeting Packet 7-1-2020](#)  
Finance & Administration Committee Meeting Minutes 7-1-2020

- 4b. Surplus Property Resolution

**CONSENT AGENDA - Community Development Committee**

[Community Development Committee Meeting Packet 7-1-2020](#)  
Community Development Committee Meeting Minutes 7-1-2020

- 4c. 2020 Rock Salt Contract  
4d. Playground Equipment Repairs  
4e. Amendment to Special Purpose Permit Granted to Sandhills Brewing for Use of a Public Sidewalk for Outdoor Dining

**5. PUBLIC COMMENTS**

**6. ACTION ITEMS  
Planning Commission**

**Miscellaneous**

**7. COMMITTEE REPORTS**

**Finance & Administration, Debbie Kring**

[Finance & Administration Committee Meeting Packet 7-1-2020](#)

Finance & Administration Committee Meeting Minutes 7-1-2020

- 7a. Racial Equity and Social Justice: Council Statement and Community Action Plan  
([page 3](#))

**Community Development, Sollie Flora**

[Community Development Committee Meeting Packet 7-1-2020](#)

Community Development Committee Meeting Minutes 7-1-2020

- 7b. Comprehensive Plan Update Restart ([page 8](#))

- 7c. Drone Ordinance ([page 15](#))

**8. UNFINISHED BUSINESS**

**9. NEW BUSINESS**

- 9a. State of Emergency/Disaster Proclamation Extension ([page 20](#))

**10. COMMENTS FROM THE CITY COUNCIL**

**11. MAYOR'S REPORT  
Appointments**

**12. CITY ADMINISTRATOR'S REPORT**

**13. EXECUTIVE SESSION**

**ADJOURNMENT**

<b>City of Mission</b>	Item Number:	7a.
<b>ACTION ITEM SUMMARY</b>	Date:	July 15, 2020
<b>Administration</b>	From:	Laura Smith

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

**RE:** Follow-up Discussion on Racial Equity

**RECOMMENDATION:** Review and discuss advancing the plan of action for education, review and action surrounding issues of racial justice, equity and inclusion.

**DETAILS:** Two weeks ago we had what might be characterized as a spirited and passionate debate where we discussed passage of a Resolution captioned:

***“A RESOLUTION OF THE CITY OF MISSION, KANSAS AFFIRMING THAT BLACK LIVES MATTER, RECOGNIZING THAT FIGHTING AGAINST RACIAL INEQUITY AND SOCIAL INJUSTICE MUST BE A HIGH PRIORITY, AND COMMITTING TO A COMPREHENSIVE AND ONGOING REVIEW OF POLICIES, PRACTICES, AND SUSTAINED DIALOGUE TO ENSURE THAT ALL MEMBERS OF OUR COMMUNITY ARE PROTECTED EQUALLY.”***

Although the Resolution wasn't adopted that evening, I sincerely believe that we share much more common ground around the substance of these crucial issues than what it may have seemed during our last meeting. As such, it is important to try and reframe this conversation. Important because of the relationships we have with one another, our employees and our entire community.

The Mayor and I have both reflected on the conversations we have been having over the past month, and the action steps we have been discussing internally, and realize we could have been more proactive in communicating this information with the entire Governing Body. I truly believe if we had been more timely in that communication we could have avoided some of the concerns that have been expressed.

As reflected in the public statement issued by Mayor Appletoft and Chief Hadley in the days following the death of George Floyd, this incident served as:

*“a painful reminder that fighting against racial inequity and social injustice in our communities must continually be a high priority. As local government leaders and public safety professionals, we have a responsibility to the people in our city, not only to keep them safe, but also to keep the lines of communication open so that concerns and issues can be addressed in ways where **all** voices are heard and understood.”*

The statement of Mayor Appletoft and Chief Hadley sought to acknowledge for our residents and our employees that we have an obligation to engage in this conversation, and that we are

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

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committed to doing so. However, recognizing the need to have the conversation was never intended to be a condemnation of or attack on our Mission Police Department. Rather, it is through these conversations that we have the opportunity to **educate** ourselves more fully, and to **understand** where we have areas for improvement – it is a matter of accountability that we owe to ourselves and our community. We can commit to specific actions or changes only after we have undertaken these first two efforts.

I know through conversations with many of you that you want to see action on the substance of these issues and to make a commitment to take action relating to issues of racial inequity and social injustice as they impact our city operations. I have reached out to Councilmembers Flora and Thomas to discuss their goals and objectives in co-sponsoring the Resolution, and I believe I can accurately characterize them as aligning with an action plan that staff had been developing internally. Since that is the case, rather than wordsmithing the previously-introduced Resolution, Councilmember Flora, Councilmember Thomas, and myself believe we can respect and preserve the important values surrounding these issues with the following next steps developed by staff:

1. Create an opportunity for the entire Governing Body to join with the Mayor and the Chief in condemning both the actions - and inaction - of the Minneapolis police officers which resulted in the unnecessary death of George Floyd. Staff recommends that this opportunity be accomplished through a statement either adopted by the Governing Body as a whole with a formal vote, or simply made available for members of the Governing Body to sign at their individual discretion. A first draft of a statement is included below for review and consideration:

*The recent protests and outcry in response to the senseless and unnecessary murder of George Floyd have highlighted the ongoing need for dialogue and action surrounding issues of race and inequity in our communities. We sadly must acknowledge that systemic racism remains an entrenched problem across the United States, including, but by no means limited to, in policing. As local elected leaders, it is incumbent upon us to stand with those demanding accountability, equity and respect, and to recognize the humanity and dignity of every person. As such, we state unequivocally that Black Lives Matter. We as Councilmembers join Mayor Appletoft and Chief Hadley in condemning the unjustified murder of George Floyd by Minneapolis police, and further condemn all acts of racial profiling, use of excessive force, and any other means of racial violence, wherever and whenever they occur.*

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Line Item Code/Description:	N/A
Available Budget:	N/A

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*The Mission City Council, Mission City Staff, and the Mission Police Department acknowledge that we are not immune from implicit bias, and understand that in order to advocate for racial justice, equity, and inclusion we must first look inward at our own actions as City Councilmembers and how we govern. We also recognize that this reflection must be ongoing and may introduce us to uncomfortable or unfamiliar conversations, but we are committed to this work.*

*Accordingly, we stand ready and willing to begin the process of better educating ourselves through a comprehensive and on-going review of policies, practices, and sustained dialogue relating to issues of racial inequity and social injustice in Mission in order to ensure that all members of our community are protected equally. We extend an open invitation to everyone in our community to join with us in this important work and pledge to listen to the voices and experiences of people of color even when those perspectives challenge us and what we may think we know about our City.*

2. Initiate a Council conversation in August 2020 to enable better understanding of the current policies/practices and experiences of the Mission Police Department by Council and to provide greater visibility on these topics to the public.

At an August 2020 meeting (date TBD), we will review and discuss Department policies related to use of force, transparency (e.g., right to film), racial profiling, duty to intervene, de-escalation, and others that have generated questions in recent weeks. At this meeting, we will also take the opportunity to share specific data on the Department's use of force, complaints received (including investigation process), and demographic statistics reflective of Department activity over the last ten (10 years).

As questions arise, we can schedule additional opportunities for discussion and review to align with both the Council and/or the public's desire for more information, as well as to take action to make changes if necessary. As part of this conversation, we will determine how the data and statistics will be reported to the Council and the public going forward with respect to frequency and format.

3. Outline for review by Council in September 2020 the existing processes, systems, and structures which exist within the City, the County and the State to promote accountability and transparency in law enforcement and make information relating to the same more readily available to the public. Accountability is an important value for the entire organization, from the Mayor and Council to each and every employee who represents

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the City of Mission. While a specific review of the accountability measures associated with law enforcement will serve as the starting point, the expectations and discussions must extend throughout the organization - top to bottom across all departments.

At the September 2<sup>nd</sup> Finance & Administration Committee meeting we will review and discuss both our hiring processes and the training requirements for Mission's Police Officers. We will also review and discuss the various processes/systems designed to hold officers accountable, and to provide a mechanism for "flagging" officers who exhibit poor judgment in exercising their duties.

Independent oversight and review boards are part of the larger conversation occurring around the subject of accountability. During the September meeting, we will present information on how other communities in the metro area are using this approach.

Similar to the discussion of policies and practices, if there is a desire for more review or opportunities to enhance these systems by Council and/or the public, we will schedule additional meetings and follow-up action steps.

4. Be more effective as a city in engaging BIPOC in our community in conversations surrounding racial equity and social justice so as to build relationships and sustain dialogue into the future, beginning with an October 2020 community forum.

Host a community forum in October 2020 to open a dialogue surrounding attitudes and opinions concerning racial (in)equity issues in Mission as it relates to law enforcement, housing, education, access to services or other issues or concerns. The goal of the forum would be to listen to understand and to build relationships of trust with communities of color and other minority communities in our City.

We feel it is important to give ourselves sufficient time to ensure that a community forum is successful. We believe this conversation needs to occur in person, and our hope would be that later this fall there will be an opportunity to accomplish that while still adhering to any recommended COVID-19 safety precautions. However, more important than that, we need time to identify the resources, voices and experts who can help us create the safe and inviting space within which to engage in these sensitive but crucial conversations.

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

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5. Implement on-going training and education for our elected officials and all employees related to implicit bias, race and inequity as soon as possible, but no later than 1Q 2021.

In order to maintain and enhance a culture not only in our organization, but throughout our community, that recognizes the humanity and dignity of every person, we must be willing to put in the work to train, discuss and embrace conversations around these sensitive issues. We commit to dedicated anti-bias/diversity & inclusion training for staff and the Governing Body. But training is just the first step. Application of the knowledge becomes the true test of the effectiveness of these efforts. An awareness of our own triggers and sensitivities is important, as well as a willingness to not only be uncomfortable in the conversation, but to commit to being a learner.

I have been discussing this action plan internally with the Chief and the Command Staff for nearly a month, and we are all committed to advancing these conversations. We look forward to engaging with both the Governing Body and the public we all serve to share information, reinforce our commitment to respect, integrity and professionalism, and to listen and learn from all sectors of our community.

UPDATE: Following the discussion at the July 1, 2020 Finance & Administration Committee meeting, the following will be presented for Council action at the July 15, 2020 City Council meeting:

1. Statement of the Governing Body condemning the murder of George Floyd and committing to on-going conversations and dialogue surrounding issues of racial equity, social justice and accountability.
2. Confirmation of the action plan to be put into motion beginning with the August 5, 2020 Finance & Administration Committee meeting.

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

<b>City of Mission</b>	Item Number:	7b.
<b>ACTION ITEM SUMMARY</b>	Date:	July 15, 2020
<b>Administration</b>	From:	Brain Scott

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

**RE:** Comprehensive Plan Update Restart

**RECOMMENDATION:** Review the proposed timeline and tools to be utilized for the comprehensive plan update process going forward, and review the membership of the Steering Committee recommended to assist in facilitating the process.

**DETAILS:** State statutes require that cities and counties maintain a comprehensive land use plan, and that the plan be periodically reviewed and updated if necessary. The City has maintained a comprehensive land use plan since at least the late 1960's. The most recent plan was prepared in 2007. Though it has been reviewed by the Planning Commission and updated periodically since this time, it is in need of a significant update that more accurately reflects the values of the community and emerging trends in land use management and development.

Last summer the City issued a request for proposals for a comprehensive land use plan update. After a review of the proposals submitted and interviews, Confluence was selected to assist the City in this endeavor. A contract was approved by the City Council in late fall.

A kick-off meeting to begin the comprehensive plan was held with Planning Commission members and City Council members in early March of this year. Unfortunately, this meeting occurred just at the very beginning of the Coronavirus pandemic. Due to the subsequent stay at home orders issued by the Governor and the Board of County Commissioners, and the City closing its facilities and hosting no in-person meetings, no further activity has occurred with the plan update since that time.

Staff is recommending the Council approve a restart of the update process. Confluence has spent time over the last few months reviewing the City's previous comprehensive plans and various master plans and studies that have been completed in the past. Confluence has also been using a new, interactive, civic engagement tool with other clients that they believe will be beneficial for Mission's plan update process going forward. This tool becomes a part of the website that is being created for the project and allows for steering committee members, and members of the public when appropriate, to make suggestions, comment on other suggestions, and rate suggestions. There are survey tools available, and the ability to "pin" comments to a map of the City and for others to comment on those "pins." It takes the work that was originally planned to be conducted through in-person meetings and transitions it to a virtual environment.

Staff would like to review this tool with the Council and to review the proposed timeline

Related Statute/City Ordinance:	K.S.A. 12-747
Line Item Code/Description:	Assigned in Fund Balance
Available Budget:	\$130,000 (Confluence) + \$16,500 (DirectionFinder)



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<b>ACTION ITEM SUMMARY</b>	Date:	July 15, 2020
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for re-initiating the comp plan update. In addition to restarting the work with Confluence, the update process will also include the distribution of the DirectionFinder Survey tool. Staff will also review the Steering Committee members that have been identified to assist in facilitating the process.

**CFAA CONSIDERATIONS/IMPACTS:** The update of the City’s comprehensive land use plan is a valuable opportunity to revisit the pillars of the Community for All Ages initiative and ensure that those pillars become embedded in a comprehensive plan for the City ensuring that the future of the City is one that is built on the vision of a “community for all ages.”

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Available Budget:	\$130,000 (Confluence) + \$16,500 (DirectionFinder)

**Debbie Kring** (City Councilmember, Ward III)

Councilmember Debbie Kring has served on the Mission City Council since June 1999. Most recently (February 2018), she has been nominated by the National League of Cities to serve on the Federal Advisory Council for the U.S. Environmental Protection Agency. Councilmember Kring has a Bachelor of Science degree in Management (with a minor in Science) from Baker University, and attended high school at Shawnee Mission South. She retired from the U.S. Environmental Protection Agency (EPA) in 2014 after 30 years, most recently within the Office of Public Affairs, serving as a Community Involvement Coordinator and Local Elected Officials Liaison.

**Sollie Flora** (City Councilmember, Ward IV)

Councilmember Sollie Flora was elected in November 2017. Prior to serving on the Council, she represented Ward IV on the City's Sustainability Commission, served on the Dog Park Task Force, and completed the Mission Police Department's Citizens Police Academy. Councilmember Flora graduated with a B.A. in Sociology (with honors) in 2007 from Grinnell College and received her J.D. from the University of Michigan Law School (cum laude) in 2010. Councilmember Flora currently works as an in-house attorney for an international company.

**Pete Christiansen** (Planning Commission)

Pete is a member of the City of Mission Planning Commission and a project manager with a local consultant engineering firm, PKMR Engineers. At PKMR Pete manages projects in Education K-12, Higher Education, retail, and Fire/Public Safety. Pete graduated from Iowa State University with a B.S. in Construction Engineering with a Mechanical Emphasis and Minor in Energy Systems.

**Stuart Braden** (Planning Commission)

Stuart has been a member of the City's Planning Commission since 2004. Stuart received his Bachelor of Science in Architectural Engineering from Kansas State University. He has worked at Cassell & Associates since 1985 where he has been involved with numerous projects including the World War I Museum at Liberty Hall, the Bloch Addition to the Nelson-Atkins Museum of Art, and the Kansas City Performing Arts Center. Stuart, and his wife Ann, have been long-time residents of Mission and have raised their two children here.

**Robin Dukelow** (Planning Commission)

Robin has been a member of the City's Planning Commission for nearly twenty years. When not busy with Planning Commission duties and numerous other volunteer activities she works as a sustainability consultant for Henderson Engineering guiding clients and design professionals to develop and implement project specific sustainable design strategies. She facilitates and integrates the LEED or WELL Certification Process from site selection & schematic

design through construction close-out and certification. Robin has been with Henderson since 2013. Prior to that she held similar positions with BNIM Architects and Frewen Architects. Robin has a Bachelor of Architecture from the University of Kansas.

**Josh Thede** (Sustainability Commission)

Josh has lived in Mission since 2017 and is an active member of the Sustainability Commission. By day Josh is an Acoustical Consultant at Henderson Engineers collaborating with architects and contractors and writing recommendations reports to mitigate noise and improve acoustics in many different building types. In addition to the Sustainability Commission Josh spends volunteer time with several community organizations including Drawdown of the Heartland, Lutheran's Restoring Creation, and U.S. Green Building Council. Josh is a LEED Accredited Professional (LEED AP BD+C) through the U.S. Green Building Council, and a WELL Accredited Professional (WELL AP) through the International WELL Building Institute.

**Cathy Boyer-Sheshol** (Sustainability Commission/CFAA)

Cathy is a member of Mission's Sustainability Commission. She currently works full-time as the Project Manager for KC Communities for All Ages (KCC), an initiative of the Mid-America Regional Council designed to help prepare the Kansas City region for the anticipated dramatic increase of older adults over the next several decades. She earned her Master's in Public Administration from University of Missouri-Kansas City. She is a member of American Society on Aging's Committee on Network on Environments, Services and Technology (NEST).

**Jacque Gameson** (Parks, Recreation and Tree Commission)

As a 45 year resident of Mission (formerly Countryside) I know our local community, its residents and businesses owners well. When I retired from 35 years in commercial banking, sales, lending and compliance, my focus turned to being a hands on volunteer on the Foundation Board of the Shawnee Indian Mission, Bridging the Gap/Heartland Tree Alliance, 18 years on the Mission Tree Board, which is now the Mission Parks, Recreation and Tree Commission and numerous other City events, projects and committees. Prior to The City of Countryside being acquired by Mission, I served 23 years on the Countryside Homes Association Board, with an 18 year term as the Association Treasurer. Putting my time, energy and resources into Mission's viable future has high priority in my life goals.

**Robynn Haydock** (Multi-family Properties/Not-for-Profit)

Robynn is a Certified Apartment Manager and a lifetime, certified faculty member of the National Apartment Association. She is the owner of High Road Education and Consulting and shares her 30 years of experience in real estate and property management with other professionals across the country. She specializes in leading seminars on Fair Housing and promotion of integrity and best practices in property management. She is currently the Board President of

The Mission Project, which provides invaluable services to adults with disabilities living exclusively in the city of Mission. She is a rental property owner in Mission, Kansas, as well.

**Kevin Fullerton** (Downtown business owner/Resident)

Kevin is an award-winning graphic designer and creative director. He opened Mission-based Springboard Creative in 2006 in order to help small businesses, organizations and cities elevate their branding and communications. He founded and served as president of the Mission Business Partnership, helped launch the Mission Market and the Mission Sunflower Festival, and donated six years of pro bono design and creative services to the city. He and his wife are 22-year Mission residents.

**Steve Corwine** (Downtown property owner)

Steve has been involved in retail development since the late 1990's, and has developed such projects as the Raymore Galleria anchored by a Lowe's and a Sam's Club in Raymore, MO; a Home Depot and Applebee's project in Osage Beach, MO; the Walmart Supercenter in Leavenworth, KS; and a Walgreen's along with several restaurants in Belton, MO. Steve is the owner of a commercial building at 6130 Johnson Drive (the former Yoga Fitness Center).

**INTRODUCTION:** We are beginning the process to update the City of Mission’s Comprehensive Plan to guide the future of our community. The Comprehensive Plan covers community topics such as demographics and economic trends, housing, future land use planning and redevelopment, parks and open space, and transportation. The City has hired a consultant team to assist City Staff in managing the process and to provide technical expertise and draft all plan text, exhibits, and maps.

**ROLE:** The process to update our plan will be guided by a Steering Committee of identified community stakeholders and leaders. This Committee’s role is to serve as an advisor to City Staff and the consultant team by providing initial feedback on the plan’s direction and priorities, identify areas of concern and opportunities, evaluate and consider public input, review the various drafts of the plan components, and to deliver final recommendations for consideration by the Planning Commission and City Council as part of their review and adoption of the Comprehensive Plan Update. The Committee further serves the important role as a community ambassador for the plan update - promoting awareness of public input events, encouraging participation, and ultimately, advocating for the plan’s goals and priorities.

**SCHEDULE:** The Steering Committee is anticipated to meet approximately 6 times over the next 12 months. Most of these meetings will be in the evening and will last approximately 2 hours. The consultant team will generally conduct the meetings, make presentations, and provide handouts. The meetings will be interactive with feedback requested from all committee members. The committee members may be asked to review materials and plan drafts prior to the meeting.

**PROJECT SCOPE:** Below is an outline of our project scope organized into four phases. A more detailed project schedule will be shared at the Kick-Off Meeting.

**PHASE 1 | PROJECT KICK-OFF, RESEARCH + ANALYSIS (approximately 3 months)**

This phase includes a kick-off meeting with the Comprehensive Plan Steering Committee (CPSC), creation of the project website, initial review and assessment of the community and existing plans. The following are the specific steps in this phase.

- 1.1 Joint Workshop with the Planning Commission and City Council (Joint Workshop #1)
- 1.2 Project Kick-Off Meeting with Steering Committee (CPSC Meeting #1)
- 1.3 Communication Plan and Project Brand
- 1.4 Project Website
- 1.5 Preliminary Analysis Review Meeting with Steering Committee (CPSC Meeting #2)
  - Review of Existing Plans
  - Population, Housing, Commercial Analysis + Emerging Trends
  - Transportation Network Analysis
  - Technology Infrastructure Analysis
  - Existing Land Use Classifications + Zoning Analysis

**PHASE 2 | VISION, INPUT + DIRECTION (approximately 3 months)**

This phase involves seeking input from the community and various stakeholders in order to identify key issues and opportunities and develop a vision for the Mission's future.

- 2.1 Community Survey (ETC)
- 2.2 Public Kick-Off Workshop (Public Meeting #1)
- 2.3 Key Stakeholder Interviews (1-day)
- 2.4 Youth Workshop or Box City Event
- 2.5 Special Event Booths (2 events)
- 2.6 In-Process Public Workshop (Public Meeting #2)
- 2.7 Joint Workshop with the Planning Commission and City Council (Joint Workshop #2)

**PHASE 3 | DRAFT PLAN + EVALUATION (approximately 4 months)**

In this phase a draft of the plan will be developed and reviewed.

- 3.1 Draft Plan - The Comprehensive Plan will include the following elements:
  1. Vision and Goals
  2. Community Assessment and Analysis Summary
  3. Future Land Use
  4. Housing
  5. Transportation
  6. Technology Infrastructure
  7. Parks and Recreation, Green Space and Environmental
  8. Implementation Plan, Goals + Objectives, and Policies
  9. Appendix information (supporting data and analysis)
- 3.2 Draft Plan Presentation Review Sessions with Steering Committee (CPSC Meetings #3 and #5)
- 3.3 Draft Plan Public Presentation Open House (Public Meeting #3)
- 3.4 Draft Plan Presentation Joint Workshop with the Planning Commission and City Council (Joint Workshop #2)

**PHASE 4 | FINAL DRAFT PLAN + ADOPTION (approximately 2 months)**

This final phase involves finalizing the plan and shepherding it through the public hearing review and approval process with the Planning Commission and City Council.

- 4.1 Final Draft Plan
- 4.2 Final Draft Plan Review with Steering Committee (CPSC Meeting #6)
- 4.3 Planning and Zoning Commission Public Hearing (Public Meeting #3)
- 4.4 City Council Public Hearing (Public Meeting #4)

<b>City of Mission</b>	Item Number:	7c.
<b>ACTION ITEM SUMMARY</b>	Date:	July 15, 2020
<b>PARKS &amp; RECREATION</b>	From:	Penn Almoney

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

**RE:** Ordinance Regulating the use of Unmanned Aircraft Systems (Drones) in the City of Mission

**RECOMMENDATION:** Approve the ordinance outlining expectations for UAS use within Mission’s public and private spaces.

**DETAILS:** Unmanned aircraft systems (UAS), commonly called drones, have a host of applications including law enforcement, land surveillance, wildlife tracking, search and rescue operations, disaster response, and recreational use. UAS have become a part of daily lives, especially among UAS hobbyists. Today, over 1.1 million recreational UAS are registered with the Federal Aviation Administration.

During the April 2020 Parks, Recreation and Tree Commission (PRT) discussion of Mohawk Park and the anticipated improvements, conversation progressed toward park guests' excitement over the refreshed and new amenities as well as the introduction of new users. New and more frequent visitors paired with UAS trends was seen as a positive with some potential negative impacts. The primary consideration of PRT members was the frequent use of videography by real estate companies via UAS combined with operator ability, intent and permissions in public/ private spaces.

The PRT Commission and staff recommended to the Community Development Committee the need to discuss the benefits and challenges of a UAS/ drone ordinance before the City is faced with the need to enforce the use of UAS. Council was supportive of the staff recommendation at the June Community Development Committee meeting, and directed staff to prepare the necessary ordinance for consideration in July.

Staff reviewed UAS content from state laws and various municipal ordinances and partnered with the Mission Police Department and the City Attorney the draft ordinance. The ordinance considerations include:

- Registration
- Privacy
- Event use and permissions
- Reckless/ careless use
- Property and permissions
- Impeding/ obstructing public safety operations/ personnel
- Severability
- Penalty

The penalty mirrors the current structure associated with other general non-aggravating

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

<b>City of Mission</b>	Item Number:	7c.
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<b>PARKS &amp; RECREATION</b>	From:	Penn Almoney

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citations. An example of that would be flying the UAS carelessly near individuals or buildings but no one was harmed. The typical fine amount ranges between \$100 - \$150 including mandatory \$40 court costs. A judge has the flexibility to determine the fine amount and depending on circumstances suspending part or all of that penalty.

Staff spoke with Judge Drill about whether the general provisions were appropriate to use for various offenses. He supported the unclassified violation range due to the variation and severity of the misuse within each section and recommended that the amount not be added to the Fine Schedule.

Staff recommends adopting the proposed ordinance as written.

**CFAA CONSIDERATIONS/IMPACTS:** Mission engages in ongoing efforts to prioritize safety in parks and neighborhoods to maximize the positive experiences for all residents and visitors.

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



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE REVISING CHAPTER 215, OFFENSES, THE CODE OF THE CITY OF MISSION**

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS AS FOLLOWS:

**SECTION 1:**

Section 215.112 of the Code of the City of Mission, Kansas is hereby amended as follows:

**Section 215.112. Unlawful Operation of an Unmanned Aircraft System**

A. For the purposes of Section 215.112, the following words and phrases shall mean:

**Unmanned Aircraft System or UAS**

An aircraft that meets the following requirements: (1) is operated without the possibility of direct human intervention from within or on the aircraft, and (2) weighs less than fifty-five (55) pounds at the time of operation, including the weight of any payload or fuel.

**Operate**

To pilot, steer, direct, fly or manage a UAS through the air. The term “operate” includes managing or initiating a computer system which pilots, steers, directs, flies, or manages a UAS.

- B. It shall be unlawful to operate a UAS in a manner that causes the UAS to trespass on public or private property, without the consent of the person or entity that controls the property. Notwithstanding the previous sentence, a UAS may be operated in a City of Mission, Kansas city-owned park if the operator complies with all other provisions of this Section, this Code of the City of Mission, and other Federal and State laws, regulations, and other legal requirements.
- C. It shall be unlawful to operate a UAS in a reckless or careless manner which endangers, causes a reasonable risk of harm, or causes actual harm to persons, property, or animals.
- D. It shall be unlawful to use a UAS to observe, view, photograph, record audio, or record video of a person in a place where such person has a reasonable expectation of privacy.
- E. It shall be unlawful to operate a UAS over or near any open-air event where there is an actual or anticipated group of one hundred (100) persons or more without possessing a Federal Aviation Administration (FAA) Part 107.39 waiver and obtaining written

permission from the organizer of such event.

F. The following persons, entities, professions, and uses are exempted from the provisions of this Section, so long as they conform with FAA requirements under 14 CFR Part 107:

1. Law Enforcement personnel and any group or person from which Law Enforcement personnel request assistance;
2. Fire Department personnel or any group or person from which Fire Department personnel request assistance;
3. City of Mission, Kansas employees or agents acting within the scope of official City of Mission, Kansas business;
4. Members of the Media, so long as they do not interfere, endanger, or compromise any Law Enforcement efforts;
5. Utility companies; and
6. Real estate marketing or inspection services.

G. Any violation of this Section shall have penalties as an unclassified violation as follows:

1. A fine not to exceed one thousand dollars (\$1,000.00); or
2. Imprisonment for not more than one hundred eighty (180) days; or
3. Both such fine and imprisonment not to exceed (1) and (2) above.

**SECTION 2:**

This Ordinance shall be in force and take effect from after publication according to law.

PASSED AND APPROVED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Ronald E. Appletoft, Mayor

ATTEST:

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Audrey M. McClanahan, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

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David K. Martin, City Attorney  
11000 King, Suite 200  
PO Box 25625  
Overland Park, KS 66225-5625  
(913) 469-4100  
(913) 469-8182

<b>City of Mission</b>	Item Number:	9a.
<b>ACTION ITEM SUMMARY</b>	Date:	July 15, 2020
<b>Administration</b>	From:	Laura Smith

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

**RE:** Extension of the City of Mission State of Emergency/Disaster Proclamation related to COVID-19

**RECOMMENDATION:** Extend the City of Mission's State of Emergency/Disaster Proclamation related to COVID-19 through September 16, 2020.

**DETAILS:** The City of Mission originally issued a State of Emergency/Disaster Proclamation on March 13, 2020 which was subsequently amended on March 18, 2020, April 1, 2020, April 15, 2020 and May 13, 2020. Although stay-at-home orders issued by the State and Johnson County had expired in May, the City of Mission desired to extend the current emergency declaration through July 15, 2020 in order to gauge the success of various reopening and recovery plans.

Over the last two months, various recommendations for reopening City facilities, programs and services have been developed, reviewed and approved by the City Council. Extending the state of emergency allowed the City to maintain the umbrella protection of the emergency declaration while also preserving the greatest degree of flexibility in reacting and responding to changes in public health information and gating criteria in order to respond appropriately.

In early June, Governor Kelly and leadership in the Legislature were able to reach agreement on a compromise bill (HB 2016) addressing emergency powers and extending the statewide emergency declaration through September 15, 2020. Staff recommends the Council consider extending the City Proclamation through September 16 (our regularly scheduled City Council meeting) in order to remain in alignment with the state order.

**CFAA CONSIDERATIONS/IMPACTS:** The City seeks to establish policies and practices that ensure the delivery of essential services and programs while also taking steps to protect the health of our residents, businesses, visitors and employees in the midst of a public health crisis.

Related Statute/City Ordinance:	Mission Municipal Code Section 250.030 and 250.120
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION  
STATE OF EMERGENCY / DISASTER PROCLAMATION**

WHEREAS, on March 13, 2020 the Mayor of the City of Mission, Kansas found that certain conditions related to the COVID-19 pandemic had caused or imminently threatened to cause, a widespread public health emergency in Mission, Kansas; and

WHEREAS, said proclamation was later approved, amended and extended by the City Council of the City of Mission, Kansas on March 18, 2020, April 1, 2020, April 15, 2020, and May 13, 2020; and

WHEREAS the current emergency proclamation for the City of Mission will expire on July 15, 2020; and

WHEREAS, recognizing that efforts to mitigate the spread of COVID-19 take the thoughtful and dedicated leadership and coordination of governments at all levels to protect the life and health of our citizens and visitors as well as the economy; and

WHEREAS, HB 2016 extended the COVID-19 related state of emergency for the entire state of Kansas through September 15, 2020; and

WHEREAS, the Governing Body of the City of Mission, Kansas desires to continue a state of emergency which aligns with the state order;

NOW THEREFORE, BE IT PROCLAIMED by the City Council of the City of Mission, Kansas in accordance with Section 250.120 of Mission Municipal Code that the emergency proclamation issued on March 13, 2020 and amended on March 18, 2020, April 1, 2020, April 15, 2020, and May 13, 2020 is further amended as follows:

That the state of emergency resulting from the COVID-19 pandemic is hereby extended through and including September 16, 2020. The City Council may revoke the extension sooner if conditions warrant by formal action at a public meeting.

That any rights or powers lawfully exercised or any actions taken pursuant to the local emergency plans shall continue and have full force and effect as authorized by law, unless modified or terminated in the manner prescribed by law.

PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS  
THIS 15th DAY OF JULY 2020.

SIGNED BY THE MAYOR OF THE CITY OF MISSION, KANSAS THIS 15th DAY  
OF JULY 2020.

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Ronald E. Appletoft, Mayor

ATTEST:

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Audrey McClanahan, City Clerk

**CITY OF MISSION  
STATE OF EMERGENCY / DISASTER PROCLAMATION**

WHEREAS, on March 13, 2020 the Mayor of the City of Mission, Kansas found that certain conditions related to the COVID-19 pandemic had caused or imminently threatened to cause, a widespread public health emergency in Mission, Kansas; and

WHEREAS, said proclamation was later approved, amended and extended by the City Council of the City of Mission, Kansas on March 18, 2020, April 1, 2020 and April 15, 2020; and

WHEREAS the current emergency proclamation for the City of Mission will expire on May 15, 2020; and

WHEREAS, recognizing that efforts to mitigate the spread of COVID-19 take the thoughtful and dedicated leadership and coordination of governments at all levels to protect the life and health of our citizens and visitors as well as the economy; and

WHEREAS, the Governing Body of the City of Mission, Kansas desires to continue a state of emergency as the state, county and city move into a reopening and recovery period;

NOW THEREFORE, BE IT PROCLAIMED by the City Council of the City of Mission, Kansas in accordance with Section 250.120 of Mission Municipal Code that the emergency proclamation issued on March 13, 2020 and amended on March 18, 2020, April 1, 2020, and April 15, 2020 is further amended as follows:

That the state of emergency resulting from the COVID-19 pandemic is hereby extended through and including July 15, 2020. The City Council may revoke the extension sooner if conditions warrant by formal action at a public meeting.

That any rights or powers lawfully exercised or any actions taken pursuant to the local emergency plans shall continue and have full force and effect as authorized by law, unless modified or terminated in the manner prescribed by law.

PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS  
THIS 13th DAY OF MAY 2020.

SIGNED BY THE MAYOR OF THE CITY OF MISSION, KANSAS THIS 13th DAY  
OF MAY 2020.

  
\_\_\_\_\_  
Ronald E. Appletoft, Mayor

ATTEST:

  
\_\_\_\_\_  
Audrey McClanahan, City Clerk