

**CITY OF MISSION, KANSAS**  
**FINANCE & ADMINISTRATION COMMITTEE**

**WEDNESDAY, SEPTEMBER 5, 2018**

**7:30 P.M.**

**(or immediately following 6:30 p.m. Community Development Committee)**

**Mission City Hall**

**PUBLIC HEARINGS / PUBLIC COMMENTS**

**PUBLIC PRESENTATIONS / INFORMATIONAL ONLY**

**ACTION ITEMS**

1. Ordinance Authorizing Issuance of IRBs - Mission Apartments LLC - Brian Scott  
([page 3](#))

In connection with the redevelopment agreement approved in September 2017, The Mission Apartments, LLC requested the City issue Industrial Revenue Bonds (IRBs) for the Mission Trails project located at 6201 Johnson Drive. The IRBs provide a sales tax exemption only on the purchase of materials, furnishings, fixtures, and labor associated with the construction of the 200-unit apartment building and structured parking facility. The City Council passed Resolution 995 on September 20, 2017 establishing the intent and authority to issue the IRBs. This ordinance authorizes the issuance of the taxable Industrial Revenue Bonds for the project in an aggregate principal amount not to exceed \$20 million. The bonds are not a general obligation of the City, and are not backed by the full faith and credit of the City. The Developer will be responsible for reimbursing all costs incurred by the City in connection with the IRBs.

2. Request to Revise Gateway CID #3 Implementation Date - Brian Scott ([page 8](#))

The City Council adopted Ordinance No. 1469 on October 18, 2017 establishing the Mission Gateway Community Improvement District (CID) #3 and imposing a .01% sales tax on all retail transactions that occur within the district. The ordinance established January 1, 2019 as the effective date for the imposition of the sales tax. The Gateway developers have requested that the effective date be moved back to July 1, 2020 to align with the completion of the development and the beginning of retail activity. Notice must be provided to the Kansas Department of Revenue no later than September 30, 2018 regarding any changes to the CID's implementation date.

3. Ordinances Adopting STO & UPOC - Ben Hadley ([page 12](#))

Annually, the League of Kansas Municipalities publishes a comprehensive public offense code (UPOC) and uniform traffic code (STO) for all Kansas cities. Mission adopts these

publications by ordinance, allowing us to maintain uniformity with agencies in the area, the State of Kansas, and the actions of the State Legislature. The City has the ability to opt out of certain provisions, and the additional ordinances that have been adopted by Mission to address local issues are recommended to remain in place. These include provisions addressing maximum speed limits, school zone fines, smoking restrictions, and animal cruelty, and are outlined in more detail in the attached action item.

4. Surplus Property Resolution - Brian Scott ([page 20](#))

The Parks and Recreation Department has been taking advantage of the closure of the Community Center to do some house cleaning. As a part of this process, they have identified old computers and audio equipment that needs to be disposed of. City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101.

## **DISCUSSION ITEMS**

### **OTHER**

5. Department Updates - Brian Scott

**Nick Schlossmacher, Chairperson**  
**Ken Davis, Vice-Chairperson**  
***Mission City Hall, 6090 Woodson St***  
***913-676-8350***

|                            |              |                 |
|----------------------------|--------------|-----------------|
| <b>City of Mission</b>     | Item Number: | 1.              |
| <b>ACTION ITEM SUMMARY</b> | Date:        | August 28, 2018 |
| <b>ADMINISTRATION</b>      | From:        | Brian Scott     |

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

**RE:** Ordinance authorizing the issuance of Taxable Industrial Revenue Bonds, Series 2018 for the Mission Apartments, LLC Project.

**RECOMMENDATION:** Approve an ordinance authorizing the City of Mission to issue Industrial Revenue Bonds (IRBs) in one or more series in an aggregate principal amount not to exceed \$20,000,000 to finance the costs of acquiring, purchasing, constructing, installing and equipping commercial facilities, including land, buildings, structures, improvements, fixtures, machinery and equipment for the Mission Trails project located at 6201 Johnson Drive for the benefit of Mission Apartments, LLC its successors and assigns.

**DETAILS:** In connection with the redevelopment agreement approved in September 2017, The Mission Apartments, LLC requested the City issue Industrial Revenue Bonds (IRBs) for the Mission Trails project located at 6201 Johnson Drive. The IRBs provide a sales tax exemption only on the purchase of materials, furnishings, fixtures, and labor associated with the construction of the 200-unit apartment building and structured parking facility. The City Council passed Resolution 995 on September 20, 2017 establishing the intent and authority to issue the IRBs.

In order to approve the IRBs, the Council will consider an ordinance which authorizes the issuance of the taxable Industrial Revenue Bonds and authorizes the following:

- 1) Funds to be used for acquiring, purchasing, constructing and equipping the project;
- 2) Funds to pay a portion of the costs associated with issuing the bonds;
- 3) The City to enter into a trust indenture agreement;
- 4) The City to enter into a lease agreement and bond purchase agreement;
- 5) The City to execute any and all documents necessary in connection with issuance of said bonds.

The IRBs and the associated interest shall be special, limited obligations of the City payable solely out of the amounts derived by the City under a Lease Agreement. The bonds are not a general obligation of the City, and are not backed by the full faith and credit of the City. The bonds are not payable in any manner by taxation, but shall be payable solely from the funds provided for in the Indenture. The issuance of the bonds shall not directly, indirectly or contingently, obligate the City, the State or any other political subdivision thereof to levy any form of taxation or to make any appropriation for their payment.

The Developer will be responsible for reimbursing all costs incurred by the City in connection with the IRBs. Fees are estimated at approximately \$52,250.

**CFAA CONSIDERATIONS/IMPACTS: NA**

|                                 |                                  |
|---------------------------------|----------------------------------|
| Related Statute/City Ordinance: | City Council Policy 112          |
| Line Item Code/Description:     |                                  |
| Available Budget:               | All fees reimbursed by developer |

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

**AN ORDINANCE AUTHORIZING THE CITY OF MISSION, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (MISSION APARTMENTS, LLC PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).**

**WHEREAS**, the City of Mission, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

**WHEREAS**, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Mission Apartments, LLC Project), Series 2018 (the “Bonds”), in a principal amount not to exceed \$20,000,000, for the purpose of acquiring, purchasing, constructing, installing furnishing, and equipping commercial facilities for Mission Apartments, LLC, a Kansas limited liability company, or its successors and assigns (the “Company”), including land, buildings, structures, improvements, fixtures, machinery and equipment (the “Project”); and

**WHEREAS**, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and Security Bank of Kansas City, as Trustee (the “Trustee”); and

**WHEREAS**, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

**WHEREAS**, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

**WHEREAS**, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

**Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project.** The Issuer is hereby authorized to provide for the acquisition, purchase,

construction, installation, furnishing, and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

**Section 2. Authorization of and Security for the Bonds.** The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$20,000,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

**Section 3. Authorization of Documents.** The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the “Bond Documents”), such officers’ signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer;
- (c) Lease Agreement, between the Issuer and the Company; and
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser.

**Section 4. Execution of Bond and Documents.** The Mayor of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor (or, in the Mayor’s absence, the acting Mayor) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

**Section 5. Pledge of the Project and Net Lease Rentals.** The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture

**Section 6. Further Authority.** The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer’s Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

**Section 7. Effective Date.** This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

**PASSED** by the governing body of the City of Mission, Kansas on September 19, 2018 and **APPROVED AND SIGNED** by the Mayor.

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Ronald E. Appletoft, Mayor

[SEAL]

ATTEST:

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Martha Sumrall, City Clerk

(Published in *The Legal Record* on September \_\_, 2018.)

**SUMMARY OF ORDINANCE NO. [\_\_\_\_]**

On September 19, 2018, the governing body of the City of Mission, Kansas passed an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE CITY OF MISSION, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (MISSION APARTMENTS, LLC PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).**

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$20,000,000, for the purpose of acquiring, constructing, furnishing, and equipping commercial facilities for Mission Apartments, LLC, a Kansas limited liability company, and constitute limited obligations of the City payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2018 Bonds, as provided in the Indenture. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 6090 Woodson. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [www.missionks.org](http://www.missionks.org).

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: September 19, 2018.

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City Attorney

|                            |              |                 |
|----------------------------|--------------|-----------------|
| <b>City of Mission</b>     | Item Number: | 2.              |
| <b>ACTION ITEM SUMMARY</b> | Date:        | August 28, 2018 |
| <b>Administration</b>      | From:        | Brian Scott     |

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

**RE:** Request for Revision of the Implementation Date of the Gateway CID #3

**RECOMMENDATION:** Approve the ordinance amending the implementation date for the Gateway Community Improvement District #3 to an effective date of July 1, 2020.

**DETAILS:** On October 18, 2017, the City Council approved Ordinance #1469 establishing the Mission Gateway Community Improvement District #3 with an implementation date of January 1, 2019.

The developer of the Gateway project has begun construction of the proposed development, but it will not be completed by January 1, 2019. The developer has requested that the implementation date be adjusted to July 1, 2020 (see attached letter).

This is not an approval of new incentives, just an extension of the date when CID taxes are collected. With no retailers on site generating sales tax until completion in July 2020, the developer would not want to activate the district early. Delaying activation preserves the entire 22 year duration for collection of revenues within the district, and provides the Council with the greatest degree of flexibility in evaluating how CID revenues might be used. Once activated, the CID “clock” can not be reset.

The State requires notice of any change to sales tax implementation dates prior to the first of the quarter immediately preceding the quarter the sales tax is to take effect. Meaning, we need to advise the State by September 30, 2018 in order to revise the January 1, 2019 implementation date. The attached ordinance, prepared by Gilmore & Bell, will amend the implementation date for the Gateway CID #3 to July 1, 2020.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

|                                 |               |
|---------------------------------|---------------|
| Related Statute/City Ordinance: | K.S.A 12-6a26 |
| Line Item Code/Description:     | N/A           |
| Available Budget:               | N/A           |



(Published in *The Legal Record* on September \_\_\_\_, 2018)

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

**AN ORDINANCE AMENDING ORDINANCE NO. 1469 OF THE CITY OF MISSION, KANSAS REGARDING THE MISSION GATEWAY COMMUNITY IMPROVEMENT DISTRICT #3.**

**WHEREAS**, K.S.A. 12-6a26 *et seq.* (the “Act”) authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax upon property within the district to finance projects; and

**WHEREAS**, pursuant to a petition (“Petition”) Aryeh Realty, LLC, a Delaware limited liability company (the “Property Owner”) was filed with the City Clerk on June 16, 2017 and other proceedings of the City of Mission, Kansas (the “City”) duly held in accordance with the Act, the governing body of the City passed and published Ordinance No. 1469 authorizing the projects described in the Petition, creating the Mission Gateway Community Improvement District #3 (the “District”) and imposing a 1.0% community improvement district sales tax (the “CID Sales Tax”) to commence on January 1, 2019 in order to pay the costs of projects as described in the Petition; and

**WHEREAS**, the Property Owner has requested that the governing body of the City delay the commencement of the CID Sales Tax to July 1, 2020; and

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

**SECTION 1. Amendment of Ordinance No. 1469.** Section 3(a) of Ordinance No. 1469 is hereby amended to read as follows:

(a) The costs of the Projects will be financed with the CID Sales Tax levied pursuant to the provisions of the Act and reimbursed on a pay-as-you-go basis, as defined in the Act. The CID Sales Tax is hereby imposed at the rate of **1.0%** on the sale of tangible personal property at retail or rendering or furnishing services which are taxable pursuant to the Kansas Retailers’ Sales Tax Act (K.S.A. 79-3601 *et seq.*) within the District with such CID Sales Tax to commence on July 1, 2020 or such other date as the governing body of the City sets by ordinance and continue for a period of twenty-two (22) years or such earlier date as provided in a redevelopment agreement to be entered into between the City and the Property Owner.

**SECTION 2. Ratification.** Ordinance No. 1469 is hereby ratified and shall remain effect as amended above.

**SECTION 3. Effective Date.** This Ordinance shall take effect and be in force from and after its passage by the governing body and its publication once in the official City.

**PASSED** by the Governing Body on this 19th day of September 2018 and **APPROVED AND SIGNED** by the Mayor.

**CITY OF MISSION, KANSAS**

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

[SEAL]

ATTEST:

\_\_\_\_\_  
Martha Sumrall, City Clerk



900 W. 48th Place, Suite 900, Kansas City, MO, 64112 • 816.753.1000

August 29, 2018

Matt R. Moriarity  
(816) 360-4184  
mmoriarity@polsinelli.com

**VIA ELECTRONIC MAIL TO:** [bscott@missionks.org](mailto:bscott@missionks.org)

Brian Scott  
City of Mission  
6090 Woodson  
Mission, KS 66202

**Re: Mission Gateway CID Sales Tax Extension**

Dear Brian:

This letter will confirm that, in connection with our prior discussions, the developer is requesting that the CID sales tax start date be extended to July 1, 2020.

Please contact me with any questions.

Sincerely,

A blue ink handwritten signature of Matt R. Moriarity, consisting of a stylized 'M' followed by a long horizontal line.

Matt R. Moriarity

cc: Matt Valenti  
Tom Valenti  
Korb Maxwell  
Laura Smith  
Gary Anderson  
Kevin Wempe  
Pete Heaven

|                            |              |                 |
|----------------------------|--------------|-----------------|
| <b>City of Mission</b>     | Item Number: | 3.              |
| <b>ACTION ITEM SUMMARY</b> | Date:        | August 21, 2018 |
| <b>POLICE</b>              | From:        | Ben Hadley      |

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

**RE:** Adoption of the Standard Traffic Ordinance (STO) and Uniform Public Offense Code (UPOC) Code Books for 2018

**RECOMMENDATION:** Approve the ordinances adopting the 2018 editions of the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code (UPOC), as published by the League of Kansas Municipalities.

**DETAILS:** The *Uniform Public Offense Code* and the *Standard Traffic Offenses* code have been published by the League of Kansas Municipalities since 1980. They are updated each legislative session, and are designed to provide a comprehensive public offense ordinance and a comprehensive traffic code for Kansas cities. They do not take effect in a city until the governing body has passed and published ordinances incorporating them. When properly incorporated by reference, it is not necessary to publish the entirety of the codes, just the ordinances.

Currently, the police department and court are utilizing the 2017 versions of the above referenced codes. The 2018 versions became effective July 1, 2018, but we wait until the updated (printed) versions are available through the League before bringing the action item forward to the City Council. To maintain uniformity with agencies in the area and with the State of Kansas and the actions of the State Legislature, it is recommended that these codes be adopted. Additional ordinances passed to address local issues are already in place in the city's Municipal Code and should remain as currently adopted.

In the Standard Traffic Ordinances, those include:

- Article 7. Section 33 relating to maximum speed. Maximum Speed Limits are regulated by Mission Municipal Code Section 310.00.
- Article 20. Section 204 (b) School zone fines. School fines are regulated by Mission Municipal code 300.035.

In the Uniform Public Offense Code, they are:

- Article 10, Sections 10.24, 10.25, and 10.26 relating to smoking prohibitions are deleted. Smoking restrictions are regulated by Mission Municipal Code Chapter 225. Article III.
- Article 11, Section 11.11 related to animal cruelty is deleted. Animal cruelty is regulated by Mission Municipal Code Chapter 210, Article 1.

|                                 |                           |
|---------------------------------|---------------------------|
| Related Statute/City Ordinance: |                           |
| Line Item Code/Description:     | 01-30-206-03 Publications |
| Available Budget:               | \$2,500                   |

|                            |              |                 |
|----------------------------|--------------|-----------------|
| <b>City of Mission</b>     | Item Number: | 3.              |
| <b>ACTION ITEM SUMMARY</b> | Date:        | August 21, 2018 |
| <b>POLICE</b>              | From:        | Ben Hadley      |

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

Included with the packet is an article from the League's July publication which details the legislative changes impacting the 2018 STO and UPOC.

Along with the printed code books, licenses for electronic versions of the STO and UPOC were purchased so that the information can be placed on the City's website and on computers in patrol vehicles and workstations used by the court and police department personnel. The cost for updated ordinances was \$1,040.41.

**CFAA CONSIDERATIONS/IMPACTS: N/A**

|                                 |                           |
|---------------------------------|---------------------------|
| Related Statute/City Ordinance: |                           |
| Line Item Code/Description:     | 01-30-206-03 Publications |
| Available Budget:               | \$2,500                   |

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

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE, 2018 EDITION, AND AMENDING THE CODE OF THE CITY OF MISSION.

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

Section 1. The Traffic Code of the City of Mission, 2018 Edition, Chapter 300, Section 300.010 is hereby amended as follows:

**CHAPTER 300: GENERAL PROVISIONS**

**Section 300.010: INCORPORATING STANDARD TRAFFIC ORDINANCE**

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Mission, Kansas, that a certain "Standard Traffic Ordinance for Kansas Cities," 2018 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Mission" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked as may be deemed expedient.

Section 2. Article 7. Section 33 relating to maximum speed limits is deleted. Maximum speed limits are regulated by the Mission Municipal Code Section 310.010.

Section 3. Article 20, Section 204(b) of said Standard Traffic Ordinance relating to fines in school zones is hereby deleted. School zone fines are regulated by Mission Municipal Code Section 300.035.

Section 4. This Ordinance shall take effect and be in force from and after publication as required by law.

PASSED AND APPROVED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2018.

(SEAL)

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Ronald E. Appletoft, Mayor

ATTEST:

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Martha M. Sumrall, City Clerk

APPROVED BY:

PAYNE & JONES, CHTD.

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

## ORDINANCE \_\_\_\_\_

AN ORDINANCE ADOPTING THE UNIFORM PUBLIC OFFENSE CODE, 2018 EDITION, AND AMENDING THE CODE OF THE CITY OF MISSION.

BE IT ORDAINED by the Governing Body of the City of Mission, Kansas:

Section 1. Section 215.010 of the Code of the City of Mission, Kansas is hereby amended by adopting the Uniform Public Offense Code, 2018 edition, as follows:

### **§215.010: Incorporating Uniform Public Offense Code.**

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Mission, Kansas, that a certain code known as the “Uniform Public Offense Code,” 2018 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Uniform Public Offense Code shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Mission” with all Sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this Chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied at the cost of the City such number of official copies of such Uniform Public Offense Code similarly marked as may be deemed expedient.

Section 2. Article 10, Sections 10.24, 10.25, and 10.26 relating to smoking prohibitions are deleted. Smoking restrictions are regulated by Mission Municipal Code Chapter 225, Article III.

Section 3. Article 11, Section 11.11 relating to animal cruelty is deleted. Animal cruelty is regulated by Mission Municipal Code Chapter 210, Article I.

Section 4. This Ordinance shall be in full force and effect after publication according to law.



PASSED AND APPROVED by the City Council this 19 day of September, 2018.

APPROVED by the Mayor this 19 day of September, 2018.

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Ronald E. Appletoft, Mayor

ATTEST:

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Martha M. Sumrall, 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

# Legal Forum

## Uniform Public Offense Code and Standard Traffic Ordinance

By Eric Smith, Deputy General Counsel, League of Kansas Municipalities

The 2018 editions of the *Uniform Public Offense Code (UPOC)* and the *Standard Traffic Ordinance (STO)* are now available for cities to order. (See the ad on page 164 in this month's KGJ or find it online at [www.lkm.org](http://www.lkm.org).) This article describes the legislative changes to both publications and changes made by the editor.

### UPOC

The legislature passed four bills – HB 2458, HB 2581, HB 2145 and SB 310 – affecting the UPOC this year.

HB 2458 amended criminal statutes resulting in two changes to the UPOC. Section 3.2, Battery Against a Law Enforcement Officer, and Section 3.3, Assault and Assault of a Law Enforcement Officer. Both sections were amended to add federal law enforcement officers to those who can be victims of these crimes.

HB 2581 made a major change to the crime of Giving a False Alarm. This crime is now titled Making an Unlawful Request for Emergency Service Assistance. The changes made to this crime include the addition of higher levels of felony sentencing, up to and including severity level 1, person felony, when the false request for assistance results in a death. The felony changes do not have any impact on the UPOC; however, Section 9.7 has been amended to reflect the change in name and some technical changes to the description of the crime.

HB 2145 made changes to the crime of Criminal Use of Weapons. Section 10.1 has been amended to remove throwing star from the list of items which are illegal to sell, manufacture, purchase, or possess. Dangerous knife, straight-edged razor, throwing star, and stiletto have been added to the list of items that are illegal to possess with the intent to use unlawfully against another. It is now legal to possess a throwing star so long as there is no intent to use it in an unlawful manner.

SB 310 made several changes to the Amusement Ride Act. These changes resulted in a few technical changes to the UPOC. Section 10.27, Illegal Operation of an Amusement Ride, has been amended to add the terms antique amusement ride, limited-use amusement



ride, and registered agritourism activity to the list of operations required to have a valid permit. The section has also been modified to remove the prior language which delayed the enactment of the crime to January 1, 2018.

### STO

The legislature also passed three bills – H. Sub. SB 374, HB 2439 and Sub. SB 272 – affecting the STO.

H. Sub. SB 374 and HB 2439 addressed the Constitutional issues raised by several court cases concerning the crime of Driving Under the Influence of Intoxicating Liquor or Drugs and implied consent. These two bills resulted in amendments to Section 30, Driving Under the Influence of Intoxicating Liquor or Drugs; Section 30.1, Driving a Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs;

and Section 194, Driving while License Canceled, Suspended or Revoked.

Section 30(c) has been amended to enhance sentencing if there are passengers under the age of 18 in the vehicle at the time of the DUI. Section 30(g) now requires the court to include any finding of alcohol concentration in the offender's blood or breath to be reported to the Division of Vehicles of the Department of Revenue. Section 30(h) and (i) have been modified to address the applicability of prior convictions for DUIs from other jurisdictions.

Section 30.1 has been amended to address many of the same changes made to Section 30. Section 194 has been amended to reflect changes made to the crime of vehicular homicide as a basis for license suspension.

Sub. SB 272 addressed several traffic related sections of the STO. New Section 40.1, Passing a Stationary Waste Collection Vehicle, has been added. It requires the driver of a motor vehicle to slow down and to move over as far as safely possible when passing a waste collection vehicle collecting trash. Law enforcement officers must give a warning to any violators prior to July 1, 2019, but officers can begin ticketing violators after that date. Section 81, Overtaking and Passing School Bus, has been amended to reflect the increase in fines for repeat offenses. Section 114.4,

Unlawful Operation of a Golf Cart, has been amended to allow a municipality to authorize the operation of a golf cart after sunset if equipped with lights as required for motorcycles and a slow-moving vehicle symbol.

## Editor's Changes

In addition to the changes described above, there have been changes made to both the UPOC and the STO based on conversations with members as well as a desire to produce a more comprehensive product. The UPOC will now contain the crimes of Unlawful Possession of Marijuana and Tetrahydrocannabinols, Section 9.1.1, Unlawful Possession of Drug Paraphernalia and Simulated Controlled Substances, Section 9.9.2 and Criminal Littering, Section 6.8. A definition for Waste Collection Vehicle has been added to Section 1 of the STO in conjunction with the new Section 40.1. The crime of Littering from a Motor Vehicle, Section 112.1, was included to assist some members who have had problems with this in the past. 🍷

🍷 **Eric Smith** is the Deputy General Counsel for the League of Kansas Municipalities. You can reach him at [esmith@lkm.org](mailto:esmith@lkm.org) or (785) 354-9565.

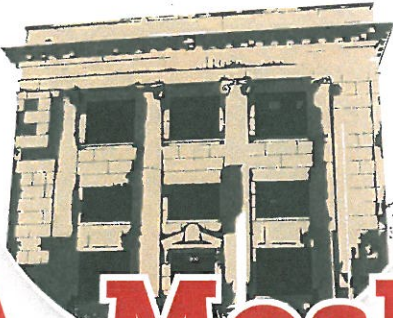
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## LEAGUE GOVERNING BODY NOMINATIONS

The League encourages officials from all member cities to participate in our organization and to consider serving on the governing body. Being part of the governing body is an excellent way to shape the future development of the organization. The League welcomes officials from all cities, in all regions of Kansas, to nominate their colleagues or themselves for governing body positions.

Article 4 of the League Bylaws charges the Nominating Committee with submitting a written report at least 24 hours before the start of the annual business meeting of the organization. This year's business meeting, including elections, will be held Monday, October 8, during the League's Annual Conference in Topeka.

In order to facilitate the process, we ask that all nominations be received by Friday, August 24 at 5:00 p.m. to the League of Kansas Municipalities, 300 SW 8th Ave., #100, Topeka, KS 66603. **You can also go online and submit your form electronically at [lkm.org/GovBodyNomination](http://lkm.org/GovBodyNomination).**



## 2018 E.A. Mosher Excellence in Local Government Award

**The E.A. Mosher Excellence in Local Government Award** is presented annually to an elected city official who has not only demonstrated outstanding service to his or her own city, but has also shown an active commitment to strong local government and service to the League of Kansas Municipalities. Named in honor of E.A. Mosher, League Executive Director from 1960 to 1991, this award is designed to honor excellence and leadership at the highest level.

**Nominees for the E.A. Mosher Excellence in Local Government Award must meet the following qualifications:**

- Must be an elected official from a League member city;
- Must have held elective office for a minimum of four years;
- Must demonstrate contributions that have had a significant impact on the quality of life of the citizens of his or her city;
- Must demonstrate contributions in promoting positive intergovernmental relationships; and
- Must show involvement with the League.

**Guidelines for the selection of the 2018 award winner are as follows:**

- Nominations will not be accepted after 5:00 p.m. on August 24, 2018;
- Nominations may be made by any elected or appointed official of a League member city;
- The Awards Committee of the League Governing Body will select the award recipient; and
- The winner's name will be kept confidential until the presentation at the League Annual Conference in Topeka.

For a nomination form, go to [www.lkm.org/excellence](http://www.lkm.org/excellence) or, contact Kate Cooley (785) 354-9565 or [kcooley@lkm.org](mailto:kcooley@lkm.org)

|                            |              |                 |
|----------------------------|--------------|-----------------|
| <b>City of Mission</b>     | Item Number: | 4.              |
| <b>ACTION ITEM SUMMARY</b> | Date:        | August 24, 2018 |
| <b>Administration</b>      | From:        | Brian Scott     |

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

**RE:** Declaration of Surplus Equipment

**RECOMMENDATION:** Approve the resolution providing for the sale/disposal of surplus equipment from various Departments.

**DETAILS:** City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101. A complete listing of property and equipment identified for surplus has been included as Attachment A to the Resolution.

Each Department, in consultation with the Finance Director, will be responsible for determining the best method for disposal in accordance with Council Policy and State law.

Items to be declared as surplus include computers and audio/visual equipment that are no longer being used by the Parks and Recreation Department. These items were identified in a house cleaning initiative that the Parks and Recreation Department has undertaken while the community center is closed for repairs. The items are of an age where they have no remaining value, and they will not be resold, but will be disposed of through our electronics recycling program.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

|                                 |                                        |
|---------------------------------|----------------------------------------|
| Related Statute/City Ordinance: | K.S.A. 12-101, City Council Policy 111 |
| Line Item Code/Description:     |                                        |
| Available Budget:               |                                        |

**CITY OF MISSION, KANSAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING SURPLUS PROPERTY FOR SALE OR DISPOSAL**

**WHEREAS**, City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101; and

**WHEREAS**, the City, has identified those items listed on Attachment A as "Surplus Property;"

**NOW, THEREFORE**, be it resolved by the Governing Body of the City of Mission:

**Section 1.** The items included on Attachment A are hereby declared as surplus.

**Section 2.** The Finance Director, in consultation with each Department, will be responsible for determining the best method for disposal or sale of the items declared as surplus.

**Section 3.** In accordance with Council Policy 111, all City Officials and employees, both elected and appointed, are prohibited from participating in the purchase of real and personal property from the City.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION** on this 19th day of September, 2018.

**APPROVED BY THE MAYOR** on this 19th day of September, 2018.

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

ATTEST:

\_\_\_\_\_  
Martha Sumrall, City Clerk

**Attachment A**

**Surplus Items - August 2018**

| Item                      | Description                  | Serial Number/Asset Tag | Department                | Estimated Value* |
|---------------------------|------------------------------|-------------------------|---------------------------|------------------|
| <b>Computer Equipment</b> |                              |                         |                           |                  |
| Laptop                    | Dell Laptop Windows XP       | 8600                    | Parks & Recreation -SPJCC | N/A              |
| Laptop                    | Dell Precision Windows Vista | M6300                   | Parks & Recreation -SPJCC | N/A              |
| Laptop                    | Dell Vostro Windows Vista    | 1720 / 5SLR1L1          | Parks & Recreation -SPJCC | N/A              |
| Desk top                  | Dell Windows Vista           | Optiplex 740            | Parks & Recreation -SPJCC | N/A              |
| Desk top                  | Dell Windows XP              | 1100                    | Parks & Recreation -SPJCC | N/A              |
| Desk top                  | Net Standard Computer        | NA                      | Parks & Recreation -SPJCC | N/A              |
| Desk top                  | Dell Windows 7               | Optiplex 780            | Parks & Recreation -SPJCC | N/A              |
| Desk top                  | Dell Windows 7               | Optiplex 780            | Parks & Recreation -SPJCC | N/A              |
| Monitor                   | Sampo Computer Monitor       | 50550412PY00011         | Parks & Recreation -SPJCC | N/A              |
| Monitor                   | Dell Computer Monitor        | E172FPI                 | Parks & Recreation -SPJCC | N/A              |
| Monitor                   | Dell Computer Monitor        | P231hb                  | Parks & Recreation -SPJCC | N/A              |
| Monitor                   | Dell Computer Monitor        | CNOKKJMT7426118QOCOL    | Parks & Recreation -SPJCC | N/A              |
| <b>Desk Printers</b>      |                              |                         |                           |                  |
| Desk Printers             | HP Laser Jet P2035           | N/A                     | Parks & Recreation -SPJCC | N/A              |
| Desk Printers             | HP Laser Jet M1217           | CNG70182HT              | Parks & Recreation -SPJCC | N/A              |
| Desk Printers             | HP Office Jet Pro 8600       | CN2B2B4J4W              | Parks & Recreation -SPJCC | N/A              |
| Desk Printers             | Samsung Pringer M2835 DW     | 075RB8GH4B0037B         | Parks & Recreation -SPJCC | N/A              |
| <b>Televisions</b>        |                              |                         |                           |                  |
| LG                        | 42" Flat Screen TV           | 005RMHRA2469            | Parks & Recreation -SPJCC | N/A              |
| Sanyo                     | Tube TV                      | V2160571369414          | Parks & Recreation -SPJCC | N/A              |
| Panasonic                 | 42" Flat Screen TV           | TH-42PH11UK             | Parks & Recreation -SPJCC | N/A              |
| <b>DVD Players</b>        |                              |                         |                           |                  |
| Sony DVD Player (4)       | DVD/VHS Player               | D550p                   | Parks & Recreation -SPJCC | N/A              |
| Funai                     | DVD/VHS Player               | J12411670               | Parks & Recreation -SPJCC | N/A              |
| Sony                      | DVD/VHS Player               | 214580                  | Parks & Recreation -SPJCC | N/A              |

|                            |                             |                                  |                            |     |  |  |
|----------------------------|-----------------------------|----------------------------------|----------------------------|-----|--|--|
| Cambridge                  | Audio/DVD Player            | #28189 / ser:<br>53CD4S303980220 | Parks & Recreation -SPJCC  | N/A |  |  |
| <b>Projectors</b>          |                             |                                  |                            |     |  |  |
| EIKI                       | Projectors LC - XG210       | G4XA2877                         | Parks & Recreation -SPJCC  | N/A |  |  |
| EIKI                       | Projectors LC - XG211       | G3YA2249                         | Parks & Recreation -SPJCC  | N/A |  |  |
| EIKI                       | Projectors LC - XG212       | G4XA1062                         | Parks & Recreation -SPJCC  | N/A |  |  |
| EIKI                       | Projectors LC - XG213       | G38A1121                         | Parks & Recreation -SPJCC  | N/A |  |  |
| 3M                         | Overhead Projector 9000RJG  | 111826                           | Parks & Recreation -SPJCC  | N/A |  |  |
| <b>Audio Equipment</b>     |                             |                                  |                            |     |  |  |
| Tuner                      | Marantz Audio tuner         | ST6000                           | Parks & Recreation -SPJCC  | N/A |  |  |
| Receiver                   | Sennheiser True Receiver    | cw 300                           | Parks & Recreation -SPJCC  | N/A |  |  |
| Tuner                      | Kramer Audio                | VP 88                            | Parks & Recreation -SPJCC  | N/A |  |  |
| Tuner                      | Kramer Audio                | VS5X5                            | Parks & Recreation -SPJCC  | N/A |  |  |
| Amplifier                  | Peavey Amp                  | IPA300T                          | Parks & Recreation -SPJCC  | N/A |  |  |
| Amplifier                  | Paso Amp                    | DMA2060                          | Parks & Recreation -SPJCC  | N/A |  |  |
| Amplifier                  | Peavey Amp                  | IPA 150T 28192                   | Parks & Recreation -SPJCC  | N/A |  |  |
| Amplifier                  | Peavey Amp                  | IPA 150T 28193                   | Parks & Recreation -SPJCC  | N/A |  |  |
| Amplifier                  | Crown Amp                   | CH1                              | Parks & Recreation -SPJCC  | N/A |  |  |
| Amplifier                  | Crown Amp                   | CTS 600                          | Parks & Recreation -SPJCC  | N/A |  |  |
| Amplifier                  | Bogen                       | 9070264                          | Parks & Recreation -SPJCC  | N/A |  |  |
| Amplifier                  | Anchor audio amp & speakers | #00653/6980381                   | Parks & Recreation -SPJCC  | N/A |  |  |
| Speakers                   | Altec Lansing Speakers      | NA                               | Parks & Recreation -SPJCC  | N/A |  |  |
| Public Announcement System | Fender                      | N/A                              | Parks & Recreation -SPJCC  | N/A |  |  |
| <b>Fitness Equipment</b>   |                             |                                  |                            |     |  |  |
| Aerobic Steps (28)         | Aerobic Steps               | N/A                              | Parks & Recreation - SPJCC | N/A |  |  |
| Aerobic Risers (57)        | Risers for aerobic steps    | N/A                              | Parks & Recreation - SPJCC | N/A |  |  |
| Spin Bike                  | Star Trac Spin Bike         | SBEN1304-L01247                  | Parks & Recreation - SPJCC | N/A |  |  |
| Spin Bike                  | Star Trac Spin Bike         | SBEN1304-L01228                  | Parks & Recreation - SPJCC | N/A |  |  |
| Spin Bike                  | Star Trac Spin Bike         | SBEN1304-L01248                  | Parks & Recreation - SPJCC | N/A |  |  |
| Spin Bike                  | Star Trac Spin Bike         | SBEN1304-L01250                  | Parks & Recreation - SPJCC | N/A |  |  |
| Spin Bike                  | Star Trac Spin Bike         | SBEN1304-L01249                  | Parks & Recreation - SPJCC | N/A |  |  |

\* There is no estimated value provided on these items as they have exceeded their useful life and have no remaining value. The items will not be sold, and will be disposed of through an electronics recycling program.

|  |  |
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