



COMMUNITY DEVELOPMENT COMMITTEE

WEDNESDAY, MAY 4, 2022 at 6:30 p.m.

POWELL COMMUNITY CENTER

6200 MARTWAY ST

Meeting In Person and Virtually via Zoom

This meeting will be held in person at the time and date shown above. In consideration of the COVID-19 social distancing recommendations, this meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>. Please contact the Administrative Offices, 913-676-8350, with any questions or concerns.

PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

1. Introduction of John Moffit and Proposed Development at 5555 W. 58th Street – Brian Scott ([page 4](#))

Mr. Moffit is proposing a 77 unit, three-story apartment complex at the southwest corner of 58th Street and Nall Avenue. The site includes the former Sunflower Medical Group office building as well as three parcels to the south along Nall. The properties are currently zoned “MS-2” Main Street 2 and “PBP” Planned Business District Park, but an application to rezone the properties to “DND” Downtown Neighborhood District will be considered along with the preliminary development plan. Mr. Moffit will introduce himself and his project to the Community Development Committee, but no action is being sought at this time. The proposed development and rezoning are scheduled to be heard by the Planning Commission at their May 23rd meeting.

2. Approval of Preliminary and Final Plat of Barkley Corner – 6780 Johnson Drive – Brian Scott ([page 12](#))

Arby’s restaurant is located at 6780 Johnson Drive, and is undergoing a corporate rebranding and update. Because the property is located in the Form Based Code overlay district, the improvements required the issuance of a Non-Conforming Situation Permit by the Planning Commission. In reviewing the application, staff noted that the property had never been platted which resulted in an application for a preliminary and final plat also being considered by the Planning Commission. The final plat will dedicate additional right-of-way along Johnson Drive, which will allow the City to install a wider sidewalk along Johnson Drive in the future. The final plat also provides a stormwater easement for an existing storm water line on the east side of the property. The preliminary and final plat were considered by the Planning Commission at their April 25th meeting and the Commission voted 6-0 (three absent) to recommend approval to the City Council.

ACTION ITEMS

3. Acceptance of the April 6, 2022 Community Development Committee Minutes – Emily Randel ([page 21](#))

Draft minutes of the April 6, 2022 Community Development Committee meeting are included for review and acceptance.

4. Request of Waiver of Section 320.020 of the Mission Municipal Code to Park a Camping Trailer – 6190 W. 52nd Street – Brian Scott ([page 31](#))

The owners of a home at 6190 W. 52nd Street have a small “pop-up” camper trailer which they are unable to store in their garage. As a result, they have been storing it on the side of the garage, in what is technically the side yard. Normally, this would be allowed by Code, but because it is a corner lot, the side yard is visible to the side street. By Code, that would require the camper be stored in the backyard, but the backyard is shallow and not easily accessible. The property owner is requesting a waiver of the code requirements. A waiver request requires consideration by the City Council after a public hearing. The public hearing is scheduled for the May 18, 2022 City Council meeting.

5. Design Agreement for 2023 Street Preservation Project – Celia Duran ([page 45](#))

The 2023 Street Preservation project includes three streets (Beverly Ave. - 57th St. to 56th St., Riggs Ave. - 53rd St. to Dead End, and Reeds Rd. - 51st St. to 50th Terr.) that were 60% designed in 2021/2022. Staff recommends including a fourth street - 61st Terrace (Lamar Ave. to Woodson Rd.) - for design and construction in 2023 based on pavement condition. Staff recommends approval of a task order with Olsson for design of 61st Terrace, as well as project meetings, permitting, and bid and construction phase services for all four streets, in a total amount not to exceed \$152,094.

6. Contract Award - Johnson Drive Rehabilitation Project (Lamar Avenue to Roe Avenue) - Celia Duran ([page 62](#))

The Johnson Drive (Lamar Ave. to Roe Ave.) Rehabilitation Project includes a UBAS treatment; restriping to a three-lane section from Nall Ave. to Roe Ave.; pavement and median repairs; spot replacement of curb and gutter, sidewalks, parking stalls, and ADA ramps; and removal and replacement of the decorative asphalt pavers with concrete to meet ADA requirements (Nall Ave. to Roeland Dr.). Two bids were received with McAnany Construction submitting the lowest and most responsive bid. Staff recommends approval of a construction contract with McAnany Construction in an amount not to exceed \$1,277,758.35. Construction is anticipated to begin in late June 2022 and will be completed by October 2022.

7. Construction Inspection Services Agreement - Johnson Drive Rehabilitation Project (Lamar Avenue to Roe Avenue) - Celia Duran ([page 68](#))

Based on qualifications and their previous experience in Mission, Staff recommends approval of a construction inspection services agreement with Pfefferkorn Engineering &

Environmental, LLC for the Johnson Drive Rehabilitation project in an amount not to exceed \$42,410. This contract is based on providing full-time services from June to October 2022 and includes all documentation, observation, and required testing.

8. Interlocal Agreement with Roeland Park for Johnson Drive Rehabilitation Project (Lamar Avenue to Roe Avenue) - Celia Duran ([page 86](#))

Prior to proceeding with construction of the Johnson Drive Rehabilitation Project, an Interlocal Agreement needs to be executed between the cities of Mission and Roeland Park for this joint project. The Agreement discusses the purpose, project financing for construction and construction inspection services, and project administration. There are no costs associated with execution of the interlocal agreement.

9. 2023-2027 Five-Year CARS Program – Celia Duran ([page 92](#))

Using a combination of state gas tax dollars and County General Fund revenues, the CARS program provides funds to cities to construct and maintain eligible streets. Each year, cities submit a 5-year road improvement plan to the County from which projects are selected for funding (up to 50% of the project's construction and construction inspection costs). Projects to be included in the 2023 - 2027 CARS Program for Mission are detailed in the action item summary.

10. Ordinance Clarifying Trail Use and Micromobility Devices – Penn Almoney ([page 97](#))

The proposed ordinance change to Chapter 230 and Chapter 305 of the City's Municipal Code adds clarifying language that includes trail use etiquette, area expectations and accessibility use. Specific examples of personal transportation devices were also moved and recorded under a section defining the all-encompassing term "micromobility devices" and are consistently defined in conjunction with the Standard Traffic Ordinances (STO). Proposed revisions based on discussions at the April 6, 2022 Community Development Committee meeting have been incorporated in a final recommended ordinance.

DISCUSSION ITEMS

OTHER

11. Department Updates - Laura Smith

Trent Boultinghouse, Chairperson
Ken Davis, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913.676.8350

City of Mission	Item Number:	1.
INFORMATIONAL ITEM	Date:	May 4, 2022
COMMUNITY DEVELOPMENT	From:	Brian Scott

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

RE: Introduction of John Moffit and Proposed Development at 5555 W. 58th Street

DETAILS: Mr. Moffit has submitted an application for a preliminary development plan for the construction of two (2), three-story apartment buildings at the southwest corner of 58th Street and Nall Avenue. The site includes the former Sunflower Medical Group office building as well as three parcels to the south along Nall. All four parcels are currently owned by ScriptPro. The entire site is 1.45 acres.

The development is proposed to consist of a mix of studio, one-bedroom, and two-bedroom units for a total of 77 units. There will be 25 enclosed garages that are tucked under the back of the buildings with an additional 58 surface parking spaces providing a total of 83 off-street parking spaces. Eight on-street parking spaces are also proposed; primarily for the leasing office and visitors to the building.

The properties are currently zoned “MS-2” Main Street 2 and “PBP” Planned Business District Park. An application to rezone the properties to “DND” Downtown Neighborhood District will be considered along with the preliminary development plan. The “DND” zoning is better suited for this type development as it is intended to provide a transition between the more active commercial areas along Johnson Drive and the single-family residential areas to the north.

This project is different from other multi-family development projects that the City is currently considering or has approved in the past few years. Both the scale and density of this project is more in keeping with the “Missing Middle Housing” which has been identified through the Comprehensive Land Use Plan update as a missing element in Mission’s residential stock. Daniel Parolek, defines the missing middle in his book *Missing Middle Housing; Thinking Big and Building Small to Respond to Today’s Housing Crisis*;

“As a range of multi-unit or clustered housing types, compatible in scale with single-family homes, that help meet the growing demand for walkable urban living, respond to shifting household demographics, and meet the need for more housing choices at different price points.”

This project will offer quality housing at more affordable rates with access to amenities in downtown Mission that are within an easy walk – the very attributes of “Missing Middle Housing.”

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

City of Mission	Item Number:	1.
INFORMATIONAL ITEM	Date:	May 4, 2022
COMMUNITY DEVELOPMENT	From:	Brian Scott

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

Mr. Moffit is the CEO of Moffit and Associates, a real estate firm in Overland Park. He has over 30 years of experience in the real estate industry. He is a senior member of both the National Association of Home Builders and the local Home Builders Association.

Mr. Moffit will introduce himself and his project to the Community Development Committee, but no action is being sought at this time. The proposed development and rezoning are scheduled to be heard by the Planning Commission at their May 23rd meeting. A neighborhood meeting on the project is planned for Monday, May 9th at 6:30 at the Powell Community Center.

CFAA CONSIDERATIONS/IMPACTS: The Community for All Ages initiative is an effort to consider the needs of residents of all ages when evaluating projects. There is evidence that points to a desire by multiple generations to have affordable housing options in communities with high walkability. AARP has been a champion of “Missing Middle Housing” through its livable communities initiative, which supports efforts for cities and towns to become more livable and age friendly for people of all ages.

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





9501 River Road, Ste. 200
 Lenexa, KS 66215
 913.482.1600
 gba@gba.com

58th and Nail Apartments
 58th Street and Nail Avenue
 Mission, Kansas

PROPOSED FACILITY FOR:

Clint Loumaster
 Professional Engineer
 License No. 21477

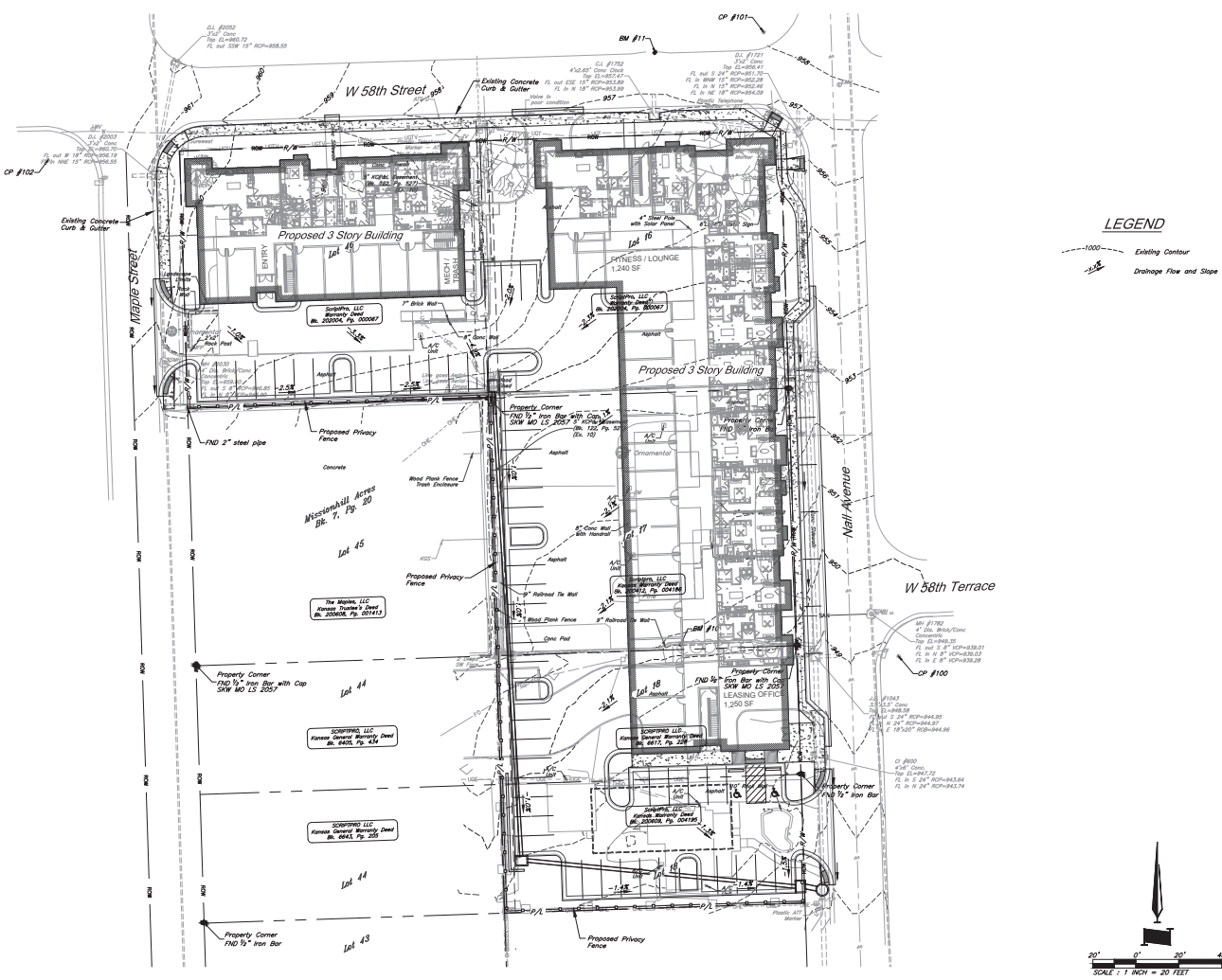
REVISION

PROJECT NUMBER
 15172.00
 DATE
 4/11/22

DESIGNED
 CEL
 DRAWN
 SMC
 REVIEWED
 CEL
 SHEET TITLE
 Grading Plan

SHEET NUMBER
C3

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G:\15172\C3 - 30\Production Drawings\Plan\58th and Nail\151720700.dwg Layout: C3 Grading Plan Monday, April 11, 2022, 2:42pm Copyright: 2022, George Buller Associates, Inc.

It's a sunny Saturday afternoon in Shirlington. Clusters of people are sitting outside, dining al fresco at restaurants serving high-end American or Italian food, or quaffing drinks at a pub named for a famous Irish writer. Women walk by with mats under their arms, fresh from yoga class or sessions of massage or reflexology. Shoppers step in and out of an artisanal bakery, a kitchenware store playing peppy French music or a cheese boutique named Cheesetique. All the stores have doors that open right onto the sidewalk, with most people parking at a multilevel garage tucked off the main drag. Newly built apartment towers loom over the scene, although none of the residents are out on their tiny terraces.

Shirlington is a slice of suburban Virginia, just outside Washington, D.C. But it could just as well be a retail pocket in any number of suburbs in the D.C. area, or, for that matter, on the edge of Atlanta, Cleveland or Denver. All over the country, suburbs are rushing to develop new mixed-use corridors, complete with dense, walkable shopping areas, often attached to a town hall or performing arts complex, as in Shirlington, and usually surrounded by mid-rise apartment or condo buildings.

them largely from scratch. "We're starting to see some competition even between these comparable types of developments, as consumers and even businesses are looking to have a different atmosphere," says Julie Palakovich Carr, a member of the city council in Rockville, Md.

Back in the 1970s, Rockville, which is a few miles north of Shirlington, tore out its downtown in order to build an enclosed shopping mall. That mall declined over the years due to local competition and the overall drop in brick-and-mortar shopping, so now it's been torn down in favor of a mixed-use development. In effect, the downtown has been put back where it once was. Lots of suburbs have torn down dead or dying malls, putting in their place town centers that encourage foot traffic among the shops, while still taking advantage of their proximity to a highway or major arterial road. Office parks are reshaping themselves as well, hoping to hold on to tenants as big companies buy into the trend of moving back to center-city downtowns.

Demographics have also brought changes to what many people are looking for from suburban life. Carr points out that in Rockville, the biggest demand in housing over the next 20 years is going to be from one-person households. That's true in a lot of places. Around the country, one out of every four households is composed of a single person. Three out of four households don't have a school-age child living at home. There just aren't as many traditional families with a couple of kids at home, wanting a big yard, as there used to be.

Instead, the demand is for amenities not only at home but also out in common areas, whether it's a fancy game room or swimming pool in an apartment complex or a wide range of choices for things to do in the neighborhood—preferably without having to drive to them. "People who don't have kids in their houses eat out a lot more than people who have kids," says Ellen Dunham-Jones, director of the urban design program at Georgia Tech University and a leading authority on suburban evolution. "Suddenly," she says, "you see the suburbs have way more restaurants than they used to, even bars and nightlife, which used to be anathema."

Certainly, this isn't the case in every suburb. Suburban populations are still growing fastest in developments further out, where cars remain king and sit in big garages next to big houses on big lots. Meanwhile, many close-in older suburbs with small bungalows built in the 1950s for a blue-collar clientele have entered into decline, with homes turning into downmarket rentals and rundown garden apartments leasing for cheap. Some of these suburbs are becoming pockets of intractable poverty, while others are ports of entry for new immigrants who are moving directly to conventional suburbs, bypassing urban life altogether.

But all of this creates a tempting opportunity to cater to members of the millennial generation who are attracted to cities but can't afford to live near the urban center. "The downtown housing has gotten absurdly expensive in those cities that have revitalized," says Dunham-Jones. This explains to a large extent the denser development taking shape in communities such as Shirlington and Rockville. Many millennials—and a lot of empty nesters as well—want a walkable lifestyle, with just about everything they need within a few blocks of their homes. Some suburbs have learned that they can attract this cohort by offering these



Shirlington's walkable "downtown" is attractive to senior citizens and millennials alike.

DAVID KIDD

Mixed-use developments like these are becoming kind of a cliché in American metropolitan areas—but that doesn't make them any less revolutionary. After decades offering themselves as safer, quieter alternatives to cities, suburbs are refashioning themselves to become more like them. Development built around cars, with zoning restrictions that strictly segregate housing from office space and shopping, is giving way to the desire to create new downtowns, bubbling with all kinds of activity, and create



In some markets, the biggest demand in housing over the next 20 years is going to be from one-person or childless households.

DAVID KIDD

urban-style amenities, often alongside high-performing schools that are better than their center-city counterparts.

This model of development isn't going to work everywhere. There has to be enough market demand for builders to be interested in reshaping large parcels of property. But the old suburban model of subdivisions as residential worlds unto themselves, often in a cul-de-sac format, has lost at least some of its luster. An increasing number of developers want to appeal to people who prefer to live and work in places where they don't have to drive for everything they want. "The suburbs that have gotten that are going to be the winners in the future," says Ed McMahon, a senior resident fellow with the Urban Land Institute. "The way people work, shop and move around is changing. Those that have figured that out are going to prosper, and others are going to decline."

Suburbs have always been shaped by transportation. The ones made possible by carriage and rail lines a century ago that took residents away from the pollution and noise of the big city were given the name of "streetcar suburbs." Following World War II, the desire to leave the city and attain some space was enabled by the interstate highway system. Those suburbs were built for and around the use of automobiles.

Now suburbs are being reshaped again, but this time more by communication than transportation. You might call them "smartphone suburbs." There's less need to go to the mall if you can have goods produced practically anywhere in the world shipped to your door by online retailers—and perhaps more important, can stock up on toilet paper, diapers and medicine without ever leaving home. When you do need to get out, you don't have to

own a car. Taxi service was always notoriously bad in suburbs, but now you can hire a Zipcar for weekend trips to Home Depot, or summon an Uber or Lyft to take you to a distant friend's house for dinner. "When I was a kid, getting your driver's license was a ticket to freedom," McMahon says. "Today, the cellphone is a way to connect without having to get in a car."

It's true that millennials are driving less. Teenagers, too. In 2014, only one out of four 16-year-olds had a driver's license, compared with nearly half back in 1983, according to a University of Michigan study. The share of 19-year-olds with licenses has also plunged, by 21 percent.

If more people are embracing a car-lite lifestyle, they're also looking for more social interaction. The smartphone may have something to do with this as well. People have gotten used to sharing interior thoughts and intimate feelings over digital devices. They may not be baring their souls to all and sundry around the town center fountain, but they're not coveting privacy in the way that earlier generations used to. This applies to older people as well as millennials. "The privacy that the aging boomers really valued while raising their kids, now they're beginning to question that," Dunham-Jones says. "Do I really want to mow that big lawn? If they're retired, suddenly that privacy can seem lonely." Or, to put it another way, the ability to conduct much of one's life on a cellphone may be generating a desire for in-person contact, perhaps the only thing the phone cannot deliver.

Whatever is driving the demand for walkability in the suburbs, it's clearly very much in vogue. You'll pay at least 25 percent more per square foot for housing in Reston, Va., which is built around a town center, than in nearby Sterling, a postwar cul-de-sac suburb that's the same driving distance from Washington. And there are

more urban-style developments emerging all the time. In 2008, when Dunham-Jones and June Williamson published their book *Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs*, they could come up with about 80 examples of suburban developments built to reduce automobile capacity. Today, their database contains more than 1,500 examples. “People are more willing to have compact housing,” says Williamson, an architecture and urban design professor at the City University of New York, “if it’s in the right location.”

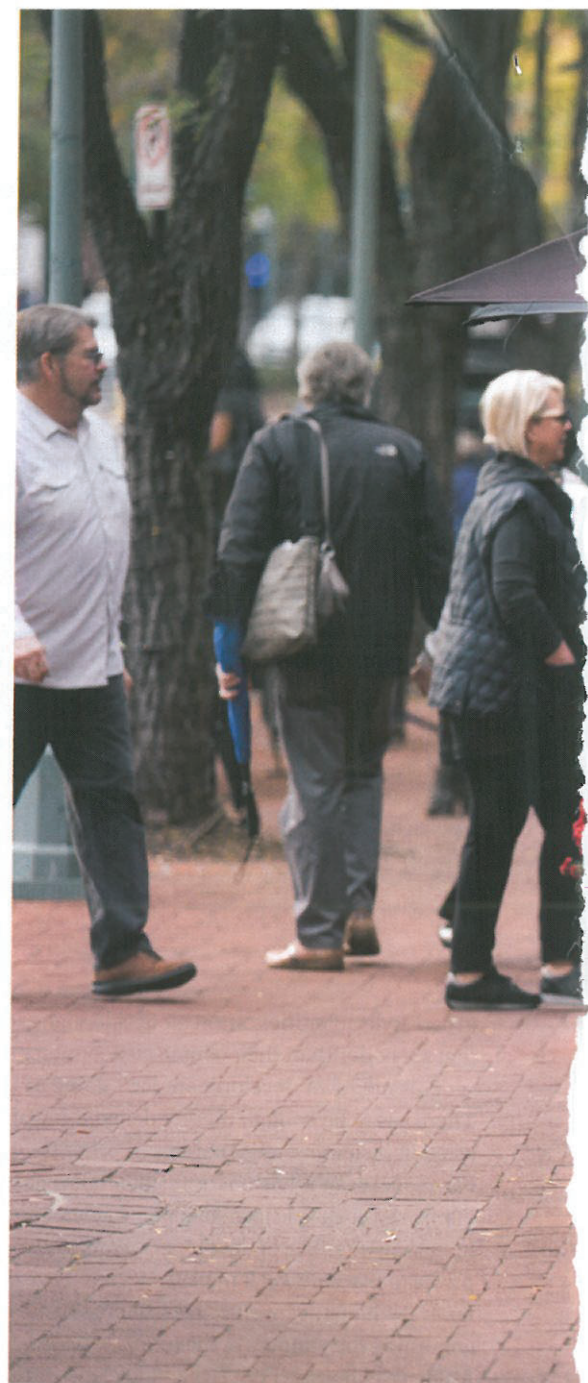
To succeed, mixed-used developments have to be truly mixed-use. Simply moving town hall out from behind its big parking lot and onto a main street isn’t going to magically attract retail. If you build housing on top of retail, but can’t attract jobs to the area, your shops are going to be empty during the day. Or they’ll be empty at night if they’re near offices but no one’s living nearby. Suburban office parks, for their part, are attempting to bring in more restaurants and coffee shops. For decades, there were three rush hours at Research Triangle Park in North Carolina—morning, evening and lunch hour. Forty thousand people work in the park, but until recently there was no place for them to buy a cup of coffee, let alone lunch. Now there is a growing number of choices. The managers of even the most successful office parks admit they will have to change to survive. “Downtowns have a sort of personality that does not exist in a suburban research park like ours,” says Bob Geolas, the Research Triangle Foundation’s former CEO. “A big part of what we’re doing is building a personality that people can relate to and be inspired by.”

It is possible to have a successful retail environment without including either housing or offices, but then you’ve just created, in effect, a roofless shopping mall. An enclave that’s pedestrian-friendly, but which everyone drives to, is not going to be as successful as one that combines jobs and housing and is connected to the outside world by transit, says Armando Carbonell, who leads the urban planning program at the Lincoln Institute for Land Use Policy.

That may be the most radical change in suburban planning: the growing consensus that transit matters. The most in-demand suburban developments are being built around transit, and this is true even where the share of commuters using transit is still low. Shops and apartments are springing up alongside fixed-rail stations all over the country. New developments are capitalizing on proximity to bus rapid transit lines, or sometimes just plain buses, as has happened with some projects that have taken over former malls. In Carmel, Ind., new housing is built near biking trails that can get residents directly from their doors to downtown Indianapolis.

Steve Bellone understood that transit was the one asset the struggling town of Babylon, N.Y., could count on. The Long Island Rail Road can take you from Babylon into Manhattan in under an hour (at least when there are no delays). Nevertheless, at the start of this century, when Bellone was serving on the town council, Babylon was rated the most economically distressed community on Long Island, with a failing school district, the highest unemployment rate in the area and all the other standard indicators of

Shirlington’s restaurants and shops open right onto the sidewalk.



blight. Back then, it took a herculean effort to combine federal, state, county, town and local nonprofit resources just to build a supermarket. “It was certainly a nice addition to the community,” Bellone says, “but it didn’t fundamentally alter any of the underlying conditions.”

Bellone knew his town needed to think bigger. Over a number of years and following a long planning process, the result was Wyandanch Rising, a \$140 million development that mixes apartment towers near the station and shops within walking distance. A majority of the apartments are subsidized, helping to lift up longtime residents rather than chasing them out. The first phase is open and lessons from the development are already being applied at a similar project nearby in East Farmingdale.

For an area that’s about 15 miles from Levittown—one of the pioneering postwar suburbs and an early model of exclusionary



DAVID KIDD

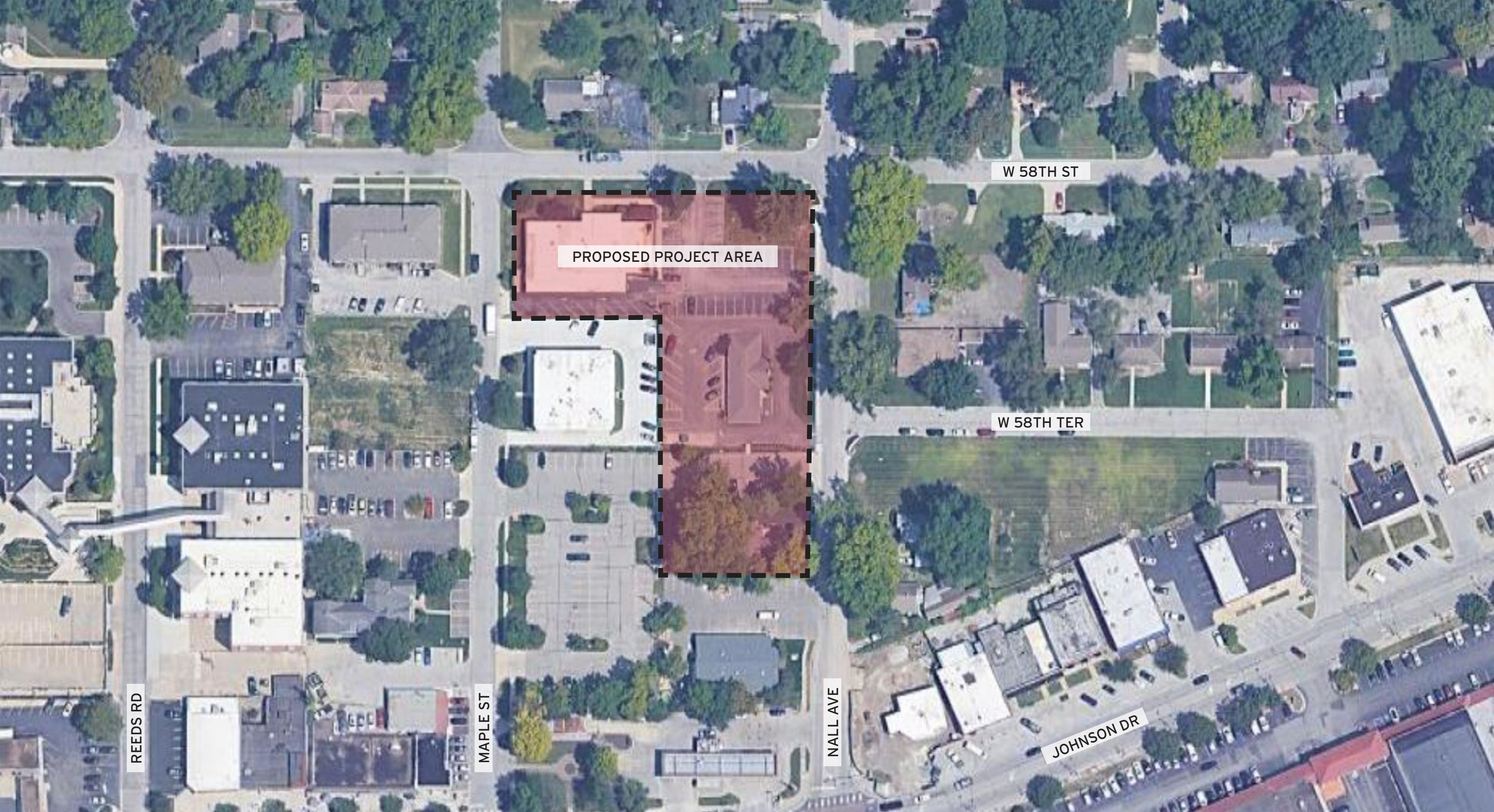
zoning—Babylon’s is a new approach, but one that harkens back to city building of the past. “What we’re really doing in suburbia is retrofitting it in a way that is [similar to] how we used to build communities,” says Bellone, now the Suffolk County executive. “You absolutely have to go back to the way we built communities in the past.”

As Bellone suggests, the new approach in suburbia is really a return to form. For centuries, people congregated within compact areas, doing all their trading and socializing, as well as interacting with government officials, in cities. The concept of suburbs dates back to Roman times, but the modern American suburb—which amounted to a barracks where people could sleep separate from all their other activities—represented a break from historic norms. Today’s suburbs represent an attempt to recapture a very old style of living, with commerce and community all mixed in together.

It’s clear now that the old suburban model created imbalances. Even before the recession, retail space was being built at several times the rate of growth of retail sales. There was an oversupply of large-lot, single-family homes, and an undersupply of every other type of housing. The new developments are an attempt to give today’s households what they are looking for in terms of convenience and choice.

Maybe today’s mixed-used plazas will be torn down one day in favor of a new generation of strip malls, but that seems unlikely. “The automobile-based suburb isn’t going to disappear overnight, and may never disappear,” says Carbonell of the Lincoln Institute. “But the suburb that provides more of a center and is connected to the metro region is going to be the growing sector.” **G**

Email agreenblatt@governing.com



PROPOSED PROJECT AREA

W 58TH ST

W 58TH TER

REEDS RD

MAPLE ST

NALL AVE

JOHNSON DR

EXISTING AERIAL



CONCEPT RENDER
FROM NORTHEAST
LOOKING SOUTHWEST

W 58TH ST

SITE SUMMARY			
APARTMENT BUILDING: 3 STORY ABOVE GRADE 1.45 AC - PROPOSED REZONING TO DND 50 U/A = 77.13 UNITS ALLOWED			
77 UNITS			
10	STUDIO	14.1%	X 1 STALL = 10 REQ
50	1 BED	65.4%	X 1 STALL = 50 REQ
3	1 BED+DEN	3.8%	X 1 STALL = 3 REQ
14	2 BED	16.7%	X 2 STALL = 28 REQ
TOTAL TUCK UNDER STALLS:			25 STALLS
TOTAL PARALLEL STALLS:			8 STALLS
TOTAL SURFACE STALLS:			58 STALLS
91 TOTAL STALLS = 1.18 / UNIT			
91 STALLS REQ			

MAPLE ST



58 SURFACE STALLS

8 PARALLEL STALLS

W 58TH TER

CONCEPT RENDER
FROM SOUTHEAST
LOOKING NORTHWEST

NALL AVE

COLORED SITE PLAN





CONCEPT RENDER FROM SOUTHEAST LOOKING NORTHWEST



CONCEPT RENDER FROM NORTHEAST LOOKING SOUTHWEST

SITE DEVELOPMENT, LAND USE, LOCATION AND TRANSPORTATION IMPACT

- D. LANDSCAPE IRRIGATION
 - THIS PROJECT WILL INCORPORATE NATIVE PLANTS TO REDUCE WATERING NEEDS. IRRIGATION SYSTEMS WILL BE DESIGNED TO AVOID PAVED AREAS, CREATE LESS OVER SPRAY, & INCORPORATE SMART CONTROLS
- H. WALKING / BICYCLE PATHS
 - THIS PROJECT UPDATES & ADDS NEW SIDEWALKS TO COMPLETE WALKING PATHS ON THE NORTH & WEST SIDES
- I. BICYCLE STORAGE
 - STORAGE LOCATIONS FOR BICYCLES WILL BE PROVIDED WITHIN THE BUILDINGS FOR RESIDENTS
- J. CHANGING / SHOWER FACILITIES
 - THESE FACILITIES WILL BE INCORPORATED INTO EACH DWELLING UNIT
- L. EV CHARGING
 - CONDUITS WILL BE PROVIDED FOR FUTURE EV CHARGERS
- M. BUS ACCESS
 - THIS PROJECT IS WITHIN 1000 FT OF A TRANSIT CENTER
- O. REDUCE LIGHT POLLUTION
 - EXTERIOR LIGHTING WILL BE DESIGNED TO LIMIT UP-LIGHT, LIGHT TRESPASS, & GLARE

MATERIALS AND RESOURCE USE

- B. CONSTRUCTION MATERIAL MANAGEMENT
 - CONSTRUCTION PRODUCTS WILL BE MANAGED PER MANUFACTURERS RECOMMENDATIONS ON MOISTURE CONTROL, TEMPERATURE REGULATIONS, & STACKING
- E. OCCUPANT WASTE MANAGEMENT
 - RECYCLING AREAS WILL BE PROVIDED FOR OCCUPANTS

ENERGY CONSERVATION, EFFICIENCY, AND CO₂E EMISSION REDUCTION

- C. ENERGY METERING / MONITORING
 - THIS PROJECT WILL INCORPORATE ELECTRICAL SUBMETERS FOR EACH UNIT
- E. BUILDING ENVELOPE / INSULATION
 - CODE REQUIRED INSULATION, WATER PROOFING, & AIR LEAKAGE CONSULTANT WILL BE USED. PROJECT WILL SEAL ALL WINDOWS & DOORS, & PREVENT AIR LEAKAGE FOR THE ENTIRE BUILDING
- G. ELECTRICAL / LIGHTING SYSTEMS
 - COMMON SPACES WILL INTEGRATE CONTROL SYSTEMS & OCCUPANCY SENSORS THAT TURN OFF INTERIOR & EXTERIOR LIGHTS WHEN THEY ARE NOT REQUIRED. ALL AREAS WILL HAVE NATURAL DAYLIGHT FOR APTS + COMMON BUILDING AREAS TO REDUCE LIGHTING NEEDS
- H. APPLIANCES / EQUIPMENT
 - ENERGY STAR WILL BE USED IN APARTMENT UNITS

WATER CONSERVATION AND EFFICIENCY

- A. WATER METERING
 - WATER METERING WILL BE USED & SUB-METERS FOR IRRIGATION TO PREVENT WASTE
- F. REDUCE IRRIGATION
 - NATIVE VEGETATION & PLANTS THAT REQUIRE LESS IRRIGATION HAVE BEEN SELECTED FOR THE ENTIRE PROJECT TO REDUCE THE OVERALL WATER USAGE

INDOOR ENVIRONMENTAL QUALITY AND COMFORT

- A. AIR HANDLING FILTRATION
 - ALL AIR HANDLING EQUIPMENT WILL HAVE SUFFICIENT FILTERS TO CLEAN THE AIR SUPPLIED TO OCCUPIED SPACES. HVAC SYSTEMS WILL HAVE U.V. LIGHT FILTERS
- I. DAYLIGHTING / VIEWS
 - ALL RESIDENTIAL UNITS WILL HAVE WINDOWS IN BEDROOMS & LIVING SPACES.

COMMISSIONING, OPERATIONS, AND MAINTENANCE

- E. O+M DOCUMENTATION
 - A USER MANUAL FOR EACH BUILDING SYSTEM WILL, AND RECORD DOCUMENTS WILL BE PROVIDED TO THE OWNER
- F. MAINTENANCE STAFF TRAINING
 - THE MAINTENANCE STAFF WILL BE TRAINED ON ALL BUILDING SYSTEMS. MAINTENANCE DOCUMENTATION WILL BE PROVIDED TO HELP THE STAFF KEEP THE PROJECT OPERATING SMOOTHLY

SUSTAINABILITY OBJECTIVES

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Community Development	From:	Brian Scott

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

RE: Approval of Preliminary and Final Plat of Barkley Corner – 6780 Johnson Drive

RECOMMENDATION: Approve the preliminary and final plat of Barkley Corner dedicating right-of-way and a stormwater drainage easement to the City.

DETAILS: Arby’s restaurant is located at 6780 Johnson Drive, and is undergoing a corporate rebranding and update. The Flynn Restaurant Group, which operates the Arby’s restaurant in Mission, submitted an application to the City for exterior and interior improvements to the building. Exterior improvements include new metal frame canopies around the windows, updated trim detail on the upper building wall along the roof line, screening of the mechanical equipment on the roof, and removal of the existing pole sign in lieu of a monument sign.

Because the property is located in the Form Based Code overlay district, the improvements required the issuance of a Non-Conforming Situation Permit by the Planning Commission. In reviewing the application, staff noted that the property had never been platted. Thus, an application for a preliminary and final plat were also considered by the Planning Commission.

The final plat will dedicate an additional 1 ½ feet of right-of-way along Johnson Drive which will allow the City to install an eight (8) foot sidewalk along Johnson Drive in the future. The final plat will also dedicate a 10 foot wide stormwater easement for an existing storm water line that runs along the east side of the property.

The preliminary and final plat were considered by the Planning Commission at their April 25th meeting and the Commission voted 6-0 (three absent) to recommend approval to the City Council. By adopting the accompanying resolution, the City Council will approve both the preliminary and final plat and accept the dedication of right-of-way and the stormwater easement.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	Section 440.220 & Section 44.260 of the Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION, KANSAS
RESOLUTION NO. ____**

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT OF BARKLEY CORNER AND ACCEPTING DEDICATION OF RIGHT OF WAY AND A DRAINAGE EASEMENT WITHIN SAID PLAT AS THOSE OF THE CITY OF MISSION TO HOLD IN PERPETUITY

WHEREAS, the Flynn Restaurant Group operates an Arby's restaurant at 6780 Johnson Drive; and

WHEREAS, the Flynn Restaurant submitted an application to the City for improvements to the restaurant; and

WHEREAS, the City requested that the property be platted showing dedication of additional right of way along Johnson Drive for a future street project and dedication of a stormwater easement for an existing stormwater line on the property.

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

Section 1. That the City of Mission accepts a forty-two (42) foot strip of land measured from the center line of Johnson Drive to the southern boundary of the property and a twenty-five (25) foot strip of land measured from the center line of Barkley Street to the westerly boundary of the property, as more clearly depicted on the Final Plat of Barkley Corner as "Public R/W" or "R/W", as right-of-way for use as public roadway and any adjacent public infrastructure including sidewalk, streetlights, or utilities. Such dedication and use shall include maintenance, repair, and future construction.

Section 2. That the City of Mission accepts a non-exclusive easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and under those areas outlined and designated on the Final Plat of Barkley Corner as "Storm Sewer Easement" or "Drainage Easement" or "D/E."

Section 3. The Mayor shall affix her signature to the Final Plat of Barkley Corner attesting to the acceptance.

Section 3. Said Plat shall be recorded with the Johnson County Register of Deeds.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION on this 18th day of May 2022.

APPROVED BY THE MAYOR on this 18th day of May 2022.

Solana Flora, Mayor

ATTEST:

Emily Randel, Interim City Clerk

NEW BUSINESS AGENDA ITEM: 1

PROJECT NUMBER / TITLE: Case #22-10 – Barkley Corner Preliminary/Final Plat

REQUEST: Approval of a Preliminary and Final Plat at Barkley Corner

LOCATION: 6780 Johnson Drive
Mission, KS 66202
Property ID: KF251208-1025

APPLICANT: Flynn Restaurant Group, DBA Arby's American Group
6200 Oak Tree Boulevard, Suite 250
Independence, OH 44131

STAFF CONTACT: Karie Kneller, City Planner

PUBLIC HEARING: April 25, 2022

LEGAL NOTICE PUBLICATION: April 5, 2022



Property Information:

The subject property, a fast-food drive-through and dine-in establishment, is located at 6780 Johnson Drive on the northeast corner of Johnson Drive and Barkley Street. The applicant, Flynn Restaurant Group, applied with the City for a renovation to the existing building's interior and exterior façade, which will be heard subsequently for Case #22-07. The property is zoned "C-1" Restricted Business District and lies within the West Gateway Form-Based Code Overlay District. The building's front façade faces Johnson Drive to the south with a drive through window facing west toward Barkley Street. Parking that consists of 31 stalls, including two ADA stalls, is situated on the west, north, and east sides of the building, with primary ingress and egress on Johnson Drive. Secondary access to the site is approximately 175 feet north on Barkley Street. A non-conforming pole sign currently exists on the south side of the site on Johnson Drive.

Surrounding the subject property are the following zones and uses:

- West: "CP-2" Planned General Business District - Commercial
- East: "CP-1" Restricted Business District – Commercial; "R-1" Single Family Residential - Residential
- North: "C-1" Restricted Business District – Medical Office Surface Parking
- South: "CP-2B" Planned Retail and Service District - Commercial

A water main operated by WaterOne runs east and west on the property approximately nine feet behind the edge of curb along Johnson Drive. Stormwater is collected at inlets on the southeast corner of the property at Johnson Drive and on the southwest along Barkley Street where water drains to a stormwater pipe running parallel to the water main. There is also a stormwater pipe running south along the eastern border of the property approximately four feet from the property line. Underground and overhead electrical utilities provide power to the site.

Project Background:

The property was not platted during its initial development. The City requested that a preliminary and final plat be submitted with the Site Plan improvements request. If approved, the final plat will be recorded with the Johnson County Register of Deeds.



Code Review – Consideration of Preliminary Plats:

Mission municipal code at §440.220 states that Preliminary Plats shall be approved by the Planning Commission if it determines that:

1. The proposed preliminary plat conforms to the requirements of this Title, the applicable zoning district regulations and any other applicable provisions of this Code, subject only to acceptable rule exceptions.

It is Staff's determination that the proposed plat is in conformance with Mission's Municipal Code.

2. The subdivision or platting represents an overall development pattern that is consistent with the Master Plan and the Official Street Map.

It is Staff's determination that the plat represents a development pattern already established and supported by the Comprehensive Plan.

3. The plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.

It is Staff's determination that the plat supports good land planning and allows for future redevelopment in compliance with adopted standards.

4. The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.

It is Staff's determination that the plat does not propose changes to curb cuts or intersections.

5. All submission requirements have been satisfied.

All the requirements of 440.220-Submission of Preliminary Plats have been satisfied.

Code Review – Consideration of Final Plats:

Mission municipal code at §440.260 states that Final Plats shall be approved by the Planning Commission if it determines that:

1. The final plat substantially conforms to the approved preliminary plat and rule exceptions granted thereto.

The final plat matches the preliminary plat as submitted with this application.

2. The plat conforms to all applicable requirements of this Code, subject only to approved rule exceptions.

Code requirements are described below. The proposed plat is in conformance.

3. All submission requirements have been satisfied.

All of the requirements of 440.250-Submission of Final Plats have been satisfied.

4. Approval of a final plat shall require the affirmative vote of a majority of the membership of the Planning Commission.

Analysis:

The Preliminary and Final Plats with this application consist of one lot and two tracts.

Lot: total area is 41,135 square feet (.94 acres)

Right-of-Way (ROW): Currently, the sidewalk along Johnson Drive and the sidewalk along Barkley Street are City-owned public rights-of-way, excepting a small corner of the southwest portion of the property. The City plans to make improvements in the right-of-way along Johnson Drive in the future, and requested a recorded plat that identified enough dedication of right-of-way to allow for widening of the sidewalk at the time improvements are made. The proposed plat dedicates nine feet of public right-of-way to the City of Mission from the edge of curb to the property for this purpose.

Easements: The easements proposed in the plat are areas dedicated for access to electrical utilities and stormwater utilities respectively. Both easements are 10 feet wide on center of the utility line. The electrical utility runs from the main line east to the building, and the stormwater pipe runs the entire length of the eastern edge of the property, approximately four feet from the property line.

Zone CP-1 of the Mission Municipal Code requires a minimum 15-foot front setback for one- and two-story buildings. There is no side or rear yard requirement stipulated in the municipal code, but buildings shall not exceed two stories in areas zoned CP-1.

Generally, under §455.100 of the Mission Municipal Code, a typical subdivision at the time of an original plat shall exercise good design and layout, that good planning principles are followed, efficient use of land, and natural assets such as trees and topography be retained wherever practical.

The above dimensions and designations are in accordance with the ordinances set forth in the Mission Municipal Code and requirements set forth by City Staff.

Staff Recommendation:

Staff recommends that the Planning Commission recommend approval of Case #22-10 Preliminary and Final Plat of Barkley Corner to the City Council.

Planning Commission Action:

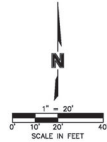
This Preliminary and Final Plat, stamped by a licensed professional surveyor, will be considered by the Planning Commission at their April 25, 2022 meeting. The two plats will be submitted to the City Council upon approval.

City Council Action:

This Preliminary Plat will be considered by the City Council at their May 18, 2022 meeting. Upon approval, the Final Plat will be signed by the Mayor, City Clerk, and Notary Public.

Final Plat Barkley Corner

An unplatted tract lying in the Northwest Quarter of Section 8, Township 12 South, Range 25 East in the City of Mission, Johnson County, Kansas



Property Description

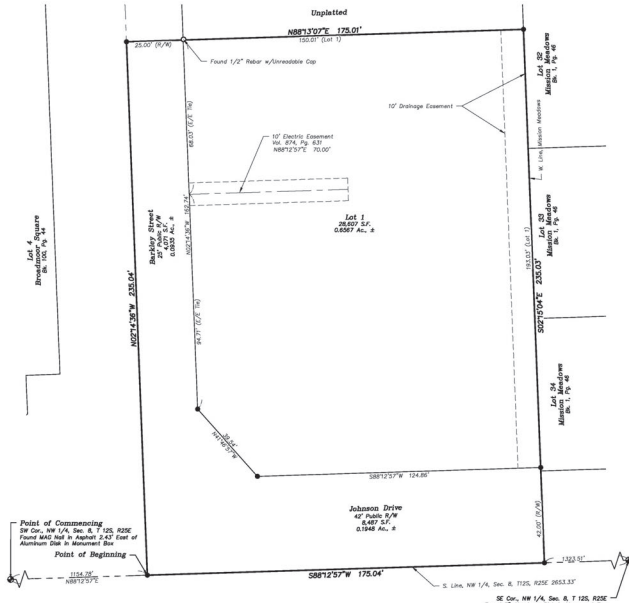
An unplatted parcel, being all that part of the Northwest Quarter of Section 8, Township 12 South, Range 25 East, in the City of Mission, Johnson County, Kansas, described by Michael J. Bogha, Kansas PS-1655, of Olson, KLS-114, on March 28, 2022, as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of Section 8, Township 12 South, Range 25 East; thence North 88 degrees 12 minutes 57 seconds East, on the South line of said Northwest Quarter, a distance of 1154.78 feet to the POINT OF BEGINNING; thence North 02 degrees 14 minutes 36 seconds West, departing said South line, a distance of 235.04 feet to a point; thence North 88 degrees 13 minutes 07 seconds East a distance of 175.01 feet to a point on the West line of Mission Meadows, a subdivision in the City of Mission, Johnson County, Kansas; thence South 02 degrees 12 minutes 04 seconds East, on said West line, a distance of 235.03 feet to a point on said South line; thence South 88 degrees 12 minutes 57 seconds West, departing said West line, on said South line, a distance of 175.04 feet to the POINT OF BEGINNING, containing 41,135 Square Feet or 0.9443 Acres, more or less.

Dedication

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "Barkley Corner".
The proprietors, successors and assigns, of property described on this plat hereby dedicate for public use all land described on this plat or public ways (designated as dedicated R/W) not heretofore dedicated. The proprietors, successors and assigns, of property shown on this plat hereby approve and agree, jointly and severally, to indemnify the City of Mission, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

A non-easement assessment or license to enter upon, locate, construct, use and maintain or utilize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Storm Sewer Easement" or "Drainage Easement" is hereby granted to the City of Mission, Kansas.



Area Summary Table	
Lot 1	26,277 S.F. 0.6560 Ac.
Dedicated Barkley Street R/W	4,071 S.F. 0.0935 Ac.
Dedicated Johnson Drive R/W	8,487 S.F. 0.1948 Ac.
Total	41,135 S.F. 0.9443 Ac.



- LEGEND**
- SECTION CORNER
 - "BT" 1/2" x 1/4" REBAR W/ID 1/4" CAP
 - FOUND MONUMENT AS NOTED
 - MEASURED DIMENSION - THIS PLAT
 - PREVIOUSLY PLATTED DIMENSION
 - (C) CALCULATED DIMENSION FROM RECORD
 - (D) PREVIOUSLY DEEDED DIMENSION
 - PERMANENT DRAINAGE EASEMENT
 - E/E ELECTRIC EASEMENT
 - R/W RIGHT OF WAY

Surveyor's Notes:

- Base of Bearings: Held South Line of the Northwest Quarter of Section 8, Township 12 South, Range 25 East = N88°12'57"K, Kansas Coordinate System 1983, North Zone. Distances shown herein are ground distances in US Survey Feet.
- This property lies within "Zone X - Areas determined to be outside the 0.2% annual chance floodplain," according to the FEMA Flood Insurance Rate Map Number 2009010225C, Map Revised August 1, 2009.
- Subject Property contains 41,135 Square Feet or 0.9443 Acres, more or less.
- The plat lies within the required minimum error of closure of 1:10,000.

Certification:

This is to certify that on March 28, 2022, this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for Boundary Surveys pursuant to K.A.R. 85-12-1.



Michael J. Bogha, PS-1655
Olson, LS-114
mjbogha@olson.com

Prepared For Property Owner:
National Retail Properties, LP
450 S. Orange Avenue, Suite 3000
Orlando, Florida 32801

Prepared By:
Olsson
7301 W. 133rd Street, Suite 200
Overland Park, Kansas 66211
Telephone (913) 381-1170

Execution

IN TESTIMONY WHEREOF, the undersigned proprietor has hereunto subscribed his name.

OWNER - National Retail Properties, LP, a Delaware limited partnership
By: NNN GP Corp., a Delaware corporation, as general partner

BY: _____
Signature Printed Name & Title

STATE OF Florida }
COUNTY OF Orange }

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by _____ of NNN GP Corp., a Delaware corporation, as general partner of National Retail Properties, LP, a Delaware limited partnership, on behalf of the partnership. They are personally known to me.

Notary: _____ My appointment expires: _____

Approvals

APPROVED BY, the City Council of the City of Mission, Johnson County, Kansas, this _____ day of _____, 2022.

ATTEST:
Solano Florio, Mayor Audrey McClendon, City Clerk

APPROVED BY, the Planning Commission of the City of Mission, Johnson County, Kansas, this _____ day of _____, 2022.

Mike Lee, Planning Commission Chairperson

Tim Steffens, Planning Commission Secretary

7301 West 133rd Street, Suite 200
Overland Park, KS 66211-1700
TEL: (913) 381-1170
www.olson.com

NO.	DATE	REVISIONS/DESCRIPTION
1	03/28/2022	Final Plat
2	03/28/2022	Final Plat

2022

Final Plat
Barkley Corner
An Unplatted Tract Lying in the Northwest Quarter
of Section 8, Township 12 South, Range 25 East
Mission, Johnson County, Kansas

SHEET
1 of 1

Preliminary Plat Barkley Corner

An unplatted tract lying in the Northwest Quarter of Section 8, Township 12 South, Range 25 East in the City of Mission, Johnson County, Kansas

Property Description

An unplatted parcel, being all that part of the Northwest Quarter of Section 8, Township 12 South, Range 25 East, in the City of Mission, Johnson County, Kansas, described by Michael J. Boghos, Kansas PS-1655, of Olson, KLSL-114, on March 26, 2022, as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of Section 8, Township 12 South, Range 25 East; thence North 88 degrees 12 minutes 57 seconds East, on the South line of said Northwest Quarter, a distance of 1154.78 feet to the POINT OF BEGINNING; thence North 02 degrees 14 minutes 36 seconds West, departing said South line, a distance of 235.04 feet to a point; thence North 88 degrees 13 minutes 07 seconds East a distance of 175.01 feet to a point on the West line of Mission Meadows, a subdivision in the City of Mission, Johnson County, Kansas; thence South 02 degrees 12 minutes 04 seconds East, on said West line, a distance of 235.03 feet to a point on said South line; thence South 88 degrees 12 minutes 57 seconds West, departing said West line, on said South line, a distance of 175.04 feet to the POINT OF BEGINNING, containing 41,135 Square Feet or 0.9443 Acres, more or less.

Dedication

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "Barkley Corner."

The proprietors, successors and assigns, of property described on this plat hereby dedicate for public use all land described on this plat as streets or public ways (designated as Dedicated R/W) not heretofore dedicated. The proprietors, successors and assigns, of property shown on this plat hereby observe and agree, jointly and severally, to indemnify the City of Mission, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

A non-exclusive easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Storm Sewer Easement" or "Drainage Easement" is hereby granted to the City of Mission, Kansas.

Proposed Use

Subject Property's Proposed Use is as a Commercial Restaurant.

Liquid Waste

Liquid Waste is to be handled by existing connection to Public Sanitary Sewer Main located at the Southwest corner of Subject Property

Execution

IN TESTIMONY WHEREOF, the undersigned proprietor has hereunto subscribed his name.

OWNER - National Retail Properties, LP, a Delaware limited partnership

By: NRP GP Corp., a Delaware corporation, as general partner

By: _____
Signature Printed Name & Title

STATE OF Florida }
COUNTY OF Orange } SS

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by _____ of NRP GP Corp., a Delaware corporation, as general partner of National Retail Properties, LP, a Delaware limited partnership, on behalf of the partnership. They are personally known to me.

Notary: _____ My appointment expires: _____

Certification

This is to certify that on March 26, 2022, this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for Boundary Surveys pursuant to K.A.R. 66-12-1.



Michael J. Boghos, PS-1655
Olson, LS-114
mj.boghos@olson.com

APPROVED BY, the City Council of the City of Mission, Johnson County, Kansas, this _____ day of _____, 2022.

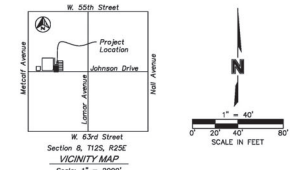
ATTEST: _____
Audrey McClanahan, City Clerk

APPROVED BY, the Planning Commission of the City of Mission, Johnson County, Kansas, this _____ day of _____, 2022.

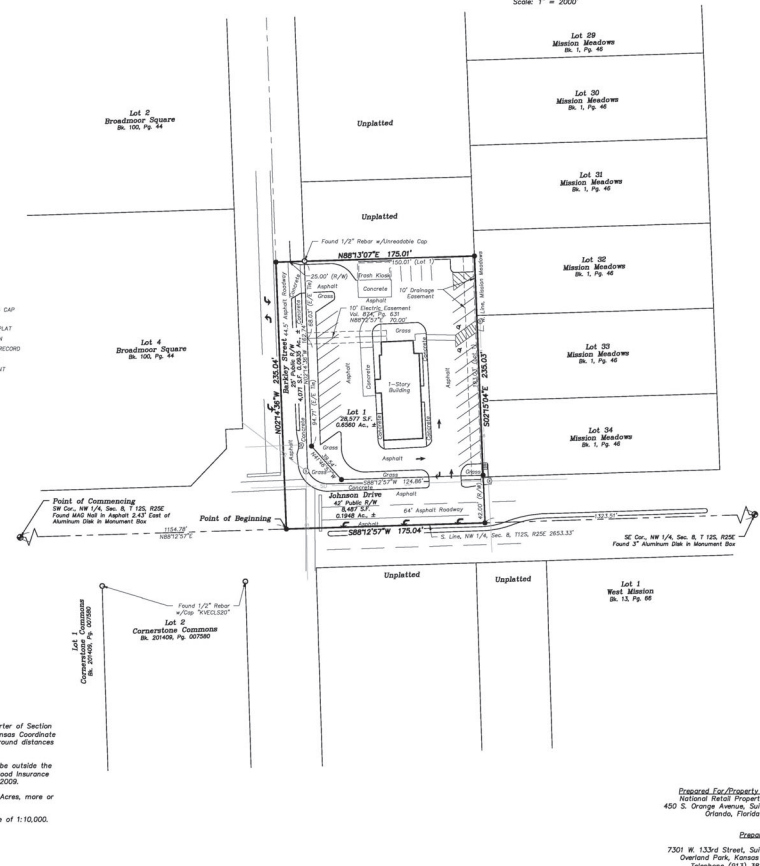
Mike Lee, Planning Commission Chairperson

Tim Steffens, Planning Commission Secretary

Area Summary Table	
Lot 1	28,577 S.F. 0.6580 Ac.
Dedicated Barkley Street R/W	4,071 S.F. 0.0925 Ac.
Dedicated Johnson Drive R/W	8,487 S.F. 0.1948 Ac.
Total	41,135 S.F. 0.9443 Ac.



- LEGEND**
- SECTION CORNER
 - ◆ SET 1/2"X24" REBAR W/C 1/4" EAP
 - FOUND MONUMENT AS NOTED
 - (M) MEASURED DIMENSION - THIS PLAT
 - (P) PREVIOUSLY PLATTED DIMENSION
 - (C) CALCULATED DIMENSION FROM RECORD
 - (D) PREVIOUSLY DEEDED DIMENSION
 - (E) PERMANENT DRAINAGE EASEMENT
 - (S/E) ELECTRIC EASEMENT
 - (R/W) RIGHT OF WAY



Surveyor's Notes:

1. Bore of Bearings: Held South Line of the Northwest Quarter of Section 8, Township 12 South, Range 25 East = N88°12'37"K. Kansas Coordinate System 1983, North Zone. Distances shown hereon are ground distances in US Survey Feet.
2. This property lies within "Zone X - Area determined to be outside the 0.2% annual chance floodplain," according to the FEMA Flood Insurance Rate Map Number 2009020236, Map Revised August 3, 2009.
3. Subject Property contains 41,135 Square Feet or 0.9443 Acres, more or less.
4. The plot lies within the required minimum error of closure of 1:10,000.



NO.	DATE	REVISION/DESCRIPTION
1	3/26/22	Initial Survey

Prepared For/Property Owner:
National Retail Properties, LP
450 S. Orange Avenue, Suite 300
Orlando, Florida 32801

Prepared By:
Olsson
7301 W. 133rd Street, Suite 200
Overland Park, Kansas 66211
Telephone (913) 381-1170

SHEET
1 of 1

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Administration	From:	Emily Randel

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

RE: April 6, 2022 Community Development Committee minutes.

RECOMMENDATION: Review and accept the April 6, 2022 minutes of the Community Development Committee.

DETAILS: Minutes of the April 6, 2022 Community Development Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

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

CFAA CONSIDERATIONS/IMPACTS: N/A

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



MINUTES OF THE MISSION COMMUNITY DEVELOPMENT COMMITTEE

April 6, 2022

The Mission Community Development Committee met at the Powell Community Center and virtually via ZOOM on Wednesday, April 6, 2022. The following Committee members were present: Ken Davis, Trent Boultinghouse, Hillary Thomas, Debbie Kring, Lea Loudon, Mary Ryherd and Kristin Inman. Councilmember Ben Chocie j participated virtually. Mayor Flora was also present. Councilmember Boultinghouse called the meeting to order at 6:30 p.m.

The following staff were present: City Administrator Laura Smith, Deputy City Administrator Brian Scott, City Clerk Audrey McClanahan, Assistant City Administrator Emily Randel, Public Works Director Celia Duran, Public Works Superintendent Brent Morton, Parks and Recreation Director Penn Almoney and Chief Dan Madden.

Revised Agenda

Ms. Randel explained that they would be considering a revised agenda, changing the Ordinance Clarifying Trail Use and Micromobility Devices from an Action Item to a Discussion Item.

Moved by Kring, seconded by Davis to approve the April 6, 2022 Revised Agenda as printed. Voting AYE: Boultinghouse, Inman, Loudon, Thomas, Chocie j, Kring, Ryherd and Davis. **Motion Carried.**

Public Comments

Councilmember Boultinghouse reminded the public they can participate via the chat feature on Zoom. All comments would be visible to the group.

There were no public comments.

Public Presentations

Proposed Design Concept for New Rushton Elementary School - 6001 W. 52nd Street

Rushton Elementary School is located at 6001 W. 52nd Street and is one of 34 elementary schools in the Shawnee Mission School District. Rushton's service area encompasses most of Mission from Nall Avenue to Metcalf and I-35 to Shawnee Mission Parkway with approximately 360 students. The school was built in 1954 and is approximately a 50,000 square feet, one level, building on 6.64 acres (289,074 sq. ft.).

After evaluations of the district's ten oldest elementary schools, Rushton showed that while the building is structurally sound and safe, there are number of deficiencies that do not meet school standards. These issues include: no room for an early childhood program, no room for small group instruction, current collaboration space is poor, no public common space, cafeteria and kitchen

are undersized, limited technology, and HVAC system is inefficient and noisy throughout the school. Therefore, Ruston was recommended for rebuild, which included technology enhancements.

Reconstruction of the schools and the other various improvements will be funded by a \$264 million bond issue, approved by the voters in the spring of 2021. Incite Design Studio will be the architects and have completed the meetings with teachers, parents, and community leaders to develop plans.

Duane Cash and Mike Hilmes, Office Directors and Client Leaders for Incite Design Studio, were present and provided the following updates:

- There have been a 20% increase in costs, SMSD and Incite are working to adjust the plans to accommodate funding in accordance with the bond issue.
- Design considerations were made in relation to the location of the school within the neighborhood, including drop-off and pick-up zones.
- There will be a courtyard behind the school to allow for active space.
- An informal traffic study was completed. The parking and driving lanes have been designed to allow for visitors to be able to access parking during drop-off and pick-up hours.
- There are two dedicated park playground spaces, each designed for a specific grade range.
- The gymnasium is a FEMA rated shelter and the building is anticipated to be LEED certified as well.
- The building will also feature a media center, outdoor classroom space and covered patio.
- There will be a partial second story which will house older grades.
- Between each classroom there will be a wet lab with shared bathrooms. In case of an emergency, students are able to lock-down in the wet rooms with door closed.
- The building will be outfitted for the prospect of electric car charging stations.

Incite Design Studio is prepared to submit plans for review by the Planning Commission at their May 23rd meeting. There will also be an informal neighborhood meeting prior to the Planning Commission review, date to be determined.

Construction is scheduled to begin in the spring/summer of 2023 and be completed by end of 2024. Students who are currently attending Rushton Elementary will be bused to the old Westwood View Elementary School during the construction.

Councilmember Thomas asked if there would be pre-kindergarten on site. Mr. Cash informed that was not part of the discussed plan and SMSD will utilize Broadmoor as the early childhood center.

Ms. Smith asked about the LEED certification process that was planned for the building based on what she heard the Incite describe. She wanted to confirm that no specific level of LEED certification was being targeted for the project, but that the building would be constructed to at least the Bronze standard. Mr. Cash confirmed that to be the process/plan, and that they are

working with a coordinator to help with the process to be certified and know the benchmarks of when they have reached each level.

Approval of Special Use Permit and Approval of a Preliminary and Final Plat for Bickford at Mission Springs – 5350 W. 61st Place

Mr. Scott reported that Bickford at Mission Springs is an assisted living and memory care facility at 5350 W. 61st Place. The development is two, separate buildings totaling approximately 28,000 square feet on 3.8 acres of land. The property is zoned “CP-O” Planned Office Building. Nursing homes are a permitted use in any zoning district with a special use permit. When the development was approved in 1995, a special use permit was issued for a period of 25 years. The ownership of Bickford is in the process of selling the property to another entity. The lender that is financing the purchase requested a zoning verification letter from the City and it was discovered by staff that the Special Use Permit had expired in 2020.

The ownership of Bickford is requesting a renewal of the Special Use Permit for an indefinite period. In addition, during this review, staff also discovered that the property was never properly platted, so a Preliminary and Final Plat have been prepared. The plats will identify all easement and dedications and be filed with the Johnson County Register of Deeds.

The Planning Commission held a public hearing at their meeting on March 28, 2022 to take testimony on both the application for the Special Use Permit and the application for the Preliminary and Final Plat. At the conclusion of the public hearing, the Planning Commission voted to recommend to the City Council approval of the Special Use Permit and the Preliminary and Final Plat with conditions as outlined in the staff reports. This item will be considered by the City Council at their regular meeting on April 20, 2022.

Councilmember Kring asked and Mr. Scott confirmed that there would not be a name change for the assisted living. Councilmember Chociey asked and Mr. Scott confirmed that the City is tracking the dedicated right-of-way for recording.

Mohawk Park Site Improvements

Ms. Smith explained that Mohawk Park is a neighborhood park located at the northeast corner of Lamar and 67th Street, approximately 7.8 acres in size. There are no existing buildings constructed on the site. Playground equipment is adjacent to a circle drive in the northeast quadrant of the property and connects with a network of walking paths. There are two soccer fields and approximately 21,000 square foot surface parking lot which can accommodate up to 50 cars.

The City adopted the Mission Parks and Recreation Master Plan in 2016 and SFS Architects was contacted to begin master planning improvements for each of the primary parks including Mohawk, Broadmoor, Streamway, and Waterworks. Improvements are funded by a 3/8-cent sales tax for Parks and Recreation and a Land Water Conservation Grant Mission received late last

year. Proposed improvements include a public use shelter and public restrooms to encourage efficient use of the playing fields and current programs, with new sidewalk connection from the proposed facilities to the existing park trails. The Plan also calls for a storage facility as part of the shelter, water fountains, irrigation, and furnishings. Demolition of the existing parking lot on the west side of the property and construction of a new parking lot on the south along 67th Street with existing additional parallel parking in the half circle drive is proposed as an alternate bid if the budget for the project allows. Otherwise, the existing parking lot will remain as is for the time being.

The plans for these site improvements were presented to the Planning Commission at their regular meeting on March 28, 2022. Residents from the surrounding neighborhoods attended and provided testimony with the following concerns or comments:

- Parking location could cause traffic conflicts for homes on 67th Street.
- Existing trail entry point concern of the new parking lot.
- Universal design playground equipment.
- Better access to the park from the south, suggesting installing crosswalk at 67th and Lamar.
- All residents enjoyed living near the park and were appreciative for the improvements.

The Planning Commission discussed and then moved to recommend approval of the proposed park improvements with the following conditions:

- That consideration be given to developing a new parking lot but on the west side of the park, off Lamar instead of on the south side of the park as proposed, and
- Crosswalks be installed at 67th and Lamar for better access from the adjoining neighborhoods.

Since there has been a dramatic shift in this previous recommendation, a debrief was conducted to understand the concerns of the Planning Commission as the amendments would have had significant redesign costs and a delay in the bidding and construction timeline. It was concluded that the staff and the consultant team did not present complete or comprehensive information on the park conceptual planning process, the overall concept for Mohawk Park, or the specific design considerations which influenced the recommendation to relocate the parking lot. Additionally, staff discussed the traffic and safety concerns with our traffic engineers at GBA who will provide a report prior to the April 20 City Council meeting. A draft report from GBA offers the following:

- A comparison of the characteristics of Lamar and 67th, which would indicate that although different both are sufficient to support traffic generated by the park.
- If moving the parking lot to the south, the alignment with Beverly is recommended.
- When considering the full build out of the park concept, any parking lot on the west side of the park would also have an interaction with the trail.
- The vehicle/pedestrian/cyclist interactions are not uncommon in park design and can be safely managed through the use of signage, pavement markings and detectable warnings.

If the project is altered there is the potential for it to jeopardize approximately \$400k in LWCF grant funding. In addition, a remand back to Planning Commission will delay implementation by at least 45-60 days without assurance that recommendation would be modified. Finally, if parking lot moves to another location, all other existing park amenities would need to be redesigned, resulting in the loss of up to \$100K in design costs expended to date.

According to Section 440.175 of the Municipal Code, after the Planning Commission submits a recommendation, and the reasons therefore, the City Council may:

- Approve and adopt such recommendation;
- Override the Planning Commission recommendations by two-thirds (2/3) majority vote of the City Council; or
- Return such recommendations to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

Councilmember Thomas asked if the Planning Commission members were part of the stakeholder meetings. Ms. Smith replied that there were no Planning Commission members formally assigned to the stakeholder group for Mohawk Park.

Councilmember Chocie commented that he had the pleasure of sitting on PRT when this process was happening as well as working on the steering committee. He added that the parking lot and access were considered, in the concept drawings, at least once. They were discussed with residents, specifically from 67th Street, and he thinks the southern alignment is the safest layout with insignificant disruption. Councilmember Chocie recommended overriding the Planning Commission to progress with the project and not jeopardize any funding. Councilmember Ryherd agreed, commenting that this has been assessed by PRT and other stakeholder committees, and she is in favor of protecting grant dollars and moving forward. Councilmember Chocie thanked Mr. Almoney for all his hard work on this project.

Councilmember Kring asked if anyone had put in for a name change for the park. Ms. Smith confirmed that Council agreed with the concept to keep the same name for Mohawk Park but when the plaza is constructed to name it, Meadowlark Plaza, which was one of the suggested names through the park naming process. Councilmember Kring added that it was important to be extremely diligent in protecting the grant dollars, so when other grant applications are assessed, that the City doesn't lose the opportunity. Councilmember Kring asked if there have been any recommendations, around the peripheral of the park, to put a light at 67th and Lamar instead of the stop sign. Ms. Smith replied that it can be assessed by the traffic engineers, but she was doubtful that the traffic counts would warrant a signal.

Conversation continued on the process to return this item for re-consideration by the Planning Commission.

Councilmember Davis asked, going forward, what role should the Planning Commission have in park processes. Ms. Smith answered that, no matter what decision was made, information on the overall park conceptual planning process along with the specific background and plans for

Mohawk Park needed to go back to Planning Commission in order for everyone to stay informed. Councilmember Davis asked if there was a sense of dissension that occurred at the Planning Commission meeting. Ms. Smith replied that it was more likely driven by safety concerns.

Councilmember Boultinghouse commented that it's imperative that the City keeps moving forward with this project, that the Council has a remedy, in the code, for these kinds of situations.

Councilmember Davis suggested a special Planning Commission meeting to allow for the opportunity to provide additional information. Councilmember Loudon agreed, adding that it would be helpful for them to see the traffic engineer's report and understand the overall effects of the project. Councilmember Davis commented that remanding back, to the Planning Commission, would be his first choice in order to give them the opportunity to reconsider these recommendations. Councilmember Inman commented that she appreciates the Planning Commission's time and efforts but the Council does have the ability to override and that would be the appropriate action.

The Council will take action, on this item, at their legislative meeting on April 20, 2022.

Action Items

Acceptance of the March 2, 2022 Community Development Committee Minutes

Minutes of the March 2, 2022 Community Development Committee were provided to the Committee. There being no objections or corrections, the minutes were accepted as presented.

Purchase of bulk deicing salt from Central Salt, LLC

Mr. Morton explained that rock salt is an essential commodity for snow removal activities. Salt effectively lowers the freezing point of water and acts as a melting agent. When applied to the pavement, it prevents frozen precipitation from sticking to surfaces and works in conjunction with plowing activities to penetrate ice and snow in order to remove it from the roadway.

The City went out to bid with Overland Park and several other surrounding cities in 2020 for quotes from salt suppliers who guarantee the product will be available for delivery during winter storm events. The City's salt storage dome holds approximately 1,800 tons of salt. Based on the activity during the winter of 2021-2022, current salt stores were significantly reduced, leaving the dome with approximately 400 tons.

Staff recommends "restocking" the salt dome this year to have salt available for the upcoming winter season. The current contract expires on May 31st, 2022 and the cost of salt has the potential to increase upon renewal due to fuel costs or other factors. Staff recommends ordering 1,200 tons of salt at a unit price of \$49.71 per ton for a total cost of \$59,652 to refill the salt dome. The 2022 budget includes \$65,000 for the purchase of salt.

Councilmember Davis recommended the purchase and delivery of bulk deicing salt from Central Salt, LLC at a total cost not to exceed \$59,652 be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

Task Order with GBA to Perform On-Call Review Services for Miscellaneous Site Development Plans

Ms. Duran reported that the City of Mission currently has entered into master professional services agreements for on-call engineering and development review services with both GBA and Olsson through December 2022. These services include, but are not limited to, review of miscellaneous site development plans, report preparation, and attendance of public hearings as necessary; traffic and engineering study review; and design and inspection of capital projects.

Staff typically contacts one of the on-call engineers when services are needed and the time or expertise required to complete the task exceeds staff capacity. A scope of work and cost estimate are provided and the engineer proceeds with the work following approval of Staff or the City Council depending upon the cost of services. Costs of \$10,000 and above require the approval of the City Council.

Development review services often require a quick turnaround time in order to meet Planning Commission or other City deadlines and are often delayed until a scope of work is submitted and approved by Staff. In order to streamline the development review process, Staff recommends that a task order agreement be considered for approval by City Council with GBA in an amount not to exceed \$50,000. This arrangement effectively creates a “retainer” for development review, with most costs being reimbursed to the City through plan review fees.

If the task order is approved, each project subtask will be authorized and completed on an hourly rate plus expenses basis for the agreed upon amount in the individual written requests, which will be deducted against this \$50,000 authorization. It is anticipated that development review services for 2022 will be less than \$50,000; however, authorizing this amount will give Staff flexibility to complete necessary work in a timely manner especially since there has been an increase in development activity this year.

Councilmember Davis recommended a Task Order with GBA to perform On-Call Review Services for Miscellaneous Site Development Plans in an amount not to exceed \$50,000 be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

Discussion Items

Ordinance Clarifying Trail Use and Micromobility Devices

Mr. Almoney explained that staff reviews Mission Municipal Code Chapters 230 and 240 with the Parks, Recreation + Tree (PRT) Commission annually. During the 2021 review, there were discussions around mobility devices and trail users. A list of objectives was created to ensure that the ordinance would address both immediate and long-term considerations, including promoting

accessibility, enhancing Communities for All Ages focus, helping trails become user-friendly, considering safety of users and flexibility to future trends.

After sub-committee meetings and PRT feedback, it was suggested that ‘micromobility devices’ should be defined similar to the City of Overland Park’s ordinance, incorporating suggestions to consider the safety of e-bikes and include a speed limit. Further edits were made and shared with Mission’s legal counsel, Payne & Jones and Chief Madden. After review, legal counsel responded with a memo highlighting specific considerations within the proposed ordinance changes. Chief Madden expressed concerns that definitions in the proposed ordinance conflicted with definitions in the Standard Traffic Ordinance (STO). Chief Madden also suggested adding certain exceptions (skateboards, rollerblades and roller skates) which currently exist in the code to ensure consistency. Legal counsel agreed that “consistency is key to enforcement” and supported incorporating Chief Madden’s recommendations.

The ordinance adds clarifying language to Chapter 230 and Chapter 305 of the City’s Municipal Code that essentially proposes:

- Section 230.080(A) - remove ‘walking’,
- Section 230.085 - define ‘micromobility devices’, accessibility device, and motorized scooter,
- Section 230.090 - ‘Trails’, limits the speed of devices and Director may designate certain sections of trail as walking only,
- Section 230.150 - posting of signs in parks,
- Section 230.260 - limit use of sport surfaces to pedestrians or those with accessibility devices,
- Section 305.040 - clarification on trail use that passes through commercial districts

These will address clearer communication on trail use standards in the code, provide better clarification on devices as well as limitations in place. It will allow a mechanism for the P+R Director to label certain sections of trail as “Walking Trail” if safety and high-use patterns become a short-term concern. The recommended ordinance changes are part of an approach of reviewing park standards to ensure Mission’s code supports the larger vision of an all-inclusive community. PRT Commission members reviewed these ordinance changes during the February 21, 2022 PRT meeting and unanimously recommended them for Council consideration.

Staff recommends adopting the proposed ordinance changes to communicate proper trail use etiquette, respond to the increased demand for various recreation modes of transportation and allow flexibility in labeling sections of trail, if needed. This is especially important as responsibility for enforcement of these codes lies with multiple departments.

Councilmember Chociej asked about the motivation for the prohibition of roller-blades and roller-skates. Mr. Almoney replied that it was specific because of the Standard Traffic Ordinance (STO) alignment.

Councilmember Davis suggested changing the trail speed to twenty miles an hour to allow for individuals that utilize the trail for running. Councilmember Chociej commented that fifteen miles

an hour is the benchmark at which risk of injury with a collision starts to increase. Mr. Almonee replied that they have tried to limit restrictive language to make it as inviting as possible.

Mayor Flora asked Councilmember Chocie if PRT considered treating parks and the rest of the trail system differently, so as to make it safer for someone utilizing the parks. Councilmember Chocie replied that is the reasoning behind the section that allows authority to the P+R Director, so "no walking" signs can be implemented where needed.

Councilmember Davis congratulated and thanked the group that put in all the hard work for this item.

This will be brought to the Community Development Committee meeting, on May 4, 2022, in order to allow for more clarification on roller-skates and the P+R Director's authority.

Department Updates

The Department Updates were provided at the Finance and Administration Committee.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 8:27 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Audrey M. McClanahan".

Audrey M. McClanahan
City Clerk

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Community Development	From:	Brian Scott

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

RE: Request of Waiver of Section 320.020 of the Mission Municipal Code to Park a Camping Trailer – 6190 W. 52nd Street

RECOMMENDATION: Approve a Resolution granting a waiver of Section 320.020 of the Mission Municipal Code to the residents of 6190 W. 52nd Street that will allow for storage of a pop-up camper in the south side yard of the home, next to the garage for a period of one (1) year or until a written protest by a neighbor is filed with the City Clerk.

DETAILS: Section 320.020, Parking of Recreational Vehicles and Like Conveyances, provides for the following:

- A. *Parking Restricted.* Vehicles with a gross weight in excess of eight thousand (8,000) pounds; trucks equipped with campers designed for use upon a truck; buses designed for camping or with a gross weight in excess of eight thousand (8,000) pounds; trailers; boats and boat trailers; camping trailers; mobile homes; camper and like conveyances or equipment shall not be allowed on residential property unless such vehicles or conveyance or equipment is parked in the back yard or side yard behind the front building line (defined as that portion of the building structure that is closest to the street) on the owner's lot or lots or in an enclosed structure such as a garage. On corner lots, such vehicles, conveyance, or equipment shall be parked behind the front building line from either street or be suitably screened from view of the street. The parked vehicle or like conveyance must remain in operable condition not to create a nuisance to the surrounding neighborhood.

- B. *Special Permits.* A special permit to park such vehicle, conveyance or equipment described in Subsection (A) closer to the street than the front building line may be obtained from the Public Works Department as follows:
 1. A seven (7) day permit issued to non-owners of the residence for which the seven (7) day special permit is requested. A seven (7) day special permit may not be obtained more than twice each calendar year.
 2. A forty-eight (48) hour special permit limited to the owner/occupant of the residence. There shall be issued only one (1) forty-eight (48) hour special permit in a thirty (30) day period.

Under no circumstances may such vehicles, conveyances or equipment described in Subsection (B)(1) be parked within twelve feet of the curb or street

Related Statute/City Ordinance:	Section 320.020 of the Mission Municipal Code
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Community Development	From:	Brian Scott

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

There shall be no more than two (2) vehicles for which a special permit is requested at the premises for which the special permit is sought.

- C. *Waiver.* When it is impossible to park any such vehicle in compliance with Subsection (A) because the size of such vehicle exceeds the physical dimensions of the property line or because of the topography of the land, the owner of such vehicle or his/her agent may submit a written request for a waiver of Subsection (A) which shall be considered by the Governing Body. The presence of fences or shrubs shall not constitute grounds for requesting a waiver. The presence of a tree with a trunk diameter in excess of six (6) inches may be considered as part of the topography.

The Governing Body may grant a waiver in writing to the owner of any such vehicle for a period not exceeding one (1) year provided that:

1. The vehicle does not encroach upon any easements or other interest in land held by others besides the owner of the vehicle.
2. Such vehicle, when parked, does not constitute any visibility problem for traffic on public roads within two hundred (200) feet of such vehicle.
3. There shall not be more than two (2) vehicles for which a waiver is requested at the premises for which a waiver is sought.
4. No such vehicle shall be parked within twelve (12) feet of the curb or street and no waiver may be granted for this requirement.

- D. *Notice.* Written notice of such proposed waiver shall be mailed to all owners and occupants of lands located within two hundred (200) feet of any portion of the premises for which a waiver is being requested and an opportunity granted to interested parties to be heard. The notice shall be mailed at least ten (10) days prior to the hearing before the City Council on such waiver. The notice shall contain a general description of the vehicle for which a waiver is being sought, including size and weight, and a general description of the location upon which such vehicle is going to be parked.

Related Statute/City Ordinance:	Section 320.020 of the Mission Municipal Code
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Community Development	From:	Brian Scott

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

- E. If a written protest against such waiver is presented to the City Council at the time of the hearing or to the City Clerk prior to the hearing signed by one (1) or more of the owners or occupants of lands to whom notice is required, then such waiver shall not be granted except by at least three-fourths ($\frac{3}{4}$) vote of all the members of the Council.
- F. *Fees.* Applicants for a waiver shall submit a fee as established in the schedule of fees set out in Chapter 103 Section 103.075.
- G. *Assignment Prohibited.* Special permits and waivers shall not be assigned to any other person or vehicle.

The owners of property located at 6190 W. 52nd Street own a pop-up camper that is approximately twelve (12) feet in length and four (4) feet tall when folded in for transport and storage. They are unable to store the camper in their garage and have been storing it in the side yard next to the garage. However, because the property is a corner lot, the side yard also has direct street exposure.

The code requires that, *“on corner lots, such vehicles, conveyance, or equipment shall be parked behind the front building line from either street (emphasis added) or be suitably screened from view of the street.”* In order to comply with the code, the owners would have to store the camper in the rear yard, but the topography of the property and the backyard’s small size make this difficult. Therefore, in accordance with the code provisions, they are requesting a waiver. The attached email and aerial photo help to illustrate the situation.

The code further requires that such waivers can be granted by the City Council in writing and only after a public hearing has been held where the property owners within 200 feet may have the opportunity to be heard. The code further stipulates that if a written protest is presented to the City Clerk or City Council, then a super majority (6 votes) is required to grant the waiver. The code also states that the waiver may only be granted for one year.

Staff has reviewed the situation and believes that the unusual shape of the lot makes it difficult to store the camper in the backyard and still be able to reasonably enjoy the benefits of the backyard. Furthermore, the present storage location along the side of the garage does not appear to be obtrusive or unsightly. For these reasons, staff is supportive of the Council granting a waiver.

Related Statute/City Ordinance:	Section 320.020 of the Mission Municipal Code
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Community Development	From:	Brian Scott

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

Staff recommends that the City Council adopt the attached resolution granting a waiver of the Section 320.020 of the Mission Municipal Code to the residents of 6190 W. 52nd Street allowing them to store the pop-up camper in the southern side yard of the home, next to the garage.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	Section 320.020 of the Mission Municipal Code
Line Item Code/Description:	
Available Budget:	

CITY OF MISSION, KANSAS

RESOLUTION NO. _____

A RESOLUTION GRANTING A WAIVER OF SECTION 320.020 OF THE MISSION MUNICIPAL CODE TO THE OWNERS OF 6190 W. 52nd STREET, MISSION, KANSAS FOR THE PURPOSE OF STORING A POP-UP CAMPER IN THE SIDE YARD OF THE PROPERTY.

WHEREAS, Mr. Max J. Younger and Mrs. Liliana E. Younger (the “Owners”) own property located at 6190 W. 52nd Street in Mission, Kansas; and

WHEREAS, the Owners also own a small “pop-up” camper trailer that they store in a side yard on the subject property; and

WHEREAS, Section 320.020 of the Mission Municipal Code stipulates that recreational vehicles such as campers must be stored behind the front building line and that on corner lots the front building line includes not only the front of the building, but also the side of the building facing the side street; and

WHEREAS, Section 320.020 of the Mission Municipal Code further requires that owners of a recreational vehicle may request a waiver of this stipulation from the City Council after a public hearing has been held and all owners/occupants of properties within 200 feet of the subject property where the recreational vehicle is being stored have been notified of the public hearing and have had an opportunity to provide testimony or file a written protest at the public hearing; and

WHEREAS, such public hearing was held before the City Council on May 18, 2022 at which time testimony and/or protests were taken into consideration.

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

Section 1. Granting of A Waiver of Section 320.020 – The Owners have been granted a waiver of Section 320.020 of the Mission Municipal Code allowing them to store one (1) “pop-up” camper trailer generally described as being approximately 12 feet long by 8 feet wide by 4 feet tall (when enclosed) in the side yard of their home located at the following address:

**6190 W. 52nd Street
Johnson County Parcel ID# KP32700000 0022
In the City of Mission, Johnson County, Kansas**

Section 2. Conditions of Waiver – This Waiver is granted with the following conditions:

- A. The subject camper trailer will be kept in working order and usable condition at all times.
- B. Registration and license of the subject camper trailer shall be maintained at all times.
- C. The subject camper trailer will be stored in a neat and orderly manner directly adjacent to the garage with nothing stacked on top or underneath or next to it.

Section 3. Term of Waiver - The waiver shall be in effect for one year from the date of adoption of this resolution.

Section 4. Revocation of Waiver - The City reserves the right to revoke the Waiver at any time due to a failure on the part of the Owners to comply with the conditions of the Waiver as stipulated in Section 2.

Passed by the City Council this 18th day of May 2022.

Approved by the Mayor this 18th day of May 2022.

Solana Flora, Mayor

ATTEST:

Emily Randel, Interim City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney

From: [Rebecca Brown](#)
To: [Brian Scott](#)
Subject: Fw: Micro camper at 6190 W.52nd st. Variance Request
Date: Tuesday, March 8, 2022 9:20:37 AM

Brian,

This property owner is requesting a variance to store their small pop up camper on the side of the house. The yard slopes in the back and they cannot put it on the other side of the house due to the neighboring property line. The owner has provided photos so you can see her property. The garage is evidently full of another vehicle that can't be stored on the driveway as it is inoperable. I wrote them up for the camper on the side of the house and the trailer out front. The trailer will be moved as soon as her husband returns to the country in the next week or so. Do they need to do anything else to formally request a variance? I have not received any complaints about this property and picked this up during proactive enforcement.

Thanks,

Rebecca Brown

Neighborhood Services Officer
6090 Woodson St. | Mission, KS 66202 | 913.676.8390



From: lilianayounger <lilianayounger@gmail.com>
Sent: Friday, March 4, 2022 11:39 AM
To: Rebecca Brown <rbrown@missionks.org>
Subject: Micro camper at 6190 W.52nd st.













This message came from outside City of Mission, Kansas - please use caution when opening attachments or links.

Rebecca,

Per our phone conversation I am writing this note to request that an exception be made to allow us to store our micro camper on the side of our house.

As our house sits on a corner lot with a sloped yard on one side and not enough clearance on the side adjacent to our neighbor, the only accessible location for our tiny recreational vehicle is the side of our house that has visibility to the street. We have made a reasonable effort to problem-solve this issue in order to comply with the city's rules, but it is just not feasible to store it anywhere else on our lot. While the camper is very small it is too heavy to be pulled/pushed down the hill to the back of our house by hand, safely, and backing it up with a car would destroy the grass and force is to redesign all our landscaping and backyard.

I also request some flexibility with the small work trailer currently at the front of our house. We can, and under normal circumstances do, store that trailer behind our house, under the deck, but due to the steep hill I am not able to do so safely without the aid of my husband, who is currently abroad for 3 weeks for work. He will promptly move the trailer upon his return.

I appreciate your consideration of our request to make an exception for our small pop-up camper as our family very much enjoys the benefits of owning it and paying storage fees at an alternate location for it is not something we feel should be necessary.

I've attached some images for your reference.

Have a great weekend,

Liliana Younger



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Johnson Co AIMS Map

LEGEND

AIMS Imagery: 2021



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JOHNSON COUNTY
AIMS GIS & Mapping KANSAS

3/29/2022

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Celia Duran

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

RE: Engineering Services Task Order for 2023 Street Preservation Project

RECOMMENDATION: Approve a task order with Olsson for engineering services for the proposed 2023 street preservation project in an amount not to exceed \$152,094.

DETAILS: On December 20, 2020, the City Council authorized a task order with Olsson for engineering services for the proposed 2022 Street Preservation Program. Six streets were identified for design with the intent that some would potentially be bid as alternates or delayed for 2023 construction depending upon the engineer’s construction estimates once design was completed. Based on rising prices due to inflation and supply chain issues, only three of these streets were bid for 2022 construction with the remainder to be constructed in 2023.

Construction of the 2022 Street Preservation Program is underway for three of the six streets, including 62nd St. (Woodson Rd. to Lamar Ave.), Outlook St. (51st St. to 49th St.), and Reeds Rd. (50th St. to 49th St.). The remaining streets are 60% designed and costs to complete design have already been approved. These streets will be constructed in 2023:

- Beverly Ave., 57th St. to 56th St. (21.5 PCI);
- Riggs Ave., 53rd St. to Dead End (23.9 PCI); and
- Reeds Rd., 51st St. to 50th Terr. (26 PCI).

In addition to these three streets, Staff is recommending to include 61st Terrace (Lamar Ave. to Woodson Rd.) for design and potential construction in 2023. This street has less than 2 inches of asphalt and a PCI of 24.3. There are two reinforced concrete box culverts (RCBs) on this street that require replacement due to existing condition and risk ratings between “4” and “5.” In this system, “1” is excellent or recently installed and “5” is nearing or at the point of failure. The western culvert is recommended to be upsized with a larger RCB in order to remove one house adjacent to the creek from the Zone X floodplain.

The scope of work for 61st Terrace includes full depth pavement reconstruction; curb and gutter and driveway approach removal and replacement; and stormwater improvements or repairs (pipes, structures, and culverts with risk ratings of 4’s and 5’s).

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	Street Sales Tax Fund/Capital Improvement Fund
Available Budget:	\$2,000,000 (CIP) + \$205,292 (SMP) + \$253,828 (SMP) + \$220,00 (2022 CIP savings)

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Celia Duran

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

The current construction estimate for all four streets is approximately \$2,450,000 (including inflation and contingency). Once final design is completed for these streets the construction costs may potentially increase (especially on 61st Terrace since the culverts have not yet been modeled or designed).

The City has currently allocated \$2.0 million annually for residential streets and has been approved to receive a maximum of \$205,292 from the Johnson County Stormwater Management Program (SMP) in 2022. Staff have also submitted a request for \$253,828 in SMP funds for 2023. Additionally, there is approximately \$220,000 remaining in 2022 street funds due to savings from the construction bid for the 2022 Street Preservation project. A portion of these funds will need to be allocated towards the 2023 Street Preservation project in order for all four streets to be constructed in 2023. Some of these streets may also be included as a bid alternate in case prices and inflation continue to escalate.

The attached task order includes all design services for 61st Terrace (survey, data collection, design, utility coordination, and preparation of easement documents). Additionally, costs are included for services for all four streets (project meetings, permitting, preparation of bid documents, and bid and construction phase services) for a total amount not to exceed \$152,094. This includes \$40,824 for modeling and design of two culverts on 61st Terrace. Additionally, Olsson has included \$10,000 for design of hub guards for both culverts that includes a wall that extends up from the hub guards with columns on each end and a concrete wall in between that has a brick or stone form liner.

CFAA CONSIDERATIONS/IMPACTS: The project includes improvements to streets and sidewalks to promote mobility and provide infrastructure that maximizes use and safety for all users.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	Street Sales Tax Fund/Capital Improvement Fund
Available Budget:	\$2,000,000 (CIP) + \$205,292 (SMP) + \$253,828 (SMP) + \$220,00 (2022 CIP savings)

Exhibit "A" – Task Order

TASK ORDER: 2023 Street Reconstruction Projects

This Task Order is made as of this _____ day of _____ 20____, under the terms and conditions established in the MASTER AGREEMENT FOR PROFESSIONAL SERVICES, dated January 1, 2019 (the Agreement), between the City of Mission, Kansas (Owner) and OLSSON. This Task Order is made for the following purpose, consistent with the Project defined in the Agreement:

This task order is related to providing design services (plans and specifications) for the street reconstruction of the following streets.

1. 61st Terr., Woodson to Lamar
2. Additional Storm Sewer replacement on Reeds / 50th Terr.

Section A. - Scope of Services

A.1. OLSSON shall perform the following Services as outlined in **EXHIBIT C "Scope of Services"**

Section B. - Schedule

OLSSON shall perform the Services and deliver the related Documents starting in May 2022 and ending in December 2022.

Section C. - Compensation

C.1. In return for the performance of the foregoing obligations, Owner shall pay to OLSSON the estimated amount of \$152,094.00, payable according to the following terms:

Client shall pay to Olsson for the performance of the Basic Services the actual time of personnel performing such Services Reimbursable Expenses, unless otherwise agreed to by both parties. Reimbursable expenses will be invoiced in accordance with the Schedule contained in Item C.2. Olsson's Services will be provided on a time and expense basis. Olsson shall submit invoices on a monthly basis, are due upon presentation and shall be considered past due if not paid within 30 calendar days of the due date.

C.2. Owner shall pay to OLSSON in accordance with the Schedule of Fees described in Exhibit B attached to the Master Agreement for Professional Services. Adjustments to the above Schedule of Fees will be presented to the Owner annually for approval.

Section D. - Owner's Responsibilities Owner shall perform and/or provide the following in a timely manner so as not to delay the Services of OLSSON. Unless otherwise provided in this Task Order, Owner shall bear all costs incident to compliance with the following:

Section E. - Other Provisions

The parties agree to the following provisions with respect to this specific Task Order:

IN WITNESS WHEREOF, the Owner and OLSSON have executed this task order.

City of Mission, Kansas (Owner)

By: _____

Name: _____

Title: _____

Date: _____

OLSSON

By: Paul B. Moore

Name: Paul Moore, P.E.

Title: Project Manager

Date: 4-21-22



EXHIBIT C

SCOPE OF SERVICES: 2023 Street Reconstruction Projects

Mission, Kansas

FURTHER DESCRIPTION OF BASIC ENGINEERING SERVICES:

Olsson will provide design services (plans and specifications) for the street reconstruction of the following streets (See attached Maps):

1. 61st Terr., Woodson to Lamar

In addition, driveway approaches will be replaced to tie into the new curb line. Storm sewer repair will be performed on storm lines identified as structure ratings of 4 or 5.

An additional storm sewer line will be replaced on the Reeds / 50th Terr. due to updated structure ratings.

The project will be one bid package that will be slated for construction in the 2023 construction season. It will be included in a bid package of remaining 2022 roads that have been delayed until the 2023 construction season.

GENERAL DESIGN REQUIREMENTS

The Design plans shall be signed and sealed by the licensed professional engineer responsible for the preparation of the design plans.

Task I. Survey

1.01 Topographic Survey

- A. Complete topographic survey for the project limits. Survey shall include shots at pavement tie-in locations, existing back of curb, edges of pavement, existing lane lines across roadway, existing storm and sanitary sewer systems, fences, trees, building corners, etc. to create project mapping.
- B. All topographical surveys shall include field locating utilities.
- C. Pick up additional information resulting from Field Check review and evaluation.
- D. Contact utility companies and one call center as appropriate for field marking of utility locations.
- E. Additional topo is needed along Reeds/ 50th Terr. for the 2022 work

that is being moved to 2023 in order to replace an existing storm line that has failed.

1.02 Office Survey Services

- A. Gather and research information such as boundary records, utility information, easements, benchmark data, and attend external meetings regarding surveying and base mapping.
- B. Create a base map at a scale of 1" = 20ft showing both contours at one-foot intervals and property lines using the plat information, field boundary data, topography information, and legal descriptions. We will use local GIS data for areas outside of the immediate project limits to help depict the corridor.

Task II. Preliminary Design

2.01 Data Collection – The Consultant will provide the following services.

- A. Compile photos of the area.

2.02 Develop preliminary plans 60%:

- A. General Layout
- B. Typical Sections
- C. Alignment layout sheet
 - 1. Includes horizontal and vertical control information
 - 2. Alignment tables
- D. Preliminary demo plans
- E. Subsurface drainage design (61st Terr. and Reeds)
 - 1. Hydraulic Grade calculations
 - 2. Storm Sewer Profiles
- F. Surface drainage design
- G. Plan and Profile Sheets
 - 1. Plan Scale 1" = 20'
 - 2. Profile Scale H = 1" = 20' V = 1" = 5'
- H. Intersection layouts (assume 2)
- I. Driveway layouts and profiles (assume 26)
- J. Provide Cross-Sections every 25 feet derived from a proposed surface model created for the project.
- K. Preliminary 10'x8' RCB design to replace the existing culvert of the same size that was identified as needing replaced. KDOT standards

will be used as a starting point and will be modified to fit the geometry of this location. Fence will be included on the wingwalls that meets the Overland Park standard fence detail. Hydraulic analysis will be performed to determine the proper size for the design storm. Custom wing wall transitions to the existing channel section will be included.

- L. Preliminary 5'x5' RCB design to replace the existing culvert of the same size that was identified as needing replaced. KDOT standards will be used as a starting point and will be modified to fit the geometry of this location. Fence will be included on the wingwalls that meets the Overland Park standard fence detail. No hydraulic analysis will be performed. It is assumed the existing size is to be used. Custom wing wall transitions to the existing channel section will be included.

2.03 Submit a PDF set of preliminary plans (60%) to City for review. Meet with the City at the time of delivery to discuss project and point out any concerns that may have resulted from data collection, design, etc.

2.04 Preliminary cost estimate shall be furnished based on standardized itemized units of work and the experience and qualifications of Olsson's judgment as an experienced and qualified design professional, familiar with the construction industry and advise the City if, in its opinion, the amount budgeted for construction is not sufficient to adequately design and construct the improvement as requested.

2.05 Utility Coordination throughout the design process. This includes the following:

1. Send notification letters to all utilities.
2. Submit FC plans to utilities with utility lines in color.
3. Identify conflicts and develop relocation solutions.
4. Determine utilities that need potholes.
5. Email and phone correspondence with utilities.
6. Provide electronic base maps to all utilities for their use in developing relocation plans.
7. Create and maintain utility conflict form.
8. Coordinate new utility extensions with road design.

2.06 Permitting

A. Prepare the necessary plans and application for permit submission to and approval of:

1. State Permits include:
 - a. KDHE NOI and preparation of a SWPPP

2.07 Right-of-way and easements.

A. Describe Easements necessary to complete project. Assume 10 Temporary easements for storm and drive work on 61st Terr. Three (3) tracts on Reeds will need a drainage easement.

1. Furnish legal descriptions (sealed by Kansas RLS)
2. Maps and sketches as follows:
 - a. Plan and profile pages showing all proposed takings.

b. Individual tract maps of takings for each ownership including:

- (1.) Title block.
- (2.) Ownership boundaries.
- (3.) Existing rights-of-ways and easements.
- (4.) Proposed takings identified with text and graphically.
- (5.) Legend for taking type.
- (6.) Graphical scale and north arrow.
- (7.) Ownership information.
- (8.) Legal description of all takings.

Task III. Final Design

3.01 Prepare detailed plans and specifications.

- A. Typical Sections.
- B. Drainage design
 1. Drainage area maps.
 2. Pavement Spread calculations.
 3. Inlet and other structure design calculations.
- C. Plan and Profile Sheets (Scale as stated in Preliminary Design).
- D. Intersection Details.
- E. Drive profiles and grading.
- F. Curb return information.
- G. Final Demo plans.
- H. Compile necessary standard details.
- P. Final Cross Sections every 25 feet.
- Q. Erosion Control plans meeting all NPDES requirements.
- R. Develop final quantity tables per including break out tables for each bid item.
- M. Final 10'x8' RCB design.
- N. Final 5'x5' RCB design.
- O. Hub guard decorative wall design for both culverts. A wall concept will be developed and taken to final plans for both culverts hub guards that will involve a wall that extends up from the hub guards of the culverts

that has columns on each end with a concrete wall in-between that has a brick or stone form liner. No renderings will be included.

- 3.02** Utility Coordination Plan During final design the Consultant shall prepare a utility coordination plan that would include gathering the proposed relocation plans for all utility companies involved with the project and graphically inputting the information into one plan to assist in determining potential conflicts. Electronic base files will be available in AutoCAD for utilities to design from.
- 3.03** Provide a detailed opinion of probable cost (including appropriate contingency).
- 3.04** Provide PDF copy of the Office Check plans (90%) to the City.
- 3.05** Upon receipt of City comments on Office Check submittal, make necessary modifications and furnish a PDF copy of the Final plans (100%).
- 3.06** At the completion of the bid process, furnish to the City the CAD drawings of the project in AutoCAD format for the City's future use. The record contract documents for the project will be the original sealed drawings. In addition, furnish plans in .pdf. Specifications to be provided in PDF format.
- 3.07** Develop project special provisions for contract documents. Olsson will prepare special provisions to the specs as needed. It is assumed that the city will provide the front-end documents and Olsson will compile the contract documents for the project. Olsson will provide the bid form.

Task IV. Project Meetings & Project Management

4.01 Meetings

- A. Attend pre-design meeting and walk through.
- B. Coordination meetings with the city.
- C. Field Check to be performed with representatives of the Consulting Engineer, the City, at the project site with appropriate detailed plan.
- D. Utility coordination meetings (assume 2)

4.02 Project Management

- A. Coordination with City.
- B. Monitor scope, schedule, and fee.
- C. QAQC Ensure the OA QAQC procedures are being followed at all milestones.
- D. Coordinate the pot holing of existing utilities.

Task V. Bidding

- 5.01 Prepare written addenda to the bidding documents as required and/or requested.
- 5.02 Attend the pre-bid conference.
- 5.03 Answer Contractor questions.
- 5.04 Assist the City in analyzing bids and making recommendation for award of the construction contract.
- 5.05 Prepare a bid tabulation in printed and MS Excel Format.

Task VI. Construction Period Services

- 6.01 Prepare for and attend preconstruction meeting including minutes.
- 6.02 Shop Drawing & Material Submittal Review.
- 6.04 Answer contractor questions (RFI).
- 6.05 Plan Revisions (minor).
- 6.06 Field Visits to resolve issues.
- 6.07 Compile as built plans.
- 6.09 Participate in walk through.

Compensation

Task I – Survey	\$26,057.00
Task II – Preliminary Design	\$44,624.00
Task III – Final Design	\$55,189.00
Task IV – Meetings & Management	\$10,024.00
Task V – Bidding	\$4,663.00
Task VI – Construction Period Services	\$7,450.00
Expenses	<u>\$4,087.00</u>
TOTAL	\$152,094.00

City Responsibilities

1. The City shall arrange the pre-bid and bid letting meetings.

Assumptions

1. Manufactured items shall be accepted based on certificates of compliance, shop drawings, catalog data, etc. where so indicated.
2. Retaining walls will not be required.
3. Special design drainage inlets and junction structure will not be required.
4. A Corps of Engineers Permit is not required for the project.
5. FEMA permitting is not required for the project.
6. No services are expected to be required for additional traffic analysis.
7. Pavement section will follow city standard.
8. As-built markup will be provided by the city or contractor.
9. Traffic control will be handled with standard details. No plans are required.
10. Inlet design and spacing will not meet APWA 5600. It is assumed that we are putting back the inlets that are there today since there are no known drainage issues.

Exclusions

1. Olsson has not included services for a Traffic Impact Study, Level of Service Analysis, or traffic count data.
2. Olsson will not be involved with direct land acquisition or appraisal proceedings.
3. Olsson will not design any utility relocation such as waterline, sanitary sewer line, gas, phone, power, etc.
4. Olsson will not design irrigation for the project.
5. No inspections have been identified in association with any correction period that will be included in the construction contract. Those services can be contracted at a later date if requested by the City.
6. No time has been included in this fee estimate for surveying associated with utility relocations, setting project control for the contractor prior to construction, staking of temporary easements, or construction staking.
7. A CLOMR and LOMR will not be performed with this contract.
8. Sanitary sewer and septic system design are not included.
9. Environmental permitting does not include 4f or 6f parkland permits
10. Waterline design.
11. 3D visualization and graphics.

12. Structural Design other than noted in the scope.

13. Public meeting.

14. Detour plan

MAN-HOUR ESTIMATE - 2023 Street Reconstruction Project 61st Terr - Mission Kansas														4/15/2022		
Task No.	Description of Work Items / Tasks	Billing Rate	\$238	\$214	\$151	\$126	\$83	\$118	\$131	\$118	\$105	\$142	\$92	Total Man-hours	Total Fee	Total Per Phase
			Senior Technical Leader	Team Leader	Project Engineer	Associate Engineer	Associate Tech	Design Assoc.	Senior Surveyor	Survey Tech	Survey Crew 1 Person	Survey Crew 2 Person	Admin Coord			
1.0	Survey															
	Establish Control and benches			1					8			10		19	\$2,652.00	
	Topographic Survey										49			49	\$5,145.00	
	Exhibits & descriptions (10 tracts) 61st Terr			5					23	33				61	\$7,977.00	
	Exhibits & descriptions (3 tracts) Reeds			2					6	10				18	\$2,394.00	
	Base file creation										43			43	\$5,074.00	
	Additional topo on Reeds			1					1	10	12			24	\$2,785.00	
1.0	SUBTOTAL		0	8	0	0	0	0	38	96	61	10	0	214		\$26,057.00
2.0	Preliminary Design (60%)															
	Data Collection															
	Compic photos of the project area			2										2	\$428.00	
	Roadway Plan Development															
	General layout			1			2							3	\$306.00	
	Typical sections			1			1							2	\$297.00	
	Alignment layouts, table & Survey Reference Sheet			1			2							3	\$380.00	
	Demo and Removals sheet			1			3							4	\$463.00	
	Road plan sheets			1		6	2							9	\$1,136.00	
	Road profile sheets			1		2	2							5	\$632.00	
	Intersection layouts (2)			1		2								3	\$466.00	
	Driveway layouts and profile (assume 26)			1		24	2							27	\$3,404.00	
	Road Cross Sections (every 25 feet)			1		4	2							7	\$884.00	
	Roadway Design															
	Horizontal geometry			1		2	2							5	\$632.00	
	Vertical geometry			2		6	6							14	\$1,682.00	
	Road template and surface model			2		16								18	\$2,444.00	
	Storm Drainage pipe network layout, 61st Terr			2		8	2							12	\$1,502.00	
	Storm Drainage pipe network layout, Reeds			2		4	4							10	\$1,264.00	
	Pipe Profiles & culvert profiles 61st Terr			3		16	2							21	\$2,824.00	
	Pipe Profiles & culvert profiles, Reeds			2		4	4							10	\$1,264.00	
	RCB Design															
	10'x8' RCB Preliminary design			2	2	4		10						18	\$2,414.00	
	5'x5' RCB Preliminary design			2	2	4		10						18	\$2,414.00	
	Determine final size of existing 10'x8' RCB replacement			2		30		6						38	\$4,916.00	
	Submit Preliminary Plans to City			1		1	1							3	\$423.00	
	Quantities & Cost estimate			2		6	6							14	\$1,682.00	
	Utility Coordination															
	Send notification letters to all utilities			2										2	\$428.00	
	Submit FIC plans to utilities with utility lines in color			1			2							3	\$380.00	
	Identify conflicts and develop relocation solutions			2		2								4	\$488.00	
	Determine utilities that need pot holes			2										2	\$428.00	
	Email and phone correspondence with utilities			6										6	\$1,284.00	
	Provide electronic base maps to all utilities for their use in developing relocation plans.			1			2							3	\$380.00	
	Create and maintain utility conflict form			1			1							2	\$297.00	
	Permits															
	NOI (includes KDWP and KSHS)			2		8								10	\$1,436.00	
	SWPPP			4		34								38	\$5,140.00	
	GAGC			10										10	\$2,140.00	
2.0	SUBTOTAL		0	65	4	183	48	26	0	0	0	0	0	326		\$44,624.00
3.0	Final Design (90%- Final)															
	Address field check comments			1		6	1							8	\$1,053.00	
	Final typical sections			1			1							2	\$297.00	
	Final survey reference sheet			1		1								3	\$423.00	
	Final Intersection details sheets (2)			1		4	1							6	\$801.00	
	Final Driveway layouts and profile (assume 26)			1		10	10							21	\$2,304.00	
	Final ADA ramp layouts and grading (Assume 2)			1		4	6							7	\$712.00	
	Final Storm Drainage pipe network layout.			1		4	4							9	\$1,056.00	
	Final storm & culvert profiles 61st Terr			1		8	6							15	\$1,720.00	
	Final storm & culvert profiles Reeds			1		4	2							7	\$884.00	
	Confirm HGL, cates			1		1								2	\$340.00	
	Final plan/profile sheets			1		2	8							11	\$1,130.00	
	Update Road template and surface model			1		16	2							19	\$2,336.00	

MAN-HOUR ESTIMATE - 2023 Street Reconstruction Project 61st Terr - Mission Kansas														4/15/2022		
Task No.	Description of Work Items / Tasks	Billing Rate	\$238	\$214	\$151	\$126	\$83	\$118	\$131	\$118	\$105	\$142	\$92	Total	Total Fee	Total Per Phase
			Senior Technical Leader	Team Leader	Project Engineer	Associate Engineer	Associate Tech	Design Assoc.	Senior Surveyor	Survey Tech	Survey Crew 1 Person	Survey Crew 2 Person	Admin Coord	Man-hours		
	Curb return profiles		1		2	2								5	\$632.00	
	Final Cross sections		1		2	2								5	\$632.00	
	Erosion Control Plans		1		2	2								5	\$632.00	
	Compile all standard details including project specific details		1			2								3	\$380.00	
	RCB Design															
	10'x6' RCB Final design		2	6	12			38						58	\$7,330.00	
	5'x5' RCB Final design		2	6	12			38						58	\$7,330.00	
	Hub guard decorative wall design for both culverts		6	12	12			48						78	\$10,036.00	
	Custom wing wall transition to existing		2	16				30						48	\$6,384.00	
	Final Quantity tables and recap (Road items) with breakout tables		2		8	8								20	\$2,799.00	
	Prepare specification and bid book and special provisions		1									2		3	\$398.00	
	Cost estimate (office check)		2		2	2								6	\$846.00	
	Submit Office Check Plans to City		1			2								3	\$360.00	
	Provide plan modifications based on 90% review comments received from City		1		2	2								5	\$632.00	
	Submit 100% plans to City		1		1	1								3	\$423.00	
	QA/QC		4											4	\$556.00	
	Utility Coordination															
	Review each utility company's relocation plans		8			2								10	\$1,878.00	
	Obtain digital plans of relocation input from each utility		2			1								3	\$511.00	
3.0	SUBTOTAL		0	50	40	111	68	152	0	0	0	0	0	2	430	\$55,189.00
4.0	Project Meetings & Project Management															
	5.01 Meetings															
	Attend pre design meeting and walk thru		6											6	\$1,284.00	
	Coordination meetings with city by phone		8											8	\$1,712.00	
	Field Check meeting in the field		6											10	\$1,816.00	
	Utility meetings (2) including prep		8		4									12	\$2,216.00	
	5.02 Project Management															
	Coordination with City		8											8	\$1,712.00	
	Monitor scope, schedule, and fee		1											1	\$214.00	
	QA/QC		5											5	\$1,070.00	
4.0	SUBTOTAL		0	42	0	4	0	0	0	0	0	0	0	0	50	\$10,024.00
5.0	Bidding Phase															
	Bidding															
	Prepare written addenda to the bidding documents		6				6							20	\$2,314.00	
	Attend and prepare for the pre bid meeting		2											2	\$428.00	
	Answer Contractor questions during the bid period.		4		1	1								6	\$1,065.00	
	Assist the City in analyzing bids and making recommendations		2											2	\$428.00	
	Prepare a bid tabulation in printed and MS Excel Format.		2											2	\$428.00	
														0	\$0.00	
														0	\$0.00	
5.0	SUBTOTAL		6	18	0	1	7	0	0	0	0	0	0	0	32	\$4,663.00
6.0	Construction period Services Phase															
	Preconstruction															
	Prepare for and attend preconstruction meeting		3											3	\$642.00	
	Shop Drawing & Material Submittal Review		8		4									12	\$2,216.00	
	Answer contractor questions (RFI)		4											4	\$856.00	
	Plan Revisions (Road)		2		2	6								10	\$1,178.00	
	Field Visits to resolve issues		6		2	2								8	\$1,536.00	
	Compile as built plans		2			2								4	\$894.00	
	Participate in walk through		2											2	\$428.00	
6.0	SUBTOTAL		0	27	0	8	8	0	0	0	0	0	0	0	43	\$7,450.00
	Total Man-hours		0	209	44	307	131	178	38	96	61	10	2	1095		
	Total		\$0	\$44,726	\$6,644	\$38,682	\$10,873	\$21,004	\$4,978	\$11,328	\$8,405	\$1,420	\$184	\$148,007.00	\$148,007.00	

SUMMARY	
Total Labor	\$148,007.00
Total Expenses	\$4,007.00
Total Project Fee	\$152,094.00

EXHIBIT C

TOTAL EXPENSES		2023 Street Reconstruction Project 61st Terr		
Expenses	Amount		\$ Ea.	Cost
Misc	1	LS	\$1,000.00	\$1,000.00
Mileage	150		\$0.58	\$87.00
Pot holes (UtiliSafe)	1	LS	\$3,000.00	\$3,000.00
			Total	\$4,087.00

Survey request 61st Terr from Lamar to Woodson for Mission 2023 street reconstruction.

4-8-22



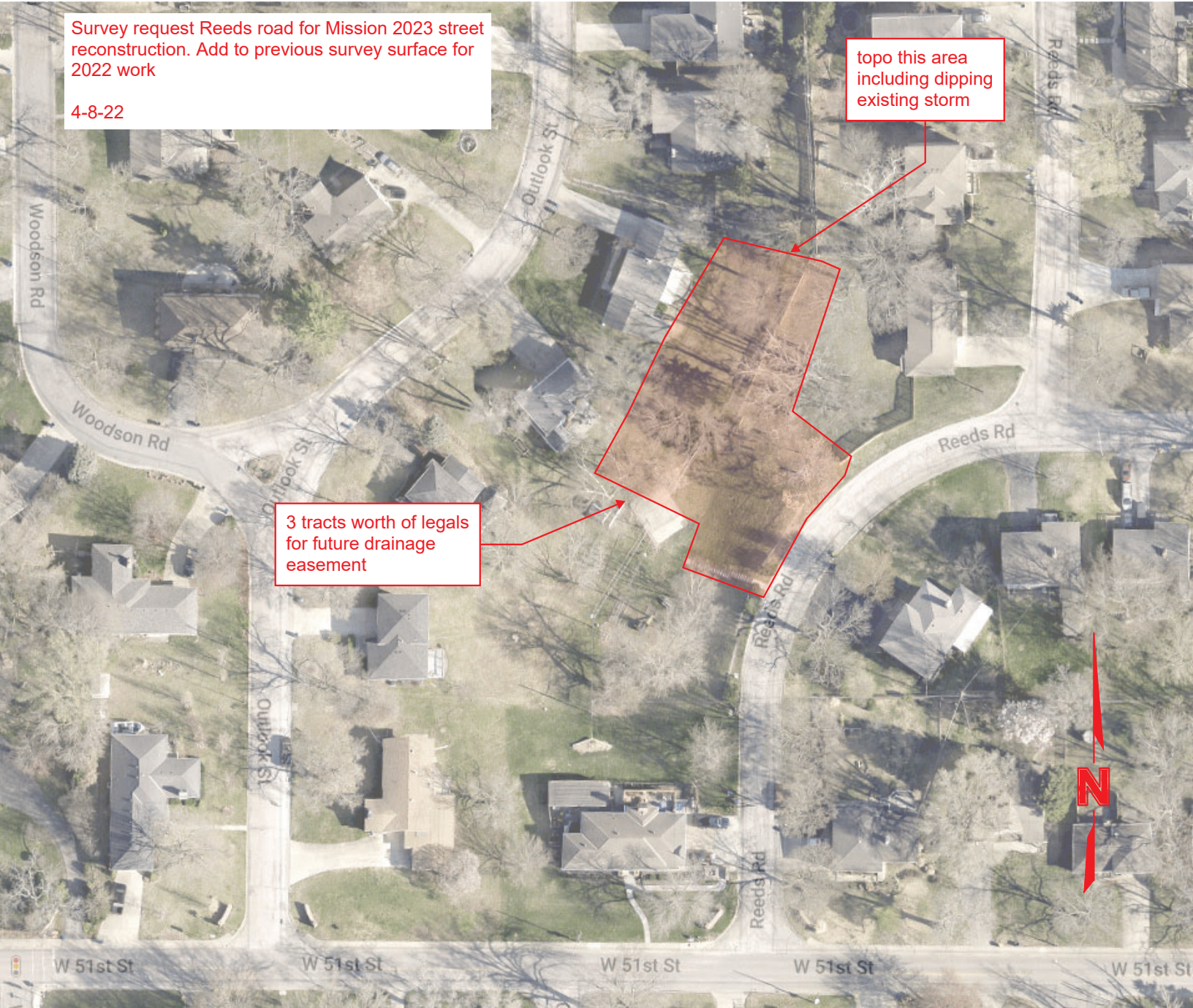
topo this area including dipping existing storm

Survey request Reeds road for Mission 2023 street reconstruction. Add to previous survey surface for 2022 work

4-8-22

topo this area including dipping existing storm

3 tracts worth of legals for future drainage easement



City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Celia Duran

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

RE: Contract Award for Johnson Drive Rehabilitation Project (Lamar Avenue to Roe Avenue)

RECOMMENDATION: Approve a contract with McAnany Construction for construction of the Johnson Drive (Lamar Avenue to Roe Avenue) 2022 CARS Rehabilitation Project in an amount not to exceed \$1,277,758.35.

DETAILS: On April 21, 2021, the City Council approved a resolution adopting the 5-Year CARS Street Improvement Program for 2022-2026, which included the Johnson Drive (Lamar Ave. to Roe Ave.) Street Rehabilitation Project in 2022. A design contract for the project was authorized by the City Council in June 2021. This is a joint project with Roeland Park, with Mission administering the project.

The proposed improvements include a UBAS surface treatment; restriping to a three-lane section from Nall Avenue to Roe Avenue; pavement and median repairs; spot replacement of curb and gutter, sidewalks, parking stalls, and ADA ramps; and removal of the decorative asphalt paver sidewalk which will be replaced with concrete to meet ADA requirements (Nall Avenue to Roeland Drive). Additionally, the improvements include installation of a five-foot wide sidewalk on the north side of Johnson Drive within Roeland Park city limits. This will include regrading of all the driveway entrances to comply with ADA cross slope criteria.

The project was bid in April 2022 and bids were opened on April 26, 2022. There were two bidders, with McAnany Construction submitting the lowest and most responsive bid. The results of the bid opening are included in the table below:

Johnson Dr. (Lamar Ave. To Roe Ave) Street Rehabilitation Project Bids	
Engineer's Estimate	\$1,246,142.50
McAnany Construction	\$1,277,758.35
Kansas Heavy Construction	\$1,323,184.25

The bid is \$31,615.85 (approximately 2.5%) than the Engineer's Estimate of \$1,246,142.50. This additional cost may potentially be due to overall increases in inflation and material costs, as well as the traffic control measures that the project will require.

Mission will fund approximately 79% of the total construction cost, and Roeland Park will fund approximately 21%. The total construction/construction inspection project costs for Mission are estimated to be \$549,940.35.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	Capital Improvement Fund
Available Budget:	\$1,600,000

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Celia Duran

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

Construction	\$1,007,816.45
Construction inspection	\$ 33,503.90
Total	\$1,041,320.35
Less CARS funding	(\$ 491,380.00)
Net Mission Cost	\$ 549,940.35

This is approximately \$19,940.35 over the project's estimated construction budget, primarily due to a decrease in Johnson County CARS funding following our initial CARS application request.

CARS generally allows up to a \$150,000 change order projects, with costs split 50/50 between the County and the city or cities. With change order funds, and savings from the 2022 Street Preservation Program (\$220,000), the City has adequate funds to cover the increased construction cost and recommends the City Council approve a contract with McAnany Construction's in an amount not to exceed \$1,277,758.35.

An Interlocal Agreement between Mission and Roeland Park and a contract for construction inspection services are included on the Community Development Committee agenda as separate items.

Construction is anticipated to begin in late June 2022 and is estimated to be completed in October 2022.

CFAA CONSIDERATIONS/IMPACTS: The project includes improvements to streets and sidewalks to promote mobility and provide infrastructure that maximizes use and safety for all users, including sidewalk/ADA ramp improvements.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	Capital Improvement Fund
Available Budget:	\$1,600,000

BID

JOHNSON DR., LAMAR AVE. TO ROE AVE., REHABILITATION PROJECT

TO: CITY OF MISSION,
JOHNSON COUNTY, KANSAS

Neither the City nor Consultant shall be responsible for the accuracy, completeness, or sufficiency of any bid

documents obtained from any source other than the source indicated in the Notice to Bidders. Obtaining copies of plans, specifications, bid documents and other contract documents from any other source(s) may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed in the Notice to Bidders may also result in failure to receive any addenda, corrections, or other revisions to these documents that may be issued.

The undersigned bidder hereby proposes to mobilize and furnish all materials, supplies, transportation, tools,

equipment and plant, perform all necessary labor and construct, install and complete all work stipulated in, required by, and in conformity with the proposed contract documents (including all documents referred to therein) and any and all addenda thereto, for and in consideration of prices as follows:

BASE BID) (MISSION)

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST \$	COST \$
1	FORCE ACCOUNT (Set)	LS	1	\$ 35,000.00	\$ 35,000.00
2	ULTRA-THIN BONDED ASPHALT SURFACE (UBAS) (TYPE B) (5/8")	SY	26043	\$ 6.65	\$ 173,185.95
3	MILLING (SPECIFIED MACROTEXTURE)(MAXIMUM MACROTEXTURE DEPTH = 0.14 INCHES)	SY	26043	\$ 1.65	\$ 42,970.95
4	8" CONCRETE PAVEMENT REPLACEMENT	SY	1298	\$ 140.00	\$ 181,720.00
5	4" AB-3	SY	1298	\$ 8.20	\$ 10,643.60
6	COMBINED CURB & GUTTER REPLACEMENT (LANDSCAPE)	LF	100	\$ 56.00	\$ 5,600.00
7	COMBINED CURB & GUTTER REPLACEMENT (TYPE B)	LF	2346	\$ 53.00	\$ 124,338.00
8	JOINT REPAIR 18"	LF	664	\$ 35.00	\$ 23,240.00
9	STAMPED COLORED CONCRETE REPLACEMENT	SY	149	\$ 180.00	\$ 26,820.00
10	MEDIAN NOSE REPLACEMENT	EA	5	\$ 4,000.00	\$ 20,000.00
11	REMOVE & REPLACE SIDEWALK RAMP	SF	1778	\$ 24.95	\$ 44,361.10
12	DETECTABLE WARNING SURFACE	SF	259	\$ 55.65	\$ 14,413.35
13	REMOVE & REPLACE 4" CONCRETE SIDEWALK	SF	8676	\$ 11.50	\$ 99,774.00
14	STEP RAILING	EA	1	\$ 6,500.00	\$ 6,500.00
15	SOD	SY	323	\$ 11.00	\$ 3,553.00
16	ADJUST GRATE INLET TOP	EA	4	\$ 4,300.00	\$ 17,200.00
17	CURB INLET THROAT REPLACEMENT	LF	100	\$ 56.00	\$ 5,600.00
18	REMOVE AND REPLACE FLUME (CONCRETE)	EA	3	\$ 1,500.00	\$ 4,500.00
19	TRAFFIC CONTROL	LS	1	\$ 40,000.00	\$ 40,000.00
20	4" SOLID WHITE PARKING LINE (METHYL METHACRYLATE)	LF	5175	\$ 3.22	\$ 16,663.50

6	6" HMA COMMERCIAL GRADE (CLASS A) REPLACEMENT	SY	1112	\$ 60.00	\$ 66,720.00
7	COMBINED CURB & GUTTER REPLACEMENT (TYPE B)	LF	669	\$ 53.00	\$ 35,457.00
8	JOINT REPAIR 18"	LF	44	\$ 35.00	\$ 1,540.00
9	STAMPED COLORED CONCRETE REPLACEMENT	SY	82	\$ 180.00	\$ 14,760.00
10	REMOVE & REPLACE SIDEWALK RAMP	SF	774	\$ 25.00	\$ 19,350.00
11	DETECTABLE WARNING SURFACE	SF	25	\$ 55.00	\$ 1,375.00
12	REMOVE & REPLACE 4" CONCRETE SIDEWALK	SF	1725	\$ 11.50	\$ 19,837.50
13	SOD	SY	28	\$ 15.00	\$ 420.00
14	REMOVE AND REPLACE INLET TOP	EA	3	\$ 4,100.00	\$ 12,300.00
15	CURB INLET THROAT REPLACEMENT	LF	36	\$ 55.00	\$ 1,980.00
16	REMOVE AND RELOCATE STREET LIGHT POLE	EA	2	\$ 12,500.00	\$ 25,000.00
17	REMOVE AND RELOCATE SIGN	EA	1	\$ 322.00	\$ 322.00
18	4" SOLID WHITE PARKING LINE (THERMOPLASTIC)	LF	300	\$ 1.65	\$ 495.00
19	4" BROKEN WHITE LANE LINE (THERMOPLASTIC)	LF	125	\$ 1.65	\$ 206.25
20	8" BROKEN WHITE LANE DROP LINE (THERMOPLASTIC)	LF	75	\$ 2.50	\$ 187.50
21	6" SOLID WHITE LANE LINE (THERMOPLASTIC)	LF	430	\$ 2.50	\$ 1,075.00
22	24" SOLID WHITE STOP BAR (THERMOPLASTIC)	LF	25	\$ 30.00	\$ 750.00
23	24" SOLID WHITE CROSSWALK (THERMOPLASTIC)	LF	100	\$ 30.00	\$ 3,000.00
24	SOLID WHITE RIGHT TURN ARROW (PRE-FORMED THERMOPLASTIC)	LF	3	\$ 400.00	\$ 1,200.00
25	SOLID WHITE "ONLY" MARKING (PRE-FORMED THERMOPLASTIC)	LF	2	\$ 400.00	\$ 800.00
TOTAL (BASE BID) (ROELAND PARK)				\$	\$ 269,941.90

The winning bidder will be determined from the sum of the "Total Bid Mission" plus "Total Bid Roeland Park"

SUMMARY

TOTAL (BASE BID) (MISSION)	\$	\$ 1,007,816.45
TOTAL (BASE BID) (ROELAND PARK)	\$	\$ 269,941.90
TOTAL BID	\$	\$ 1,277,758.35

The undersigned further agrees to begin upon the date stated in the Notice to Proceed and to complete the work, if this bid is accepted, as stated herein:

A. The Notice to Proceed is anticipated to be June 1, 2022.

B. The undersigned further agrees to complete the work as described in the plans by October 1, 2022 (with daily working hours from 7:00 AM to 6:00 PM Monday through Friday, 8:00 AM to 6:00 PM on

otherwise the bid security shall be returned to the undersigned upon signing of the agreement and delivery of the approved bonds and other required documents to the City of Overland Park, Kansas.

DATED in Shawnee KS this 26 day of April, 2022.

(SEAL)

McAnany Construction
Contractor

Ben McAnany
Signature

Ben McAnany
Printed Name

Vice President
Title

15320 Midland Drive
Street Address or P.O. Box

Shawnee KS 66217
City, State, Zip

913 631 5440
Telephone Number

Fax Number

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Brent Morton

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

RE: Construction Inspection Services Agreement for Johnson Drive Rehabilitation Project (Lamar Avenue to Roe Avenue)

RECOMMENDATION: Approve an Agreement with Pfefferkorn Engineering & Environmental LLC for construction inspection services for the Johnson Drive Rehabilitation Project (Lamar Avenue to Roe Avenue) in an amount not to exceed \$42,410.00

DETAILS: On April 21, 2021, the City Council approved a resolution adopting the 5-Year CARS Street Improvement Program for 2022-2026, which included the Johnson Drive (Lamar Ave. to Roe Ave.) Street Rehabilitation Project for 2022. A design contract for the project was authorized by the City Council in June 2021. This is a joint project with Roeland Park, with Mission administering the project.

The proposed improvements include a UBAS surface treatment; restriping to a three-lane section from Nall Avenue to Roe Avenue; pavement and median repairs; spot replacement of curb and gutter, sidewalks, parking stalls, and ADA ramps; and removal of the decorative asphalt paver sidewalk which will be replaced with concrete to meet ADA requirements (Nall Avenue to Roeland Drive). Additionally, the improvements include installation of a five-foot wide sidewalk on the north side of Johnson Drive within Roeland Park City limits. This will include regrading of all the driveway entrances to comply with ADA cross slope criteria.

Construction inspection services are necessary for the 2022 CARS project in order to achieve quality construction in accordance with the City's plans and specifications. City staff requested that Pfefferkorn and the City's on-call engineering firms submit proposals for construction inspection services.

Pfefferkorn provided construction inspection services for the Lamar Ave. Rehabilitation Project in 2020 and the 2021 and 2022 Street Preservation Projects and have demonstrated a proven ability to provide cost-effective, quality services. Therefore, Staff recommends approval of a construction inspection services agreement for the Johnson Dr. Rehabilitation Project (Lamar Ave. to Roe Ave) with Pfefferkorn in an amount not to exceed \$42,410.00. All documentation, observation, and required testing is included as part of the contract.

The contract is based on full-time services with an anticipated start date of June 2022 and completion date of October 2022. Full-time inspection is recommended due to the additional communication, coordination, and access with businesses and customers

Related Statute/City Ordinance:	NA
Line Item Code/Description:	Capital Improvement Fund
Available Budget:	\$1,600,000

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Brent Morton

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

required for this project.

CFAA CONSIDERATIONS/IMPACTS: This project supports several Community for All Ages considerations, including sidewalk improvements and the reconfiguration of Johnson Dr. (Lamar Ave. to Nall Ave.) to three lanes. This will allow drivers and pedestrians to navigate the corridor more safely.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	Capital Improvement Fund
Available Budget:	\$1,600,000

AGREEMENT FOR PROFESSIONAL CONSTRUCTION INSPECTION SERVICES

THIS AGREEMENT is made and entered into this ____ day of _____, 2022 (the “Effective Date”), by and between City of Mission, Kansas (hereinafter the “OWNER”) and _____ (hereinafter the “ENGINEER”).

WITNESSETH:

WHEREAS, the OWNER desires to retain the professional services of the ENGINEER for the project described herein; and

WHEREAS, the ENGINEER desires to provide such services to the OWNER in accordance with the terms and conditions of this Agreement.

NOW THEREFORE, in consideration of the above recitals, the mutual promises and covenants hereinafter set forth, and for other good and valuable consideration, the parties hereto agree as follows:

ARTICLE 1. OWNER'S REPRESENTATIVE

The OWNER’S Public Works Director, or designee thereof, shall be the OWNER’S designated Representative, and is authorized to act with authority on behalf of the OWNER with respect to all work tasks required for the project for which services are to be rendered by the ENGINEER.

ARTICLE 2. PURPOSE; SCOPE OF SERVICES; CONTRACT AMOUNT; NO GUARANTEE MINIMUM; CONTRACT TERM AND RENEWAL; AND AUTHORIZATION FOR INSPECTION SERVICES

The OWNER hereby engages the on-call term and supply construction inspection services of the ENGINEER. The specific services, which the ENGINEER agrees to furnish, are as indicated in Attachment A - “Scope of Services”. Changes in the indicated Scope of Services shall be subject to renegotiation and implemented through a written amendment to this Agreement.

The ENGINEER understands and acknowledges that this Agreement is one of potentially multiple term and supply contracts awarded by the OWNER. Further, the ENGINEER understands and acknowledges that there is no guarantee minimum of quantity of service that would be purchased or required by the OWNER under this Agreement. Any services purchased from the ENGINEER shall be, at maximum, the amount as stated in the written Authorization for the authorized project, consistent with the schedule of unit costs for services and service-related direct expenses set forth in the hourly billing rates attachment to this Agreement, and payable upon receipt of an invoice from the ENGINEER documenting the services provided under this Agreement.

The initial term of this Agreement shall be for the period commencing with the Effective Date hereof and ending December 31, 2022. The OWNER reserves the sole right to renew the Agreement for four (4) additional twelve (12) month periods at the same specifications and terms and conditions of this Agreement upon supplemental writing executed by both parties

The specific services to be provided by the ENGINEER under this Agreement shall be based upon written Authorization signed by the OWNER and ENGINEER. The Authorization shall describe the project (the "Authorized Project"); the authorized services to be performed; the amount of compensation; and the established time of completion. The written Authorization for Construction Inspection Services shall be in substantially the form that appears in **Attachment C**.

ARTICLE 3. BASIS OF PAYMENT

As a consideration for providing the authorized services enumerated in Article 2, the OWNER shall pay the ENGINEER in the following manner:

A. COMPENSATION OF A COST NOT TO EXCEED

For authorized services, as enumerated in Article 2, the OWNER shall pay the ENGINEER based upon the ENGINEER'S cost with a maximum not to exceed amount. Payments as described hereinafter shall represent full compensation to the ENGINEER for all payroll costs, expenses, current overhead, profit and all other costs in connection with the performance of these services as detailed in **Attachment A – "Scope of Services"** and the corresponding Authorization for Construction Inspection Services. The ENGINEER, if required, shall provide documentation to the OWNER of all costs in connection with the performance of these services.

Total payment to the ENGINEER for the authorized services, as enumerated in Article 2, shall not exceed the amount of forty-two thousand four hundred ten Dollars, (\$ 42,410), based on the hourly rates as shown in **Attachment B**.

The OWNER will be billed monthly on the basis of the hours worked and hourly rates, as documented on monthly progress reports to be attached by the ENGINEER to the invoices.

B. CHANGES OF SCOPE

In the event additional services are required through changes in the scope of the Authorized Project, or other unusual or unforeseen circumstances are encountered, or for other consulting services, ENGINEER shall, upon written authorization by the OWNER, perform the additional services as agreed to in writing by both parties. The ENGINEER shall be paid for any such additional services rendered and expenses reasonably incurred in the amount and rates mutually agreed to by both the ENGINEER and the OWNER.

C. NONAPPROPRIATION

This Agreement, and any renewal thereof, is subject to the provisions of the Kansas Cash Basis Law, K.S.A. 10-1101 et seq., and amendments thereto (the "Act"). By virtue of this Act, the OWNER is obligated only to pay periodic payments as contemplated herein as may lawfully be made from funds budgeted and appropriated for that purpose during the OWNER'S current budget year (i.e., January 1 to December 31) or from funds made available from any lawfully operated revenue producing source.

ARTICLE 4. ENGINEER'S OPINION OF PROBABLE COST

Since the ENGINEER has no control over the cost of labor, materials, or equipment, or over a contractor's method for determining prices, or over competitive bidding or market conditions, the ENGINEER'S opinions of probable construction cost or total project cost provided for herein are to be made on the basis of the ENGINEER'S experience and qualifications. These opinions represent the ENGINEER'S best judgment as an experienced and qualified engineer.

However, the ENGINEER cannot and does not guarantee that actual project cost will not vary from opinions of cost prepared by the ENGINEER.

ARTICLE 5. OBLIGATIONS OF THE OWNER

A. OWNER-FURNISHED DATA

The OWNER shall provide to the ENGINEER all technical data related in the OWNER'S possession, including previous reports, maps, and all other information required by the ENGINEER relating to the ENGINEER'S work on the Authorized Project. Such information shall include, but not be limited to, the OWNER'S requirements for the Authorized Project, and any criteria or constraints. The ENGINEER may rely upon the accuracy, timeliness, and completeness of the information provided by the OWNER in performing ENGINEER'S services for the OWNER.

B. ACCESS TO FACILITIES AND PROPERTY

The OWNER shall make its system facilities and properties available and accessible for inspection by ENGINEER and arrange for access to make all provisions for the ENGINEER to enter upon public property as required for the ENGINEER to perform its services.

C. TIMELY REVIEW

The OWNER shall examine all studies, reports, proposals, and other documents presented by ENGINEER, and may obtain advice of an attorney, insurance counselor, accountant, auditor, and other consultants as OWNER deems appropriate for such examination and render in writing decisions pertaining thereto in a timely manner so as not to delay the services of ENGINEER.

D. PROMPT NOTICE

The OWNER shall give prompt written notice to ENGINEER whenever OWNER observes or otherwise becomes aware of any development that affects the scope or timing of ENGINEER'S services, or any defect in the work of the ENGINEER or contractors.

ARTICLE 6. GENERAL PROVISIONS

A. ACCEPTANCE OF WORK

Upon completion by the ENGINEER of the services required in this Agreement, or of any phase(s) of such services, the ENGINEER shall submit such services, or services of any phase thereof, to OWNER'S Representative for review and acceptance to assure conformance with the defined scope of services. If OWNER'S Representative finds that such services do conform to such requirements, s/he shall accept such services and authorize payment therefore as provided in this Agreement. If OWNER'S Representative finds that such services do not conform to such requirements, s/he shall immediately notify the ENGINEER of all deficiencies and reasons for nonacceptance and shall permit the ENGINEER a reasonable time, not to exceed (60) days, to complete or correct performance of the services. If, after sixty (60) days, the services still do not conform to such requirements, and if the ENGINEER fails to demonstrate to the satisfaction of the OWNER that the delay is beyond its control, the ENGINEER will be deemed in default of this Agreement.

B. ASSIGNMENT

This Agreement is to be binding on the heirs, successors, and assigns of the parties hereto and is not to be assigned by either party without first obtaining the written consent of the other. No assignment of this Agreement shall be effective until the assignee assumes, in writing, the obligations of the assigning party, and delivers such written assumption of assignment to the other original party to this Agreement.

C. DISCRIMINATION PROHIBITED

In performing the services required hereunder, the ENGINEER shall not discriminate against any person on the basis of race, color, religion, sex, national origin or ancestry, age, genetic information, citizenship, military status, sexual orientation, gender identity, marital status, familial status or disability, or other circumstance prohibited by federal, state or local law, rule or regulation.

D. FORCE MAJEURE

Neither party hereto shall be liable for its failure to perform hereunder due to contingencies beyond its reasonable control, including, but not limited to, strikes, riots, war, fire and acts of nature not including normal weather conditions.

E. HOLD HARMLESS

The ENGINEER agrees to indemnify and hold the OWNER, its officers and employees free and harmless from and against, any and all claims, damages, defense costs, professional fees or other reasonable expenses resulting from the error, omission or negligent act of the ENGINEER, its agents, or employees, in the performance of the ENGINEER'S professional services under this Agreement. For all other non-professional acts or omissions, the ENGINEER agrees to indemnify, defend and hold the OWNER, its officers, and employees harmless from and against any and all claims, demands, defense costs or liability arising out of the performance of the ENGINEER's services under this Agreement. The OWNER agrees that it shall not enter into any settlements which may fall within the provisions of this paragraph without the prior written consent of the ENGINEER.

F. INSURANCE

The ENGINEER and OWNER agree that the ENGINEER, in its performance of this Agreement, is an independent contractor. ENGINEER shall purchase and maintain in force insurance coverage, underwritten by insurer(s) lawfully authorized to write insurance in the state of Kansas, of the minimum types and limits as set forth below:

1. Professional Liability

- A. \$1,000,000 per claim / occurrence
- B. \$2,000,000 aggregate

As to the Professional Liability insurance required in F. 1., the ENGINEER shall at all times, including without limitation, after the expiration or termination of this Agreement for any reason, maintain insurance coverage for any liability directly or indirectly resulting from acts or omissions of the ENGINEER occurring in whole or in part during the term of this Agreement (hereinafter "Continuing Coverage"). The ENGINEER may maintain such Continuing Coverage through the procurement of subsequent policies that provide for a retroactive date of coverage equal to the retroactive date of the insurance policy in effect as of the effective date of this Agreement, the

procurement of an extended reporting endorsement (commonly known as “tail coverage”) applicable to the insurance coverage maintained by the ENGINEER during the term of this Agreement, or such other method acceptable to the City. The contractor shall maintain the full limit of coverage as stated above for the Statute of Repose.

2. Commercial General Liability:

- A. \$1,000,000 Combined Single Limit, for bodily injury, personal injury, and property damage liability per occurrence
 - B. \$2,000,000 annual aggregate
- Coverage must include Premises and Operations; Contractual Liability; Products and Completed Operations Liability and Independent Contractor’s Protection.

3. Workers' Compensation and Employer's Liability:

- A. Statutory Workers’ Compensation including an all states endorsement
- B. Employer's Liability (E.L. and Disease):
 - i. Bodily Injury by Accident \$500,000 Each Accident:
 - ii. Bodily Injury by Disease \$500,000 Policy Limit
 - iii. Bodily Injury by Disease \$500,000 Each Employee

4. Commercial Automobile Liability:

\$1,000,000 Combined Single Limit for bodily injury and property damage per accident, covering all owned, non-owned, and hired vehicles

The City of Mission, KS, its officers, Commissions, Agencies and employees shall be named as Additional Insured under the Commercial General Liability policy. The Additional Insured requirement shall be subject to the limitation of liability for claims within the scope of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto, and does not create a partnership or joint venture between the OWNER and ENGINEER under this Agreement.

Prior to execution of this Agreement, the ENGINEER shall furnish Certificate(s) of Insurance verifying the required insurance is in full force and effect in accordance with this Agreement. Within five (5) business days of expiration of any insurance coverage, ENGINEER shall provide renewal Certificate(s) of Insurance as required by this Agreement. The Certificate Holder shall be as follows:

City of Mission, Kansas
Public Works
4775 Lamar Avenue
Mission, KS 66202

The full description of the work to be performed, bid or project number, and the required Additional Insured language shall be referenced on the Certificate(s) of Insurance in the Description of Operations section. Prior to any reduction in coverage, cancellation, or non-renewal the ENGINEER or its Agent shall provide Certificate Holder not less than thirty (30) days advance written notice of such change in ENGINEER’s insurance coverage. It is ENGINEER’s sole

responsibility to provide this notice to Certificate Holder. Failure to provide notice shall not relieve ENGINEER of its obligations under this Agreement.

It is further agreed that any insurance and self-insurance maintained by the City of Mission, Kansas its officers, Commissions, and Agencies shall apply in excess of and not contributory with any insurance and self-insurance maintained by ENGINEER.

G. SEVERABILITY

In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement; this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.

H. STANDARDS OF PERFORMANCE

The ENGINEER shall perform all services under this Agreement in accordance with the industry standards of the engineering profession for projects similar in scope, size, and complexity to projects contemplated herein, and in accordance with the laws of the State of Kansas.

I. TERMINATION FOR CAUSE

This Agreement may be terminated by either party upon thirty (30) days' written notice should the other party fail to cure a breach of this Agreement through no fault of the other, or if a project is stopped by conditions beyond the control of the OWNER.

J. TERMINATION FOR CONVENIENCE

This Agreement may be terminated by the OWNER for its convenience by giving thirty (30) days' written notice to the ENGINEER.

K. TERMINATION COMPENSATION

In the event of termination, the ENGINEER shall be paid in full for all services previously authorized and performed in accordance with the requirements of this Agreement up to the termination date. If no termination is implemented, relationships and obligations created by this Agreement shall terminate upon completion of all applicable requirements of this Agreement.

L. REUSE OF DOCUMENTS

All documents, including drawings and specifications, furnished by the ENGINEER pursuant to this Agreement are instruments of service with respect to the Authorized Project. They are not intended or represented to be suitable for reuse by the OWNER or others on extensions of the Authorized Project or any other project. Any reuse without written verification or adaptation by the ENGINEER will be at the OWNER'S sole risk and without liability or legal exposure to the ENGINEER.

M. GOVERNING LAW

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Kansas. In the event that the parties hereto are unable to resolve any controversy or claim arising out of, or relating to, this Agreement or the making, performance or interpretation of

it without resort to the courts, the parties agree that exclusive jurisdiction and venue over such matter shall be in the District Court of Johnson County, Kansas.

N. INDEPENDENT CONTRACTOR

This Agreement is, and shall be deemed, an independent contract for services, and the ENGINEER, and all persons providing services on behalf of the ENGINEER under this Agreement shall be deemed independent contractors and shall not be deemed, under any circumstances, employees of the OWNER.

O. RIGHT TO EXAMINE AND AUDIT RECORDS

The ENGINEER agrees that the OWNER, or any of its authorized representatives, shall have access to and the right to examine and audit any and all books, documents, papers and records of the ENGINEER involving transactions related to this Agreement, or any change order or contract modification thereto, or with compliance with any clauses hereunder. Such records shall include hard copy as well as computer readable data. The ENGINEER shall reasonably require all of its payees including, but not limited to, subcontractors, or material suppliers to comply with the provisions of this clause by including the requirements hereof in a written agreement between the ENGINEER and the payee. Further, the ENGINEER agrees to cooperate fully and will cause all related parties and will reasonably require all of its payees to cooperate fully in furnishing or making available to the OWNER any and all such books, documents, papers, and records.

P. HEADINGS

The headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.

Q. CONTRACT DOCUMENTS

The services to be provided by the ENGINEER shall be rendered in accordance with and governed by the terms and conditions of this Agreement, and the respective terms, conditions, provisions and representations contained within the following contract documents:

(1) OWNER'S Request for Proposal, and any amendments or addenda issued thereto (collectively hereinafter the "RFP"); and

(2) ENGINEER'S written Response to the RFP, signed and duly submitted to the OWNER (hereinafter "ENGINEER'S Response").

It is hereby acknowledged and agreed that the contract documents identified hereinabove shall be on file with the OWNER'S Office, and/or such other office or location as the OWNER may from time to time designate.

Whenever the terms "respondent", "successful respondent", "bidder", "successful bidder", "contractor" or "successful contractor" are used in the text of the contract documents, such terms shall be deemed to mean and refer to the ENGINEER.

In the event that a conflict arises between the interpretation of the contract documents listed herein and the terms and conditions of the Agreement (including Attachments A, B and C), the terms and conditions of the Agreement (including Attachments A, B and C) shall control. Attachments A, B and C are incorporated herein by reference and made a part of this Agreement.

R. ENTIRE AGREEMENT

This Agreement represents the entire agreement between the OWNER and the ENGINEER with respect to services required hereunder and supersedes any and all previous understandings, whether oral or written, between the OWNER and the ENGINEER regarding the same.

FOR THE OWNER:

FOR THE ENGINEER:

City of Mission

By Pfefferkorn Engineering & Environmental, LLC

Printed Name

Kate Pfefferkorn-Mansker
Printed Name

Title

Owner
Title

Signature

Kate Pfefferkorn-Mansker
Signature

ATTACHMENT A – SCOPE OF SERVICES

1. Provide a qualified Construction Inspector and Engineering Technicians as needed to monitor the construction performed, and to determine its conformity with the contract plans and specifications.
2. Review and check plan computations supplied by the City. Prepare computations as required throughout the project.
3. Inspect, test where necessary, and approve construction materials at the project site. Arrange and assist in the selection and preparation of test samples for inspection and testing of materials.
4. Document pay quantities, materials, equipment, and other items required by the City. Submit weekly update of work being done.
5. At the beginning of each month, prepare an estimate of the amount of work completed, using a City-supplied estimate form. At the end of the project, prepare a final estimate of the amount of work completed on the City estimate form.
6. Assist City in preparation of change orders arising from conditions unforeseen during the design phase of the project.
7. Conduct a final inspection for each portion of the work.
8. Review final papers, check final quantities and organize files.

DESCRIPTION OF POSITIONS:

CONSTRUCTION INSPECTOR

The work in this position involves the performance of a variety of inspection duties associated with the construction and/or related items and planning and directing the activities of subordinate Senior Engineering Technicians and Engineering Technicians performing a variety of duties in the appropriate specialty, or performing work of comparable scope and complexity in a non-supervisory capacity. Work requires the application of engineering knowledge and skills in completing assigned projects and includes responsibility for the completion of assignments of a complete nature. Work assignments are received with general instructions and objectives outlined by the City.

Serves as the project supervisor for construction observation. Plans and supervises the activities of lower level technicians performing the inspection duties to ensure compliance with plans, standard procedures and special provisions. Recommends and makes decisions on minor necessary changes in construction signing, and safety measures. Recommends to the City major changes in construction sequence, staking procedures, etc., to ensure timely and continuity of operations.

Performs on-site inspection of contractor's operations, equipment, construction signing, safety measures, reviews procedures and inspection techniques at sources of supply and

distribution of materials incorporated into projects and reviews adequacy of design of material combinations.

Assist in communication with Construction Managers/Coordinators, utility coordinators, construction surveyors and/or Contractor in order to ensure proper flow and sequence of operations.

Prepares and compiles data for project diaries, reports, field notes and other required paperwork for a project progress, contractor payments and final construction documentation or directs lower level technicians to obtain the same final results.

Reviews plans and specifications, and supervises the preparation of computation to substantiate all plan quantities.

Reviews materials certifications to assure all materials incorporated into the project have been properly tested and accepted.

Supervises the preparation of periodic and final reports.

ENGINEERING TECHNICIAN, SENIOR

Work involves planning and directing the activities of subordinate Engineering Technicians performing a variety of duties in the appropriate specialty, or performing work of comparable scope and complexity in a non-supervisory capacity. Work generally includes responsibility for the completion of assignments of a complete nature. Work assignments are received with general instructions and objectives outlined by the Project Manager.

May serve as the project supervisor on complex roadway and/or multiple roadway and bridge construction projects. Plans and supervises the activities of lower level technicians performing the inspection duties to ensure compliance with plans, standard procedures and special provisions. Recommends and makes decisions on minor necessary changes in construction signing, and safety measures. Recommends to the Project Manager major changes in construction sequence, staking procedures, etc., to ensure timely and continuity of operations.

Prepares and compiles data for project diaries, reports, field notes and other required paperwork for a project progress, contractor payments and final construction documentation or directs lower level technicians to obtain the same final results.

Reviews materials certifications to assure all materials incorporated into the project have been properly tested and accepted.

ENGINEERING TECHNICIAN

Responsibilities are to inspect, document, and test materials for construction work performed by contractors to assure compliance with plans, specifications, and accepted standard procedures. Employee will serve as an inspector on roadway construction projects under the supervision of higher level technicians or project manager.

Performs or assists other technicians or project manager in the performance of routine tests in the laboratory or field, or inspection on construction projects for compliance with standard practice, specifications, plans, or special provisions.

Serves as inspector-in-charge of a construction project with a limited number of operations or one of several chief inspectors on complex projects with a multitude of operations. Prepares required documentation and reports.

Prepares or assists in the preparation of related documentation and reports.



Pfefferkorn Engineering & Environmental, LLC

19957 W. 162nd Street

Olathe, Kansas 66062

p-e2.com

Tel: (913) 490-3967

Fax: (913) 426-9138

ATTACHMENT B
Exhibit : RATE SCHEDULE

Design Services

Principal	\$175.00
Senior Design Engineer.....	\$150.00
Design Technician	\$100.00
Drafter.....	\$ 80.00
Clerical/Support Staff.....	\$ 78.00

Field Services – Construction Inspection & Survey

Senior Engineer Technician	\$ 80.00
Engineer, Technician II	\$ 75.00
Survey Crew – 1 person*	\$ 175.00
Survey Crew – 2 people*	\$ 195.00
Survey Crew – 3 people*	\$ 210.00

On-Site Materials Testing and Observation

In-situ Density, Utilizing Nuclear Densometer, (2 hour minimum).....	\$ 80.00 / hour
Concrete Testing, (2 hour minimum)	\$ 80.00 / hour
Materials Sampling, (2 hour minimum)	\$ 80.00 / hour

In addition to the above, reimbursement shall be made for expenses incurred in connection with the project such as filing fees, print, research materials, equipment rental, mileage, per diem, postage and handling, and any other related expenses will be billed at their direct cost. Subcontracted labor, technical photography, and other direct job costs will be billed at their direct cost.

Printing

24" x 36"	\$ 3.50/page
8- 1/2" x 11" or 11" x 17" (copies)	\$ 0.20/page

Equipment

Vehicle Mileage (Truck or Auto)	\$0.54/mile
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ATTACHMENT B (cont.) **Asphalt & Aggregate Testing** **2022 Schedule of Fees** **(Pfefferkorn K-7 Project)**

LAW VALLEY ENGINEERING, INC.

WORK ITEM	UNIT	UNIT PRICE
ASPHALT MIXTURE AND AGGREGATE TESTING		
Sieve Analysis (Washed) (ASTM C-136 and C 117)	Each	\$140.00
Aggregate Specific Gravity, -#4 (ASTM C 128)	Each	\$150.00
Aggregate Specific Gravity, +#4 (ASTM C 127)	Each	\$100.00
Clay Lumps & Friable (ASTM C 142)	Each	\$55.00
Crushed Particles (KT-31)	Each	\$70.00
Soundness, small (ASTM C 88)	Each	\$300.00
Soundness, large (ASTM C 88)	Each	\$300.00
LA Wear, small (ASTM C 131)	Each	\$275.00
LA Wear, large (ASTM C 131)	Each	\$300.00
Lightweight Particles in Aggregate (SpG < 2.0) (ASTM C 123)	Each	\$150.00
Lightweight Particles in Aggregate (Chert) (ASTM C 123)	Each	\$150.00
Organic Impurities (ASTM C 40)	Each	\$75.00
Sand Equivalent (ASTM D 2419)	Each	\$145.00
Maximum Specific Gravity (ASTM D 2041)	Each	\$75.00
Bulk Specific Gravity of Cores/Plugs (ASTM D2726)	Each	\$20.00
Gyratory Compaction (ASTM D 6925, AASHTO T 312)	Each	\$275.00
Marshall Properties, Incl. Stability and Flow (ASTM 6926, 6927)	3 Pills	\$275.00
Rice Density (AASHTO T 209 and ASTM D 2041)	Each	\$100.00
Asphalt Extraction and Gradation (ASTM D 6307)	Each	\$210.00
Washed Aggregate Gradation (Belt Sample)	Each	\$75.00
Freeze-Thaw Testing (KT-MR-21/ASTM D 5312)	Each	\$650.00
Sample Prep for Freeze-Thaw Testing (ASTM 5312)	Hour	\$60.00
Fine Aggregate Angularity (ASTM C 1252)	Each	\$120.00
Superpave Asphalt Mix Design	Each	\$6,500.00
Marshall Asphalt Mix Design	Each	\$4,000.00
Note: Hourly and Mileage rates are charged portal to portal; laboratory testing rates are based on samples delivered to lab, fees for obtaining samples will be billed at basic hourly and mileage rates. Time in excess of 8 hours a day, Saturday, Sunday, and holidays will be billed at the above standard rates. Above rates do not include sample collection.		



Pfefferkorn Engineering & Environmental, LLC

19957 W. 162nd Street
Olathe, KS 66062
913-490-3967
kate.p@p-e2.com



**Johnson Drive - Lamar to Roe Rehabilitation
Construction Inspection Services**

PROPOSAL

Pfefferkorn Engineering & Environmental, LLC is pleased to offer the following proposal for your consideration. Pfefferkorn understands the general scope of services to include project inspection, documentation, materials testing, and construction administration for the public roadway improvements including but not limited to ultrathin bonded asphalt surfacing, milling, concrete replacement and pavement marking.

Pfefferkorn will provide a KDOT Certified Construction Inspector as well as supplemental Inspectors and materials testing technicians when needed. Our KDOT Certified Inspector will coordinate daily inspection activities associated with the project while our supplemental inspectors and materials testing technicians will provide support services as necessary.

Our inspector will check traffic control daily, inspect work items conform to specifications and be dedicated to the project during contractor activity. As per the City’s request, this proposal has full-time inspection covering all contractor activity including material testing.

The quoted amounts are based on the project scope, plans and quantities provided April 20, 2022. Working hours are anticipated to be Monday through Friday from 7:00 am to 6:00 pm and Saturday 8:00 am to 6:00 pm. (No work is anticipated on Sunday). The following table is a budgetary upper limit we anticipate to cover the inspection and material testing scope of the Johnson Drive Rehabilitation Project.

FULL TIME INSPECTION	Quantity	Unit	Unit Cost	Subtotal
Certified Inspector (full-time, coverage of ALL contractor activity)	480	Hours	\$80	\$38,400
Concrete testing Slump, Unit Weight, Air Content, Temperature, Compressive Strength (4" x 8" Cylinders – set of 7)	12	Each	\$80	\$960
Aggregate Gradation Sieve Analysis AB-3 OP Modified	1	Each	\$100	\$100
Asphalt Properties (Gyratory Compaction, Marshall properties, Rice Density)	1	Each	\$850	\$850
Field Density Testing for Asphalt and Base Compaction (portable gauge)	14	Days	\$150	\$2,100
TOTAL				\$42,410

This cost amounts stated above are to serve as a not-to-exceed limit for construction inspection and materials testing services. *Inspection hourly rate is billed at \$80 per hour. Working days are unknown at the time of proposal but anticipated to be no more than 150 working days and subject to the contractor's work schedule approved by the City.*

Thank you for your consideration. Please let me know if you have any questions or concerns. To accept this agreement, please sign below and e-mail kelly@p-e2.com or fax 913-426-9138 to our office.

Very kind regards,



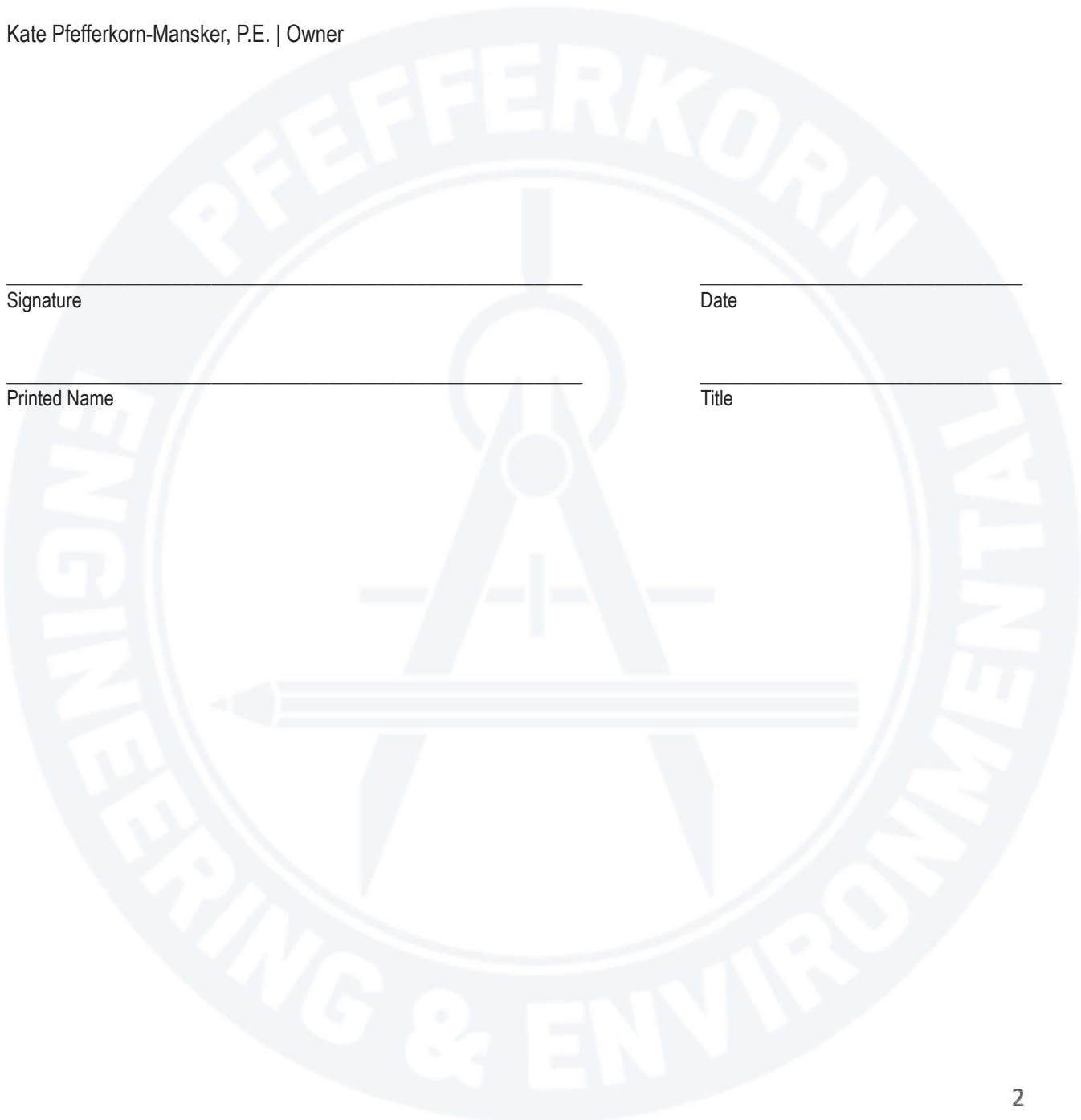
Kate Pfefferkorn-Mansker, P.E. | Owner

Signature

Date

Printed Name

Title



ATTACHMENT C – AUTHORIZATION FOR CONSTRUCTION INSPECTION SERVICES
FORM

**AUTHORIZATION NO. _____ FOR CONSTRUCTION INSPECTION SERVICES
(AUTHORIZED PROJECT NAME)**

In accordance with ARTICLE 2 of the Agreement for Professional Construction Inspection Services, dated _____, ~~2020~~, by and between OWNER (City of Mission, Kansas) and the ENGINEER (Pfefferkorn Engineering & Environmental) (the “AGREEMENT”), the following project authorization is hereby given and mutually agreed upon:

- A. Authorized Project Name and Description:
- B. Description of Services to be Performed:
- C. Amount of Compensation:
- D. Estimated Time of Completion:
- E. Notice to Proceed Date:

It is further understood and agreed by the parties hereto that all of the terms and conditions of the AGREEMENT are hereby incorporated by reference as if set forth fully herein and are made a part of this Authorization.

IN WITNESS WHEREOF, the parties hereto have caused this Authorization to be executed by their duly authorized representatives and made effective the day and year first above written.

Pfefferkorn Engineering & Environmental, LLC (ENGINEER)

By *Kate Pfefferkorn-Mansker*

Kate Pfefferkorn-Mansker Printed Name

Owner Title

CITY OF MISSION, KANSAS (OWNER)

By _____

_____ Printed Name

_____ Title

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Celia Duran

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

RE: Interlocal Agreement for Construction of Johnson Drive Rehabilitation Project (Lamar Avenue to Roe Avenue)

RECOMMENDATION: Approve an Interlocal Agreement between the City of Mission, Kansas and the City of Roeland Park, Kansas for construction of the public improvements to Johnson Drive from Lamar Avenue to Roe Avenue.

DETAILS: The City of Mission’s proposed CARS project for 2022 is the Johnson Drive (Lamar Avenue to Roe Avenue) Street Rehabilitation Project. This is a joint project between the cities of Mission and Roeland Park.

The proposed improvements include a UBAS surface treatment; restriping to a three-lane section from Nall Avenue to Roe Avenue; pavement and median repairs; spot replacement of curb and gutter, sidewalks, parking stalls, and ADA ramps; and removal of the decorative asphalt pavers sidewalk which will be replaced with concrete to meet ADA requirements (Nall Avenue to Roeland Drive). Additionally, the improvements include installation of a five-foot wide sidewalk on the north side of Johnson Drive within Roeland Park city limits. This will include regrading of all the driveway entrances to comply with ADA cross slope criteria.

The Interlocal Agreement outlines the purpose, project financing for construction and construction inspection services, and project administration, and is necessary to be executed prior to proceeding with construction of the project. There are no costs associated specifically with the execution of the interlocal agreement. It is the mechanism through which each participating city commits to funding their portion of the project.

Mission will fund approximately 79% of the total construction cost, and Roeland Park will fund approximately 21%. The total cost of construction and construction inspection (exclusive of CARS funding) is \$1,320,168.35, with Mission funding \$1,041,320.35 and Roeland Park funding \$278,848.

The project was bid in April 2022 and construction is anticipated to begin in late June 2022 and be completed by October 2022.

CFAA CONSIDERATIONS/IMPACTS: The project includes improvements to streets and sidewalks to promote mobility and provide infrastructure that maximizes use and safety for all users.

Related Statute/City Ordinance:	N/A
Code/Description:	Capital Improvement Fund
Available Budget:	\$1,600,000

AGREEMENT BETWEEN THE CITY OF MISSION, KANSAS AND THE CITY OF ROELAND PARK, KANSAS FOR THE PUBLIC IMPROVEMENT OF JOHNSON DRIVE FROM LAMAR AVENUE TO ROE AVENUE.

THIS AGREEMENT, made and entered into this _____ day of _____, 2022, by and between the CITY OF MISSION, KANSAS (“MISSION”) and the CITY OF ROELAND PARK, KANSAS (“ROELAND PARK”), each party having been organized and now existing under the laws of the State of Kansas,

WITNESSETH:

WHEREAS, the parties hereto have determined it is in their best interest to make the public improvement to Johnson Drive from Lamar Avenue to Roe Avenue as such improvement is hereinafter described; and

WHEREAS, K.S.A. 12-2908 authorizes the parties hereto to cooperate in making the public improvement; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Agreement for the aforesaid public improvement, as authorized and provided by K.S.A, 12-2908 and K.S.A. 68-169; and

WHEREAS, the parties contemplate part of the costs for the public improvement to be paid through Johnson County’s County Assistance Road System (“CARS Program”); and

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable considerations, the parties hereto agree as follows:

1. PURPOSE OF AGREEMENT. The parties hereto enter into this Agreement for the purpose of constructing the public improvement and completing a construction inspection, on Johnson Drive between Lamar Avenue and Roe Avenue in accordance with the design plans, dated April 1, 2022, the bid to complete said design, and the construction inspection agreement. The bid is attached hereto as **Exhibit A** and the construction inspection agreement attached hereto as **Exhibit B**. Exhibit A and Exhibit B are expressly incorporated into this Agreement. Any changes to scope of work that would cause the Project Cost to increase beyond the price not to exceed described in Section 2(A) below, shall be approved only with the written consent of both parties to this Agreement.

2. COST OF PROJECT.
 - A. The cost of the public improvement covered by this Agreement, including labor and material to be used in making the public improvement, and the construction inspection shall not exceed One Million Three Hundred Twenty Thousand One

Hundred Sixty-Eight DOLLARS and Thirty-Five Cents (\$1,320,168.35.00) (the cost of the public improvement, the "Project Cost").

- B. The Project Costs, less any payments made by the CARS Program, shall be allocated to each party as follows:
- i. MISSION shall be allocated seventy-nine percent (79.00%) of the Project Cost (\$1,041,320.35).
 - ii. ROELAND PARK shall be allocated twenty-one percent (21.00%) of the Project Cost (\$278,848).
3. FINANCING. MISSION and ROELAND PARK shall pay their portion of the Project Cost with monies budgeted and appropriated funds. ROELAND PARK shall process and make payment of their allocation of the Project Cost within thirty (30) days of the date of any invoice from MISSION.
4. MISSION ADMINISTRATION OF PROJECT. The public improvement shall be constructed and the job administered by MISSION, acting by and through the Director of Public Works for MISSION, who shall be the principal public official designated to administer the public improvement. Upon completion of the public improvement, MISSION shall submit to ROELAND PARK a final accounting of Project Costs for the purpose of apportioning the same among the parties as provided herein. The Project Costs apportioned to ROELAND PARK shall be payable as specified in Section 3 hereof.
5. DURATION AND TERMINATION OF AGREEMENT. The parties hereto agree that the term of this Agreement shall exist through the completion of the aforesaid public improvement, which shall be deemed completed upon certification by the Director of Public Works of each party advising that the public improvement has been accepted by him/her as completed, and final payment of ROELAND PARK'S allocated Project Costs under this Agreement by ROELAND PARK to MISSION. Upon issuance of such certification and final payments, this Agreement will be deemed terminated and of no further force or effect.
6. PLACING AGREEMENT IN FORCE. This Agreement shall be executed in duplicate. Each party hereto shall receive a duly executed copy of this Agreement for their official records.
7. AMENDMENTS. This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change nor amendment shall be binding on the parties unless it shall have been agreed to in writing and signed by both parties.

8. JURISDICTION. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in duplicate by each of the parties hereto on the day and year first above written.

CITY OF MISSION, KANSAS CITY OF ROELAND PARK, KANSAS

By: _____
Solana Flora, Mayor

By: _____
Mike Kelly, Mayor

ATTEST:

By: _____
Emily Randel, Interim City Clerk

By: _____
Kelley Nielsen, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney - Mission

Steve Mauer: City Attorney – Roeland
Park

EXHIBIT A

The Bid

EXHIBIT B
Construction Inspection Agreement

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Celia Duran

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

RE: Resolution Approving 2023-2027 CARS Project List

RECOMMENDATION: Approve the Resolution adopting the Five-Year City/County Street Improvement Program for the City of Mission for 2023-2027.

DETAILS: Through a combination of state gas tax dollars and County General Fund revenues, the CARS program provides funds to cities to construct and maintain eligible streets. Each year, cities submit a 5-year road improvement plan to the County from which projects are selected for funding (up to 50% of the project's construction and construction inspection costs). Cities are responsible for design, right-of-way, and utility relocation costs. Mission's CARS-eligible streets include:

- Lamar (Foxridge to 67th)
- 51st (Lamar east to City Limit)
- 63rd (Nall to Roe)
- Foxridge (56th to Lamar)
- Johnson Drive (Metcalf to Roe)
- Roe (Johnson Drive to 63rd)
- Nall (Johnson Drive to 67th)
- Martway (Metcalf to Roeland)
- Roeland Dr (Johnson Drive to SMP)
- Broadmoor (Johnson Drive to Martway)

Each City is required to pass a resolution adopting a 5-year plan based on their own unique goals and objectives, and CARS projects are ultimately adopted as part of the County's annual budget process. The final commitment of funds occurs through the approval of specific interlocal agreements for each project. The recommended 2023-2027 CARS program is similar to the 2022-2026 CARS.

2023	2024	2025	2026	2027
Foxridge Phase II (51st St. to Lamar Ave.)	Roe Avenue UBAS (Johnson Dr. to 59th St.)	63rd Street (Nall Ave. to Roe Ave.)	Johnson Dr., (Metcalf Ave. to Lamar Ave.)	Nall Avenue UBAS (Martway St. to 63rd St.)

The only exception is the 63rd St (Nall Ave. to Roe Ave. project). This project was added in 2025 and the Nall Ave. (Martway St. to 63rd St.) project was moved to 2027 due to pavement conditions and discussions with Prairie Village staff. The PCI's for 63rd

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

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Celia Duran

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

St. range from 18 to 47.2 and the PCI's for Nall Ave. range from 64.1 to 97.3.

2023 - Foxridge Phase II: Foxridge Drive (51st Street to Lamar Avenue) is a two lane, 32 ft. wide, minor collector serving multi-family, residential, commercial and industrial traffic. Due to the street's location at the bottom of a hill, there is a significant amount of water damage to the surface of the pavement, subgrade, and curb and gutter. This section of Foxridge Drive lacks sidewalks, leaving pedestrians to walk in the street.

Proposed improvements include full depth pavement reconstruction (pavement removal and replacement with a 10-inch asphaltic concrete base and 2-inch asphaltic concrete surface); replacement of curb and gutter; new sidewalks, streetlights, and stormwater infrastructure; and pavement markings. An underdrain system will be installed to address the stormwater runoff and pedestrian improvements will be made. The Everygy traffic signal at the Foxridge Dr. to Lamar Ave. intersection will also be replaced and relocated since trucks have difficulty making southbound right turns resulting in damaged guardrail. Additionally, a polymer concrete overlay will be provided over the Lamar Ave. Bridge. Total estimated project cost: \$5,674,000.

2024 - Roe Avenue (Johnson Drive to 59th Street): Proposed improvements include mill and overlay with 2-inch asphaltic concrete surface; traffic signal replacement; pedestrian signals on the east side of the intersection of Roe Ave. and Johnson Dr.; pavement and median repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; and pavement markings. Total estimated project cost: \$1,012,000.

Fairway is applying for CARS funds for Roe Avenue (59th St. to 63rd St.) and Mission's funding portion is estimated to be \$113,480.

2025 - 63rd Street (Nall Avenue to Roe Avenue): Proposed improvements include mill and overlay with 3-inch asphaltic concrete surface; pavement repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; new sidewalk on the west side of 63rd St.; and pavement markings. Pavement borings will be cored to determine whether there is sufficient asphalt and subgrade. Total estimated project cost: \$920,000.

2026 - Johnson Drive (Metcalf Ave. to Lamar Ave.): Proposed improvements include full depth pavement replacement; traffic signal replacement; spot replacement of curb and gutter, sidewalks, and ADA ramps; streetlights; and pavement markings. Additionally, stormwater infrastructure will be replaced and includes the continuance of the stormwater interceptor completed with the Johnson Dr., Lamar Ave. to Nall Ave.

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

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Public Works	From:	Celia Duran

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

Phase I project. Total estimated project cost: \$12,400,000. (Surface Transportation Program (STP) funds may be available for this project depending upon eligibility). Total estimated project cost: \$12,400,000.

2027 - Nall Avenue (Martway Street to 63rd Street): Proposed improvements include UBAS surface treatment; pavement repairs; spot replacement of curb and gutter; sidewalks, and ADA ramps; and pavement markings. Total estimated project cost: \$325,000.

Prairie Village is applying for CARS funds for Nall Avenue (63rd St. to 67th St.) and Mission's funding portion is estimated to be \$73,750.

Approval of the attached resolution does not specifically commit the City to any expenditure of funds and its purpose is to communicate to the County the CARS eligible projects the City is considering over the 2023-2027 planning horizon.

CFAA CONSIDERATIONS/IMPACTS: These projects support a number of items in the Transportation and Mobility category, including ADA compliance and sidewalk connectivity to provide pedestrian modes of transportation, and streetlight upgrades.

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

**CITY OF MISSION
RESOLUTION NO. _____**

A RESOLUTION APPROVING A FIVE-YEAR CITY/COUNTY STREET IMPROVEMENT PROGRAM.

WHEREAS, The City of Mission desires to obtain County funds for certain street improvement projects within the City; and

WHEREAS, in order to have projects considered for the CARS Program by the Johnson County Board of Commissioners, the Governing Body must submit a written five-year road improvement program request; and

WHEREAS, all requests must be accompanied by a resolution which provides that included projects have been reviewed and approved by the Governing Body; and

WHEREAS, the 2023-2027 CARS Program is an important budgeting and planning document for both the City of Mission and Johnson County; and

WHEREAS, submission of the 2023-2027 CARS program does not specifically commit any expenditures on behalf of the City of Mission.

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

SECTION 1. That the attached Five-Year City/County Street Improvement Program has been reviewed and approved for submittal to the Johnson County Board of Commissioners as the City's 2023-2027 CARS Program request.

THIS RESOLUTION IS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, THIS 18th DAY OF MAY 2022.

THIS RESOLUTION IS APPROVED BY THE MAYOR THIS 18th DAY OF MAY 2022.

Solana Flora, Mayor

ATTEST: (Seal)

Emily Randel, Interim City Clerk

County Assistance Road System										
2023-2027 Five Year Program										
Participating City: Mission										
Priority	Project Location	Proposed Start/ Finish	Project Description	CARS Route Classification		CARS Program Funding Request	CARS Participation Eligible		Comprehensive Project Budget Total	Mission Total
				Major	Minor		Yes	No		
2023	Foxridge Phase II (51st St. to Lamar Ave.)	3/23-12/23	The project includes full depth reconstruction, including pavement removal and replacement with a 10-inch asphaltic concrete base and 2-inch asphaltic concrete surface; replacement of curb and gutter and ADA ramps; a polymer concrete overlay on the Lamar bridge; new sidewalks, street lights, and stormwater infrastructure; and pavement markings. Additionally, the project includes installation of a 1,000-1,500 ft. under-drain to catch downhill runoff, and relocation and replacement of the existing traffic signal at the Foxridge and Lamar intersection.		X	\$2,000,000 (estimated)	\$5,200,000	\$474,000	\$5,674,000	\$3,674,000
2024	Roe Avenue (Johnson Dr. to 59th St.)	4/24-10/24	The project includes mill and overlay with 2-inch asphaltic concrete surface; traffic signal replacement; pedestrian signals; pavement and median repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; and pavement markings.	X		\$470,000	\$940,000	\$72,000	\$1,012,000	\$542,000
2025	63rd Street (Nall Ave. to Roe Ave.)	4/25-10/25	The project includes mill and overlay with 3-inch asphaltic concrete surface; pavement repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; new sidewalks; and pavement markings.		X	\$430,000.00	\$860,000.00	\$60,000.00	\$920,000.00	\$490,000 (Mission \$276,250; PV \$213,750)
2026	Johnson Drive (Metcalf Ave. to Lamar Ave.)	3/26-12/26	The project includes full depth pavement replacement; traffic signal replacement; streetlights; spot replacement of curb and gutter, sidewalks, and ADA ramps; and pavement markings. Additionally, stormwater infrastructure will be replaced and includes the continuance of the stormwater Interceptor completed with the Johnson Dr., Lamar Ave. to Nall Ave., Phase I project.	X		\$2,500,000 (estimated)	\$10,500,000	\$1,900,000	\$12,400,000	\$9,900,000
2027	Nall Avenue (Martway St. to 63rd St.)	5/25-10/25	The project includes a UBAS surface treatment; pavement repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; and new pavement markings.	X		\$150,000	\$300,000	\$25,000	\$325,000	\$175,000
TOTALS:						\$5,550,000	\$17,800,000	\$2,531,000	\$20,331,000	\$14,781,000

City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Parks + Recreation	From:	Penn Almoney

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

RE: Ordinance Language Clarifying Proper Trail Use and Micromobility Devices

DETAILS: Parks and Recreation Department staff review Mission Municipal Code Chapters 230 and 240 with the Parks, Recreation + Tree (PRT) Commission annually. During the 2021 review, there were discussions around mobility devices and trail users.

A list of objectives was created to ensure that the discussion and proposed changes to the ordinance would address both immediate and long-term considerations. These objectives included:

- Communicates clearly
- Welcomes users
- Promotes accessibility
- Enhances the Communities for All Ages focus
- Helps trails become user-friendly
- Considers safety of users
- Flexible to foreseeable trends, i.e., E-bikes

After discussing the etiquette and accessibility concerns of the current ordinance, the PRT formed a subcommittee (composed of Ben Chociey, Anne O’Leary and Mark Raduziner) to work with staff in crafting appropriate language to balance trail use. The first draft was crafted and shared at the April 2021 PRT meeting where Commission members offered feedback suggesting that ‘micromobility devices’ should be further defined similar to the City of Overland Park’s ordinance. During this meeting, suggestions were made to consider the safety of e-bikes and include a speed limit. Further edits were made, reviewed with PRT members during the May 2021 PRT meeting and then shared with Mission’s legal counsel, Payne & Jones.

Staff also reached out to the Mid-America Regional Council (MARC) to review the ordinance and any transportation considerations. Alex Rotenberry, a MARC staff transportation planner, shared e-bike and scooter trends that staff should be aware of and, “consider including in a revised ordinance”. He also said, “micromobility device should be included when referencing trail use and accessibility for all.”

Related Statute/City Ordinance:	Chapter 230 and 305 of the Municipal Code of the City of Mission, Kansas
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Parks + Recreation	From:	Penn Almoney

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

After reviewing the draft ordinance, the City’s legal counsel responded with a memo (included in the packet) highlighting specific considerations within the proposed ordinance changes. Staff and the PRT subcommittee members reviewed the response and adjusted language and focus to align with legal counsels’ recommendations.

Staff also coordinated review of the ordinance with Chief Madden who expressed concerns that there were definitions in the proposed ordinance which conflicted with definitions in the Standard Traffic Ordinance (STO). Chief Madden also suggested adding certain exceptions (skateboards, rollerblades and roller skates) which currently exist in the code to ensure consistency. Legal counsel agreed that “consistency is key to enforcement” and supported incorporating Chief Madden’s recommendations into the ordinance.

During the April 6, 2022 Community Development Meeting, staff reviewed with Council the proposed ordinance language to Chapter 230 and Chapter 305 of the City’s Municipal Code:

- Section 230.080(A) - remove ‘walking’,
- Section 230.085 - define ‘micromobility devices’, accessibility device, and motorized scooter,
- Section 230.090 - ‘Trails’, limits the speed of devices and Director may designate certain sections of trail as walking only,
- Section 230.150 - posting of signs in parks,
- Section 230.260 - limit use of sport surfaces to pedestrians or those with accessibility devices,
- Section 305.040 - clarification on trail use that passes through commercial districts

These items provide clearer communication on trail use standards in the code, provide better clarification of what devices and limitations are in place and provide a mechanism that allows the Parks and Recreation Director to label certain sections of trail as “Walking Trail Only” if safety and high-use patterns become a short-term concern.

Related Statute/City Ordinance:	Chapter 230 and 305 of the Municipal Code of the City of Mission, Kansas
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Parks + Recreation	From:	Penn Almoney

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

Council provided feedback suggesting staff, Councilmember Chociey and Payne & Jones review a few outstanding elements requiring further clarification. These considerations are detailed below:

Is there an all-encompassing term for skateboards, roller skates and roller blades/inline skates that could be added for later reference?

Adding an all-encompassing term will likely cause more confusion than benefit. Skateboards, roller skates, and roller blades will only be grouped together twice in the City Code after this amendment, in Sections 230.085 and 305.040. These Sections are in different Titles of the Code. As such, the City Code would have to define the all-encompassing term in both Titles. Additionally, the current language was closely aligned with the Standard Traffic Ordinance (“STO”) incorporated in the City Code. Changing this language may cause conflict between the STO and City Code. Therefore, the recommendation is to not make a combined group definition

Section 230.085(c)(5) should remove the language exclusive to transporting children so pets could be transported without violation.

The Section has been edited to reflect this change.

For Section 230.090, use less specific language than “Walking Trail Only” for director, in case there is a different reason/standard of trail use change.

The Section has been edited to reflect this change.

Build in a parks and recreation maintenance exception for being on the trail.

Currently, Section 230.090, Paragraph 4, allows the Director of Parks and Recreation to authorize vehicles on the trail for purposes of maintenance of

Related Statute/City Ordinance:	Chapter 230 and 305 of the Municipal Code of the City of Mission, Kansas
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	May 4, 2022
Parks + Recreation	From:	Penn Almoney

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

parks, trails, etc. Therefore, no further changes were made.

Section 230.085(c)(3) potentially restricts children from using electric powered riding cars.

The Section in question has been rearranged for clarity. Electric powered riding cars for children are permissible on the trails because they are a motorized transportation device, as allowed in this Section.

Do we want to differentiate what can be used on internal park trails versus what can be used on a regional trail?

At this time, Staff does not believe it is necessary to limit or restrict the types of mobility devices included in the ordinance on either trail type.

The recommended ordinance changes are part of a systematic approach of reviewing park standards to ensure Mission’s code supports the larger vision of an all-inclusive community. PRT Commission members reviewed these ordinance changes during the February 21, 2022 PRT meeting and unanimously recommended them for Council consideration.

Staff recommends adopting the proposed ordinance changes to communicate proper trail use etiquette, respond to the increased demand for various recreation modes of transportation and allow flexibility in labeling sections of trail, if needed. This is especially important as responsibility for enforcement of these codes lies with multiple departments.

A final red-lined version of the Code changes will be uploaded to the packet on Monday.

CFAA IMPACTS/CONSIDERATIONS: Proper communication and amenities will enhance the resident and non-resident experience in Mission parks, trails and activities that connect people and improve their quality of life. Parks and trails should be

Related Statute/City Ordinance:	Chapter 230 and 305 of the Municipal Code of the City of Mission, Kansas
Line Item Code/Description:	N/A
Available Budget:	N/A

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

accessible to adults and youth of all ages and abilities, providing a safe area for recreation activities which serve residents and visitors.

Related Statute/City Ordinance:	Chapter 230 and 305 of the Municipal Code of the City of Mission, Kansas
Line Item Code/Description:	N/A
Available Budget:	N/A

CITY OF MISSION
ORDINANCE NO _____

AN ORDINANCE REVISING CERTAIN SECTIONS OF CHAPTER 230, PARKS AND RECREATION, AND SECTION 305.040, SKATEBOARDS, ROLLER BLADES, ROLLER STAKES – PROHIBITED IN COMMERCIAL DISTRICTS, IN THE MUNICIPAL CODE OF MISSION, KANSAS

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

SECTION 1: Subsection (A) of Section 230.080 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows, with the remainder of Section 230.080 remaining unchanged.

Section 230.080. Definition – Operation Hours of Parks/Park Areas/Playgrounds.

- A. As used in this Section, the term “*park*” shall include all parks, fitness courses, trails and athletic fields owned or operated by the City for use by the public.

SECTION 2: Section 230.085 is hereby added to the Municipal Code of Mission, Kansas as follows:

Section 230.085. Definition – Micromobility Devices.

- A. As used in this Article, the term “Electric-Assisted Scooter” shall mean every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a break and a deck that is designed to be stood upon when riding.
- B. As used in this Article, the term “Accessibility Device” shall mean wheelchairs and other mobility devices designed to assist persons with disabilities, provided that such devices are designed to be used where pedestrians are allowed.
- C. As used in this Article, the term “Micromobility Device” shall include:
 - 1. Electric-Assisted Scooters, as defined in this Section, that are not capable of providing motor power to propel the scooter at a speed greater than twenty (20) miles per hour on ground level;
 - 2. Accessibility Devices, as defined in this Section;
 - 3. Any motorized transportation device which is not capable of traveling at a speed greater than twenty (20) miles per hour on level ground, including one made

available for private use by reservation through an online application, website, software, or service;

4. Bicycles, including electric assisted bicycles only if: (1) the bicycle has two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor; and (2) the electric motor has a power output of no more than 1,000 watts, is incapable of propelling the device at a speed of more than 20 miles per hour on level ground, and is incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour; and
5. Non-motorized strollers, buggies, small wagons, and similar devices designed to be propelled by pushing or pulling at speeds typical of pedestrians.

D. As used in this Article, the term “Micromobility Device” shall not include:

1. Devices powered by combustion motors or engines or any other form of propulsion except electric motors or manual power;
2. Devices which must be licensed for use on streets;
3. Devices which are not meant to be used where pedestrians are allowed; and
4. Skateboards;
5. Roller Blades; and
6. Roller Skates.

SECTION 3: Section 230.090 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 230.090. Trails

Trails in parks shall only be used by pedestrians and users of Micromobility Devices. Users of Micromobility Devices, other than persons with disabilities, shall yield the right of way to pedestrians and persons with disabilities.

The Director of Parks and Recreation, or personnel authorized thereby, may limit the use of certain or all Micromobility Devices or transportation devices on certain trails or parts of trails. If so limited, the Director of Parks and Recreation, or personnel authorized thereby, shall order the posting of signs to denote which Micromobility Devices or transportation devices are restricted on the certain trail.

No person on a trail in a park shall move at a speed greater than fifteen (15) miles per hour. Trail users shall exercise due caution to avoid injuring any person or animal or damaging property.

The Director of Parks and Recreation may authorize exceptions to this Section and/or additional restrictions on the use of trails for the purpose of maintenance of parks, trails, trees, structures, and appurtenant materials, or in case of special events, adverse weather conditions, or unusual circumstances.

SECTION 4: Section 230.150 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 230.150. Signage.

Posting of signs in any park shall be prohibited except in accord with the provisions of any City ordinance or any permit issued by the City.

SECTION 5: Section 230.260 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 230.260. Use of Parks/Restrictions.

A. The following restrictions are placed on the use of all City parks:

1. Glass bottles and glass containers are not allowed in any park.
2. Tennis courts, racquetball courts, basketball courts, and other areas which have been improved with a surface for the purpose of playing a particular sport or game may only be used on foot, except persons with disabilities may use Accessibility Devices.

SECTION 6: Section 305.040 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 305.040. Skateboards, Roller Blades, Roller Skates -- Prohibited in Commercial Districts.

It shall be unlawful for any person to make use of a skateboard, roller blades and/or roller skates within any commercial business district or upon any public or private sidewalks, street, parking lot or alley immediately adjoining any commercial business building with the City. This Section shall not apply to trails that pass through a Commercial Business District, nor shall it apply to paths, sidewalks or portions of rights of way designated as trails by the Director of Parks and Recreation, or personnel authorized thereby. The use of trails is governed by Chapter 230 of this Code.

SECTION 7: This Ordinance shall be in force and take effect from after publication according to law.

PASSED AND APPROVED by the City Council this 18th day of May, 2022.

APPROVED by the Mayor this 18th day of May, 2022.

Solana Flora, Mayor

ATTEST:

Emily Randel, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

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

Chapter 230. Parks and Recreation

Article I. Parks, Recreation and Tree Commission

Section 230.010 Commission Established — Membership.

[CC 2000 §12-101; Ord. No. 1017 §12-101, 8-22-2001; Ord. No. 1216 §1, 11-8-2006; Ord. No. 1305 §1, 10-21-2009; Ord. No. 1452 § I, 3-15-2017; Ord. No. 1452 § I, 3-15-2017; Ord. No. 1458 § I, 4-19-2017; Ord. No. 1497, 4-17-2019]

In order to provide citizen input and interaction with City services, the City of Mission Parks, Recreation, and Tree Commission is hereby established. The Parks, Recreation, and Tree Commission shall consist of eleven (11) members, one (1) of whom may be a non-resident of the City of Mission; two (2) of whom may be youth members. At least one (1) member shall be from each ward. The Mayor, with the consent of the Council, shall appoint the members of the Parks, Recreation, and Tree Commission. Members shall be appointed for terms of two (2) years each except youth members who shall be appointed for one (1) year and except otherwise herein provided. Vacancies shall be filled by appointment for the unexpired term only. The number of members may not be reduced unless a vacancy exists or unless the reduction takes effect at the end of a term. Members of the Parks, Recreation, and Tree Commission shall be appointed at the first regular meeting of the Governing Body in January. Members shall serve without compensation.

Section 230.020. Commission Function.

[CC 2000 §12-102; Ord. No. 1017 §12-102, 8-22-2001; Ord. No. 1305 §1, 10-21-2009; Ord. No. 1452 § I, 3-15-2017]

The Parks, Recreation, and Tree Commission shall meet on a monthly basis. Times of meetings shall be posted publicly and open to members of the public. Meetings shall be held in City/public facilities. A majority of the members shall constitute a quorum in order to transact or conduct business. A record of all proceedings shall be kept.

Section 230.030. Annual Review.

[CC 2000 §12-103; Ord. No. 1017 §12-103, 8-22-2001; Ord. No. 1305 §1, 10-21-2009; Ord. No. 1452 § I, 3-15-2017]

A. The Parks, Recreation, and Tree Commission will assess needs and make recommendations regarding recreation programs, facilities and equipment, and will conduct an annual review of the budget, making recommendations for capital improvements to be presented to the Governing Body for consideration.

B. It shall be the responsibility of the Parks, Recreation, and Tree Commission to study, investigate, counsel and develop a written tree plan to provide a guide for the proper development and maintenance of the trees on City-owned property, including the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. It shall further be the responsibility of the Parks, Recreation, and Tree Commission to direct tree care and landscaping in all City parks and to recommend the location for planting.

C. The Parks, Recreation, and Tree Commission will be responsible for the completion of a tree plan, which shall be presented to the Governing Body for approval. Thereafter, the Commission shall review and consult with a contracted arborist and update the plan as necessary with same submitted to the Governing Body prior to April 1 in even numbered years. The Parks, Recreation, and Tree Commission shall recommend budget allocations necessary to accomplish agreed-upon projects, including projects recommended for inclusion in the City's five-year Capital Improvement Program.

D. In accordance with the approved tree plan, the Parks, Recreation, and Tree Commission shall control planting, pruning and removal of all trees located within the street rights-of-way, easements, alleys and parks of the City. Any owners of land abutting such rights-of-way, easements, alleys and parks may, when acting within the provisions of this Chapter and the approved plan, prune, spray, plant or remove trees in that part of such street rights-of-way, easements and alleys abutting his/her land not used for public travel. Any owner of property intending to deviate from the provisions of this Chapter must first secure written approval from the Parks, Recreation, and Tree Commission.

Section 230.040. Officers.

[Ord. No. 1017 §12-104, 8-22-2001; Ord. No. 1216 §2, 11-8-2006; Ord. No. 1305 §1, 10-21-2009; Ord. No. 1452 § I, 3-15-2017; Ord. No. 1497, 4-17-2019]

The Parks, Recreation, and Tree Commission shall consist of eleven (11) members from which a Chair and Vice Chair shall be elected. The Chair shall conduct and chair all meetings. The Vice Chair shall act in the absence of the Chair. Officers shall be elected at the first regularly scheduled meeting after the Governing Body has appointed new members at the first regularly scheduled meeting in January.

Section 230.050. Member Removal.

[Ord. No. 1017 §12-105, 8-22-2001; Ord. No. 1305 §1, 10-21-2009]

Any members of the Commission may be removed or replaced by a vote of the majority of the Governing Body at any regularly scheduled meeting of the Governing Body.

Section 230.060. (Reserved)

Chapter 230. Parks and Recreation

Article III. General Regulations For Parks/Park Areas/Playgrounds

Section 230.080. Definition — Operation Hours of Parks/Park Areas/Playgrounds.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-201]

A. As used in this Section, the term "*park*" shall include all parks, fitness courses, ~~walking~~ trails and athletic fields owned or operated by the City for use by the public.

B. All parks shall be open for use by the public between the hours of 6:00 A.M. to 10:00 P.M.

C. All parks shall be closed for use to the public between the hours of 10:00 P.M. to 6:00 A.M. or during such other hours as the Governing Body has established. At these times, the City parks shall be deemed closed to the public and all persons, other than Law Enforcement Officers and personnel, Firefighters and authorized City employees and authorized personnel, shall remain off of the public parks of the City; however, parks may be closed temporarily or opening hours extended temporarily in case of emergency, special events, adverse weather conditions or unusual circumstances as determined and ordered by the Chief of Police or the Director of Parks and Recreation.

Section 230.085. Definition – Micromobility Devices.

A. As used in this Article, the term “Electric-Assisted Scooter” shall mean every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a break and a deck that is designed to be stood upon when riding.

B. As used in this Article, the term “Accessibility Device” shall mean wheelchairs and other mobility devices designed to assist persons with disabilities, provided that such devices are designed to be used where pedestrians are allowed.

C. As used in this Article, the term “Micromobility Device” shall include:

1. Electric-Assisted Scooters, as defined in this Section, that are not capable of providing motor power to propel the scooter at a speed greater than twenty (20) miles per hour on ground level;
2. Accessibility Devices, as defined in this Section;
3. Any motorized transportation device which is not capable of traveling at a speed greater than twenty (20) miles per hour on level ground, including one made available for private use by reservation through an online application, website, software, or service;
4. Bicycles, including electric assisted bicycles only if: (1) the bicycle has two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor; and (2) the electric motor has a power output of no more than 1,000 watts, is incapable of propelling the device at a speed of more than 20 miles per hour on level ground, and is incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour; and
5. Non-motorized strollers, buggies, small wagons, and similar devices designed to be propelled by pushing or pulling at speeds typical of pedestrians.

D. As used in this Article, the term “Micromobility Device” shall not include:

1. Devices powered by combustion motors or engines or any other form of propulsion except electric motors or manual power;
2. Devices which must be licensed for use on streets;
3. Devices which are not meant to be used where pedestrians are allowed; and

4. Skateboards;
5. Roller Blades; and
6. Roller Skates.

Section 230.090. ~~Fitness Courses, Hiking and Walking Trails.~~

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-202]

~~Any paved trail within a park shall only be used by pedestrians. On hiking trails, only pedestrians shall be allowed. Fitness courses shall be used only for walking, running and exercising.~~

Trails in parks shall only be used by pedestrians and users of Micromobility Devices. Users of Micromobility Devices, other than persons with disabilities, shall yield the right of way to pedestrians and persons with disabilities.

The Director of Parks and Recreation, or personnel authorized thereby, may limit the use of certain or all Micromobility Devices or transportation devices on certain trails or parts of trails. If so limited, the Director of Parks and Recreation, or personnel authorized thereby, shall order the posting of signs to denote which Micromobility Devices or transportation devices are restricted on the certain trail.

No person on a trail in a park shall move at a speed greater than fifteen (15) miles per hour. Trail users shall exercise due caution to avoid injuring any person or animal or damaging property.

The Director of Parks and Recreation may authorize exceptions to this Section and/or additional restrictions on the use of trails for the purpose of maintenance of parks, trails, trees, structures, and appurtenant materials, or in case of special events, adverse weather conditions, or unusual circumstances.

Section 230.100. Dogs, Cats and Other Animals.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-203]

All dogs, cats and other domesticated animals shall be leashed and kept under control while in a park or park area. Owners must remove feces or waste from their animals.

Section 230.110. Alcoholic Liquor, Cereal Malt Beverages, Illegal Substances.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-204]

No person shall possess, consume or drink any alcoholic liquor, cereal malt beverage or other illegal substances within the boundaries of any park.

Section 230.120. Firearms and Weapons.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-205]

Except as provided in this Subsection, no person shall discharge, use or carry within the boundaries of park facilities any firearm, air gun, spring gun, blank gun, slingshot or any other weapon in which force is used to propel projectiles. This Section shall not apply to Law Enforcement Officers who are authorized by law to carry a firearm.

Section 230.130. Refuse Disposal/Littering.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-206]

While in a park it is unlawful for any person to dump, deposit or leave bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse other than in receptacles provided for that purpose. No person shall transport any refuse into any park for the purpose of disposal therein.

Section 230.140. Amplified Sound.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-207]

Only those persons who possess a permit from the City and who are acting in conformity with the terms and conditions of the permit or otherwise have permission of the City shall be allowed to emit amplified sound within the boundaries of a park. No unreasonable noise shall be emitted in uses of the park.

Section 230.150. Signage.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-208]

Posting of signs **in any park** shall be prohibited except in accord with the provisions of any **City ordinance or any** permit issued by the City.

Section 230.160. Solicitations.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-209]

No person shall solicit or advertise for sale within the boundaries of any park any product, item or service except as provided under the terms and conditions of a permit issued by the City.

Section 230.170. Demonstrations, Exhibitions, Special Events.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-210]

Demonstrations, exhibitions and special events must be approved by City Council or its designated representative pursuant to policies duly adopted by the City prior to their occurrence. Written application must be made to the City at least seven (7) days in advance of the proposed demonstration, exhibition or special event. If the event is approved and requires an extra demand on City services, the applicant will be assessed such fees payable before the activity occurs.

Section 230.180. Reservation Permit.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-211]

All park facilities, including, but not limited to, playing fields, picnic shelters and gazebos, shall be subject to use by reservation permits issued by the City and any person or group holding a valid reservation permit shall have the right of usage of the facility designated by the permit over any person or group without such a permit. A refundable cleanup deposit of fifty dollars (\$50.00) may be required for groups of twenty-five (25) or more. This deposit will be refunded if the facility is left clean and undamaged.

Section 230.190. Application For Permit.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-212]

Applications for permits shall be made to the City of Mission Parks and Recreation Department. No permit shall be issued if the application is made more than ninety (90) days or less than seven (7) days in advance of the date requested.

Section 230.200. Revocation of Permit.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-213]

The City shall have the right to suspend or revoke any permit issued under the authority of this Section when any person or group holding a permit engages in misconduct at the park facility or when unforeseen events or maintenance needs arise. The Director of Parks and Recreation and/or the Director of Public Works shall render the final decision on all applications and revocations.

Section 230.210. Injuring Property or Removing Equipment Prohibited.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-214]

It is unlawful for any person to mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, flowers, shrubbery, grass, trees, statues, posts or other boundary markers or other structures or equipment,

facilities or park property or other property under the ownership, jurisdiction or control of the City; however, nothing contained herein shall prevent any person or persons from moving any portable table or bench which has been placed in the park for use by the public to an adjoining or nearby table within the immediate location of the temporary table or bench; however, no temporary table or bench shall be moved from its original location in such a manner that it is disassociated from the use and the area for which it was first placed in the park. No equipment of any kind shall be removed from park premises. No connection to any public utility is permitted without authorized permission.

Section 230.220. Vehicle Restrictions and Prohibitions.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-215]

A. Motor vehicles are specifically prohibited from operation within any City parks except parking lots, access drives to parking lots and park streets, or areas specifically established by the Chief of Police for motor vehicle use.

B. The presence of motor vehicles in parking lots, parking access drives and park streets is prohibited when parks are closed.

C. Parking for special events, organized activities, etc., may be designated to a specific location by the City.

Section 230.230. Campfires and Burning Materials Prohibited — Exception.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-216]

A. No person shall build or attempt to build a fire in any park area except barbecues which will be limited to grills or areas specified by the City. No open fires will be permitted. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

B. No overnight camping without specific written permission will be allowed within the parks.

Section 230.240. Restroom Maintenance.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-217]

No person shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

Section 230.250. Use of Playgrounds and Equipment.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-218]

A. Playground equipment is designated and intended for the use of children under the age of fourteen (14).

B. Children under the age of five (5) years must be supervised by an adult.

C. It is unlawful for any person to use or occupy playgrounds or playground equipment other than the purpose intended.

D. Destruction of any public property or playground equipment is a violation of City ordinance.

Section 230.260. Use of Parks/Restrictions.

[Ord. No. 969 §1, 8-26-1998; CC 2000 §12-219]

A. The following restrictions are placed on the use of all City parks:

~~1. Bicycles, skateboards, roller blades, roller skates, motorized vehicles or other wheeled vehicles, with the exception of wheelchairs, are prohibited on trails designated as walking trails. This restriction does not apply to strollers or young children accompanied by adults.~~

~~Glass bottles and glass containers are not allowed in any park.~~

~~2. Glass bottles and glass containers are not allowed in parks.~~

~~Tennis courts, racquetball courts, basketball courts, and other areas which have been improved with a surface for the purpose of playing a particular sport or game may only be used on foot, except persons with disabilities may use Accessibility Devices.~~

Section 305.040. Skateboards, Roller Blades, Roller Skates — Prohibited in Commercial Districts.

[Ord. No. 985 §§1 — 2, 12-8-1999; CC 2000 §14-210]

It shall be unlawful for any person to make use of a skateboard, roller blades and/or roller skates within any commercial business district or upon any public or private sidewalks, street, parking lot or alley **immediately** adjoining any commercial business building within the City. ~~This Section shall not apply to trails that pass through a Commercial Business District, nor shall it apply to paths, sidewalks or portions of rights of way designated as trails by the Director of Parks and Recreation, or personnel authorized thereby. The use of trails is governed by Chapter 230 of this Code.~~