



SPECIAL CITY COUNCIL MEETING
Wednesday, January 12, 2022 at 5:30 p.m.

Powell Community Center
6200 Martway
Mission, KS 66202

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>.

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

AGENDA

1. Ordinance Regulating Public Offenses within the City of Mission and Amending the Municipal Code to Require the Wearing of Masks or other Face Coverings during the COVID-19 Public Health Pandemic and Recovery – Laura Smith
2. COVID-19 Mitigation Strategies – Laura Smith



NOTICE OF SPECIAL GOVERNING BODY MEETING
OFFICE OF THE CITY CLERK
MISSION, KANSAS

TO: Solana P. Flora, Mayor

You are hereby notified that there will be a special meeting of the Governing Body at 5:30 p.m., Wednesday, January 12, 2022, at the Powell Community Center, for the purpose of discussing the items listed below:

1. Ordinance Regulating Public Offenses within the City of Mission and Amending the Municipal Code to Require the Wearing of Masks or other Face Coverings during the COVID-19 Public Health Pandemic and Recovery
2. COVID-19 Mitigation Strategies

Witness my hand and the seal of said city this 10th day of January 2022.

State of Kansas)

Johnson County ss.)

City of Mission)



Audrey M. McClanahan, City Clerk



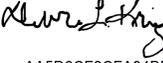
NOTICE FOR SPECIAL GOVERNING BODY MEETING

TO: Solana P. Flora, Mayor

You are hereby requested, in accordance with K.S.A. 14-111, to call a special meeting of the Governing Body of Mission, Kansas, to be held at the Powell Community Center on Wednesday, January 12 at 5:30 pm for the purpose of discussing the items listed below:

1. Ordinance Regulating Public Offenses within the City of Mission and Amending the Municipal Code to Require the Wearing of Masks or other Face Coverings during the COVID-19 Public Health Pandemic and Recovery
2. COVID-19 Mitigation Strategies

Dated this 10th day of January 2022.

DocuSigned by:

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Councilmember

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Councilmember

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Councilmember

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	January 12, 2022
Community Development	From:	Laura Smith

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

RE: Ordinance to Require Face Coverings during the COVID-19 Public Health Pandemic and Recovery

RECOMMENDATION: Approve the Ordinance amending Chapter 215, Article VII Offenses Against the Public Safety of the City of Mission Municipal Code to require individuals to wear masks or other face coverings while indoors in public spaces during the COVID-19 public health pandemic and recovery.

DETAILS: Currently, the region is experiencing the presence of the highly transmissible Delta and Omicron variants of COVID-19 which is resulting in a rapid increase in new cases and numerous outbreaks and hospitalizations, placing an immediate and urgent strain on our local health care systems, city operations, and other institutions. According to the Centers for Disease Control and Prevention (CDC), Johnson County, Kansas is currently an area where there is a “high” level of community transmission of COVID-19. Johnson County COVID-19 rates now exceed 30% positivity as of January 11, 2022 per the JCDHE COVID-19 Dashboard.

Throughout the pandemic, Mission has followed federal, local and state mandates in both the community at large and within our own operations. In recognition of the City’s responsibility to provide for and ensure the health, safety, security, and welfare of the people in our community, Mayor Flora has called a special meeting of the City Council to consider an ordinance requiring face masks while indoors in public spaces and to discuss other COVID-19 mitigation strategies.

At the request of the Mayor, Staff has prepared an ordinance for the City Council's consideration. The key provisions of the ordinance include:

- The draft ordinance does not make businesses or organizations responsible for requiring that employees, customers, visitors, or members of the public wear masks or other face coverings. In it’s simplest terms, the requirement is now personal, and businesses and employers are not themselves responsible for requiring employee or customer compliance.
- There is no requirement that businesses post signage, again seeking to remove as much responsibility from businesses as possible.

Mayor Flora has been coordinating efforts surrounding masking requirements with the cities of Prairie Village and Roeland Park who both have special meetings called for Wednesday, January 12, 2022 to consider similar forms of mask ordinances and/or

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

City of Mission	Item Number:	1.
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Action items require a vote to recommend the item to full City Council for further action.

resolutions. If the Ordinance is approved it would become effective following its publication on January 18, 2022 and will terminate on February 23, 2022 unless extended by Council action.

Staff will be completing a final review of the draft ordinance with the City Attorney tomorrow to determine where within Mission’s municipal code the ordinance is most appropriate. The recommended code section references will be available and updated in the draft ordinance at the Special City Council meeting.

CFAA CONSIDERATIONS/IMPACTS: Community and health services is one of the six issue areas targeted in the Communities for All Ages Checklist. Educating the public and implementing strategies around healthy choices and prevention of negative health outcomes is fundamental to these efforts as is providing programs and services for physical and mental health in as safe a manner as possible.

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

**CITY OF MISSION
ORDINANCE NO. _____**

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF MISSION, KANSAS; AMENDING CHAPTER 215, ARTICLE VII OFFENSES AGAINST THE PUBLIC SAFETY OF THE CODE OF THE CITY OF MISSION TO REQUIRE THE WEARING OF MASKS OR OTHER FACE COVERINGS DURING THE COVID-19 PUBLIC HEALTH PANDEMIC AND RECOVERY.

WHEREAS, the Governing Body of the City of Mission, Kansas, prioritizes the protection of the health, safety, welfare and economic well-being of residents and visitors of the City of Mission;

WHEREAS, COVID-19 is a disease caused by a novel coronavirus, previously unknown in humans, and is presently understood to cause, among other things, upper-respiratory tract illnesses that can range from mild to severe, spread quickly, and may cause death, particularly in older adults and persons with chronic medical conditions;

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), Johnson County, Kansas, is currently an area where there is a "high" level of community transmission of COVID-19;

WHEREAS, this worrying trend of increased COVID-19 spread is a danger to the health and safety of residents and visitors to the City of Mission, presenting a threat to the vitality of the City's economy;

WHEREAS, research shows that COVID-19 and its variants are spread primarily through respiratory droplets exhaled when infected people breath, talk, cough, or sneeze;

WHEREAS, the CDC has issued certain recommendations related to the COVID-19 pandemic, such that in addition to recommending the wearing of masks for unvaccinated persons, the CDC now recommends that even fully-vaccinated people wear a mask in public indoor settings in areas of substantial or high transmission, such as in Johnson County, Kansas;

WHEREAS, Chief Medical Officers from the region's hospital systems have advised that the regional healthcare system is currently in the throes of an unprecedented health care crisis that impacts the availability of and access to health care for all Mission and regional residents, caused by the resurgence of COVID-19 patients and related hospital staff shortages; and

WHEREAS, for the aforementioned and other reasons, the governing body of the City of Mission is acting pursuant to its constitutional home rule authority to provide for the health, safety, welfare and economic well-being of residents and visitors of the City of Mission, by requiring that masks or other face coverings be worn as described in this ordinance.

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

Section 1. Chapter 215, Article VII of the Code of the City of Mission, Kansas, is hereby amended to include a new Section 215.140 to read as follows:

Section 215.140

**WEARING MASKS IN PUBLIC PLACES OF BUSINESS
DURING THE COVID-19 PUBLIC HEALTH
EMERGENCY AND RECOVERY**

(A) Mask or other face covering; definitions and applicability.

- (1) "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen, and may include a plastic face shield. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.
- (2) "Public space" means any indoor space or area that is open to the public.
 - (a) Except as set forth in subsection (B)(2) below, the term "public space" does not include private residential property or private offices or workspaces that are not open to customers or public visitors.
 - (b) The term "public space" shall not include, and this Section 215.140 shall not apply to (i) churches, synagogues, mosques, or other places of religious worship, (ii) public or private schools, or (iii) public buildings or facilities owned or operated by any unit of government or political subdivision other than the city itself, including but not limited to those buildings or facilities owned or operated by the county, the school district, the state, or the federal government, or any agency or division thereof.

(B) Mask or other face covering; when required. All persons in the city shall cover their mouths and noses with a mask or other face covering when they are in the following situations:

- (1) Inside any indoor public space; or
- (2) Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee thereof or a health care provider.

(C) Mask or other face covering; exemptions. The following individuals are exempt from wearing a mask or other face covering in the situations described in subsection (B) above:

- (1) Persons aged five years or under—children aged two years and under in particular should not wear a mask or other face covering because of the risk of suffocation;
- (2) Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a mask or other face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
- (3) Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
- (4) Persons for whom wearing a mask or other face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- (5) Persons who are obtaining a service involving the nose or face for which temporary removal of the mask or other face covering is necessary to perform the service;
- (6) Persons who are patronizing a restaurant or other establishment that offers food or beverage service, while they are eating or drinking;
- (7) Persons who are guests in a private rental space where food or beverage services are being offered, while they are eating or drinking;
- (7) Persons who are engaged in an organized sports or athletic activity that allows persons or athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
- (8) Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
- (9) Persons engaged in religious services, ceremonies or activities;
- (10) Persons engaged in an activity or event held or managed by the Kansas Legislature;
- (11) Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and

- (12) Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

(D) Mask or other face covering; penalties; enforcement.

- (1) The knowing and willful failure or refusal to comply with the requirements of this Section 215.140 shall be an unclassified violation. Any fine imposed for a violation of this section shall not exceed \$25.00.
- (2) This Section 215.140 may be enforced by the police department, with appropriate proceedings following citation in municipal court.
- (3) Notwithstanding the foregoing, violation of any provision of this Section 215.140 constitutes an imminent threat and immediate menace to public health. All remedies prescribed in this Section 215.140 or otherwise available under applicable law, shall be cumulative, and the use of one or more remedies by the city shall not bar the use of any other remedy to enforce this Section 215.140.
- (4) It shall be an affirmative defense to any prosecution under subsection (B)(1) or (B)(2) that the person in violation is an individual listed under subsection (C).

(E) Mask or other face covering; Federal/state/county orders.

The provisions of this Section 215.140 shall not apply to the extent such provisions directly conflict with any current or subsequent orders issued by the United States Federal government (or agency thereof), the State of Kansas (or agency thereof), the Governor of the State of Kansas, the Board of County Commissioners for Johnson County, Kansas, the Local Health Officer of Johnson County, Kansas, or other applicable authorities.

(F) Mask or other face covering; effective term. The provisions of this Section 215.140 shall be in effect until 11:59 p.m. on February 23, 2022, unless further extended by ordinance of the Governing Body.

(G) Mask or other face covering; severability. Severability is intended throughout and within the provisions of this section. If any subsection, sentence, clause, phrase, or portion of this section is held to be invalid, illegal, or unconstitutional by any court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this section.

Section 2. This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Mission, Kansas, on January 12, 2022

APPROVED by the Mayor on January 12, 2022.

CITY OF MISSION, KANSAS

Solana Flora, Mayor

ATTEST:

Audrey M. McClanahan, City Clerk

1/5/2022

Dear Colleagues,

We understand the frustration felt by members of the community who are witnessing the very real and tragic consequences of a sustained public health emergency that is significantly taxing our public health resources.

The Johnson County Department of Health and Environment has been very consistent in informing the public and decision makers on what the potential consequences of not taking appropriate actions to mitigate the uncontrolled spread of the virus in the community could look like. JCDHE also continues to work with various stakeholder groups on a continuous basis to share information and guidance, including the health systems, schools and neighboring jurisdictions.

JCDHE no longer has the authority to issue public health orders. At the outset of the pandemic, the local health officer had the authority to order infection control measures to limit the community spread of COVID. However, the Kansas legislature shifted that authority, in our county's case, to the Board of County Commissioners.

The dominant COVID strain, Omicron, is highly contagious and we still have Delta circulating. A third of our community remains unvaccinated. This coupled with lack of mitigation measures disinformation and other factors, is driving the spread of infection, and draining our medical and public health resources.

- Our **community** is seeing unmatched incidence rates and percent positivity
- **Hospitals** are reporting their highest numbers of COVID-19 patients and equally managing significant numbers of their employees who are unable to work due to COVID quarantines. They are now postponing surgeries and finding it difficult to transfer patients who need acute care. They have serious concerns about the ability to provide care for everyone who needs it.
- In our own **workforce**, we are seeing higher case numbers than we have seen so far in this pandemic. Our public safety/emergency service workforce has been impacted with the highest numbers.

At JCDHE, we continue our ramped up public education efforts, reminding our residents that the greatest support we can provide our public health and medical institutions at this stage of the pandemic is to come together to stop the spread of this highly contagious virus. It takes all of us.

- That means everyone who is eligible should be vaccinated.
- Those who have been vaccinated should seek a booster vaccine.
- Those who are sick should stay home.
- We encourage the use of masks in public settings and recommend KN95 masks and double masking to help stop the spread.
- We discourage large group gatherings.

We will continue to provide regular information to the BOCC so they can make decisions that will best protect our residents. We appreciate the community's participation and patience as we work together to prevent the spread of this virus.

Sincerely,



Sanmi Areola, Ph.D., Director



City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	January 12, 2022
Community Development	From:	Laura Smith

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

RE: COVID-19 Mitigation Strategies

RECOMMENDATION: Review and approve the COVID-19 mitigation strategies, protocols and procedures for the City of Mission

DETAILS: Throughout the COVID-19 pandemic Mission’s Governing Body, staff and employees have thoughtfully and carefully implemented a variety of safety protocols designed to protect the health, safety and welfare of the public and our employees. These efforts have been undertaken in an effort to slow the spread of community transmission and to work to ensure that organizational staffing levels can be maintained to ensure continuity of operations.

With the upward trends in cases (percent positivity rates) in Johnson County over the last several weeks, coupled with information from the Chief Medical Officers throughout the metro area about increasing demands on the hospitals and medical networks, staff took steps as of Friday, January 7, 2022 to revise and adjust certain protocols.

The City Administrator was planning to provide an update on those, along with some information on the vaccine incentive program, and the purchase of masks and COVID-19 home test kits as a Discussion Item on the Finance & Administration Committee agenda. In light of the call for the special meeting and the consideration of an ordinance requiring face coverings in public places throughout the City, the discussion was shifted to the Special City Council meeting agenda to keep the conversations better aligned.

Included in the packet is a copy of the protocols that were updated last week (and communicated to PCC members/patrons and employees) which have now been redlined to reflect changes should the ordinance be adopted. It is important to note that although the effective date of the ordinance would not be until Tuesday, January 18, 2022, any changes to these protocols related to City facilities could become effective immediately.

In addition, staff will present information on the vaccine incentive, masks and test kits and any other COVID related issues the Council may have.

CFAA CONSIDERATIONS/IMPACTS: Community and health services is one of the six issue areas targeted in the Communities for All Ages Checklist. Educating the public and implementing strategies around healthy choices and prevention of negative health outcomes is fundamental to these efforts as is providing programs and services for physical and mental health in as safe a manner as possible.

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

CITY OF MISSION – UPDATED COVID-19 PROTOCOLS AND POLICIES
JANUARY 127, 2022

1. COVID-19 Protocols for the Public in City Hall, Police Station and Public Works Facility:

Masking for the PUBLIC will REQUIRED in the following situations:*

- In all areas of City Hall, the Police Station, and Public Works Facility. This includes, without limitation:
 - In the lobbies and common areas (bathrooms, hallways, etc.) of City Hall, the Police Department and the Public Works facilities
 - Fingerprinting services in the Police Department
 - When in non-public areas of City facilities
 - When attending a public meeting

**Please note this represents NO CHANGE from the protocols that have been in place since August 2021.*

2. COVID-19 Protocols for the Public in the Powell Community Center*:

Masking for the PUBLIC will REQUIRED in the following situations:

- In all common areas (entry desk, hallways, bathrooms, locker rooms) of the Community Center*
- When attending a public meeting held at the Powell Community Center
- When actively exercising at the Community Center (cardio, weights, walking track, racquetball, basketball, etc.) This will include, but is not limited to gym rentals for any sports practice such as basketball or volleyball, and any other rentals during the gym portion of the rental even if masks are allowed to be removed for eating or drinking in other rental spaces.

Masking for the PUBLIC will be strongly encouraged in all indoor spaces, but NOT REQUIRED in the following situations:

- For persons ~~When~~ inside a private rental space at the Community Center where food and drink are offered or provided
- For persons inside a private rental space engaged in religious services, ceremonies, or activities.
- ~~When actively exercising at the Community Center (cardio, weights, walking track, racquetball, basketball, etc.)~~

**Please note this represents NO CHANGE from the protocols that have been in place since August 2021*

3. Additional COVID-19 Mitigation Strategies to be put in place effective 1/127/2022 at the Powell Community Center ~~(some of which have been in place since the start of the pandemic):~~

- Indoor Playground (held 3x each week) will be cancelled through January 31, 2022 at which time it will be re-evaluated based on percent positivity rates and trends. Should staffing levels allow, Indoor Playground may be reinstated with masking requirements for both children and adults. (Note: The indoor playground activities were cancelled the week of January 3 due to staff shortages.)
- A check-in will be established immediately inside the south entry doors to ensure that patrons are not entering the lobby area unmasked. Masks will be available/provided at this check-in point and only masked patrons will be allowed to proceed past this point.
- Water fountains, including the water bottle filling stations will be disabled and patrons/members will be advised that they will need to bring their own water bottles. ~~Not only are these high touch points in the facility, but the need to get a drink/refill a bottle creates a tempting opportunity for someone to enter a common area unmasked.~~
- The Child Watch area will remain open and available to patrons as staffing allows. Staff will be masked at all times while working in the Child Watch area. The website identifies the anticipated hours of operation for the Child Watch area, and currently advises patron to call ahead to confirm availability. Masks will be required for children aged 5 and older. Signage will be added to note that masks are strongly encouraged for unvaccinated children including for children ages 2-5.
- A minimum 30 minute buffer is provided between rentals, and rental spaces are sanitized between rentals.
- The aerobics room will be closed and the space will be sanitized at least one hour prior to the rooms use for children's programming.
- ~~A modified fitness area on the first floor in the space previously used as the adult lounge will be available and signed as a "masks only" workout area.~~
- Messaging and enforcement will be emphasized and any patrons who are unwilling to follow the protocols will be asked to leave the facility. If they refuse, PCC staff knows that they may call for assistance from the Mission Police Department.

Employee/Staff Protocols:

Masking requirements for Mission employees are as follows:

- All employees must be masked while inside, unless at your own office or workstation where you can maintain a 6-ft distance from others. If you are

unable to maintain a 6-ft distance from others at your workstation you must be masked at all times.

- All meetings should be performed via video or phone when possible.
- For necessary in-person meetings, the following protocols should be followed:
 - All meeting attendees must wear masks
 - All meeting attendees should be spaced at least 6 feet apart
- If you leave your office or workstation, you must put on your mask.
- Masks are required at all times when in a vehicle with another person.
- Masks are required during any/all indoor interactions with the public (including vendors or contractors), and in outdoor interactions when 6ft distancing cannot be maintained.

Masking is not required outdoors when 6ft distancing is possible, but employees must be cognizant of situations or public interactions that may dictate the need for a mask.

For purposes of these requirements, a mask includes KN95s/N95s (preferred), surgical masks, and cloth masks. A mask does not include a gaiter, bandana, mesh, or any mask with a vent.

Employees may not eat meals together.

Please do not report to work if you are ill or experiencing any symptoms. Please contact Emily Randel to discuss the appropriate protocols regarding potential isolation or quarantine.