



COMMUNITY DEVELOPMENT COMMITTEE

WEDNESDAY, DECEMBER 14, 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. [Preliminary Development Plan - Nelson Treatment Facility Reconstruction, 4800 Nall Ave. – Planning Commission Case #22-31, Johnson County Wastewater District, Applicant – Brian Scott \(page 5\)](#)

The Nelson Wastewater Treatment Facility, located at 4800 Nall Avenue, was originally constructed in the 1940's and has been in use ever since, expanding in operational scale as the area has grown. The facility treats wastewater generated within the Turkey Creek and Mission Main basins which includes all or portions of Lenexa, Shawnee, Merriam, Overland Park, Mission, Roeland Park, Fairway, and Prairie Village. The facility is nearing the end of its operational life and is no longer compliant with wastewater treatment standards. Johnson County Wastewater is undertaking a complete reconstruction of the treatment facility to modernize its processes and position the facility for the future. A preliminary development plan was considered by the Planning Commission at their November 28, 2022 meeting. The Commission voted 8-0 (one absent) to recommend approval to the City Council.

2. Preliminary Plat - Nelson Wastewater Treatment Facility, 4800 Nall Ave., Planning Commission Case #22-32, Johnson County Wastewater District, Applicant – Brian Scott ([page 12](#))

In conjunction with the preliminary development plan for the reconstruction of the Nelson Wastewater Treatment Facility, the Planning Commission was also asked to consider a preliminary plat as the treatment facility is currently not platted. As it has expanded over the years it now encompasses multiple parcels, including some platted as a residential subdivision. The new plat consolidates the individual parcels into one. A preliminary plat was considered by the Planning Commission at their November 28, 2022 meeting. The Commission voted 8-0 (one absent) to recommend approval to the City Council.

3. Special Use Permit - Nelson Wastewater Treatment Facility, 4800 Nall Ave., Planning Commission Case #22-33, Johnson County Wastewater District, Applicant – Brian Scott ([page 21](#))

The Planning Commission also considered an application for a Special Use Permit for the operation of the Nelson Wastewater Treatment Facility. The Special Use Permit grants Johnson County Wastewater the right to operate the treatment facility for an indefinite period so long as all licenses and permits are maintained, and odor control functions are in place and operational. A special use permit was considered by the Planning Commission at their November 28, 2022 meeting. The Commission voted 8-0 (one absent) to recommend approval to the City Council.

4. Preliminary and Final Plat – Shops of Benson, 5600 Johnson Drive, Planning Commission Case #22-36, Benson Living Trust, Applicant – Brian Scott ([page 30](#))

This property is located at the northwest corner of Johnson Drive and Maple. It includes two buildings, a two-story building at the corner and one story-building with multiple shops immediately to the west. The parcel was originally platted as Lot 81 of Missionhill Acres in 1926. The current owner, Betty Benson, is requesting to replat the parcel into three individual lots so that they may be sold. The tenants of the buildings – Springboard Creative, Mission Board Games, and Sandhills Brewery are the prospective buyers. A preliminary and final plat was considered by the Planning Commission at their November 28, 2022 meeting. The Commission voted 8-0 (one absent) to recommend approval to the City Council.

5. Preliminary and Final Plat – Azura Credit Union, 6751 Johnson Drive, Planning Commission Case #22-38, Azura Credit Union, Applicant – Brian Scott ([page 53](#))

This parcel of property is the site of the former Runza restaurant on Johnson Drive at the Mission West Shopping Center. Azura Credit Union has purchased the property for a branch location. They intend to do extensive renovation to the building and the site. The property is currently platted as two separate lots. The City requested that they replat to one, and dedicate a portion of the frontage along Johnson Drive as right-of-way for a wider sidewalk. A preliminary and final plat was considered by the Planning Commission at their November 28, 2022 meeting. The Commission voted 8-0 (one absent) to recommend approval to the City Council.

6. Drinking Establishment Amendment, Case #22-35, City of Mission, Applicant – Brian Scott ([page 63](#))

A public hearing was held before the Planning Commission at their meeting on November 28, 2022 to take public comment on a proposed amendment to the Main Street District 1 (“MS-1”) zoning regulations as they pertain to the requirement for a special use permit for drinking establishments and clubs. The Commission voted 8-0 (one absent) to recommend approval of the proposed amendments to the City Council.

ACTION ITEMS

7. Acceptance of the November 2, 2022 Community Development Committee Minutes – Robyn Fulks ([page 89](#))

Draft minutes of the November 2, 2022 Community Development Committee meeting are included for review and acceptance.

8. 2018 Building Code Adoption and Presentation on 2021 International Energy Conservation Codes (IECC) - Brian Scott/Jeremy Knoll ([page 101](#))

Every three years the International Code Council (ICC) issues a set of building codes that provides minimum life / safety requirements for the construction and maintenance of residential and commercial structures. Most cities in the Kansas City metro area have historically reviewed and adopted these codes every other cycle, or every six years. The current codes used throughout the metropolitan area are the 2018 ICC Body of Codes. Mission is still working from the 2012 version of the ICC Codes. Staff is recommending adoption of the 2018 Body of codes and will facilitate a discussion about timing and process for future code updates, particularly as it relates to the 2021 International Energy Conservation Codes (IECC).

9. Mowing Services Contract – Brent Morton ([page 309](#))

Since 2010, the regular mowing of City Parks, Facilities, and other public grounds has been performed as a contracted service. The current contract includes approximately 60 acres of public green space, including parks, city-owned lots, KDOT right-of-way, guardrail mowing, and trails. The current mowing contract expires at the end of 2022, and the City went out to bid, receiving three proposals. Use of non-gas-powered equipment was included as a bid alternate. After careful review, Staff is recommending a contract for Mowing Services, including the bid alternate to use electric equipment, with Kansas Land Management (KLM) in the amount of \$100,710 for 2023 services.

10. Turf Management/Chemical Application Contract – Brent Morton ([page 333](#))

Since 2010, the turf management of approximately 40 acres of City parks, facilities, and other public grounds has been performed as a contracted service. The frequency of turf management ranges from three to four yearly applications depending on the area being maintained. Since 2019 the Turf Management/Chemical Application contract has been awarded separate from the Mowing contract and has provide the city substantial cost savings. The City received two proposals and is recommending a contract be awarded to TRUGREEN in the amount of \$16,620 for 2023 services.

11. Water Works Park Joint Use Agreement – Penn Almoney ([page 350](#))

The Waterworks Park Joint Use Agreement (JUA) was originally signed by the City of Mission and WaterOne in 1982. The agreement allows Mission to use property owned by WaterOne for “public parks and recreational use purposes.” WaterOne staff participated on the Waterworks Park conceptual design committee and has been in ongoing discussions to clarify use and expectations regarding the proposed improvement to Waterworks Park. The joint use agreement has been reviewed by legal staff for both WaterOne and Payne & Jones and is recommended for approval.

12. Greenhouse Gas Inventory Contract Award – Emily Randel ([page 369](#))

In 2008, Mission completed a Greenhouse Gas Emission Inventory. The City Council approved funding for an update to the inventory in anticipation of the 2020 goal of a 20% reduction in carbon emissions set out in the initial Climate Action Plan following the 2008 inventory. The inventory update was postponed due to staff transition and the COVID-19 pandemic, but staff issued a request for proposals in October 2022. Four firms responded. Staff recommends a contract award to Lotus Engineering and Sustainability for an amount not to exceed \$33,171.

13. Street Light Extension Policy – Celia Duran ([page 371](#))

There are currently 1,011 streetlights within Mission. Except for streetlights installed with capital projects like Johnson Drive and Foxridge Phase I, the majority of the existing streetlights were purchased from Evergy (formerly Kansas City Power & Light) in 2013. As a general rule, the current inventory of streetlights are appropriately spaced to provide adequate lighting coverage throughout the City. Over the years, City staff has not received many requests for additional streetlights; however, recently there have been some requests from citizens to add additional streetlights and Staff has observed some areas that may require additional lighting. Therefore, Staff recommends this policy be followed when there is a request for additional streetlights.

14. Street Light Installation Contract Award – Celia Duran ([page 374](#))

Based on a citizen request, Staff requested that GBA perform an evaluation of existing lighting on W. 60th Terr. between Nall Ave. and Rosewood St. As a result of the review, two additional streetlights are recommended to be installed on this street. Black & McDonald, the City's streetlight contractor, submitted a bid not to exceed \$22,920.64 for installation of these streetlights. Funds will be paid for from the Public Works contractual services line item.

DISCUSSION ITEMS

OTHER

1. Department Updates - Laura Smith

Ben Chociej, Chairperson
Lea Loudon, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913.676.8350

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott

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

RE: Preliminary Development Plan - Nelson Treatment Facility Reconstruction, 4800 Nall Ave. – Planning Commission Case #22-31, Johnson County Wastewater District, Applicant

RECOMMENDATION: Adopt an ordinance with stipulations approving a preliminary development plan for the construction of wastewater treatment facility at 4800 Nall Avenue.

DETAILS: The Nelson Wastewater Treatment Facility is located in the very northeast corner of Mission at 4800 Nall Avenue. The facility was first constructed in the 1940's and has been in use ever since, expanding in operational scale as Johnson County has become more developed. The facility treats wastewater generated within the Turkey Creek and Mission Main basins which includes all or portions of Lenexa, Shawnee, Merriam, Overland Park, Mission, Roeland Park, Fairway, and Prairie Village. The facility is nearing the end of its operational life and is no longer compliant with wastewater treatment standards.

Improvements to the Nelson Wastewater Treatment Facility are expected to begin in early 2023 and be completed by 2029. Improvements will entail constructing new components of the treatment process (basins, clarifiers, buildings, piping, etc.) in the very northeast corner of the facility complex, and then decommissioning and removing the old components once the new components are up and running. This will allow the facility to remain operational during the reconstruction process.

A new administrative office will be built in the southeast portion of the facility complex closer to Nall Avenue. Construction of other offices and operational facilities within the complex will also occur.

The overall operation of the facility and the treatment components are beyond the scope of the City's ability to regulate. Rather, the preliminary development plan will focus on the general location of the treatment components on the site, location of the administrative office and other operational buildings on the site, design and materials of the buildings, overall access to the site, stormwater management, and screening of the complex. Staff has been working with JCW and their design professionals throughout the summer on these items and believes that the preliminary development plan is in a good position to be approved by the City Council.

The Planning Commission held a public hearing at its November 28, 2022 meeting to

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	December 14, 2022
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Action items require a vote to recommend the item to the full City Council for further action.

take testimony from any interested party regarding the preliminary development plan for the reconstruction of the Nelson Wastewater Treatment Plant. Three individuals had questions, but there was no serious concerns or issues raised. Minutes of the meeting are provided with this packet.

At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of the Preliminary Development Plan for the construction of a Wastewater Treatment Facility at 4800 Nall Avenue.

CFAA CONSIDERATIONS/IMPACTS: N/A

Attachments:

- Ordinance Approving a Preliminary Development Plan for Construction of a Wastewater Treatment Facility at 4800 Nall Avenue (PC Case #22-31)
- Staff Report (PC Case #22-31)
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	
Available Budget:	

CITY OF MISSION, KANSAS

ORDINANCE NO. _____

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN WITH STIPULATIONS FOR THE CONSTRUCTION OF A WASTEWATER TREATMENT FACILITY AT 4800 NALL AVENUE, CITY OF MISSION, JOHNSON COUNTY, KANSAS (PLANNING COMMISSION CASE #22-31)

WHEREAS, an application was submitted to the Community Development Department of the City of Mission by Mr. Patrick Denning on behalf of the Johnson County Unified Wastewater District (JCW) for a Preliminary Development Plan to construct a wastewater treatment facility on a 52-acre site at 4800 Nall Avenue; and

WHEREAS, said application (Case #22-31) for the Preliminary Development Plan was presented to the Mission Planning Commission on November 28, 2022, at which time a public hearing was held by the Commission so that all interested parties may present their comments concerning the application; and

WHEREAS, notice of the public hearing was published in The Legal Record on November 8, 2022, and sent by certified mail to property owners and occupants within 200 feet of the subject property; and

WHEREAS, at the conclusion of the public hearing for Case #22-31, the Planning Commission took the application under consideration and voted 8-0 (one absent) to recommend approval of the application for a Preliminary Development Plan for the construction of a wastewater treatment facility at 4800 Nall Avenue to the Mission City Council.

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

Section 1. Approval of Preliminary Development Plan Granted – Pursuant to Section 440.175 of the Mission Municipal Code, the Preliminary Development Plan (Planning Commission Case # 22-31) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, KS 66202 is hereby approved for the subject property as described below, and in accordance with Section 410.010 et. seq. and Section 440.170 et. seq. of the Mission Municipal Code, subject to the stipulations set forth in Section 2 of this Ordinance and subject to all other laws and regulations:

A tract of land being all of Lots 1 through 53 inclusive, and all of 47th Street Terrace, 48th Street Terrace, Maple Avenue, Woodson Road, and Nall Avenue all in OAKWOOD subdivision, and all of Lots 2 through 10 inclusive, of WALNUT VIEW subdivision, and all of Lots 9 through 15 inclusive, and adjacent vacated Right-of-Way of 47th Street Terrace (platted as Horseshoe Avenue), and all of Woodson Road, all in JESSUP'S 2ND SUBDIVISION, all in the Northeast

Quarter of Section 5, Township 12 South, Range 25 East of the Sixth Principal Meridian, in the City of Mission, Johnson County, Kansas, as prepared by Michael Dean Lay, LS 1612, on September 8, 2022, and all together being more particularly described as follows:

Beginning at the Northeast Corner of said Northeast Quarter; thence South $02^{\circ}46'43''$ East, along the East line of said Northeast Quarter, a distance of 1314.29 feet (1314.32 Platted); thence South $88^{\circ}11'03''$ West, departing said East line, along the South line of said OAKWOOD subdivision, a distance of 140.14 feet, to the Northeast corner of Lot 2, of said WALNUT VIEW subdivision; thence South $02^{\circ}18'18''$ East, departing the South line of said OAKWOOD subdivision, along the East line of said Lot 2, a distance of 111.30 feet, to a point on the North Right-of-Way line of West 49th Street, as now established, said point also being the Southeast Corner of said Lot 2; thence South $88^{\circ}02'14''$ West, departing said East line of Lot 2, along said North Right-of-Way line, a distance of 545.89 feet, to a point of curvature; thence Southwesterly, continuing along said North Right-of-Way line, and along said curve to the left, having a radius of 425.00 feet, and a central angle of $22^{\circ}23'04''$, a distance of 166.04 feet, to the Southwest Corner of Lot 10, of said WALNUT VIEW subdivision; thence North $23^{\circ}49'08''$ West, departing said North Right-of-Way line, along the Westerly line of said Lot 10, a distance of 156.53 feet, to the Northwest Corner of said Lot 10, said Corner being on the South line of said OAKWOOD subdivision; thence South $88^{\circ}11'03''$ West, departing said Westerly line of Lot 10, along the South line of said OAKWOOD subdivision, a distance of 421.42 feet, to the Southwest Corner of said OAKWOOD subdivision, said Corner being on the East line of Lot 9, of said JESSUP'S 2ND SUBDIVISION; thence South $02^{\circ}32'34''$ East, departing said South line of OAKWOOD subdivision, along said East line of Lot 9, a distance of 54.10 feet, to the Southeast Corner of said Lot 9; thence South $88^{\circ}15'15''$ West, departing said East line of Lot 9, along the South Line of said Lot 9, a distance of 79.87 feet, to the Southwest Corner of said Lot 9; thence North $34^{\circ}15'02''$ West, departing said South line of Lot 9, along the West line of said Lot 9, a distance of 220.20 feet; thence North $19^{\circ}44'05''$ West, continuing along said West line of Lot 9, a distance of 200.40 feet; thence North $03^{\circ}38'28''$ East, continuing along said West line of Lot 9, a distance of 187.36 feet, to the Northwest Corner of said Lot 9; thence North $89^{\circ}01'32''$ East, along the North line of said Lot 9, a distance of 66.52 feet, to the Southwest Corner of Lot 10, of said JESSUP'S 2ND SUBDIVISION; thence North $04^{\circ}31'37''$ East, departing said North line of Lot 9, along the West line of said Lot 10, a distance of 196.50 feet, to the Southwest Corner of Lot 11, of said JESSUP'S 2ND SUBDIVISION; thence North $25^{\circ}26'47''$ West, departing said West line of Lot 10, along the West line of said Lot 11, a distance of 132.50 feet, to the Southmost Corner of Lot 12, of said JESSUP'S 2ND SUBDIVISION; thence North $46^{\circ}55'08''$ West, departing the West line of said Lot 11, along the Southerly line of said Lot 12, a distance of 113.36 feet, to the Southeast Corner of Lot 15, of said JESSUP'S 2ND SUBDIVISION; thence North $89^{\circ}25'25''$ West, departing said Southerly line of Lot 12, along the Southerly line of said Lot 15, a distance of 80.23 feet; thence South $40^{\circ}07'37''$ West, continuing along said Southerly line of Lot 15, a distance of 102.52 feet, to the Southmost Corner of said Lot 15; thence North $37^{\circ}04'45''$ West, departing said Southerly line of Lot 15, along the Westerly line of said Lot 15, and its extension, a distance of 144.51 feet, to a point on the centerline of vacated 47th Street Terrace (platted as

Horseshoe Avenue), per Ordinance No. 656, recorded in Volume 2091, Page 21; thence South 50°51'55" West, along the centerline of said vacated 47th Street Terrace, a distance of 100.79 feet; thence South 48°33'05" West, continuing along the centerline of said vacated 47th Terrace, a distance of 125.61 feet, to a point on the East Right-of-Way line of Lamar Avenue, as now established; thence North 41°28'26" West, departing the centerline of said Vacated 47th Street Terrace, along said East Right-of-Way line, a distance of 0.34 feet; thence North 19°29'03" East, continuing along said East Right-of-Way line, a distance of 21.70 feet; thence North 02°06'59" West, continuing along said East Right-of-Way line, a distance of 28.99 feet, to a point on a non-tangent curve; thence Northerly, continuing along said East Right-of-Way line, and along said curve to the left, having a radius of 803.87 feet, a central angle of 20°49'19", and whose initial tangent bearing is North 17°31'51" East, a distance of 292.14 feet; thence North 03°17'28" West, continuing along said East Right-of-Way line, a distance of 5.01 feet, to a point on the West line of a tract of land, as described in a Kansas Warranty Deed, recorded in Book 570, Page 644, said point being on the Southerly Right-of-Way line of Interstate 35, as now established; thence North 32°33'12" East, departing said East Right-of-Way line, along the West line of said tract of land, a distance of 191.21 feet, to a point on the North line said Northeast Quarter, said point also being on the North line of said JESSUP'S 2ND SUBDIVISION; thence North 87°59'32" East, departing the West line of said tract of land, along the North line of said Northeast Quarter, and along the North line of said JESSUP'S 2ND SUBDIVISION, and along the North line of said OAKWOOD subdivision, a distance of 1,839.70 feet, to the Point of Beginning, containing 2,260,646.82 square feet, or 51.90 acres, more or less.

Section 2. Stipulations of the Preliminary Development Plan - The Preliminary Development Plan referenced in Section 1 of this Ordinance is hereby approved and adopted subject to the following stipulations:

1. A Final Development Plan will be submitted to the City and approved by the Planning Commission prior to the issuance of any building permits.
2. Final details of the perimeter sidewalk and pedestrian connections will be submitted with the Final Development Plan.
3. Landscaping plans for the undeveloped ground at the southeast corner of Foxridge Drive and Lamar Avenue shall be submitted with the Final Development Plan.
4. A Final Stormwater Management Report will be required with the Final Development Plan submittal. The stormwater report will document stormwater infrastructure and detention basin design details, subject to review and approval by Public Works staff.
5. An application for a Land Disturbance Permit shall be submitted to, and issued by, the City before any clearing, grading, or digging occurs on the site.
6. The applicant shall submit a Final Site Plan and construction documents to the City for review and approval prior to building permit issuance.
7. Consolidated Fire District No. 2 shall approve plans prior to building permit issuance.

8. The applicant shall obtain all approvals from Johnson County Wastewater and Johnson County Water District #1 prior to building permit issuance.
9. The applicant shall be responsible for all damage to existing City infrastructure, including roads, curbs, and sidewalks. Repairs shall be of a quality like or better than existing conditions before final Certificate of Occupancy issuance.
10. The applicant shall provide a two (2) year warranty bond on all public infrastructure (not associated with the facilities operations) installed as part of this Preliminary Development Plan; bond(s) will be placed on file with the City of Mission Community Development Department.
11. This Preliminary Development Plan approval shall lapse in five (5) years from its effective date if construction on the project has not begun, or if such construction is not being diligently pursued; provided, however, that the applicant may request a hearing before the City Council to request an extension of this time period. The City Council may grant an extension for a maximum of 12 months for good cause.

Section 3. Effective Date – This ordinance shall take effect and be in force from and after its publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION on this 21st day of December 2022.

APPROVED BY THE MAYOR on this 21st day of December 2022.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney

Payne & Jones, Chartered
King 2 Building
11000 King Street
Overland Park, Kansas 66210

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott

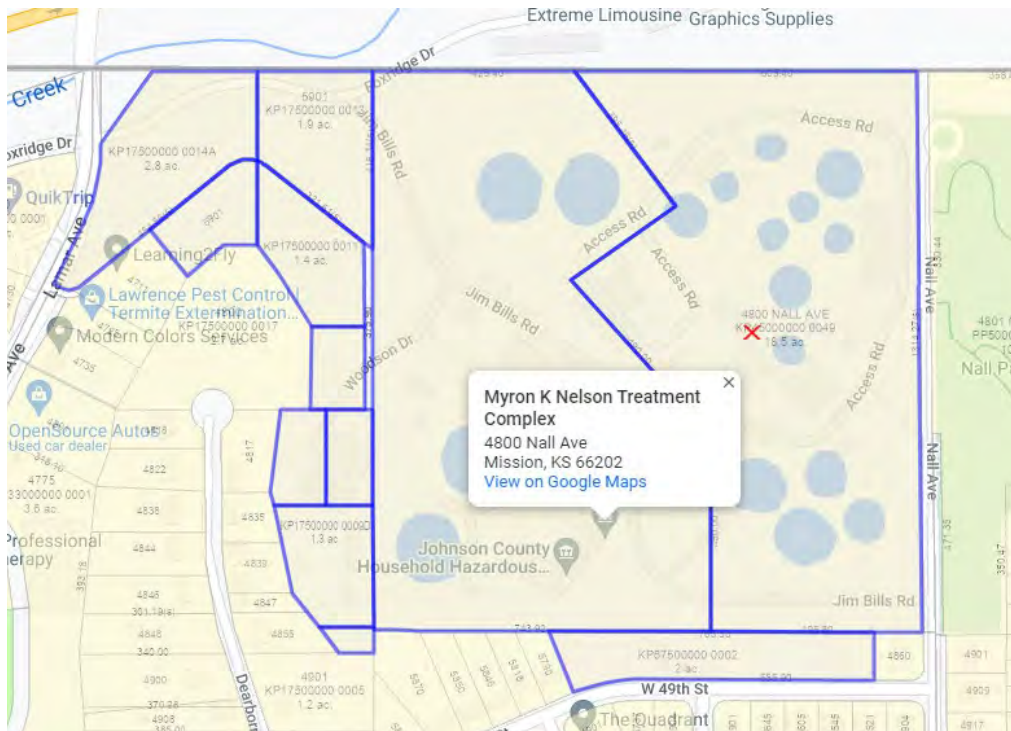
Action items require a vote to recommend the item to the full City Council for further action.

RE: Preliminary Plat - Nelson Wastewater Treatment Facility, 4800 Nall Ave., Planning Commission Case #22-32, Johnson County Wastewater District, Applicant

RECOMMENDATION: Adopt the Resolution approving the Preliminary Plat of Nelson Wastewater Treatment Facility with stipulations.

DETAILS: The Planning Commission met on Monday, November 28, 2022. At this meeting a public hearing was held to take public testimony regarding PC Case #22-32, application for approval of a preliminary plat for the Nelson Wastewater Treatment Facility. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval to the City Council of the Preliminary Plat of Nelson Wastewater Treatment Facility.

The plat is being created for two purposes, first is to combine twelve (12) separate parcels (see map below) that have been acquired over the years by Johnson County Wastewater, and secondly is to dedicate right-of-way along Nall Avenue. The actual dedication of right-of-way will be satisfied when the final plat is submitted next year.



Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott

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

CFAA CONSIDERATIONS/IMPACTS: N/A

Attachments:

- Staff Report for Case# 22-32 Approval of a Preliminary Plat
- Preliminary Plat of Nelson Wastewater Treatment Facility
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

CITY OF MISSION, KANSAS

RESOLUTION NO. _____

A RESOLUTION APPROVING A PRELIMINARY PLAT WITH STIPULATIONS TO BE KNOWN AS PRELIMINARY PLAT OF NELSON WASTEWATER TREATMENT FACILITY (PLANNING COMMISSION CASE #22-32)

WHEREAS, the subject property located at 4800 Nall Avenue in the City of Mission, Johnson County, Kansas comprises the following twelve (12) parcels KP45000000 0001, KP45000000 0049, KP67500000 0002, KP17500000 0009A, KP17500000 0009B, KP17500000 0009C, KP17500000 0009D, KP17500000 0010, KP17500000 0011, KP17500000 0013, KP17500000 0013, and KP17500000 0014A; and

WHEREAS, Johnson County Wastewater presented an application to the Community Development Department of the City of Mission on September 19, 2022 for a preliminary plat combining the subject parcels into one lot; and

WHEREAS, the application was presented to the Mission Planning Commission on Monday, November 28, 2022 as PC Case #22-32, at which time a public hearing was held by the Commission so that all interested parties may present their comments concerning the application; and

WHEREAS, notice of said public hearing was published in The Legal Record on November 8, 2022, and sent certified mail to property owners and occupants within 200 feet of the subject property; and

WHEREAS, at the conclusion of the public hearing for PC Case #22-32, the Planning Commission, after due consideration, voted 8-0 (one absent) to recommend approval of the application to the Mission City Council, and

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

Section 1. Approval of a Preliminary Plat Granted – Pursuant to Section 440.210 through Section 44.230 of the Mission Municipal Code, approval of the Preliminary Plat of Nelson Wastewater Treatment Facility (PC Case #22-32) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, Kansas 66202, is hereby granted subject to the stipulations in Section 2 and all other laws and regulations.

Section 2. Conditions and Stipulations – The preliminary plat referenced in Section 1 above is hereby approved and adopted subject to the following stipulations:

1. A final plat, will be submitted to the Planning Commission for approval prior to the issuance of any building permits.

2. Said final plat, upon all required approvals, shall be filed with the Johnson County Register of Deeds.

Section 3. Effective Date - This resolution shall take effect and be in force upon the approval of the Mayor.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION on this 21st day of December 2022.

APPROVED BY THE MAYOR on this 21st day of December 2022.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

PRELIMINARY PLAT OF NELSON WASTEWATER TREATMENT FACILITY

Part of the Northeast Quarter of Section 5, Township 12 South, Range 25 East, and replat of part of OAKWOOD subdivision, and part of WALNUT VIEW subdivision, and part of JESSUP'S 2ND SUBDIVISION, all in the City of Mission, Johnson County, Kansas)

DESCRIPTION:

A tract of land being all of Lots 1 through 53 inclusive, and all of 47th Street Terrace, 48th Street Terrace, Maple Avenue, Woodson Road, and Nail Avenue all in OAKWOOD subdivision, and all of Lots 2 through 10 inclusive, of WALNUT VIEW subdivision, and all of Lots 9 through 15 inclusive, and adjacent vacated Right-of-Way of 47th Street Terrace (platted as Horseshoe Avenue), and all of Woodson Road, all in JESSUP'S 2ND SUBDIVISION, all in the Northeast Quarter of Section 5, Township 12 South, Range 25 East of the Sixth Principal Meridian, in the City of Mission, Johnson County, Kansas, as prepared by Michael Dean Lay, LS 1612, on September 8, 2022, and all together being more particularly described as follows:

Beginning at the Northeast Corner of said Northeast Quarter; thence South 02°46'43" East, along the East line of said Northeast Quarter, a distance of 1314.29 feet (1314.32 Platted); thence South 88°11'03" West, departing said East line, along the South line of said OAKWOOD subdivision, a distance of 140.14 feet, to the Northeast corner of Lot 2, of said WALNUT VIEW subdivision; thence South 02°18'18" East, departing the South line of said OAKWOOD subdivision, along the East line of said Lot 2, a distance of 111.30 feet, to a point on the North Right-of-Way line of West 49th Street, as now established, said point also being the Southeast Corner of said Lot 2; thence South 88°02'14" West, departing said East line of Lot 2, along said North Right-of-Way line, a distance of 545.89 feet, to a point of curvature; thence Southwesterly, continuing along said North Right-of-Way line, and along said curve to the left, having a radius of 425.00 feet, and a central angle of 22°23'04", a distance of 166.04 feet, to the Southwest Corner of Lot 10, of said WALNUT VIEW subdivision; thence North 23°49'08" West, departing said North Right-of-Way line, along the Westerly line of said Lot 10, a distance of 156.53 feet, to the Northwest Corner of said Lot 10, said Corner being on the South line of said OAKWOOD subdivision; thence South 88°11'03" West, departing said Westerly line of Lot 10, along the South line of said OAKWOOD subdivision, a distance of 421.42 feet, to the Southwest Corner of said OAKWOOD subdivision, said Corner being on the East line of Lot 9, of said JESSUP'S 2ND SUBDIVISION; thence South 02°32'34" East, departing said South line of OAKWOOD subdivision, along said East line of Lot 9, a distance of 54.10 feet, to the Southeast Corner of said Lot 9; thence South 88°15'15" West, departing said East line of Lot 9, along the South line of said Lot 9, a distance of 79.87 feet, to the Southwest Corner of said Lot 9; thence North 34°15'02" West, departing said South line of Lot 9, along the West line of said Lot 9, a distance of 220.20 feet; thence North 19°44'05" West, continuing along said West line of Lot 9, a distance of 200.40 feet; thence North 03°38'28" East, continuing along said West line of Lot 9, a distance of 187.36 feet, to the Northwest Corner of said Lot 9; thence North 89°01'32" East, along the North line of said Lot 9, a distance of 66.52 feet, to the Southwest Corner of Lot 10, of said JESSUP'S 2ND SUBDIVISION; thence North 04°31'37" East, departing said North line of Lot 9, along the West line of said Lot 10, a distance of 196.50 feet, to the Southwest Corner of Lot 11, of said JESSUP'S 2ND SUBDIVISION; thence North 25°26'47" West, departing said West line of Lot 10, along the West line of said Lot 11, a distance of 132.50 feet, to the Southwest Corner of Lot 12, of said JESSUP'S 2ND SUBDIVISION; thence North 46°55'08" West, departing the West line of said Lot 11, along the Southerly line of said Lot 12, a distance of 113.36 feet, to the Southeast Corner of Lot 15, of said JESSUP'S 2ND SUBDIVISION; thence North 89°25'25" West, departing said Southerly line of Lot 12, along the Southerly line of said Lot 15, a distance of 80.23 feet; thence South 40°07'37" West, continuing along said Southerly line of Lot 15, a distance of 102.52 feet, to the Southwest Corner of said Lot 15; thence North 37°04'45" West, departing said Southerly line of Lot 15, along the Westerly line of said Lot 15, and its extension, a distance of 144.51 feet, to a point on the centerline of vacated 47th Street Terrace (platted as Horseshoe Avenue), per Ordinance No. 656, recorded in Volume 2091, Page 21; thence South 50°51'55" West, along the centerline of said vacated 47th Street Terrace, a distance of 100.79 feet; thence South 48°33'05" West, continuing along the centerline of said vacated 47th Terrace, a distance of 125.61 feet, to a point on the East Right-of-Way line of Lamar Avenue, as now established; thence North 41°28'26" West, departing the centerline of said Vacated 47th Street Terrace, along said East Right-of-Way line, a distance of 0.34 feet; thence North 19°29'03" East, continuing along said East Right-of-Way line, a distance of 21.70 feet; thence North 02°06'59" West, continuing along said East Right-of-Way line, a distance of 28.99 feet, to a point on a non-tangent curve; thence Northerly, continuing along said East Right-of-Way line, and along said curve to the left, having a radius of 803.87 feet, a central angle of 20°49'19", and whose initial tangent bearing is North 17°31'51" East, a distance of 292.14 feet; thence North 03°17'28" West, continuing along said East Right-of-Way line, a distance of 5.01 feet, to a point on the West line of a tract of land, as described in a Kansas Warranty Deed, recorded in Book 570, Page 644, said point being on the Southerly Right-of-Way line of Interstate 35, as now established; thence North 32°33'12" East, departing said East Right-of-Way line, along the West line of said tract of land, a distance of 191.21 feet, to a point on the North line of said Northeast Quarter, said point also being on the North line of said JESSUP'S 2ND SUBDIVISION; thence North 87°59'32" East, departing the West line of said tract of land, along the North line of said Northeast Quarter, and along the North line of said JESSUP'S 2ND SUBDIVISION, and along the North line of said OAKWOOD subdivision, a distance of 1,839.70 feet, to the Point of Beginning, containing 2,260,646.82 square feet, or 51.90 acres, more or less.

The undersigned proprietors of the above described tract of land having caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "NELSON WASTEWATER TREATMENT FACILITY", a subdivision of land in the City of Mission, Johnson County, Kansas.

The proprietors, successors and assigns of property described on this plat hereby dedicate for public use all land described on the plat as streets or public ways not heretofore dedicated. Acceptance for the dedication of land for public right-of-way purposes described in this plat is for the sole purpose of maintaining right-of-way, and does not constitute acceptance of any terms or conditions set forth in any agreement not shown on this plat.

In accordance with KSA 12-512B, all rights, obligations, reservations, easements or interest not shown on this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors and assigns of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the City of Mission, Kansas of any expense incident with the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with the 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" or "D/E" is hereby granted to the City of Mission, Kansas. Storm Sewer Easements end at grade.

The undersigned proprietor of the above described land hereby consents and agrees that the governing body of any special assessment district shall have the power to release such land proposed to be dedicated for streets and roads, or parts thereof, for public use, from the lien and effect of any special assessments and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated road or street.

IN TESTIMONY WHEREOF: The undersigned owner of the property described herein, has hereunto set their hand this _____ day of _____, 2022.

Johnson County Board of Commissioners, Owner of record of described property.

By: _____

Ed Eilert

STATE OF KANSAS)

COUNTY OF JOHNSON) SS

BE IT REMEMBERED that on this _____ day of _____, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ed Eilert, of Johnson County, Board of Commissioners, to me personally acknowledged the execution of the same to be the free act and deed of said County.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: _____ My Appointment Expires: _____

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

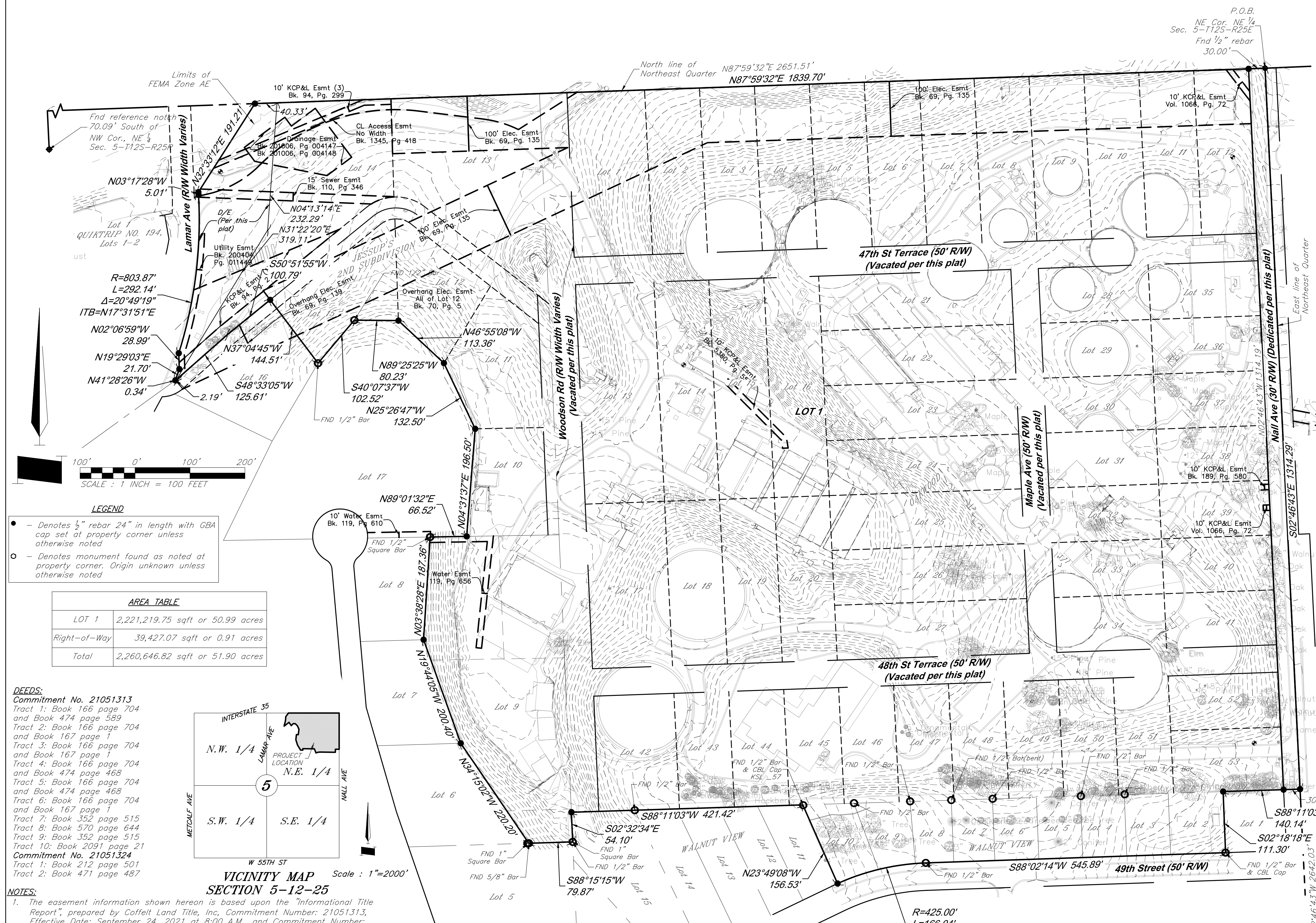
By: _____ Attest: _____

Mike Lee, Chairperson Kimberly Steffens, Secretary

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

By: _____ Attest: _____

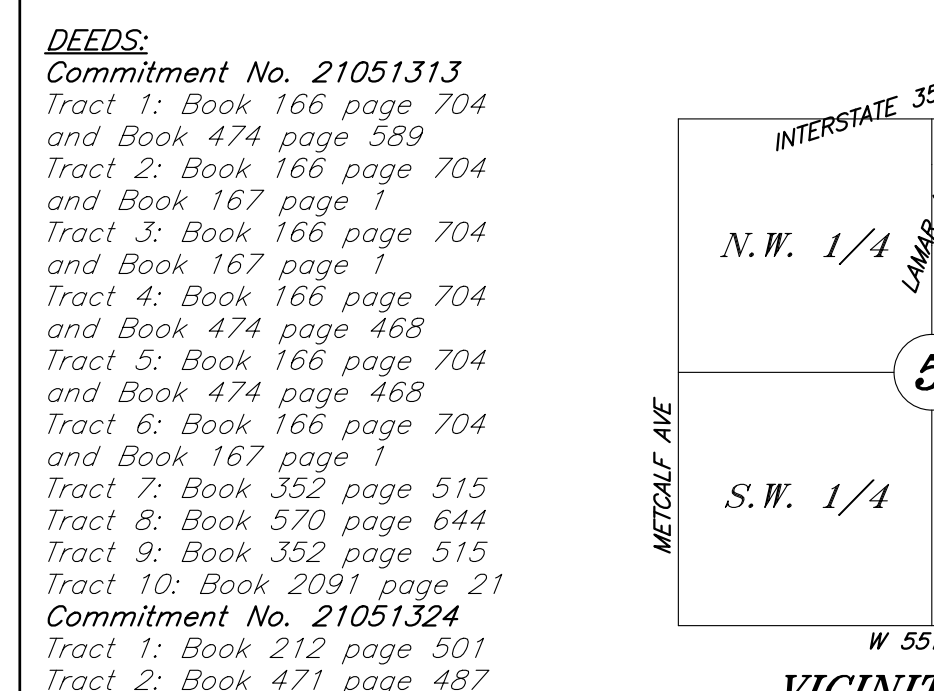
Solana Flora, Mayor Robyn Fulks, City Clerk



- LEGEND**
- - Denotes 1/2" rebar 24" in length with GBA cap set at property corner unless otherwise noted
 - - Denotes monument found as noted at property corner. Origin unknown unless otherwise noted

AREA TABLE

LOT 1	2,221,219.75 sqft or 50.99 acres
Right-of-Way	39,427.07 sqft or 0.91 acres
Total	2,260,646.82 sqft or 51.90 acres



- NOTES:**
- The easement information shown hereon is based upon the "Informational Title Report", prepared by Coffelt Land Title, Inc, Commitment Number: 21051313, Effective Date: September 24, 2021 at 8:00 A.M., and Commitment Number: 21051324, Effective Date: March 16, 2022 at 8:00 A.M.
 - According to FEMA Flood Insurance Rate Map, Panel 9 of 161, Community-Panel Number 200170 0009 G, Map Revised August 3 2009, the surveyed premises lies partially within Zone X, Areas determined to be outside the 0.2% annual chance floodplain, and partially within Flood Zone AE, Base Flood Elevation 844, Flooding Effects from Turkey Creek.
 - According to the Johnson County AIMS GIS website, the property is zoned R-1.
 - Proposed Use: Wastewater treatment facility.
 - Waste water to be handled by public sanitary sewer system.
 - See Preliminary Development Plan Submittal for drainage calculations.
 - Pursuit to KSA 12-512b all of 47th St Terrace, 48th St Terrace, Maple Ave, and Woodson Rd Right-of-Ways shown hereon are hereby vacated.

THEORY OF LOCATION:

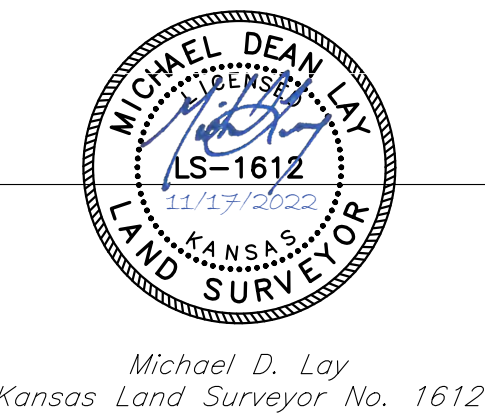
Monuments found at the lot corners of OAKWOOD, WALNUT VIEW, AND JESSUP'S 2ND SUBDIVISION, and monuments found at Section Corners were used to establish the boundary of this subdivision.

DEVELOPER:
Johnson County Wastewater
11811 S Sunset Dr #2500
Olathe, KS 66061

CERTIFICATION:
I, Michael D. Lay, hereby certify that during the month of September 2022, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat. The field work was completed on 05/19/2022.

CLOSURE SUMMARY PLAT BOUNDARY:
Precision, 1 part in: 771,801.758'
Error distance: 0.009'
Error direction: S32°39'36"W

BASIS OF BEARINGS:
Bearings are based on the Kansas State Plane Coordinate System of 1983, North zone; with the East line of the Northeast Quarter of Section 5, Township 12, Range 25, having a bearing of South 02°46'43" East, between a 1/2" rebar found at the Northeast Corner, and a 3/8" rebar at the Southeast Corner.



NEW BUSINESS AGENDA ITEM: 2

PROJECT NUMBER / TITLE: Case #22-32 – Nelson Wastewater Treatment Facility Preliminary Plat
REQUEST: Consideration of a Preliminary Development Plan for the Redevelopment of the Nelson Wastewater Treatment Facility

LOCATION: 4800 Nall Avenue
Mission, KS 66202
Property IDs: KP17500000 0014A; KP17500000 0013; KP45000000 0049;
KP45000000 0001; KP17500000 0009A,B,C,D; KP17500000 0010; KP17500000 0011;
KD17500000 0005; KP17500000 0013; KP67500000 0002

APPLICANT: Johnson County Unified Wastewater
11811 South Sunset Drive #2500
Olathe, KS 66061

STAFF CONTACT: Karie Kneller, City Planner

PUBLIC HEARING: November 28, 2022

LEGAL NOTICE: September 6, 2022 – The Legal Record

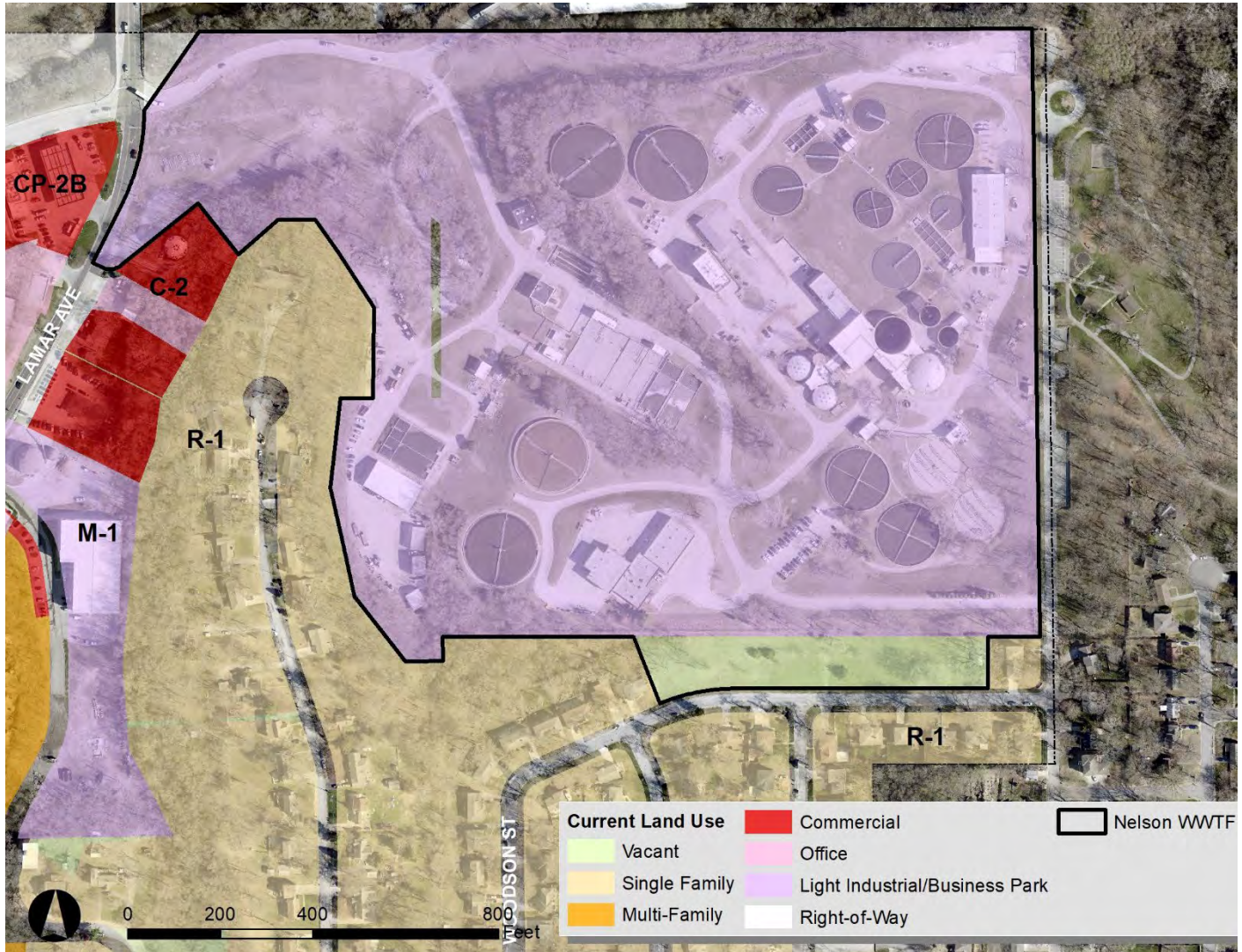


Property Information and Existing Conditions

The subject property is located between Lamar and Nall, abutting the northernmost border of Mission and Kansas City, KS and the easternmost border of Mission and Roeland Park. This is the site of the existing wastewater treatment facility built from the 1940s to 2009. It is in the northeast quarter of Section 5, Township 12S, Range 25E – a replat of part of Oakwood subdivision, part of Walnut View subdivision, and part of Jessup’s 2nd Subdivision, in the City of Mission, Kansas.

Zoning and Use of Surrounding Property:

Adjacent properties are industrial uses to the north and just south of Interstate 35 in Wyandotte County, a park (Nall Park) to the east in Roeland Park, and single family uses to the south and west.



Utilities

The property is served by stormwater, electric, sewer, and water utilities throughout the site:



Proposal

The subject property currently consists of 13 parcels that will be consolidated with this plat, which will become one lot (Lot 1). Lot 1 consists of approximately 51 acres, with .91 acres of public right-of-way, for a total of 51.90 acres. The property boundaries are not being expanded beyond its current boundaries and configuration.

The Oakwood plat, previously recorded in 1946, is the largest portion of the subject property area. The previous plat allowed for rights-of-way for 47th Terrace, 48th Terrace, Woodson Road, and Maple Avenue that are not part of the current build-out of the wastewater treatment facility. These rights-of-way will be vacated with the proposed plat. Other easements for utilities that currently exist are included in the re-plat, and a 30-foot right-of-way will be dedicated to the City along Nall Avenue.

The Walnut View subdivision plat was previously recorded in 1955 and is part of the vacant property on the south side of the property, abutting 49th Street to the north. Lots 2-10 of the previous plat will now become part of Lot 1 for this plat.

Jessup's 2nd Subdivision plat was recorded in 1924, and the proposal will incorporate the northeastern portion of the previous plat labeled Lots 9-14 into Lot 1.

Code Review and Analysis: Preliminary Plats Section 440.220 of the Municipal Code

Section 440.220 of the Mission Municipal Code provides 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 plat represents an overall development pattern 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 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 is consistent with good traffic engineering and safety standards.

5. All submission requirements have been satisfied.

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

Recommendation:

Staff recommends that the Planning Commission recommend to the City Council approval of Case #22-32 – Consideration of a Preliminary Plat known as Nelson Wastewater Treatment Facility.

Planning Commission Action: The Planning Commission held a public hearing to take public testimony on this application at their November 28th meeting. At the conclusion of the public hearing, and after due consideration, they voted 8-0 (one absent) to recommend approval of Case #22-32 - Preliminary Plat of Nelson Wastewater Treatment Facility.

City Council Action: To be considered by the City Council on December 21, 2022.

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott

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

RE: Special Use Permit - Nelson Wastewater Treatment Facility, 4800 Nall Ave., Planning Commission Case #22-33, Johnson County Wastewater District, Applicant

RECOMMENDATION: Adopt an ordinance granting a special use permit for the operation of a wastewater treatment facility at 4800 Nall Avenue.

DETAILS: The Nelson Wastewater Treatment Facility is located in the very northeast corner of Mission at 4800 Nall Avenue. The facility was first constructed in the 1940's and has been in use ever since, expanding in operational scale as Johnson County has developed. The facility treats wastewater generated within the Turkey Creek and Mission Main basins which includes all or portions of Lenexa, Shawnee, Merriam, Overland Park, Mission, Roeland Park, Fairway, and Prairie Village. The facility is nearing the end of its operational life and is no longer compliant with wastewater treatment standards. Johnson County Wastewater (JCW) is proposing to reconstruct the entire facility to bring it into compliance with modern wastewater treatment standards.

Improvements to the Nelson Wastewater Treatment facility are expected to begin in early 2023 and be completed by 2029. Improvements will entail constructing new components of the treatment process (basins, clarifiers, buildings, piping, etc.) in the very northeast corner of the facility complex, and then decommissioning and removing the old components once the new components are up and running. This will allow the facility to remain operational during the reconstruction process.

A new administrative office will be built in the southeast portion of the facility complex closer to Nall Avenue. Construction of other offices and operational facilities within the complex will also occur.

The property is located in the Single-Family Residential ("R-1") zoning district. Section 445.180 of the Mission Municipal Code requires a special use permit for the operation of a "Sewage Pump Station" (wastewater treatment facility) in any zoning district of the City. The proposed special use permit will allow JCW to operate the treatment facility indefinitely. It will also require JCW to maintain all licenses required by state and federal agencies and to maintain all order control mechanisms.

The Planning Commission held a public hearing at its November 28, 2022 meeting to take testimony from any interested party regarding the special use permit for the operation of a wastewater treatment facility. No comment was received.

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott

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

At the conclusion the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of a special use permit to operate a wastewater treatment facility at 4800 Nall Avenue.

CFAA CONSIDERATIONS/IMPACTS: N/A

Attachments:

- Ordinance Approving a Special Use Permit to Operate a Wastewater Treatment Facility at 4800 Nall Avenue (PC Case #22-33)
- Staff Report (PC Case #22-33)
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

CITY OF MISSION, KANSAS

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING CERTAIN PROPERTY WITHIN THE CITY OF MISSION, KANSAS TO BE USED FOR OR OCCUPIED BY A SPECIAL USE.

WHEREAS, an application for the establishment of a Special Use Permit has heretofore been made to occupy or use property located at 4800 Nall Avenue for the following use or uses: Wastewater Treatment Facility; and

WHEREAS, said property is currently zoned “R-1” Residential Single-Family wherein such uses are not permitted without a Special Use Permit; and

WHEREAS, Johnson County Wastewater presented an application to the Community Development Department of the City of Mission on September 19, 2022 for a special use permit to operate a wastewater treatment facility on the subject property; and

WHEREAS, the application was presented to the Mission Planning Commission on Monday, November 28, 2022 as PC Case #22-33, at which time a public hearing was held by the Commission so that all interested parties may present their comments concerning the application; and

WHEREAS, Notice of said public hearing was published in The Legal Record on November 8, 2022, and sent certified mail to property owners and occupants within 200 feet of the subject property; and

WHEREAS, At the conclusion of the public hearing for PC Case #22-33, the Planning Commission, after due consideration, voted 8-0 (one absent) to recommend approval of the application to the Mission City Council, and

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

Section 1. Special Use Permit Granted - Pursuant to Section 44.180 et seq. of the Mission Municipal Code, a Special Use Permit to Operate A Wastewater Treatment Facility in accordance with the application (PC Case #22-33) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, Kansas 66202, is hereby granted for the subject property as described below subject to the stipulations in Section 2 and all other laws and regulations.

A tract of land being all of Lots 1 through 53 inclusive, and all of 47th Street

Terrace, 48th Street Terrace, Maple Avenue, Woodson Road, and Nall Avenue all in OAKWOOD subdivision, and all of Lots 2 through 10 inclusive, of WALNUT VIEW subdivision, and all of Lots 9 through 15 inclusive, and adjacent vacated Right-of-Way of 47th Street Terrace (platted as Horseshoe Avenue), and all of Woodson Road, all in JESSUP'S 2ND SUBDIVISION, all in the Northeast Quarter of Section 5, Township 12 South, Range 25 East of the Sixth Principal Meridian, in the City of Mission, Johnson County, Kansas, as prepared by Michael Dean Lay, LS 1612, on September 8, 2022, and all together being more particularly described as follows:

Beginning at the Northeast Corner of said Northeast Quarter; thence South $02^{\circ}46'43''$ East, along the East line of said Northeast Quarter, a distance of 1314.29 feet (1314.32 Platted); thence South $88^{\circ}11'03''$ West, departing said East line, along the South line of said OAKWOOD subdivision, a distance of 140.14 feet, to the Northeast corner of Lot 2, of said WALNUT VIEW subdivision; thence South $02^{\circ}18'18''$ East, departing the South line of said OAKWOOD subdivision, along the East line of said Lot 2, a distance of 111.30 feet, to a point on the North Right-of-Way line of West 49th Street, as now established, said point also being the Southeast Corner of said Lot 2; thence South $88^{\circ}02'14''$ West, departing said East line of Lot 2, along said North Right-of-Way line, a distance of 545.89 feet, to a point of curvature; thence Southwesterly, continuing along said North Right-of-Way line, and along said curve to the left, having a radius of 425.00 feet, and a central angle of $22^{\circ}23'04''$, a distance of 166.04 feet, to the Southwest Corner of Lot 10, of said WALNUT VIEW subdivision; thence North $23^{\circ}49'08''$ West, departing said North Right-of-Way line, along the Westerly line of said Lot 10, a distance of 156.53 feet, to the Northwest Corner of said Lot 10, said Corner being on the South line of said OAKWOOD subdivision; thence South $88^{\circ}11'03''$ West, departing said Westerly line of Lot 10, along the South line of said OAKWOOD subdivision, a distance of 421.42 feet, to the Southwest Corner of said OAKWOOD subdivision, said Corner being on the East line of Lot 9, of said JESSUP'S 2ND SUBDIVISION; thence South $02^{\circ}32'34''$ East, departing said South line of OAKWOOD subdivision, along said East line of Lot 9, a distance of 54.10 feet, to the Southeast Corner of said Lot 9; thence South $88^{\circ}15'15''$ West, departing said East line of Lot 9, along the South Line of said Lot 9, a distance of 79.87 feet, to the Southwest Corner of said Lot 9; thence North $34^{\circ}15'02''$ West, departing said South line of Lot 9, along the West line of said Lot 9, a distance of 220.20 feet; thence North $19^{\circ}44'05''$ West, continuing along said West line of Lot 9, a distance of 200.40 feet; thence North $03^{\circ}38'28''$ East, continuing along said West line of Lot 9, a distance of 187.36 feet, to the Northwest Corner of said Lot 9; thence North $89^{\circ}01'32''$ East, along the North line of said Lot 9, a distance of 66.52 feet, to the Southwest Corner of Lot 10, of said JESSUP'S 2ND SUBDIVISION; thence North $04^{\circ}31'37''$ East, departing said North line of Lot 9, along the West line of said Lot 10, a distance of 196.50 feet, to the Southwest Corner of Lot 11, of said JESSUP'S 2ND SUBDIVISION; thence North $25^{\circ}26'47''$ West, departing said West line of Lot 10, along the West line of said Lot 11, a distance of 132.50 feet, to the Southmost Corner of Lot 12, of said JESSUP'S 2ND

SUBDIVISION; thence North 46°55'08" West, departing the West line of said Lot 11, along the Southerly line of said Lot 12, a distance of 113.36 feet, to the Southeast Corner of Lot 15, of said JESSUP'S 2ND SUBDIVISION; thence North 89°25'25" West, departing said Southerly line of Lot 12, along the Southerly line of said Lot 15, a distance of 80.23 feet; thence South 40°07'37" West, continuing along said Southerly line of Lot 15, a distance of 102.52 feet, to the Southmost Corner of said Lot 15; thence North 37°04'45" West, departing said Southerly line of Lot 15, along the Westerly line of said Lot 15, and its extension, a distance of 144.51 feet, to a point on the centerline of vacated 47th Street Terrace (platted as Horseshoe Avenue), per Ordinance No. 656, recorded in Volume 2091, Page 21; thence South 50°51'55" West, along the centerline of said vacated 47th Street Terrace, a distance of 100.79 feet; thence South 48°33'05" West, continuing along the centerline of said vacated 47th Terrace, a distance of 125.61 feet, to a point on the East Right-of-Way line of Lamar Avenue, as now established; thence North 41°28'26" West, departing the centerline of said Vacated 47th Street Terrace, along said East Right-of-Way line, a distance of 0.34 feet; thence North 19°29'03" East, continuing along said East Right-of-Way line, a distance of 21.70 feet; thence North 02°06'59" West, continuing along said East Right-of-Way line, a distance of 28.99 feet, to a point on a non-tangent curve; thence Northerly, continuing along said East Right-of-Way line, and along said curve to the left, having a radius of 803.87 feet, a central angle of 20°49'19", and whose initial tangent bearing is North 17°31'51" East, a distance of 292.14 feet; thence North 03°17'28" West, continuing along said East Right-of-Way line, a distance of 5.01 feet, to a point on the West line of a tract of land, as described in a Kansas Warranty Deed, recorded in Book 570, Page 644, said point being on the Southerly Right-of-Way line of Interstate 35, as now established; thence North 32°33'12" East, departing said East Right-of-Way line, along the West line of said tract of land, a distance of 191.21 feet, to a point on the North line said Northeast Quarter, said point also being on the North line of said JESSUP'S 2ND SUBDIVISION; thence North 87°59'32" East, departing the West line of said tract of land, along the North line of said Northeast Quarter, and along the North line of said JESSUP'S 2ND SUBDIVISION, and along the North line of said OAKWOOD subdivision, a distance of 1,839.70 feet, to the Point of Beginning, containing 2,260,646.82 square feet, or 51.90 acres, more or less.

Section 2. Stipulations of the Special Use Permit - The Special Use Permit referenced in Section 1 of this Ordinance is hereby granted subject to the following stipulations:

- A. The Special Use Permit shall be in effect indefinitely until such time that the use is no longer required for public benefit, or the use is discontinued by a period of time of more than six months.
- B. Johnson County Wastewater, or its assignees or successors, shall maintain odor control measures for as long as the treatment facility is operational.

C. Johnson County Wastewater, or its assignees or successors, shall maintain the treatment facility in good working order and stay in good standing with licenses and permits issued by state and/or federal regulatory agencies for the operation of the treatment facility for as long as the facility is operational.

Section 3. Zoning Remains - The approval of this Special Use Permit shall not change the zoning currently assigned to the property by the Official Zoning Map.

Section 4. Effective Date - This Ordinance shall take effect and be in force from and after its adoption and publication according to law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION on this 21st day of December 2022.

APPROVED BY THE MAYOR on this 21st day of December 2022.

Solana Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney
Payne & Jones, Chartered
King 2 Building
11000 King Street
Overland Park, Kansas 66210

NEW BUSINESS AGENDA ITEM: 3

PROJECT NUMBER / TITLE: Case #22-33 – Nelson Wastewater Treatment Facility Special Use Permit

REQUEST: Consideration of a Special Use Permit for Nelson Wastewater Treatment Facility

LOCATION: 4800 Nall Avenue
Mission, KS 66202
Property IDs: KP17500000 0014A; KP17500000 0013; KP45000000 0049; KP45000000 0001; KP17500000 0009A,B,C,D; KP17500000 0010; KP17500000 0011; KD17500000 0005; KP17500000 0013; KP67500000 0002

APPLICANT: Johnson County Unified Wastewater
11811 South Sunset Drive #2500
Olathe, KS 66061

STAFF CONTACT: Karie Kneller, City Planner

PUBLIC HEARING: November 28, 2022

LEGAL NOTICE: November 8, 2022 – The Legal Record



Property Information:

The subject property, a currently operating wastewater treatment facility, is located at 4800 Nall Avenue in the northeast corner of Mission along the western boundary of Roeland Park and the southern boundary of Kansas City, Kansas in Wyandotte County. Primary vehicular ingress and egress is from Foxridge Drive just east of Lamar Avenue.

Currently, the wastewater treatment facility, which has been operating on the site since the 1940's with several upgrades and expansion over time, sits on nine properties and is zoned "R-1" Single-family Residential District. Surrounding properties in Mission are also zoned R-1. Nall Park, in Roeland Park to the east of the subject property, is zoned "PUB" Public Services, Institutions, and Churches.

Per Mission's municipal code at Section 440.175 (B) *Plans For Non-Residential Uses in Residential District*, consideration of plans require a public hearing by the Planning Commission. Additionally, Section 445.180 *Designated Use*, states that "Sewage pumping stations" may be located in any district with the issuance of a special use permit. A new pump station will be built on the site with the redevelopment of new facilities as proposed in a Preliminary Development Plan (Case #22-31). Per municipal code at Section [440.140](#), a public hearing is required for Special Use Permit applications. The criteria for considering special use applications are as follows:

1. The character of the neighborhood.
2. The zoning and uses of nearby properties and the extent to which the proposed use would be in harmony with such zoning and uses.
3. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.
4. The extent to which approval of the application would detrimentally affect nearby properties.
5. The length of time the property has remained vacant as zoned.
6. The relative benefit to the public health, safety and welfare by retaining applicable restrictions on the property as compared to the destruction of the value of the property or hardship to the owner association with denying its request.
7. The Master Plan or Comprehensive Plan.
8. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use or present parking problems in the vicinity of the property.
9. The recommendation of the professional staff.
10. The extent to which utilities and services, including, but not limited to, sewers, water service, Police and fire protection and parks and recreation facilities, are available and adequate to serve the proposed use.
11. The extent to which the proposed use would create excessive stormwater runoff, air pollution, water pollution, noise pollution or other environmental harm.
12. The extent to which there is a need for the use in the community.
13. The economic impact of the proposed use on the community.
14. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the zoning district regulations.

Analysis:

The facility and its surrounding property is harmonious with nearby properties and does not detrimentally affect public health or property values. The use is consistent with the Comprehensive Plan. Excessive pollution or environmental harm have not been reported to Staff's knowledge, and the operation has not negatively impacted the community economically, nor is the continued use as a wastewater treatment facility expected to impact nearby property values. The applicant has thus far met all requirements imposed by the City and other regulatory

bodies. The wastewater treatment facility is a benefit to public welfare. According to FEMA Flood Insurance Rate Maps (FIRMs), proposed structures are not in the 100-year flood plain. The site has access to all necessary utilities to continue operations.

Under §445.210 of the City's municipal code, Special Use Permits may be for a specified time period or continual except as provided in §445.230, which states the following:

If a use is discontinued for more than six months, the special use permit shall expire.

It is Staff's interpretation that a Special Use Permit for the pump station meets all applicable criteria in Article III, §440.140.

Recommendation:

Staff recommends that the Planning Commission recommend approval to the City Council of Case #22-33 for issuance of a Special Use Permit to Johnson County Wastewater for the operation of a wastewater treatment facility at 4800 Nall Ave with the following provisions:

1. The Special Use Permit shall be in effect indefinitely until such time that the use is no longer required for public benefit, or the use is discontinued by a period of time of more than six months.
2. Johnson County Wastewater, or its assignees or successors, shall maintain odor control measures for as long as the treatment facility is operational.
3. Johnson County Wastewater, or its assignees or successors, shall maintain the treatment facility in good working order and stay in good standing with licenses and permits issued by state and/or federal regulatory agencies for the operation of the treatment facility for as long as the facility is operational.

Planning Commission Action:

The Planning Commission held a public hearing at their November 28, 2022 meeting to take public testimony on this application. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of Case #22-33 a Special Use Permit to operate a wastewater treatment facility in the City of Mission with the stipulations as outlined in the staff report.

City Council Action:

This item will be considered by the City Council at their December 21, 2022 meeting.

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott

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

RE: Preliminary and Final Plat – Shops of Benson, 5600 Johnson Drive, Planning Commission Case #22-36, Benson Living Trust, Applicant

RECOMMENDATION: Adopt a Resolution approving the Preliminary and Final Plat of the Shops of Benson, Planning Commission Case #22-36.

DETAILS: The Planning Commission met on Monday, November 28, 2022. At this meeting a public hearing was held to take public testimony regarding PC Case #22-36, application for approval of a preliminary plat for Shops of Benson. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval to the City Council of the Preliminary Plat of Shops of Benson.

With the same action, the Planning Commission also voted to recommend approval to the City Council for the Final Plat of Shops of Benson.

The City Council is required to only approve preliminary plats. Final plats can be approved by the Planning Commission. The exception to this is when there is a dedication of right-of-way or specific easement to City, then the final plat must be approved by the City Council as well indicating acceptance of the dedication.

In this case, there is a dedication of approximately ten (10) feet along the south property line as a sidewalk easement and dedication of another approximately twenty-five (25) of right-of-way for parking. Both of these have been previously done and recorded with the County. This final plat further affirms the dedications.

In addition to the plat itself, there is a right-of-way maintenance agreement associated with the plat for the Council’s consideration. There are six (6) off-street parking stalls along the east side of the property on Maple. A portion of the stalls are located in the City’s right-of-way. Staff requested that the owner enter into a maintenance agreement that reflects their responsibility for maintaining these parking stalls in the City’s right-of-way.

The plat is being created because the owner intends to sell the individual lots.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott

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

Attachments:

- Staff Report for Case #22-36 Approval of a Preliminary and Final Plat
- Preliminary Plat of Shops of Benson
- Final Plat of Shops of Benson / ROW Maintenance Agreement
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

CITY OF MISSION, KANSAS

RESOLUTION NO. _____

A RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT TO BE KNOWN AS SHOPS OF BENSON (PLANNING COMISSION CASE #22-36)

WHEREAS, the subject property located at 5600 Johnson Drive (Parcel ID: KP27500000 0081) is currently one lot plated as Lot 81 of Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas; and

WHEREAS, the applicant wishes to subdivide the subject property into three individual lots for the purpose of selling the lots: and

WHEREAS, the applicant, Benson Living Trust, submitted an application to the Community Development Department on September 21, 2022 for a preliminary and final plat that subdivides the subject parcel of property into three lots; and

WHEREAS, the Planning Commission held a public hearing at their meeting on Monday, November 28, 2022 to take public testimony on the proposed plat (PC Case #22-36); and

WHEREAS, notice of the Public Hearing was published in The Legal Record on November 8, 2022 and sent certified mail to property owners and occupants within 200 feet of the subject property; and

WHEREAS, at the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of the Preliminary and Final Plat of Shops of Benson.

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

Section 1. Approval of Preliminary Plat – Pursuant to Section 440.210 through Section 440.230 of the Mission Municipal Code, approval of the Preliminary Plat of Shops of Benson (PC Case #22-36) on file with the Community Development of the City of Mission, 6090 Woodson, Mission, Kansas is hereby granted subject to all other laws and regulations.

Section 2. Approval of Final Plat – Pursuant to Section 440.240 through Section 440.260 of the Mission Municipal Code, approval of the Final Plat of Shops of Benson is hereby granted subject to all other laws and regulations.

Section 3. Acceptance of Permanent Right-of-way and Sidewalk Easement – In

accepting the final plat, the City of Mission accepts dedication of right-of-way and a permanent sidewalk easement along Johnson Drive as more clearly depicted on the Final Plat of Shops of Benson as “Permanent Right-of-Way” and “Permanent Sidewalk Easement.”

Section 4. The Mayor shall affix her signature to the Final Plat of Shops of Benson attesting to the acceptance.

Section 5. Said Plat shall be recorded with the Johnson County Register of Deeds.

Section 6. In conjunction with this plat, a Party Wall Declaration associated with Lots 1 and 2 of the Final Plat of Shops of Benson shall also be signed by the appropriate parties and recorded with the Johnson County Register of Deeds.

Section 7. In conjunction with this plat, a Maintenance Agreement associated with Lot 3 of the Final Plat of Shops of Benson shall be signed by the purchaser of Lot 3 and the Mayor and recorded with the Johnson County Register of Deeds.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION on this 21st day of December 2022.

APPROVED BY THE MAYOR on this 21st day of December 2022.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

FINAL PLAT OF
SHOPS OF BENSON
 A REPLAT OF PART OF LOT 81, MISSIONHILL ACRES, A SUBDIVISION IN
 THE CITY OF MISSION, JOHNSON COUNTY, KANSAS
 November 15, 2022

OWNER/DEVELOPER:

Herman A. Benson and Betty L. Benson, Trustee(s) of the Benson Living Trust dated April 14, 2000

APPLICANT:

Maurin & Sons Land Surveying and Consulting Services, LLC

LEGAL DESCRIPTION:

A tract of land lying in Lot 81, Missionhill Acres, a subdivision of land in the City of Mission, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of Lot 80, said point being monumented by a 1/2" iron bar with an illegible yellow plastic ID cap; Thence South 01° 43' 19" East along the east line of said Lot 80 and Lot 81, a distance of 88.45 feet to the Point of Beginning of the tract herein described as monumented by a found 1/2" iron bar;
 Thence continuing South 01° 43' 19" East, a distance of 53.66 feet to the north right of way of Johnson Drive as it now exists;
 Thence South 88° 42' 42" West, a distance of 5.93 feet along said Johnson Drive right of way;
 Thence South 01° 17' 18" East, a distance of 8.10 feet along said Johnson Drive right of way;
 Thence South 88° 42' 42" West, a distance of 134.00 feet along said Johnson Drive right of way to the West line of Lot 81;
 Thence North 01° 43' 19" West, a distance of 73.45 feet;
 Thence North 88° 12' 30" East, a distance of 29.54 feet;
 Thence South 01° 41' 01" East, a distance of 12.92 feet;
 Thence North 88° 12' 30" East, a distance of 110.46 feet to the point of beginning of the tract herein described.

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 and plat shall hereafter be known as "SHOPS OF BENSON".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown hereon as Johnson Drive and Maple Street, together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, terraces, roads, drives, lanes, avenues, courts, places, etc., for public use as public ways or thoroughfares; subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

The undersigned proprietor of the above tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Mission, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat, together with the right of ingress and egress to and from the Property over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to the Consolidated Main Sewer District of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JCW. Any placing of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation thereof. Cantilevered structures shall not obstruct a minimum clearance of 14 feet in height.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance of the location, construction or maintenance of use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as a "Utility Easement" or "U/E" is hereby granted to the City of Mission, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. This easement shall not prevent Grantor from installing cantilevered structures over the easement area so long as such structures do not interfere with Grantee's ability to construct and maintain its improvements installed within the easement area.

The undersigned proprietor, for itself, and its successors and assigns, hereby agrees that the respective owner(s), of buildings on the above described tract of land shall be responsible for the maintenance and repair of all building plumbing and sanitary sewer service lines common to more than one unit, and service lines from the point of connection at the building to the point of connection at the main. Individual unit tenants shall allow access to the units by the property owner and associates as needed for proper maintenance, repair and/or replacement of plumbing lines that are common to more than one unit. In the event the property is replotted to allow the sale of individual units within the building(s), the undersigned proprietor, its successors and assigns shall establish an owners association and record a restrictive covenant obligating such association to repair and maintain all building plumbing common to more than one unit including the aforesaid service lines from such building(s) to the main prior to sale of an individual unit within such building(s).

CONSENT TO LEVY

The undersigned proprietors of the above described land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Mission, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietors has caused this instrument to be executed on this ____ day of _____, 20__.

Herman A. Benson and Betty L. Benson, Trustee(s) of the Benson Living Trust dated April 14, 2000

By: _____
 Betty L. Benson

ACKNOWLEDGEMENT

STATE OF KANSAS)
) SS
 COUNTY OF JOHNSON)

BE IT REMEMBERED that on this ____ day of _____, 20__, before me, the undersigned, a Notary Public in and for said County and State, came Betty L. Benson, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: _____ My Appointment Expires: _____

Print Name: _____

APPROVALS

Approved by the Planning Commission of the City of Mission, Johnson County, Kansas, this ____ day of _____, 20__.

Mike Lee, Planning Commission Chair Kimberly Steffens, Planning Commission Secretary

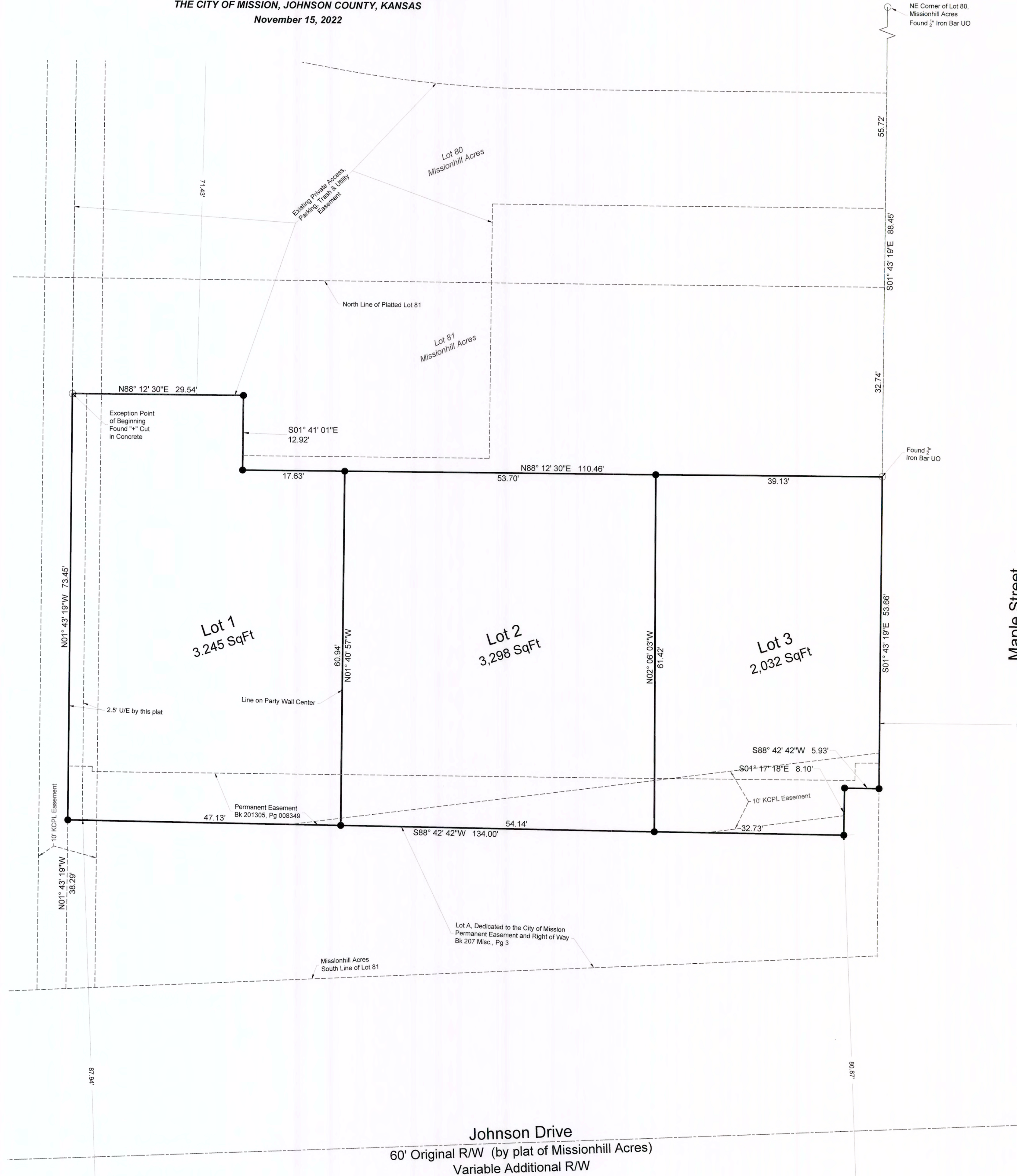
Approved by the Governing Body of the City of Mission, Kansas, this ____ day of _____, 20__.

Solana Flora, Mayor Attest:
 Robyn Fulks, City Clerk

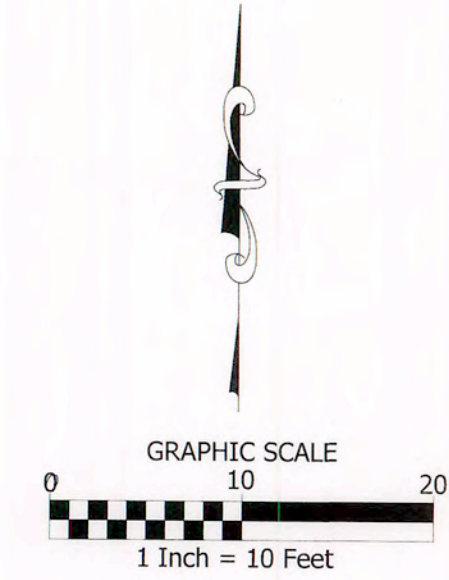
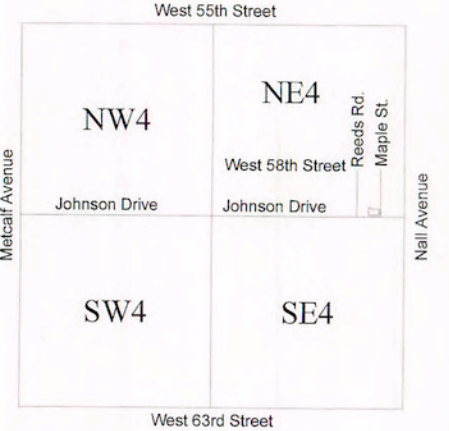
GENERAL NOTES:

- All bearings are based on Kansas State Plane North NAD83.
- The following prior surveys were used in retracement of this survey:
 - The Plat of Missionhill Acres

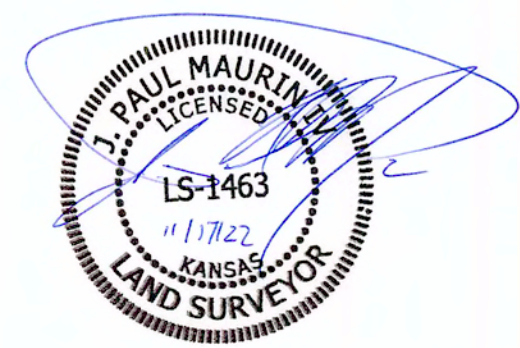
I, J. PAUL MAURIN, HEREBY CERTIFY THAT ON OCTOBER 4, 2022 I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.



LOCATION MAP
 SCALE 2"= 1 Mile
 SECTION 08
 TWP 12S - RNG 25E
 JOHNSON COUNTY, KANSAS



LEGEND:
 ● Set "+*" Chiseled in Concrete
 ○ Found 1/2" Monument Unknown Origin Unless Noted



Johnson Drive
 60' Original R/W (by plat of Missionhill Acres)
 Variable Additional R/W

**PRELIMINARY PLAT OF
SHOPS OF BENSON**
A REPLAT OF PART OF LOT 81, MISSIONHILL ACRES, A SUBDIVISION IN
THE CITY OF MISSION, JOHNSON COUNTY, KANSAS

PROPOSED 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 and plat shall hereafter be known as "SHOPS OF BENSON".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown hereon as Johnson Drive and Maple Street, together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, terraces, roads, drives, lanes, avenues, courts, places, etc., for public use as public ways or thoroughfares; subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

The undersigned proprietor of the above tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Mission, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat, together with the right of ingress and egress to and from the Property over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to the Consolidated Main Sewer District of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JCW. Any planting of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation thereof. Cantilevered structures shall not obstruct a minimum clearance of 14 feet in height.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as a "Utility Easement" or "U/E" is hereby granted to the City of Mission, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. This easement shall not prevent Grantor from installing cantilevered structures over the easement area so long as such structures do not interfere with Grantee's ability to construct and maintain its improvements installed within the easement area.

The undersigned proprietor, for itself, and its successors and assigns, hereby agrees that the respective owner(s), of buildings on the above described tract of land shall be responsible for the maintenance and repair of all building plumbing and sanitary sewer service lines common to more than one unit, and service lines from the point of connection at the building to the point of connection at the main. Individual unit tenants shall allow access to the units by the property owner and associates as needed for proper maintenance, repair and/or replacement of plumbing lines that are common to more than one unit. In the event the property is replatted to allow the sale of individual units within the building(s), the undersigned proprietor, its successors and assigns shall establish an owners association and record a restrictive covenant obligating such association to repair and maintain all building plumbing common to more than one unit including the aforesaid service lines from such building(s) to the main prior to sale of an individual unit within such building(s).

ALTA COMMITMENT FOR TITLE INSURANCE:

This survey is reliant on a commitment for title insurance by Chicago Title Insurance Company KCC222303, dated October 6, 2022 at 8:00 AM. The following information is as provided therein. No further title search has been performed by this surveyor.

OWNER/DEVELOPER:

Herman A. Benson and Betty L. Benson, Trustee(s) of the Benson Living Trust dated April 14, 2000

APPLICANT:

Maurin & Sons Land Surveying and Consulting Services, LLC

VESTING LEGAL DESCRIPTION:

Lot 81, MISSIONHILL ACRES, a subdivision of land now in the City of Mission, Johnson County, Kansas, except that part described as follows:
All that part of the South 55 feet of Lot 80 and all that part of Lot 81, MISSIONHILL ACRES, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows:
Commencing at the Southwest corner of said Lot 81; thence North 0 degrees 08 minutes 04 seconds East, along the West line of said Lot 81, a distance of 102.32 feet, to the true point of beginning of subject tract; thence South 89 degrees 58 minutes 25 seconds East, along a line parallel with the North line of said Lot 81, a distance of 29.54 feet; thence South 0 degrees 08 minutes 04 seconds West, along a line parallel with the West line of said Lot 81, a distance of 12.92 feet; thence South 89 degrees 58 minutes 25 seconds East, along a line parallel to the North line of said Lot 81, a distance of 110.39 feet, to a point on the East line thereof; thence North 0 degrees 08 minutes 04 seconds East, along the East line of said Lot 81 and along the East line of said Lot 80, a distance of 82.32 feet; thence North 88 degrees 59 minutes 15 seconds West, a distance of 139.95 feet to a point on the West line of said Lot 80; thence South 0 degrees 08 minutes 04 seconds West, along the West line of said Lot 80 and along the West line of said Lot 81, a distance of 71.81 feet, to the true point of beginning of subject tract.

SURVEYOR'S LEGAL DESCRIPTION:

A tract of land lying in Lot 81, Missionhill Acres, a subdivision of land in the City of Mission, Johnson County, Kansas, more particularly described as follows:
Commencing at the Northeast corner of Lot 80, said point being monumented by a 1/2" iron bar with an illegible yellow plastic ID cap; Thence South 01° 43' 19" East along the east line of said Lot 80 and Lot 81, a distance of 88.45 feet to the Point of Beginning of the tract herein described as monumented by a found 1/2" iron bar;
Thence continuing South 01° 43' 19" East, a distance of 53.66 feet to the north right of way of Johnson Drive as it now exists;
Thence South 88° 42' 42" West, a distance of 5.93 feet along said Johnson Drive right of way;
Thence South 01° 17' 18" East, a distance of 8.10 feet along said Johnson Drive right of way;
Thence South 88° 42' 42" West, a distance of 134.00 feet along said Johnson Drive right of way to the West line of Lot 81;
Thence North 01° 43' 19" West, a distance of 73.45 feet;
Thence North 88° 12' 30" East, a distance of 29.54 feet;
Thence South 01° 41' 01" East, a distance of 12.92 feet;
Thence North 88° 12' 30" East, a distance of 110.46 feet to the point of beginning of the tract herein described.

GENERAL NOTES:

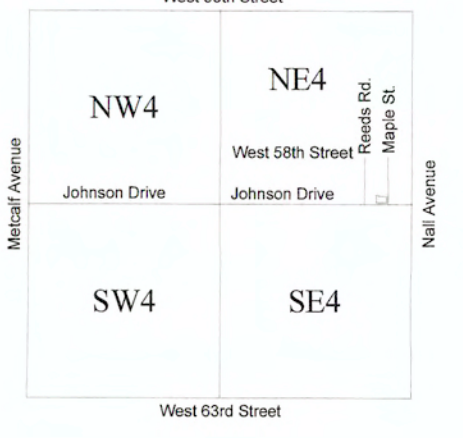
- All bearings are based on Kansas State Plane North NAD83.
- The following prior surveys were used in retracement of this survey:
- The Plat of Missionhill Acres
- Only visible utilities and visible evidence of underground utilities were located for this survey. Additional underground utilities may exist on the premises. It is the excavator's responsibility to have any utilities located before digging.
- The entire property lies in Zone X - Areas of Minimal Flooding as shown based on the graphical plotting of FEMA Flood Map 20091C0024G, as revised on 8/3/2009 and 2/8/2012.
- Shared walls will have party wall agreements for each common wall.

SITE DATA TABLE:

Overall area	8,893 square feet
Existing Zoning	
Proposed Zoning	
Proposed Number of Lots	3
Proposed Land Use	Commercial
Density	Approx. 17 Lots per Acres
Housing Classification	N/A
Proposed Lot Areas	Lot 1 = 2,845 Square Feet Lot 2 = 2,825 Square Feet Lot 3 = 2,032 Square Feet Tract A = 3,538 Square Feet

- LEGEND:**
- Set "+*" Chiseled in Concrete
 - Found 1/2" Monument Unknown Origin
 - Unless Noted
 - ⊙ Traffic Signal
 - ⊙ Light Pole
 - ⊙ Tree
 - ⊙ AC Air Conditioner
 - ⊙ EM Electric Meter
 - ⊙ GM Gas Meter
 - ⊙ Power Pole
 - ⊙ Manhole
 - ⊙ Water Meter
 - ⊙ Sign

LOCATION MAP
SCALE 2" = 1 Mile
SECTION 08
TWP 12S - RNG 25E
JOHNSON COUNTY, KANSAS



SURVEYORS CERTIFICATION:

THIS IS TO CERTIFY that on 07-09-2021 - 07-29-2021 this survey was made by me or under my direct supervision and that said survey meets or exceeds the "KANSAS MINIMUM STANDARDS" for boundary surveys pursuant to K.S.A. 74-7013(d).



MAURIN & SONS
LAND SURVEYING & CONSULTING SERVICES, LLC
1400 HENLOCK STREET
OVERLAND PARK, KANSAS 66203
P. 913-698-7760
WWW.MAURINANDSONS.COM | EMAIL: INFO@MAURINANDSONS.COM

REV. #	DATE	DESCRIPTION
1	11/15/2022	Revised per City Review

Betty L. Benson
6511 Benson
Mission Kansas 66202

Preliminary Plat
5600-5612, Johnson Drive
Mission, Kansas 66202

PARTY WALL DECLARATION

THIS AGREEMENT entered into this 22nd day of November, 2022, by and between BETTY BENSON, TRUSTEE OF THE BENSON LIVING TRUST (“Trustee”), SANDHILLS BREWING KC, LLC (“Sandhills”) and HENRY MILLARD CAPITAL, LLC, (“Henry Millard”), collectively “the Parties”;

WHEREAS the Trustee owns real property more particularly described in Exhibit “A” attached hereto; and

WHEREAS the Trustee intends to seek approval to subdivide said real property into three lots and the subdivision shall be known as “Shops of Benson” as reflected on Exhibit “A”; and

WHEREAS Sandhills has entered into a contract to purchase the real property that is proposed to be Lot 1 of Shops of Benson as reflected on Exhibit “A” and commonly known as 5610 and 5612 Johnson Drive, Mission, Kansas (hereinafter “Lot 1”) from the Trustee; and

WHEREAS Henry Millard has entered into a contract to purchase the real property that is proposed to be Lot 2 of Shops of Benson as reflected on Exhibit “A” and commonly known as 5606 and 5608 Johnson Drive, Mission, Kansas (hereinafter “Lot 2”) from the Trustee; and

WHEREAS there is a center wall as a part of the original construction of the building placed on the common property line between Lot 1 and Lot 2 as shown in Exhibit “A”; and

WHEREAS the parties desire that said center wall will become and remain a party wall upon closing of the purchase of either Lot 1 or Lot 2.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

Section 1. Party Wall. Upon the closing of the purchase of Lot 1 by Sandhills or the closing of the purchase of Lot 2 by Henry Millard, the center wall as a part of the original construction of the

building as placed on the dividing lines between Lot 1 and Lot 2 shall constitute a party wall and the portion of the roof of the building to the extent required to protect the party wall or, in the future, a roof divider constructed on top of said wall shall also be part of such party wall (collectively the "Party Wall").

Section 2. Governing Law. This Party Wall Declaration ("Agreement") shall govern the entire relationship of the Parties pertaining to the Party Wall. Any matters concerning the Party Wall not covered by the terms of this Agreement shall be governed by the general rules of law, construed and enforced in accordance with the laws of the State of Kansas, regarding party walls and roofs and property damage due to negligence or willful acts or omissions.

Section 3. Restrictions on Use. Neither the owner of Lot 1 nor the owner of Lot 2 shall have the right to destroy, remove, or make any structural changes to the Party Wall without the prior written consent of the other. Nor shall the owner of Lot 1 nor the owner of Lot 2 insert or place timber, beams, pipes, conduit or other materials into the Party Wall in a manner that affects the structural integrity of the Party Wall without the prior written consent of the other. Neither the owner of Lot 1 nor the owner of Lot 2 may make or provide openings in the wall of any nature whatever without the written consent of the other.

Section 4. Allocation of Repair and Maintenance. The owner of Lot 1 and the owner of Lot 2 shall keep all exterior walls of their respective properties in good condition and repair those exterior portions of the Party Wall exclusively reserved for their use and enjoyment and at their own cost and expense. The cost of reasonable inspection, repair and maintenance of the structural integrity of the Party Wall shall be borne equally by the owners of the units on either side of the Party Wall. In the event of damage or destruction to the structural integrity of the Party Wall is caused by intentional or negligent act or omission of one of the owners, the owner who is deemed to have intentionally or negligently caused such damage or destruction shall compensate the other owner in full for all direct damages, but excluding consequential damages, sustained as a result and shall promptly cause the Party Wall to be repaired or restored in a manner described in Section 5. In the event of damage or destruction to the structural integrity of the Party Wall is caused by intentional or negligent act or omission of both of the owners, each owner shall compensate the other owner in proportion to their relative fault for all direct damages, but excluding consequential damages, sustained as a result and shall promptly cause the Party Wall to be repaired or restored in a manner described in Section 5 by bearing the cost of such repair or restoration in proportion to their relative fault.

Section 5. Standard of Repair. Unless otherwise agreed in writing by the owner of Lot 1 and the owner of Lot 2, any repair, or restoration of the Party Wall shall be done so as to restore the Party Wall to substantially the same condition in which it existed prior to the damage or destruction, including the use of the same or similar materials, in the same proportions and the same quality, and in the same size and location.

Section 6. Destruction by fire or other casualty. If the Party Wall is destroyed or damaged by fire or other casualty which is not the fault of any of the owners, the owner of Lot 1 and the owner of Lot 2 shall promptly repair or restore it in a manner described in Section 5 and the owners shall contribute to the cost of repair or restoration equally.

Section 7. Roof Divider. The owner of Lot 1 and the owner of Lot 2 will cause a roof divider to be installed directly above and attached to the party wall within one year of the date hereof and will share equally in the cost. Once the roof divider is installed, the roof divider will be deemed part of the Party Wall and each owner will thereafter be responsible for the portion of the roof over their respective lot.

Section 8. Non-Payment. If an owner neglects or refuses to pay the amounts owed under sections 4, 6, or 7, the other owner shall be entitled to pay the nonpaying owner's portion to complete repair or restoration of the Party Wall and shall also be entitled to a mechanic's lien on the neglecting or refusing owner's parcel in the amount of the unpaid costs and expenses, plus interest at the maximum rate allowable by law, provided that the mechanics' lien must be properly filed in the real property records of the county where the property is located, in such form and content as otherwise required by law with regard to such liens;

Section 9. Run With Land. This Declaration, along with the right of any owner to contribution from any other owner under this article shall run with the land, and shall pass to such owner's successors in title.

Section 10. Grant of Easement. The owner of Lot 1 and the owner of Lot 2 grant to one another a license to enter upon the other's parcel to the extent necessary, and upon reasonable advance notice and in a mutually coordinated manner, to perform all necessary repairs, reconstruction and maintenance of the Party Wall in accordance with the provisions herein, for so long as the Party Wall exists. Upon the agreed destruction or removal, or damage to the building which makes repair unreasonable, this easement shall be void and of no further effect.

Section 11. Covenants and Warranties. Each owner covenants and warrants that it will take no act that interferes with the equal use and enjoyment of the Party Wall by the other Owner.

Section 12. Dispute Resolution. In the event of any dispute arising concerning the Party Wall, such dispute shall be submitted to an impartial mediator. To initiate dispute resolution, the aggrieved owner shall provide notice to the other owner of his/her intent to exercise rights under this provision and agree to meet within ninety (90) days of such a demand with an impartial mediator. In the event the owners cannot agree on a mediator, they shall each select one independent nominator, who shall agree on and appoint the mediator. If the parties have not agreed on a resolution of the dispute within one hundred twenty (120) days after said notice, either party may proceed to litigation. Nothing in this provision shall preclude any owner from seeking equitable or injunctive relief in a court of competent jurisdiction to prevent immediate and irreparable harm.

Section 13. Repairs and Maintenance. In the event that repairs or restoration are required on the Common Wall, those repairs shall be carried out in accordance with rules and regulations required by the City of Mission, Kansas.

Section 14. Attorney's Fees. In the event an owner initiates suit to enforce provisions of this Agreement, the prevailing party shall be entitled to recover a reasonable allowance for attorney's fees and expense.

Section 15. Authority to Execute. Each of the signatories below represents and warrants that they have been granted authority from the party for whom they are signing to execute this agreement on behalf of the party for whom they are signing.

Section 16. Effective Upon Closing. This declaration shall become effective only upon the earlier of the closing of the purchase of Lot 1 by Sandhills or the closing of the purchase of the Lot 2 by Henry Millard, and this declaration shall be filed in the public land records at that time.

WITNESS our hands and seals the day and year first above written.

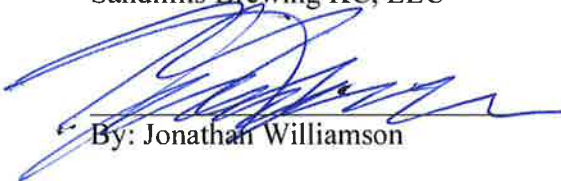
Signed, sealed and delivered in the presence of:

WITNESS WHEREOF, the parties hereto have sealed and executed this Party Wall Declaration as of the day and year first above written.

Betty Benson, Trustee of the
Benson Living Trust


By: Betty Benson 11-21-22
DATE

Sandhills Brewing KC, LLC


By: Jonathan Williamson 11-21-2022
DATE

Henry Millard Capital LLC


By: Jason M. Hans 11-21-2022
DATE

BETTY BENSON, TRUSTEE OF
THE BENSON LIVING TRUST

By: 
Betty Benson

STATE OF KANSAS

COUNTY OF JOHNSON

On this 21 day of November 2022, before me the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared Betty Benson, Trustee of the Benson Living Trust to me known to be the person who executed the foregoing instrument in my presence and acknowledged to me that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.


NOTARY PUBLIC

My Commission Expires: 2-26-2023



SANHILLS BREWING KC, LLC

By: _____

Jonathan Williamson

STATE OF KANSAS

COUNTY OF JOHNSON

On this 21 day of November 2022, before me the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared Jonathan Williamson, Managing Member of Sandhills Brewing KC, LLC to me known to be the person who executed the foregoing instrument in my presence and acknowledged to me that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Jessica Myers
NOTARY PUBLIC

My Commission Expires: 2-26-2023



HENRY MILLARD CAPITAL, LLC

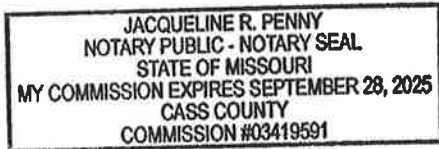
By: 
Jason Hans

STATE OF ~~KANSAS~~
MISSOURI

COUNTY OF ~~JOHNSON~~
JACKSON

On this 21st day of November 2022, before me the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared Jason Hans, Managing Member of Henry Millard Capital, LLC to me known to be the person who executed the foregoing instrument in my presence and acknowledged to me that he executed the same as his free act and deed

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.




NOTARY PUBLIC

My Commission Expires: 9/28/2025

EXHIBIT A

FINAL PLAT OF SHOPS OF BENSON A REPLAT OF PART OF LOT 31, MISSIONHILL ACRES, A SUBDIVISION IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS November 15, 2022



APPLICANT:
Maurin & Sons Surveying and Consulting Services, LLC
1514 East 10th Street, Suite 100, Mission, Kansas 66203

LEGAL DESCRIPTION:
A part of said lot 31 in Lot 31, Missionhill Acres, a subdivision of land in the City of Mission, Johnson County, Kansas, more particularly described as follows:
Lot 1 of 3 lots in the replat of part of Lot 31, Missionhill Acres, as shown on the plat of said replat, recorded in the public records of the State of Kansas, and as more particularly described as follows:
3,245 sq. ft. of land, more or less, bounded on the north by the 50-foot wide existing public right-of-way of Maple Street, on the east by the 50-foot wide existing public right-of-way of Maple Street, on the south by the 80-foot wide existing public right-of-way of Johnson Drive, and on the west by the 50-foot wide existing public right-of-way of Maple Street.
The above-described lots are more particularly described as follows:
Lot 1: 3,245 sq. ft. of land, bounded on the north by the 50-foot wide existing public right-of-way of Maple Street, on the east by the 50-foot wide existing public right-of-way of Maple Street, on the south by the 80-foot wide existing public right-of-way of Johnson Drive, and on the west by the 50-foot wide existing public right-of-way of Maple Street.
Lot 2: 3,298 sq. ft. of land, bounded on the north by the 50-foot wide existing public right-of-way of Maple Street, on the east by the 50-foot wide existing public right-of-way of Maple Street, on the south by the 80-foot wide existing public right-of-way of Johnson Drive, and on the west by the 50-foot wide existing public right-of-way of Maple Street.
Lot 3: 2,682 sq. ft. of land, bounded on the north by the 50-foot wide existing public right-of-way of Maple Street, on the east by the 50-foot wide existing public right-of-way of Maple Street, on the south by the 80-foot wide existing public right-of-way of Johnson Drive, and on the west by the 50-foot wide existing public right-of-way of Maple Street.

DESCRIPTION:
The undersigned, Maurin & Sons Surveying and Consulting Services, LLC, being duly sworn, deposes and says that the above-described lots are the same as shown on the accompanying plat, which is attached to this plat and is a true and correct copy of the same as shown on the original plat on file in the office of the undersigned.

CONSENT TO LEVY:
The undersigned, Maurin & Sons Surveying and Consulting Services, LLC, being duly sworn, deposes and says that the above-described lots are the same as shown on the accompanying plat, which is attached to this plat and is a true and correct copy of the same as shown on the original plat on file in the office of the undersigned.

APPROVALS:
Approved by the Planning Commission of the City of Mission, Johnson County, Kansas, this _____ day of _____, 2022.

Mayor, City of Mission

Approved by the Governing Body of the City of Mission, Johnson County, Kansas, this _____ day of _____, 2022.

Mayor, City of Mission

GENERAL NOTES:
1. This replat is based on the original plat of said lots, as shown on the accompanying plat, which is attached to this plat and is a true and correct copy of the same as shown on the original plat on file in the office of the undersigned.
2. The replat is subject to the same conditions and restrictions as those shown on the original plat, which is attached to this plat and is a true and correct copy of the same as shown on the original plat on file in the office of the undersigned.

STATE OF KANSAS
COUNTY OF JOHNSON

WITNESSES:
I, _____, being duly sworn, depose and say that the above-described lots are the same as shown on the accompanying plat, which is attached to this plat and is a true and correct copy of the same as shown on the original plat on file in the office of the undersigned.

MAURIN & SONS
LAND SURVEYING & CONSULTING SERVICES LLC
1514 East 10th Street, Suite 100, Mission, Kansas 66203
www.maurinandsurvey.com



MAURIN & SONS
LAND SURVEYING & CONSULTING SERVICES LLC
1514 East 10th Street, Suite 100, Mission, Kansas 66203
www.maurinandsurvey.com

MAINTENANCE AGREEMENT

THIS MAINTENANCE AGREEMENT is made January 17, 2023, between the CITY OF MISSION, KANSAS, a municipal corporation (“City”) and SPRINGBOARD PROPERTIES, LLC., a Kansas LLC (“Owner”), with respect to the following facts and objectives which are a material part of this Agreement:

A. Owner owns commercial property with an address at 5600, 5602 and 5604 Johnson Drive adjacent to a strip of parking providing for six parking stalls in the east Maple Street right-of-way owned by the City, Re: Exhibit “A” attached hereto (“Property”).

B. The City requires the Owner to agree to maintain and replace, as necessary, the strip of parking until otherwise agreed by the City.

THEREFORE, the parties intending to be legally bound, hereby agree as follows:

1. **Improvements.** Owner will maintain the pavement, provide striping and snow and debris removal. If Owner fails to maintain the east Maple Street right-of-way as above provided, City may, at its option, after giving Owner twenty (20) days prior written notice (unless within said 20-day period Owner proceeds and thereafter pursues with due diligence to maintain the pavement as required pursuant to this paragraph) undertake and perform the maintenance of the right-of-way. If City undertakes such improvements, Owner shall be responsible for the payment of all reasonable and necessary out-of-pocket costs incurred by City in performing such maintenance and, in addition, City may charge a supervisory fee in an amount not to exceed 15% of such out-of-pocket costs incurred by City. If such costs and fee are not paid within thirty (30) days after the receipt of City’s invoice, City may assess the Property and collect such costs and fee with Owner’s annual ad valorem taxes.

2. **Owner’s Right to Subcontract.** Owner may perform its maintenance obligations under this Agreement itself or through such agent or agents, including a managing agent, as it may from time to time designate, and may at the sole discretion of Owner subcontract all or any portion of such work. Owner reserves the right to place exclusive parking signs on the east face of the building to designate parking for Springboard Creative or any of the tenants in 5600, 5602 or 5604 Johnson Drive.

3. **Term.** Unless terminated as provided below, this Agreement shall continue in full force and effect for so long as the Property exists. Provided, however, that City reserves the absolute right to terminate this Agreement as to portions of the right of way on and around the Property, and in such event, Owner shall remove the Improvements with respect thereto. City reserves all rights in and to its right of way, anything in this Agreement to the contrary notwithstanding.

4. **Indemnity.** Owner agrees to indemnify, save harmless and protect City from any and all claims, losses, damages, judgments, expenses and costs of every kind and description, including attorneys' fees, on account of personal injury to or sickness, disease or death of any person or for damage or injury to or destruction of property (including loss of the use thereof) on or about the Property or right of way resulting from acts of Owner, its employees, agents and independent contractors in performing the maintenance of the Improvements.

5. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of City, Owner and their respective successors and assigns. This Agreement shall be subject to and interpreted under the laws of the State of Kansas.

Executed as of the 21 day of ~~Dec~~ November, 2022/2023.

Signature Pages to Follow

SPRINGBOARD PROPERTIES, LLC

By: Kevin Fullerton
Title: owner

ACKNOWLEDGMENT

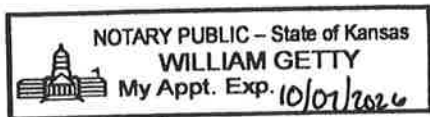
STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 21st day of November, ²⁰²³~~2023~~, before, the undersigned, a Notary Public in and for the County and State aforesaid Came Kevin Fullerton, of SPRINGBOARD PROPERTIES, LLC, who is personally known to me to be such officer of such company, and who is personally known to me to be the same person who executed within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

William Getty
Notary Public

My commission expires:



CITY OF MISSION, a Kansas municipal corporation

Solana Flora, Mayor

ATTEST:

City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this _____ day of _____, 2023, before, the undersigned, a Notary Public in and for the County and State aforesaid came Solana Flora, Mayor and _____, City Clerk, respectively, of the CITY OF MISSION, KANSAS, a municipal corporation, who is personally known to me to be such officers of such corporation, and who are personally known to me to be the same persons who executed the within instrument on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Notary Public

My commission expires:

NEW BUSINESS AGENDA ITEM: 4

PROJECT NUMBER / TITLE: Case #22-36 – 5600-5612 Johnson Drive Re-Plat

REQUEST: Approval of a Preliminary and Final Plat for Shops of Benson

LOCATION: 5600-5612 Johnson Drive
Mission, KS 66202
Property ID: KP27500000 0081

APPLICANT: Evergreen Real Estate, on behalf of Betty L. Benson, Property Owner
7021 Johnson Drive
Mission, KS 66202

STAFF CONTACT: Karie Kneller, City Planner

PUBLIC HEARING: November 28, 2022

LEGAL NOTICE PUBLICATION: November 8, 2022 - The Legal Record



Property Information:

The subject property is located on the northwest corner of Johnson Drive and Maple Street. It is in the southwest quarter of Section 8, Township 12S, Range 25E, Lot 81 in the City of Mission, Johnson County, Kansas, Mission Hill Acres. The subject property consists of two structures built in 1940. The existing two-story structures have a total 3,152 square-foot footprint on a 12,453 square foot (.29 acre) parcel. Diagonal, on-street parking is located in front of the property on the south, and perpendicular parking on the east. The property and surrounding properties within 200 feet are zoned "PBP" Planned Business Park District or "MS1" Main Street District 1. The 100-year floodplain lies outside of the building area, but slightly encroaches on the property line at the southwest corner as determined by the Federal Emergency Management Agency (FEMA).



Utilities:

The site is served by a water main that runs along Johnson Drive to the south. An abandoned water main is located on the west side of the property. Stormwater runoff generally flows from north to south. Two stormwater inlets are located on the east along Maple Street, and two inlets are located on Johnson Drive. The property is also served by underground and overhead electrical and a sewer main serves the property on the east.



Project Background:

The property is currently platted for the property as one lot (81). The current property owner is subdividing the buildings and selling to the current tenants – Urban Prairie Coffee, Sandhills Brewery, and Springboard Creative. Urban Prairie Coffee and Sandhills Brewery share a common wall. The existing structure will remain, and the properties will be re-platted as three separate lots (1, 2 and 3). Currently, there are recorded easements that allow construction and public use of the parking spaces and sidewalk between Johnson Drive and the building frontage, and these rights-of-way will be recorded with the new plat.

Right-of-Way (ROW) and easements: Through previously recorded easements, the area from the centerline of Johnson Drive to the building frontage is an existing public right-of-way, and the right-of-way on Maple will remain, as well. A 10-foot utility easement exists on the west side of the property line.

Code Review and Analysis – 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 is consistent with good traffic engineering and safety standards.

5. All submission requirements have been satisfied.

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

Code Review and Analysis– 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.

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 stipulations 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 #22-36 Preliminary and Final Plat for Shops of Benson.

Planning Commission Action:

The Planning Commission held a public hearing at their November 28, 2022 meeting to take testimony from any interested party on this plat. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval to the City Council the preliminary and final plat to be known as "Shops of Benson."

City Council Action:

This Preliminary Plat will be considered by the City Council at their December 21, 2022 meeting. Upon approval, the Final Plat will be signed by the Mayor, City Clerk, the Applicant, and Notary Public.

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott

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

RE: Preliminary and Final Plat – Azura Credit Union, 6751 Johnson Drive, Planning Commission Case #22-38, Azura Credit Union, Applicant

RECOMMENDATION: Adopt the Resolution approving the Preliminary and Final Plats of Azura Credit Union, 6751 Johnson Drive, Planning Commission Case #22-38.

DETAILS: The Planning Commission met on Monday, November 28th, 2022. At this meeting a public hearing was held to take public testimony regarding PC Case #22-38, application for approval of a preliminary plat for Azura Credit Union – 6751 Johnson Drive. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval to the City Council of the Preliminary Plat of Azura Credit Union.

With the same action, the Planning Commission also voted to recommend approval to the City Council of the Final Plat of Azura Credit Union.

The City Council is required to only approve preliminary plats. Final plats can be approved by the Planning Commission. The exception to this is when there is a dedication of right-of-way or specific easement to City, then the final plat must be approved by the City Council as well indicating acceptance of the dedication.

In this case, there is a dedication of an additional seven (7) feet of right-way along the north property line. This is in addition to the existing thirty-five (35) feet of right-way, now creating a total of forty-two (42) feet of right-of-way. The additional seven feet will allow for installation of a wider sidewalk along Johnson Drive with future street improvements. The plat also combines two existing lots into one.

CFAA CONSIDERATIONS/IMPACTS: N/A

Attachments:

- Staff Report for Case# 22-38 Approval of a Preliminary and Final Plat
- Preliminary Plat of Azura Credit Union
- Final Plat of Azura Credit Union
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	
Available Budget:	

CITY OF MISSION, KANSAS

RESOLUTION NO. _____

A RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT TO BE KNOWN AS AZURA CREDIT UNION (PLANNING COMMISSION CASE #22-38)

WHEREAS, the subject property located at 6751 Johnson Drive in the City of Mission, Johnson County, Kansas is currently plated as two separate lots (KP69500002 0001 and KF251208-2055); and

WHEREAS, Azura Credit Union has recently purchased the subject property for the purpose of utilizing it as a credit union branch office; and

WHEREAS, Azura Credit Union submitted an application to the Community Development Department on September 20, 2022 for a preliminary and final plat that combines the two lots into a single lot and donates a portion of the northern boundary of the lot along Johnson Drive for right-of-way; and

WHEREAS, said application was presented to the Planning Commission as PC Case #22-38 at their regular meeting on Monday, November 28, 2022 at which time a public hearing was held to take testimony on the proposed plat; and

WHEREAS, notice of said public hearing was published in The Legal Record on November 8, 2022, and sent certified mail to property owners and occupants within 200 feet of the subject property;

WHEREAS, at the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of the Preliminary and Final Plat to be known as Azura Credit Union.

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

Section 1. Approval of Preliminary Plat – Pursuant to Section 440.210 through Section 440.230 of the Mission Municipal Code, approval of the Preliminary Plat of Azura Credit Union (Planning Commission Case #22-38) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, Kansas is hereby granted subject to all laws and regulations.

Section 2. Approval of Final Plat – Pursuant to Section 440.240 through Section 440.260 of the Mission Municipal Code, approval of the Final Plat of Azura Credit Union is

hereby granted subject to all laws and regulations.

Section 3. Acceptance of Public Right-of-way Dedication – In accepting this final plat, the City of Mission accepts a dedication of an additional seven (7) feet public right-of-way along Johnson Drive and more clearly depicted on the Final Plat of Azura Credit Union as “Additional R/W.”

Section 4. The Mayor shall affix her signature to the Final Plat of Azura Credit Union attesting to the acceptance.

Section 5. 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 21st day of December 2022.

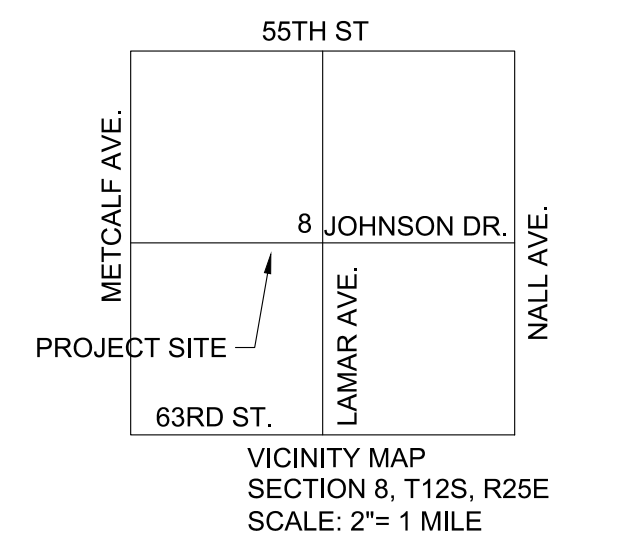
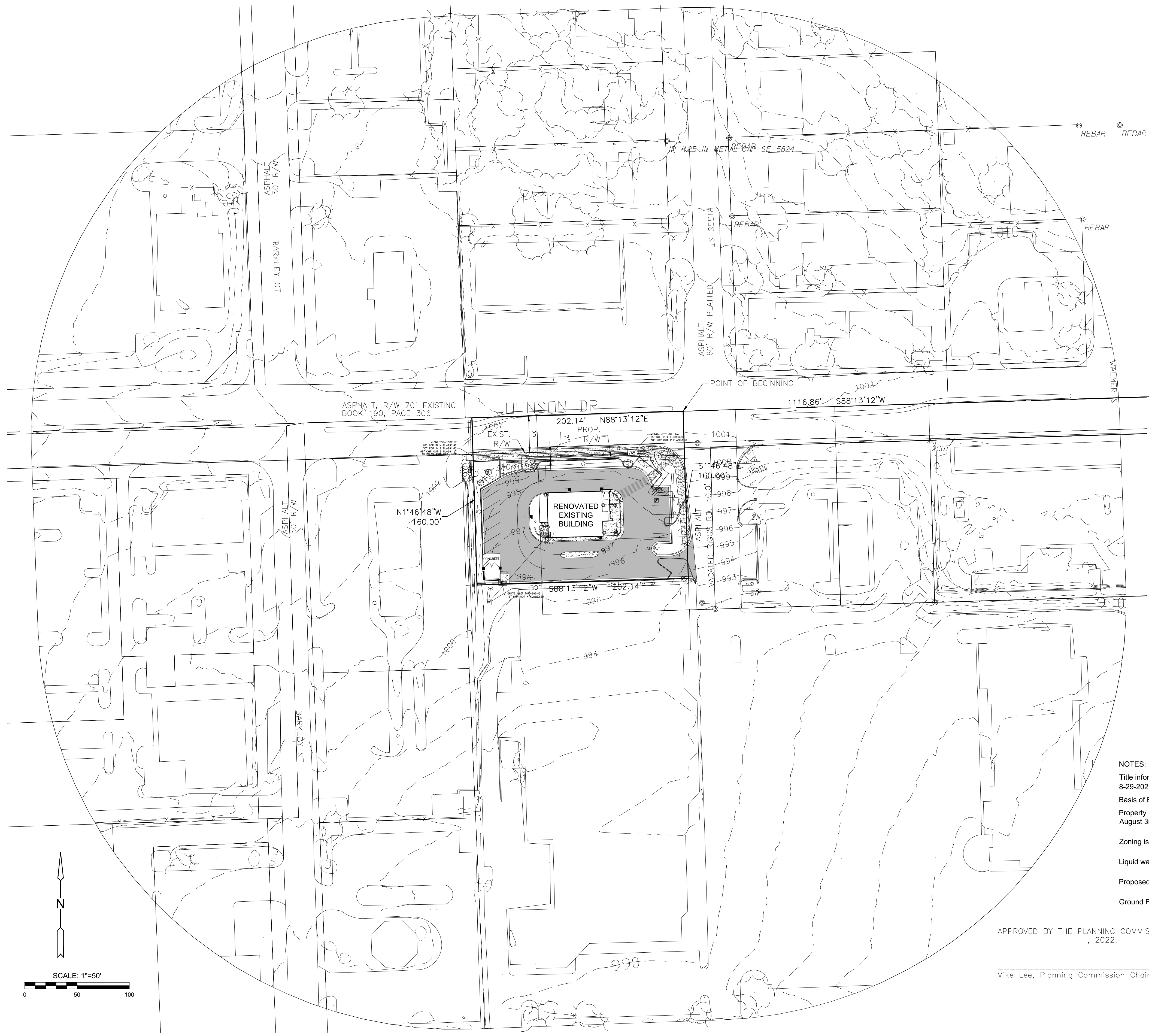
APPROVED BY THE MAYOR on this 21st day of December 2022.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

P:\PROJECTS\2022\202010417_HTK_AZURA CREDIT UNION MISSION\04 SURVEY\DWG\PLAT\2020417_PRELIM\PLAT CITY REVISION.DWG



OWNER
AZURA CREDIT UNION
610 SW 10TH AVENUE
TOPEKA, KS. 66612
785-233-5556

ARCHITECT
HTK ARCHITECTS
9300 W 110th St. #150
OVERLAND PARK, KS. 66210
913-663-5373

POINT OF COMMENCEMENT
NE CORNER OF THE SW QUARTER
SECTION 8, T12S, R 25 E
FOUND 3" DISC IN MONUMENT BOX
LSRR 17880

Property Description:

All that part of the Southwest Quarter of Section 8, Township 12S, Range 25E of the 6th Principal Meridian in the City of Mission, Johnson County, Kansas, and a part of Lots 1 and 2, Block 2, WEST MISSION, a subdivision of land recorded at Book 13, Page 66, described as follows:

Commencing at the Northeast Corner of said Southwest Quarter of Section 8; thence along the North line thereof S88°13'12"W a distance of 1116.86' to the Point of Beginning; thence departing said Section line S1°46'48"E a distance of 160.00'; thence S88°13'12"W a distance of 202.14'; thence N1°46'48"W a distance of 160.00' to a point on North line; thence along said line N88°13'12"E a distance of 202.14' to the Point of Beginning, containing 23,650.54 square feet more or less or 0.543 acres, net of right of way, subject to easements and restrictions of record.

NOTES:

Title information taken from Warranty Deed recorded at Book 202208, Page 008205 in Johnson County, Kansas on 8-29-2022 and Thomson Affinity Title, LLC File No. 232941, effective June 23rd, 2022.

Basis of Bearings is Grid North, Kansas State Plane, North Zone, NAD '83 in U.S. Feet.

Property is listed as Zone X, outside the area of 0.2% annual chance of flooding per FIRM Panel 20091C0023G, revised August 3rd, 2009.

Zoning is CP-2B Planned Retail and Service District.

Liquid waste to be handled by existing sanitary sewer.

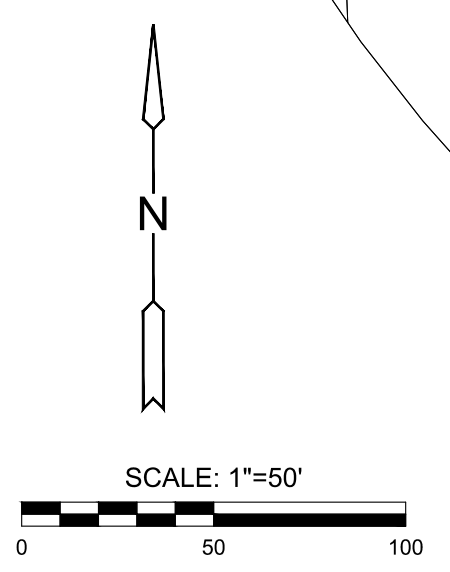
Proposed land use is a credit union.

Ground Floor Area 2,295 square ft. +/-

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MISSION, JOHNSON COUNTY, KANSAS THIS _____ DAY OF _____, 2022.

Mike Lee, Planning Commission Chairperson

Kimberly Steffens, Planning Commission Secretary



PRELIMINARY PLAT
AZURA CREDIT UNION
6751 JOHNSON DIVE

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PRE-PLAT

PROJECT NO.	2202010417	
DATE	9-21-21	
SCALE	1"=50'	
DESIGNED	DRAWN	CHECKED
JWS		MB

NO.	REVISION	DATE
1	CITY COMMENTS	10-31-22

FINAL PLAT OF AZURA CREDIT UNION

A SUBDIVISION OF LAND IN THE SW QUARTER OF SECTION 8, TOWNSHIP 12 S, RANGE 25E
IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS

NOTES:

Title information taken from Warranty Deed recorded at Book 202208, Page 008205 in Johnson County, Kansas on 8-29-2022 and Thomson Affinity Title, LLC File No. 232941, effective June 23rd, 2022.
Existing right of way width for Johnson Drive established by easement to City of Mission, KS. recorded at Book 190, Page 306 in Johnson County, Kansas
Basis of Bearings is Grid North, Kansas State Plane, North Zone, NAD '83 in U.S. Feet. Grid Factor 0.99996477
Property is listed as Zone X, outside the area of 0.2% annual chance of flooding per FIRM Panel 20091C0023G, revised August 3rd, 2009.

Zoning is CP-2B Planned Retail and Service District.

3rd Order Survey Error of Closure 1:724,280,000

CERTIFICATION:

I, James W. Sincox, state that MKEC Engineering, Inc. has surveyed the property shown hereon under my direct supervision in accordance with the Kansas Minimum Standards for Boundary Surveys to the best of my knowledge and belief.

Field work performed June 21st, 2022.

James W. Sincox PLS 1234



MONUMENTATION

- △ SECTION CORNER MONUMENT AS NOTED
- SET 1/2" REBAR WITH CLS-39 CAP
- ◎ FOUND 1/2" REBAR PHELPS CAP
- SET 5/8" REBAR WITH CLS-39 CAP IN CONCRETE
- R/W RIGHT OF WAY
- R RECORD
- M MEASURED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT

POINT OF COMMENCEMENT
FOUND 3" ALUMINUM DISC
IN MONUMENT BOX
NE CORNER, SW QUARTER, SECTION 8
T12S R25E
LSRR 17880

Property Description:

All that part of the Southwest Quarter of Section 8, Township 12S, Range 25E of the 6th Principal Meridian in the City of Mission, Johnson County, Kansas, and a part of Lots 1 and 2, Block 2, WEST MISSION, a subdivision of land recorded at Book 13, Page 66, described as follows:

Commencing at the Northeast Corner of said Southwest Quarter of Section 8; thence along the North line thereof S88°13'12"W a distance of 1116.86' to the Point of Beginning; thence departing said Section line S1°46'48"E a distance of 160.00'; thence S88°13'12"W a distance of 202.14'; thence N1°46'48"W a distance of 160.00' to a point on North line; thence along said line N88°13'12"E a distance of 202.14' to the Point of Beginning, containing 23,650.54 square feet more or less or 0.543 acres, net of right of way, subject to easements and restrictions of record.

Dedication:

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

The proprietors, successors and assigns of property described on this plat hereby dedicate for public use all land described on the plat as streets or public ways not heretofore dedicated. Acceptance for the dedication of land for public right-of-way purposes described in this plat is for the sole purpose of maintaining right-of-way, and does not constitute acceptance of any terms or conditions set forth in any agreement not shown on this plat. All prior existing easement rights to any person, utility or corporation have been absolved on the parcels to be dedicated to public use.

The proprietors, successors and assigns of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the City of Mission, Kansas of any expense incident with the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with the proposed improvements described in this plat.

An easement is granted to the City of Mission Kansas to enter upon, construct, maintain, use and authorize the location of conduits for providing water, gas, cable, electric, sewers and other utility services, including related facilities and appurtenances thereto, and drain facilities, upon, over, under and across those areas outlined and designated on this plat as "utility easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Mission, Kansas.

Consent to Levy:

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners and the City of Mission, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on the land fronting and abutting on such dedicated public way or thoroughfare.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused these presents to be signed on this _____ day of _____, 2022.

Azura Credit Union

Greg Winkler, President/CEO

ACKNOWLEDGMENT

STATE OF _____)
) SS
COUNTY OF _____)

On this _____ day of _____, in the year 2022, before me, a Notary Public in and for said County and State, personally appeared Greg Winkler, who being by me duly sworn did say that he is the President/CEO of Azura Credit Union, and acknowledged to me that he executed said instrument for purposes and considerations therein expressed in the capacity stated, and the act and deed of said entity.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public _____ Print Name _____

My Commission Expires: _____

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MISSION, JOHNSON COUNTY, KANSAS THIS _____ DAY OF _____, 2022.

Mike Lee, Planning Commission Chairperson Kimberly Steffens, Planning Commission Secretary

APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, JOHNSON COUNTY, KANSAS THIS _____ DAY OF _____, 2022.

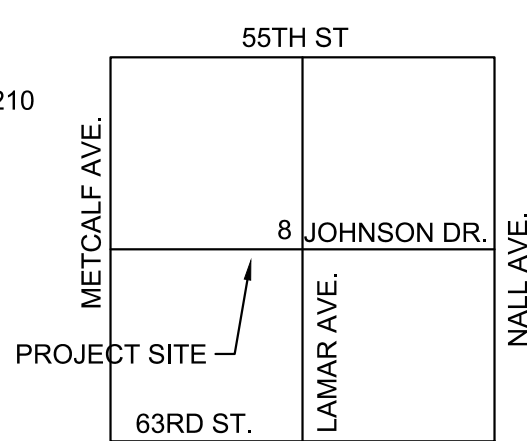
Solana Flora, Mayor Robyn Fulks, City Clerk

OWNER

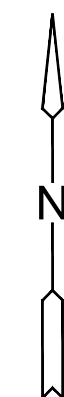
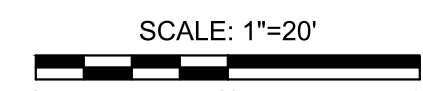
AZURA CREDIT UNION
610 SW 10TH AVENUE
TOPEKA, KS. 66612
785-233-5556

ARCHITECT

HTK ARCHITECTS
9300 W 110th St. #150
OVERLAND PARK, KS. 66210
913-663-5373



VICINITY MAP
SECTION 8, T12S, R25E
SCALE: 2"= 1 MILE



FINAL PLAT
AZURA CREDIT UNION
 6751 JOHNSON DRIVE

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FINAL PLAT

PROJECT NO. 2202010417

DATE 9-21-22

SCALE 1"=20'

DESIGNED JS DRAWN MB CHECKED MB

1	CITY COMMENTS	10-31-22
NO.	REVISION	DATE

SHEET NO.

NEW BUSINESS AGENDA ITEM: 5

PROJECT NUMBER / TITLE: Case #22-38 – Azura Credit Union Plat

REQUEST: Approval of a Preliminary and Final Plat for Azura Credit Union

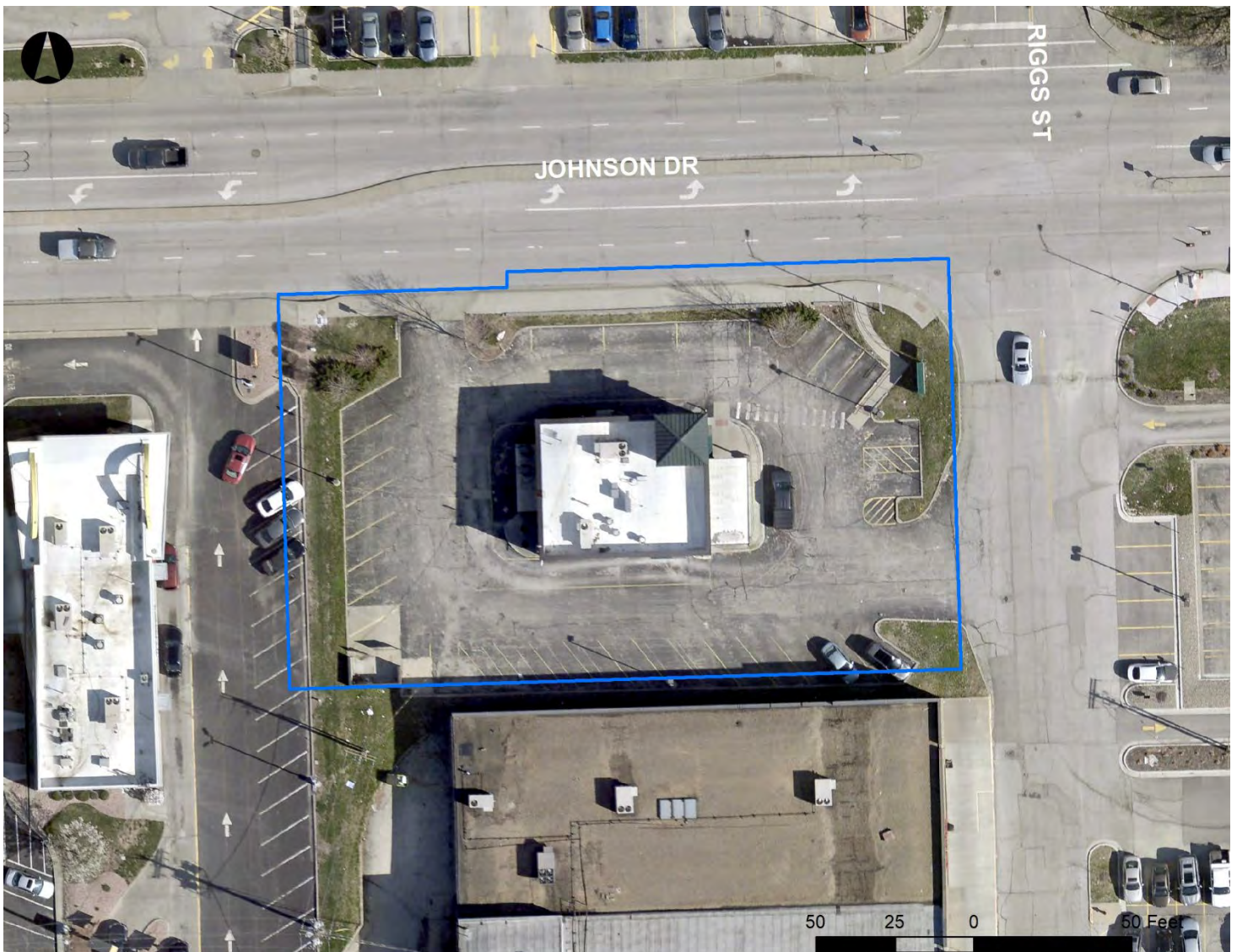
LOCATION: 6751 Johnson Drive
Mission, KS 66202
Property ID: KF251208-2055; KP69500002-0001

APPLICANT: Azura Credit Union
610 SW 10th Avenue
Topeka, KS 66612

STAFF CONTACT: Karie Kneller, City Planner

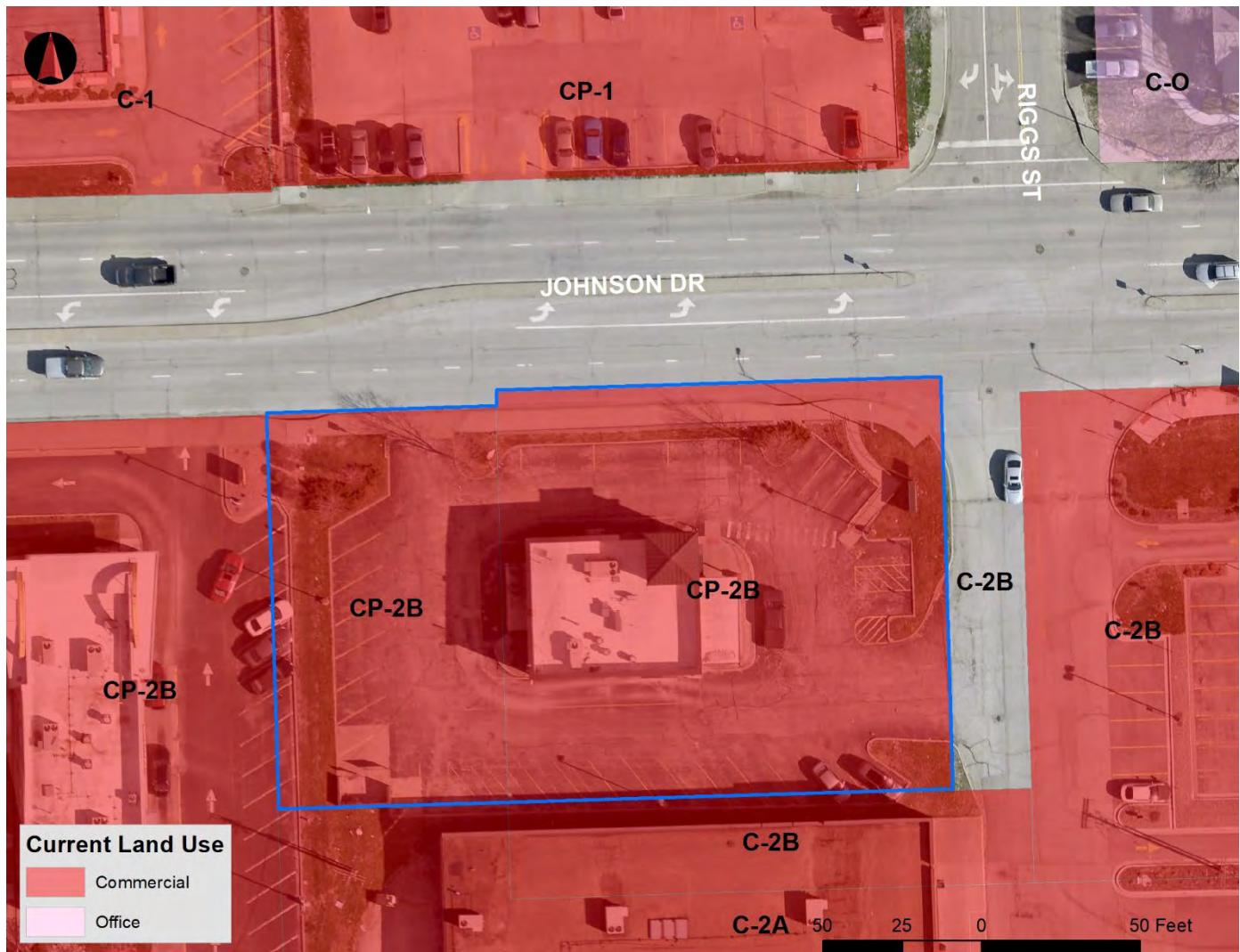
PUBLIC HEARING: November 28, 2022

LEGAL NOTICE PUBLICATION: November 8, 2022 - The Legal Record



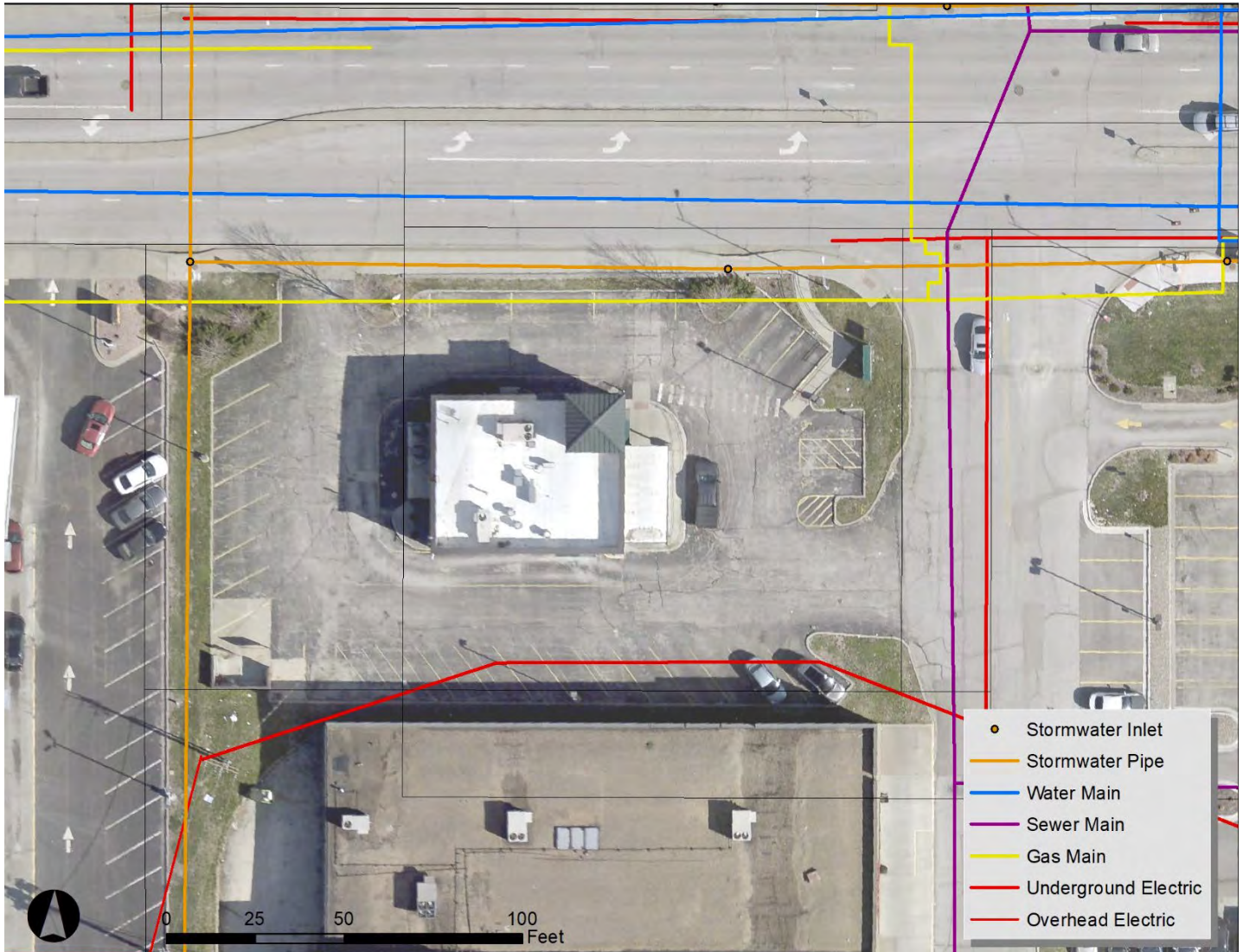
Property Information:

The subject property is located on the southwest corner of Johnson Drive and Riggs Avenue. It is in the southwest quarter of Section 8, Township 12S, Range 25E in the City of Mission, Johnson County, Kansas, and a part of Lots 1 and 2, Block 2, West Mission. The property is located in the southeast quarter of Township 25, Section 12, Range 05. The existing structure is 2,449 square feet on a 18,200 square foot (.42 acre) parcel. The adjacent parcel on the west is part of the property which consists of 9,065 square feet of surface parking. The property and surrounding properties within 200 feet are zoned "CP-2B" or "C2-B," retail and service districts. The project is outside the 100-year flood zone as determined by the Federal Emergency Management Agency (FEMA).



Utilities:

The site is served by a water main that runs along Johnson Drive to the north. Stormwater runoff generally flows from north to south. Two stormwater inlets are located on Johnson Drive near the northern property line. The property is also served by underground and overhead electrical and a sewer main serves the property on the east. It should be noted that the Johnson County AIMS mapping program shows a slightly inaccurate underground electrical utility on the south that the survey confirmed is not located on the property.



Project Background:

The property is currently platted for the property on the east (Lot 1). The western parcel (Lot 2) is not platted. The existing structure will remain with interior and exterior renovations as part of Case #22-34. Staff requested that the applicant replat the property and consolidate the two properties with additional right-of-way on Johnson Drive to widen the sidewalk per Johnson Drive design standards.

The Preliminary and Final Plats with this application consist of one lot. The total lot area is 32,342 square feet (.74 acres). The area is outside of the 100-year floodplain.

Right-of-Way (ROW) and easements: The existing ROW is 35 feet from the center line of Johnson Drive, and the proposed plat provides an additional seven feet of dedicated ROW. Riggs Avenue currently consists of an ingress/egress easement and will not change with this plat. The existing east parcel contains a five-foot utility easement.

Code Review and Analysis – 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 is consistent with good traffic engineering and safety standards.

5. All submission requirements have been satisfied.

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

Code Review and Analysis– 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.

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 stipulations 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 #22-38 Preliminary and Final Plat of Azura Credit Union to the City Council.

Planning Commission Action:

The Planning Commission held a public hearing at their November 28, 2022 meeting at which time they took testimony from any interested party. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval of the preliminary and final plat to be known as "Azura" to the City Council - Case #22-38.

City Council Action:

This Preliminary and Final Plat will be considered by the City Council at their December 21, 2022 meeting. Upon approval, the Final Plat will be signed by the Mayor, City Clerk, the Applicant, and Notary Public.

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott

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

RE: Amendment to the Main Street District 1 (“MS-1”) Zoning Regulations Pertaining to Drinking Establishments, (Cas #22-35), City of Mission, Applicant

RECOMMENDATION: Approve an ordinance amending Section 410.160 et seq. of Mission Municipal Code (Main Street District 1 zoning regulations) pertaining to clubs and drinking establishments.

DETAILS: Section 410.160 et. sq. of the Mission Municipal Code pertains to zoning regulations for the Main Street District 1 (“MS-1”) zoning district. Regulations pertain to permitted uses, height and set back restrictions, and general development standards for the “MS-1” zoning district.

The requirements of this section of the code allowing clubs and drinking establishments are conflicting and somewhat outdated in that they are not current with what is permitted in the County. Staff has proposed amendments to the “MS-1” zoning regulations that will address these issues. The attached staff report provides more in-depth analysis.

The Planning Commission held a public hearing at its regularly scheduled meeting on Monday, November 28, 2022 to take public testimony on the proposed amendments. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval of the proposed amendments to the “MS-1” zoning regulations to the City Council.

This item will be on the City Council’s December 21, 2022 legislative agenda

CFAA CONSIDERATIONS/IMPACTS: N/A

Attachments:

- Ordinance Approving a Amendment to Main Street District 1 Zoning Regulations Pertaining to Drinking Establishments (PC Case #22-35)
- Staff Report (PC Case #22-35)
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE V, TITLE IV ("MS1", MAIN STREET DISTRICT 1); CHAPTER 445 OF TITLE IV (SPECIAL USE PERMITS); AND SECTION 600.202 OF CHAPTER 600 OF TITLE VI (RESTRICTION ON LOCATION) OF THE MUNICIPAL CODE OF THE CITY OF MISSION, KANSAS.

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

SECTION 1. Article V of Title IV of the Municipal Code of the City of Mission is hereby amended to read as follows:

"MS1" Main Street District 1

Section 410.160 Statement of Intent.

The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City.

Section 410.170 Permitted Uses.

- A. *Prepared Food.* Restaurants (excluding those with drive-through facilities), sandwich shops, bistros, coffee houses, delis, bakeries, candy/ice cream/yogurt shops, and other establishments of similar character.
- B. *Food For Home.* Convenience store, green grocer, gourmet grocer, health foods, meat/fish market and wine/liquor shops and other establishments of similar character.
- C. *Entertainment.* Entertainment in restaurants (i.e., piano player, guitarist, small combos, dancing, etc.), movie theater and other establishments of similar character.
- D. *Specialty Retail.* Antiques; appliances; art galleries, framing and supplies; bike shop; books;

camera and photo supplies; casual apparel and accessories; children's apparel; computers/software; florist; gifts, stationary and cards; hardware; home decorating products and design services; men's apparel; music (recorded and sheet); newsstand; office and school supplies; optical products; radio/TV/electronics; sewing supplies; shoes, dress and casual; small variety store; sporting goods; tobacco shop; toys, games and crafts; traditional and costume jewelry; wall coverings and paint; women's casual apparel and accessories and other establishments of similar character.

- E. *Convenience Retail/Select Services.* Barbershops; cosmetologists, beauty shops; dance studio; dry cleaners and tailor shop; coin-operated laundry, locksmith service, pharmacy; physical fitness facility; shoe repair/shine; video rental, computer services and other establishments of similar character.
- F. Clubs and drinking establishments shall be allowed.
- G. Arcades, operated in conjunction with clubs or drinking establishments, shall be allowed.
- H. Entertainment or recreational uses.
- I. Publicly owned parking lots.
- J. Public parks and playgrounds, including public recreation or service buildings and publicly owned swimming pools.
- K. Publicly owned and operated community buildings, museums and libraries.
- L. Services limited to the practice of medicine, law, engineering, architecture, medical arts licensed by the State of Kansas, financial services, brokers, insurance and similar agents, consultants, counseling, photographers, printers and publishers, governmental activities, portal and parcel services, interior decorator, travel agencies and offices of all types are prohibited except under the following circumstances:
 - 1. Where the prior use of any building or tenant space was for an office use as indicated above, then the same building or tenant space may continue to be used for an office use regardless of the time the space was vacant.
 - 2. Where the prior use of the building or tenant space was for any permitted use in this Section except for offices or services, as outlined in 410.170(L), then a new office use shall only be permitted if the building or tenant space has been vacant for a minimum of three (3) months, and an administrative extension use permit has been approved by the Public Works Department. An application for an administrative extension use permit shall include a letter from the building owner indicating a desire to lease a tenant space to an office user, documentation including newspaper clippings of advertisements and evidence that signs

were posted in the windows of the tenant space for at least three (3) months prior to the application for the administrative extension use permit. The Public Works Department shall approve an administrative extension use permit if the submittal requirements outlined above have been satisfied, and it is determined that a good faith effort has been made to lease the tenant space to a retail tenant for at least three (3) months. Any denial of an application for an administrative extension use permit may be appealed by the building owner to the City Council.

- M. In addition to the uses listed above, the following uses are permitted above and below the ground floor level:
 - 1. Any use permitted in "C-O" with the exception of mortuaries.
 - 2. Residential units.
- N. Accessory uses customarily incident to the normal operation of these uses.

Section 410.180 Height and Area Regulations.

- A. The maximum height of buildings and provisions for yards shall be as follows, except as otherwise provided in Section **415.010**.
 - 1. Maximum height — not exceeding three (3) stories and/or forty-five (45) feet.
 - 2. Front build-to line — zero.
 - 3. *Side and rear yards.*
 - a. Where a side yard abuts a public street, the build-to line shall be zero.
 - b. For side yards not adjacent to a public street, the build-to line shall be zero at the front building line. Behind the front building line, there is no stated requirement.
 - c. No rear yard is required.

Section 410.190 Parking Regulations.

- A. No parking is required.
- B. No portion of any paved parking area that is hereafter constructed shall be permitted within six (6) feet of a street line or lot line.
- C. Any parking and loading provided on private property shall be paved, striped, contain landscaping and screening as required in Chapter **415**, Article **III**, Section **415.060** et seq., and surface water shall be handled in accordance with City standards.

- D. All parking setback areas shall be graded and planted with appropriate ground cover and landscaping. In addition, all parking setback areas adjacent to a public street shall include a low wall and/or hedge located at the right-of-way line for the entire length of the lot.
- E. On-street parking may be constructed where adequate right-of-way is available, subject to good traffic engineering design principles. Determination as to the appropriateness of on-street parking shall be determined at the time of downtown development plan approval.
- F. Section **425.020**, Minimum Space Requirements, does not apply to this zoning district.

Section 410.200 Development Standards.

- A. Drive-up, drive-through or drive-in service for any use is prohibited.
- B. The architectural style, materials and visual quality shall be in harmony with, but not necessarily the same as, adjacent existing buildings.
- C. Canopies extending over sidewalks and other pedestrian ways shall be provided where feasible and shall be designed as an integral part of the building and in keeping with any adjacent or nearby canopies to the end that continuous canopies throughout a block will eventually exist for the protection of the pedestrian public. Whether or not a canopy will be installed and its general design and dimensions shall be determined at the plan review stage.
- D. Where storefronts are aligned generally along or generally parallel to a street right-of-way line, no parking or other paved surface shall interrupt said building frontage except that pedestrian plazas, malls or walkways leading to the interior of block may be provided.
- E. All rooftop or ground-mounted mechanical equipment and any trash bins shall be permanently and securely screened by architectural materials harmonious with the building.
- F. Restaurants may have an outdoor service area that is accessory to the main restaurant function. The outdoor service area must be a well-defined space, designed and serviced to keep debris from blowing off the premises. Patrons must gain entrance through the main entrance to the restaurant, but at least one (1) exit must be provided for fire safety. The outdoor seating area may be located adjacent to the public street right-of-way, in which case the perimeter of the outdoor seating area shall be enclosed by a low wall and/or hedge located at the right-of-way line.
- G. The Planning Commission or City Council may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a non-public nature.
- H. Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:

1. Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least two hundred (200) feet from the nearest property line of any hospital, school, church or library. For purposes of this Section, the term "*school*" shall mean any public, private or parochial learning facility for children in preschool through grade twelve (12) accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.
 2. Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed. A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of R-1, R-2, R-3, R-4, R-5, or R-6 zoned districts.
 3. Package sales of cereal malt beverages not for consumption upon the premises shall be allowed.
 4. All establishments listed above shall comply with the requirements contained in Chapters **600** and **605** of the Municipal Code, as applicable.
- I. *Plan Approval.* Prior to the issuance of any building permit for development, redevelopment, alteration, replacement or repair site plan approval shall be obtained as provided for in Chapter **440**.

Section 410.210 Performance Standards.

- A. Establishment within this district shall be operated and maintained in conformance with the following standards:
1. All buildings, signs and open spaces shall be continuously maintained in a clean, neat and uncluttered fashion.
 2. All merchandise or other products or equipment placed, displayed or kept outside a building shall not interfere or impede pedestrian traffic (including wheelchair traffic) and in no event extend into or on a street right-of-way.
 3. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
 4. All solid waste, trash or debris shall be kept in suitable covered containers until removed from the premises. Such containers shall be kept within the building or in an enclosure as required in Section **410.200(E)**.

SECTION 2. Chapter 445 of Title IV of the Municipal Code of the City of Mission is hereby amended to read as follows:

Special Use Permits

Section 445.180 Designated Use.

A. The following uses may be located in any district with the issuance of a special use permit, except in those districts listed after each use, after a public hearing and upon recommendation of the Planning Commission and approval of the City Council and subject to such regulations, restrictions and conditions within the district and any other conditions of zoning or use so stipulated or imposed:

Use	Use To Be Excluded From Following Districts
Automobile parking lot properly landscaped, surfaced, drained and screened	Residential districts
Billboard signs	Residential districts
Cemeteries	"C-2A," "MS1," "MS2," "DND"
Dog kennel — veterinary	None
Electric power substations	None
Discount store or superstore	Residential districts
Hospital	Residential districts, "C-2A," "MS1," "MS2"
Motels and hotels	Residential districts
Nurseries	Residential districts
Nursing homes	None
Radio, television and microwave towers and antennae, and in cases where such devices cannot conform to height, area or other standards of Chapter 415	None
Refuse dump or land fill	Residential districts, "C-2A," "MS1," "MS2"
Reservoirs — underground	None
Sewage pumping stations	None
Water tanks	None

B. In addition, temporary use of land or building for a use that is not otherwise permitted for that premises provided such temporary use shall conform to the following conditions:

1. The use is temporary in nature and will not require major change or addition to an existing building or structure.

2. The use will not be offensive or damaging to surrounding properties by way of noise, traffic generation, commotion, storage of materials or equipment, or visual effects which are in contrast to and not in harmony with the surrounding neighborhood.
 3. The use can readily be terminated and any equipment, appurtenances and materials removed immediately upon expiration or repeal of the special use permit.
 4. No special use permit for a temporary use shall be valid for more than six (6) months but may be renewed by the same process as the original special use permit.
- C. The Planning Commission and City Council may designate such other uses as appropriate for a special use permit upon a finding that the use is appropriate in a certain location but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

Section 445.190 Procedure For Special Use Permit Approval.

- A. The procedure for applying for and approving a special use permit shall be as provided in Sections **440.010** through **440.140**.
- B. In considering any application for a special use permit, the Planning Commission and City Council may give consideration to the criteria listed in Section **440.140(E)** to the extent they are pertinent to the particular application.
- C. Special uses may be approved by action of the City Council after recommendation from the Planning Commission. Special uses may be approved with conditions including, but not limited to, the following:
 1. Requirements for special yards, open spaces, density, buffers, fences, walls and screening.
 2. The installation of landscaping and maintenance.
 3. Provisions for erosion control.
 4. Limitations on ingress and egress movements into and out of the site and traffic circulation.
 5. Limitation on signage.
 6. Limitation on hours of operation and other characteristics of operation.
 7. Conditions specifically listed under the individual special use.
 8. Other conditions deemed necessary to ensure compatibility with surrounding land uses.

Section 445.200 **(Reserved)**

Section 445.210 **Time.**

Special use permits may be for a specified period of time or continual except as provided in Section **445.230**.

Section 445.220 **Permits To Run With Use.**

Special use permits generally run with the use of the property, however, in certain instances, conditions may be added providing that the permit is valid only for a particular user or tenant. In such cases, said requirement must be clearly spelled out in the motion for approval.

Section 445.230 **Termination of Special Uses.**

- A. If a use allowed by a special use permit is discontinued by a period of time of more than six (6) months, then the special use permit shall expire.
- B. *Revocation Of Special Use Permits.* Any special use permit granted under the authority of this Chapter is subject to revocation for any or all of the following reasons:
 1. Non-compliance with any applicable requirement set forth in Section **445.190**.
 2. Non-compliance with any special conditions imposed at the time of approval of the special use permit.
 3. Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.
 4. Where conditions in the neighborhood have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.
 5. Violation of any other applicable Code provisions or any State or Federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the special use permit or the qualifications of the permittee or its agents to engage in such conduct or activity.
- C. *Procedure For Revocation.*
 1. Revocation proceedings may be initiated by a majority vote of the Governing Body.
 2. Unless the permittee and landowner agree in writing that the permit may be revoked, the Governing Body shall hold a public hearing to consider the revocation of the special use permit.

3. The City shall give the permittee and landowner notice of the scheduled revocation hearing at least five (5) days prior to the date scheduled for such hearing. If the permittee and landowner are present at the meeting of the Governing Body at which the revocation proceedings are initiated, no further notice shall be required; otherwise, notice shall be given by personal service or certified mail, return receipt requested. If the notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in the official City newspaper and by posting a notice of hearing on the property at least five (5) days prior to the date scheduled for the hearing.
4. At the hearing, City staff shall present the evidence known to the City which may justify revocation of the special use permit. Testimony may be presented by members of the City staff, Planning Commission or Governing Body, or by such other witnesses as may be called. Following the presentation of evidence, any person having relevant evidence may present such evidence to the Governing Body. The permittee, landowner or their attorney may pose questions to any person giving evidence under such conditions as may be imposed by the Mayor or Presiding Officer. Following the presentation of evidence by the City and any other persons, the permittee and landowner shall be entitled to present evidence or testimony of witnesses. Members of the Governing Body and City staff shall be allowed to pose questions to the permittee, landowner and any witnesses called on their behalf. Following the receipt of their evidence, the public hearing shall be closed. After closing the public hearing, the Governing Body may hear closing statements from the City staff and the permittee and landowner or their attorney. The Governing Body may render its decision following such closing statements or may take the matter under advisement.
5. No special use permit shall be revoked unless a majority of the Governing Body is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a special use permit shall clearly state the grounds for revocation. In addition, where the basis for revocation is "changed conditions" pursuant to Subsection **(B)(4)** of this Section, revocation may only occur upon an explicit finding that revocation is necessary for the protection of the public health, safety and welfare. Adoption of any motion to revoke a special use permit may be made subject to subsequent adoption of written findings of fact and conclusions of law at the discretion of the Governing Body.
6. An appeal of any decision of the Governing Body to revoke a special use permit may be filed in the District Court of Johnson County, Kansas. Any appeal taken shall not suspend the order of revocation during the pendency of the appeal unless so ordered by the District Court.

SECTION 3. Section 600.020 of Chapter 600 of Title VI of the Municipal Code of the City of Mission is hereby amended to read as follows:

Section 600.020 Restriction On Location.

A. No alcoholic liquor or cereal malt beverage shall be sold or served by a person holding a license or permit from the City whose place of business or other premises are located within two hundred (200) feet of any public or parochial school, college, church, nursing home, library or hospital except that if any such school, college, church, nursing home, library or hospital is established within two (200) feet of any licensed premises after the premises have been licensed, the premises shall be an eligible location for retail licensing; said distance to be measured from the nearest property line of such church, school, nursing home, library or hospital to the nearest portion of the building occupied by the premises.

B. No license or permit shall be issued for the sale of alcoholic liquor or cereal malt beverage if the building or use does not meet the zoning ordinance requirements of the City or conflicts with other City laws, including Building and Health Codes.

C. No alcoholic liquor shall be sold at retail upon any premises which have an inside entrance or opening which connects with any other place of business.

SECTION 4. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this ____ day of _____, 202__.

APPROVED by the Mayor this ____ day of _____, 202__.

Solana Flora, Mayor

Robyn Fulks, City Clerk

APPROVED AS TO FORM ONLY:

David K. Martin, City Attorney

Article V
"MS1" Main Street District 1

Section 410.160 **Statement of Intent.**

[Ord. No. 1091 §§1 — 3(App. A §410.160), 9-24-2003; Ord. No. 1188 §2, 12-14-2005]

The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City.

Section 410.170 **Permitted Uses.**

[Ord. No. 1091 §§1 — 3(App. A §410.170), 9-24-2003; Ord. No. 1188 §3, 12-14-2005]

- A. *Prepared Food.* Restaurants (excluding those with drive-through facilities), sandwich shops, bistros, coffee houses, delis, bakeries, candy/ice cream/yogurt shops, ~~ethnic foods (i.e. Italian, Greek, Chinese, Mexican, etc.)~~ and other establishments of similar character.
- B. *Food For Home.* Convenience store, green grocer, gourmet grocer, health foods, meat/fish market and wine/liquor shops and other establishments of similar character.
- C. *Entertainment.* Entertainment in restaurants (i.e., piano player, guitarist, small combos, dancing, etc.), movie theater and other establishments of similar character.
- D. *Specialty Retail.* Antiques; appliances; art galleries, framing and supplies; bike shop; books; camera and photo supplies; casual apparel and accessories; children's apparel; computers/software; florist; gifts, stationary and cards; hardware; home decorating products and design services; men's apparel; music (recorded and sheet); newsstand; office and school supplies; optical products; radio/TV/electronics; sewing supplies; shoes, dress and casual; small variety store; sporting goods; tobacco shop; toys, games and crafts; traditional and costume jewelry; wall coverings and paint; women's casual apparel and accessories and other establishments of similar character.
- E. *Convenience Retail/Select Services.* Barbershops; cosmetologists, beauty shops; dance studio; dry cleaners and tailor shop; coin-operated laundry, locksmith service, pharmacy;

physical fitness facility; shoe repair/shine; video rental, computer services and other establishments of similar character.

- F. Clubs and drinking establishments shall be allowed ~~after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq.~~
- G. Arcades, operated in conjunction with clubs or drinking establishments, shall be allowed ~~after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq.~~
- H. Entertainment or recreational uses, ~~but excluding those that require a special use permit.~~
- I. Publicly owned parking lots.
- J. Public parks and playgrounds, including public recreation or service buildings and publicly owned swimming pools.
- K. Publicly owned and operated community buildings, museums and libraries.
- L. Services limited to the practice of medicine, law, engineering, architecture, medical arts licensed by the State of Kansas, financial services, brokers, insurance and similar agents, consultants, counseling, photographers, printers and publishers, governmental activities, portal and parcel services, interior decorator, travel agencies and offices of all types are prohibited except under the following circumstances:
 - 1. Where the prior use of any building or tenant space was for an office use as indicated above, then the same building or tenant space may continue to be used for an office use regardless of the time the space was vacant.
 - 2. Where the prior use of the building or tenant space was for any permitted use in this Section except for offices or services, as outlined in 410.170(L), then a new office use shall only be permitted if the building or tenant space has been vacant for a minimum of three (3) months, and an administrative extension use permit has been approved by the Public Works Department. An application for an administrative extension use permit shall include a letter from the building owner indicating a desire to lease a tenant space to an office user, documentation including newspaper clippings of advertisements and evidence that signs were posted in the windows of the tenant space for at least three (3) months prior to the application for the administrative extension use permit. The Public Works Department shall approve an administrative extension use permit if the submittal requirements outlined above have been satisfied, and it is determined that a good faith effort has been made to lease the tenant space to a retail tenant for at least three (3) months. Any denial of an application for an administrative extension use permit may be appealed by the building owner to the City Council.

M. In addition to the uses listed above, the following uses are permitted above and below the ground floor level:

1. Any use permitted in "C-O" with the exception of mortuaries.
2. Residential units.

N. Accessory uses customarily incident to the normal operation of these uses.

Section 410.180 Height and Area Regulations.

[Ord. No. 1091 §§1 — 3(App. A §410.180), 9-24-2003; Ord. No. 1188 §4, 12-14-2005]

A. The maximum height of buildings and provisions for yards shall be as follows, except as otherwise provided in Section **415.010**.

1. Maximum height — not exceeding three (3) stories and/or forty-five (45) feet.
2. Front build-to line — zero.
3. *Side and rear yards.*
 - a. Where a side yard abuts a public street, the build-to line shall be zero.
 - b. For side yards not adjacent to a public street, the build-to line shall be zero at the front building line. Behind the front building line, there is no stated requirement.
 - c. No rear yard is required.

Section 410.190 Parking Regulations.

[Ord. No. 1091 §§1 — 3(App. A §410.190), 9-24-2003; Ord. No. 1188 §5, 12-14-2005]

- A. No parking is required.
- B. No portion of any paved parking area that is hereafter constructed shall be permitted within six (6) feet of a street line or lot line.
- C. Any parking and loading provided on private property shall be paved, striped, contain landscaping and screening as required in Chapter **415**, Article **III**, Section **415.060** et seq., and surface water shall be handled in accordance with City standards.
- D. All parking setback areas shall be graded and planted with appropriate ground cover and landscaping. In addition, all parking setback areas adjacent to a public street shall include a low wall and/or hedge located at the right-of-way line for the entire length of the lot.
- E. On-street parking may be constructed where adequate right-of-way is available, subject to good traffic engineering design principles. Determination as to the appropriateness of on-

street parking shall be determined at the time of downtown development plan approval.

- F. Section **425.020**, Minimum Space Requirements, does not apply to this zoning district.

Section 410.200 Development Standards.

[Ord. No. 1091 §§1 — 3(App. A §410.200), 9-24-2003; Ord. No. 1304 §15, 10-21-2009]

- A. Drive-up, drive-through or drive-in service for any use is prohibited.
- B. The architectural style, materials and visual quality shall be in harmony with, but not necessarily the same as, adjacent existing buildings.
- C. Canopies extending over sidewalks and other pedestrian ways shall be provided where feasible and shall be designed as an integral part of the building and in keeping with any adjacent or nearby canopies to the end that continuous canopies throughout a block will eventually exist for the protection of the pedestrian public. Whether or not a canopy will be installed and its general design and dimensions shall be determined at the plan review stage.
- D. Where storefronts are aligned generally along or generally parallel to a street right-of-way line, no parking or other paved surface shall interrupt said building frontage except that pedestrian plazas, malls or walkways leading to the interior of block may be provided.
- E. All rooftop or ground-mounted mechanical equipment and any trash bins shall be permanently and securely screened by architectural materials harmonious with the building.
- F. Restaurants may have an outdoor service area that is accessory to the main restaurant function. The outdoor service area must be a well-defined space, designed and serviced to keep debris from blowing off the premises. Patrons must gain entrance through the main entrance to the restaurant, but at least one (1) exit must be provided for fire safety. The outdoor seating area may be located adjacent to the public street right-of-way, in which case the perimeter of the outdoor seating area shall be enclosed by a low wall and/or hedge located at the right-of-way line.
- G. The Planning Commission or City Council may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a non-public nature.
- H. Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:
 - 1. Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least two hundred (200) feet from the nearest property line of any hospital, school, church or library. For purposes of this Section, the term "*school*" shall mean any public, private or parochial learning facility for

children in preschool through grade twelve (12) accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.

2. Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed ~~where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment, provided that the exterior walls of clubs and drinking establishments are at least two hundred (200) feet from the nearest residentially zoned property line.~~ A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of R-1, R-2, R-3, R-4, R-5, R-6 residentially zoned property districts.
3. Package sales of cereal malt beverages not for consumption upon the premises shall be allowed.
4. All establishments listed above shall comply with the requirements contained in Chapters **600** and **605** of the Municipal Code, as applicable.
- I. *Plan Approval.* Prior to the issuance of any building permit for development, redevelopment, alteration, replacement or repair site plan approval shall be obtained as provided for in Chapter **440**.

Section 410.210 Performance Standards.

[Ord. No. 1091 §§1 — 3(App. A §410.210), 9-24-2003; Ord. No. 1188 §6, 12-14-2005]

- A. Establishment within this district shall be operated and maintained in conformance with the following standards:
 1. All buildings, signs and open spaces shall be continuously maintained in a clean, neat and uncluttered fashion.
 2. All merchandise or other products or equipment placed, displayed or kept outside a building shall not interfere or impede pedestrian traffic (including wheelchair traffic) and in no event extend into or on a street right-of-way.
 3. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
 4. All solid waste, trash or debris shall be kept in suitable covered containers until removed from the premises. Such containers shall be kept within the building or in an enclosure as required in Section **410.200(E)**.

Chapter 445

Building Permits, Special Use Permits and Certificate of Occupancy

Article I
(Reserved)

Article II
(Reserved)

Section 445.010 through Section 445.170. (Reserved)

Article III Special Use Permits

Section 445.180 Designated Use.

[Ord. No. 1007 §16-220.01, 1-24-2001; Ord. No. 1013 §1, 6-27-2001; Ord. No. 1045 §16-220.01, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.180), 9-24-2003; Ord. No. 1124 §26, 8-25-2004; Ord. No. 1456 § 15, 4-19-2017]

- A. The following uses may be located in any district with the issuance of a special use permit, except in those districts listed after each use, after a public hearing and upon recommendation of the Planning Commission and approval of the City Council and subject to such regulations, restrictions and conditions within the district and any other conditions of zoning or use so stipulated or imposed:

Commented [1]: Editor's Note — Ord. no. 1304 §132, adopted October 21, 2009, repealed sections 445.010 — 445.080 of art. I dealing with "building or land use permit" and sections 445.090 — 445.170 of art. II "building permits" in their entirety. Former sections 445.010 — 445.170 derived from ord. no. 1007 §§16-230.01 — 16-230.04, 16-230.06 — 16-230.09, 16-401 — 16-409, 1-24-01; ord. no. 1091 §§1 — 3(App. A §§445.010 — 445.170), 9-24-03; ord. no. 1124 §§16 — 23, 25, 8-25-04; ord. no. 1146 §§1 — 4, 1-12-05; ord. no. 1260 §§17 — 18, 5-21-08. At the editor's discretion, these sections have been reserved for the city's future use.

Use	Use To Be Excluded From Following Districts
Automobile parking lot properly landscaped, surfaced, drained and screened	Residential districts
Billboard signs	Residential districts
Cemeteries	"C-2A," "MS1," "MS2," "DND"
Dog kennel — veterinary	None
Electric power substations	None
Discount store or superstore	Residential districts
Hospital	Residential districts, "C-2A," "MS1," "MS2"
Motels and hotels	Residential districts
Nurseries	Residential districts
Nursing homes	None
Radio, television and microwave towers and antennae,	None

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Use	Use To Be Excluded From Following Districts
and in cases where such devices cannot conform to height, area or other standards of Chapter 415	
Clubs, private where alcoholic beverages are consumed on the premises. These include taverns, beer halls, discotheques, dance clubs and the like	Residential districts
Refuse dump or land fill	Residential districts, "C-2A," "MS1," "MS2"
Reservoirs — underground	None
Sewage pumping stations	None
Water tanks	None

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- B. In addition, temporary use of land or building for a use that is not otherwise permitted for that premises provided such temporary use shall conform to the following conditions:
1. The use is temporary in nature and will not require major change or addition to an existing building or structure.
 2. The use will not be offensive or damaging to surrounding properties by way of noise, traffic generation, commotion, storage of materials or equipment, or visual effects which are in contrast to and not in harmony with the surrounding neighborhood.
 3. The use can readily be terminated and any equipment, appurtenances and materials removed immediately upon expiration or repeal of the special use permit.
 4. No special use permit for a temporary use shall be valid for more than six (6) months but may be renewed by the same process as the original special use permit.
- C. The Planning Commission and City Council may designate such other uses as appropriate for a special use permit upon a finding that the use is appropriate in a certain location but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

Section 445.190 Procedure For Special Use Permit Approval.
[Ord. No. 1091 §§1 — 3(App. A §445.190), 9-24-2003; Ord. No. 1124 §27, 8-25-2004]

- A. The procedure for applying for and approving a special use permit shall be as provided in Sections 440.010 through 440.140.
- B. In considering any application for a special use permit, the Planning Commission and City Council may give consideration to the criteria listed in Section 440.140(E) to the extent they are pertinent to the particular application.

C. Special uses may be approved by action of the City Council after recommendation from the Planning Commission. Special uses may be approved with conditions including, but not limited to, the following:

1. Requirements for special yards, open spaces, density, buffers, fences, walls and screening.
2. The installation of landscaping and maintenance.
3. Provisions for erosion control.
4. Limitations on ingress and egress movements into and out of the site and traffic circulation.
5. Limitation on signage.
6. Limitation on hours of operation and other characteristics of operation.
7. Conditions specifically listed under the individual special use.
8. Other conditions deemed necessary to ensure compatibility with surrounding land uses.

Section 445.200 (Reserved)

Section 445.210 Time.

[Ord. No. 1007 §16-220.04, 1-24-2001; Ord. No. 1045 §16-220.04, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.210), 9-24-2003; Ord. No. 1124 §28, 8-25-2004]

Special use permits may be for a specified period of time or continual except as provided in Section 445.230.

Section 445.220 Permits To Run With Use.

[Ord. No. 1007 §16-220.05, 1-24-2001; Ord. No. 1045 §16-220.05, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.220), 9-24-2003]

Special use permits generally run with the use of the property, however, in certain instances, conditions may be added providing that the permit is valid only for a particular user or tenant. In such cases, said requirement must be clearly spelled out in the motion for approval.

Section 445.230 Termination of Special Uses.

[Ord. No. 1091 §§1 — 3(App. A §445.230), 9-24-2003]

- A. If a use allowed by a special use permit is discontinued by a period of time of more than six (6) months, then the special use permit shall expire.
- B. *Revocation Of Special Use Permits.* Any special use permit granted under the authority of this Chapter is subject to revocation for any or all of the following reasons:
 1. Non-compliance with any applicable requirement set forth in Section 445.190.

Commented [2]: Editor's Note — Ord. no. 1188 §18, adopted December 14, 2005, repealed section 445.200 "short-term special use permits". Former section 445.200 derived from ord. no. 1007 §16-220.03, 1-24-01; ord. no. 1045 § 16-220.03, 8-14-02; ord. no. 1091 §§1 — 3(app. a §445.200), 9-24-03. A new chapter 611 "temporary event permit" was enacted by ord. no. 1187 §1, 12-14-05.

2. Non-compliance with any special conditions imposed at the time of approval of the special use permit.
3. Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.
4. Where conditions in the neighborhood have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.
5. Violation of any other applicable Code provisions or any State or Federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the special use permit or the qualifications of the permittee or its agents to engage in such conduct or activity.

C. *Procedure For Revocation.*

1. Revocation proceedings may be initiated by a majority vote of the Governing Body.
2. Unless the permittee and landowner agree in writing that the permit may be revoked, the Governing Body shall hold a public hearing to consider the revocation of the special use permit.
3. The City shall give the permittee and landowner notice of the scheduled revocation hearing at least five (5) days prior to the date scheduled for such hearing. If the permittee and landowner are present at the meeting of the Governing Body at which the revocation proceedings are initiated, no further notice shall be required; otherwise, notice shall be given by personal service or certified mail, return receipt requested. If the notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in the official City newspaper and by posting a notice of hearing on the property at least five (5) days prior to the date scheduled for the hearing.
4. At the hearing, City staff shall present the evidence known to the City which may justify revocation of the special use permit. Testimony may be presented by members of the City staff, Planning Commission or Governing Body, or by such other witnesses as may be called. Following the presentation of evidence, any person having relevant evidence may present such evidence to the Governing Body. The permittee, landowner or their attorney may pose questions to any person giving evidence under such conditions as may be imposed by the Mayor or Presiding Officer. Following the presentation of evidence by the City and any other persons, the permittee and landowner shall be entitled to present evidence or testimony of witnesses. Members of the Governing Body and City staff shall be allowed to pose questions to the permittee, landowner and any witnesses called on their behalf.

Following the receipt of their evidence, the public hearing shall be closed. After closing the public hearing, the Governing Body may hear closing statements from the City staff and the permittee and landowner or their attorney. The Governing Body may render its decision following such closing statements or may take the matter under advisement.

5. No special use permit shall be revoked unless a majority of the Governing Body is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a special use permit shall clearly state the grounds for revocation. In addition, where the basis for revocation is "changed conditions" pursuant to Subsection **(B)(4)** of this Section, revocation may only occur upon an explicit finding that revocation is necessary for the protection of the public health, safety and welfare. Adoption of any motion to revoke a special use permit may be made subject to subsequent adoption of written findings of fact and conclusions of law at the discretion of the Governing Body.
6. An appeal of any decision of the Governing Body to revoke a special use permit may be filed in the District Court of Johnson County, Kansas. Any appeal taken shall not suspend the order of revocation during the pendency of the appeal unless so ordered by the District Court.

NEW BUSINESS AGENDA ITEM: X

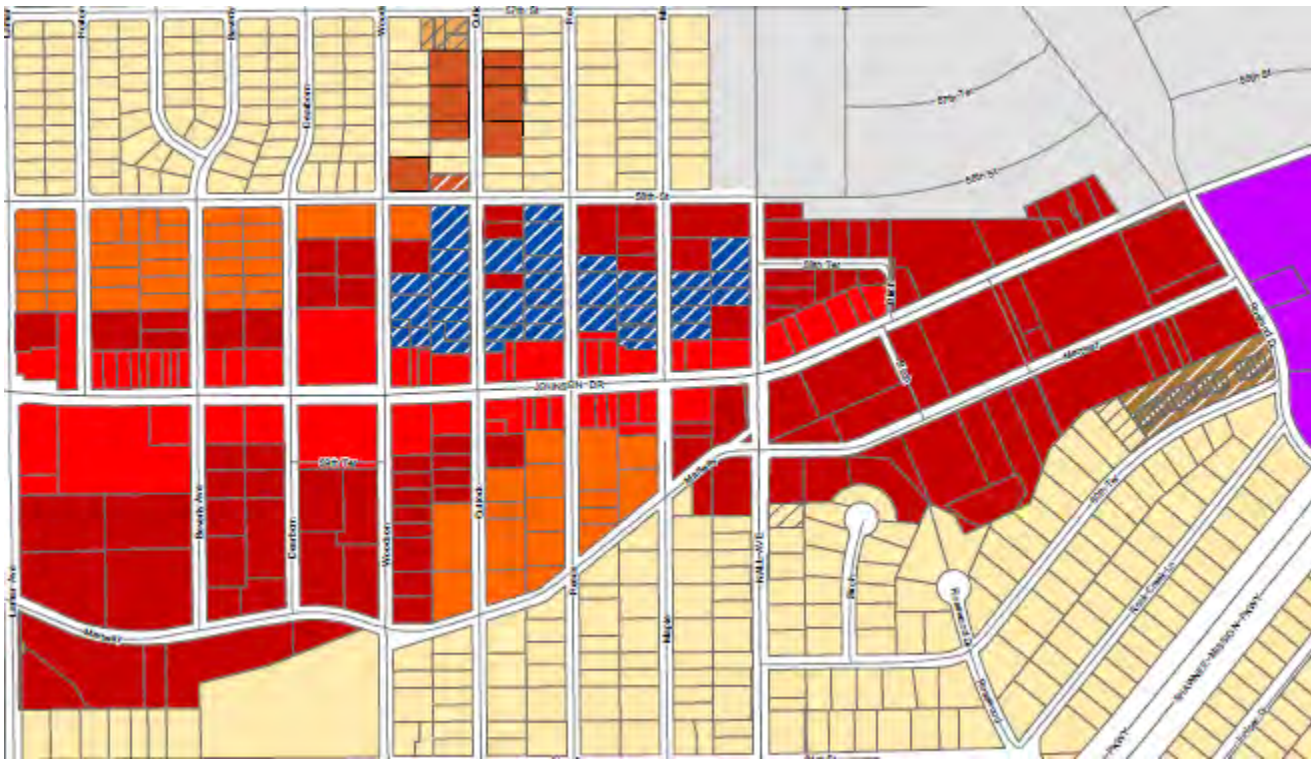
PROJECT NUMBER / TITLE: Case #22-35

REQUEST: Amendment to Current Provisions of the MS-1 Zoning District as They Pertain to Special Use Permits for Clubs and Drinking Establishments

LOCATION: MS-1 Zoned Properties Along Johnson Drive

APPLICANT: City of Mission
6090 Woodson
Mission, KS 66202

STAFF CONTACT: Brian Scott, Deputy City Administrator



MS-1 Zoning District is Indicated by the Bright Red Highlighted Parcels.

Background:

The Main Street 1 (“MS-1”) zoning district includes those properties that front Johnson Drive from Lamar Avenue east to Birch Street; what is essentially the Johnson Drive downtown corridor. The intent of the “MS-1” zoning as stated in Section 410.160 of Mission Municipal Code is:

The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City.

Permitted uses within the "MS-1" zoning district include, but are not limited to:

- **Restaurants** (excluding those with drive-through facilities), sandwich shops, bistros, coffee houses, delis, bakeries, candy/ice cream/yogurt shops, ethnic foods (i.e. Italian, Greek, Chinese, Mexican, etc.) and other establishments of similar character.
- **Entertainment in restaurants** (i.e., piano player, guitarist, small combos, dancing, etc.), movie theater and other establishments of similar character.
- **Clubs and drinking establishments** shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq. (emphasis added).
- **Arcades** operated in conjunction with clubs or drinking establishments, shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq.(emphasis added).

(Section 410.170 of the Mission Municipal Code)

Development standards within the "MS-1" zoning district dictate:

Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:

1. Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least two hundred (200) feet from the nearest property line of any hospital, school, church or library. For purposes of this Section, the term "school" shall mean any public, private or parochial learning facility for children in preschool through grade twelve (12) accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.
2. Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment, provided that the exterior walls of clubs and drinking establishments are at least two hundred (200) feet from the nearest residentially zoned property line. A special use permit shall be required for clubs and

drinking establishments within two hundred (200) feet of residentially zoned property (emphasis added).

3. Package sales of cereal malt beverages not for consumption upon the premises shall be allowed.
4. All establishments listed above shall comply with the requirements contained in Chapters **600** and **605** of the Municipal Code, as applicable.
(Section 410.200 of the Mission Municipal Code)

Analysis:

The language in these sections is conflicting and has led to some confusion amongst staff in the application of the zoning code. Section 410.170 states that clubs and drinking establishments are only permitted in the “MS-1” zoning district after a special use permit has been issued, while Section 410.200 states that a special use permit is only required if a club or drinking establishment is within 200 feet of residentially zoned property. The Section 445.180 of the code pertaining to special use permits states only clubs need a special use permit. It is silent to drinking establishments.

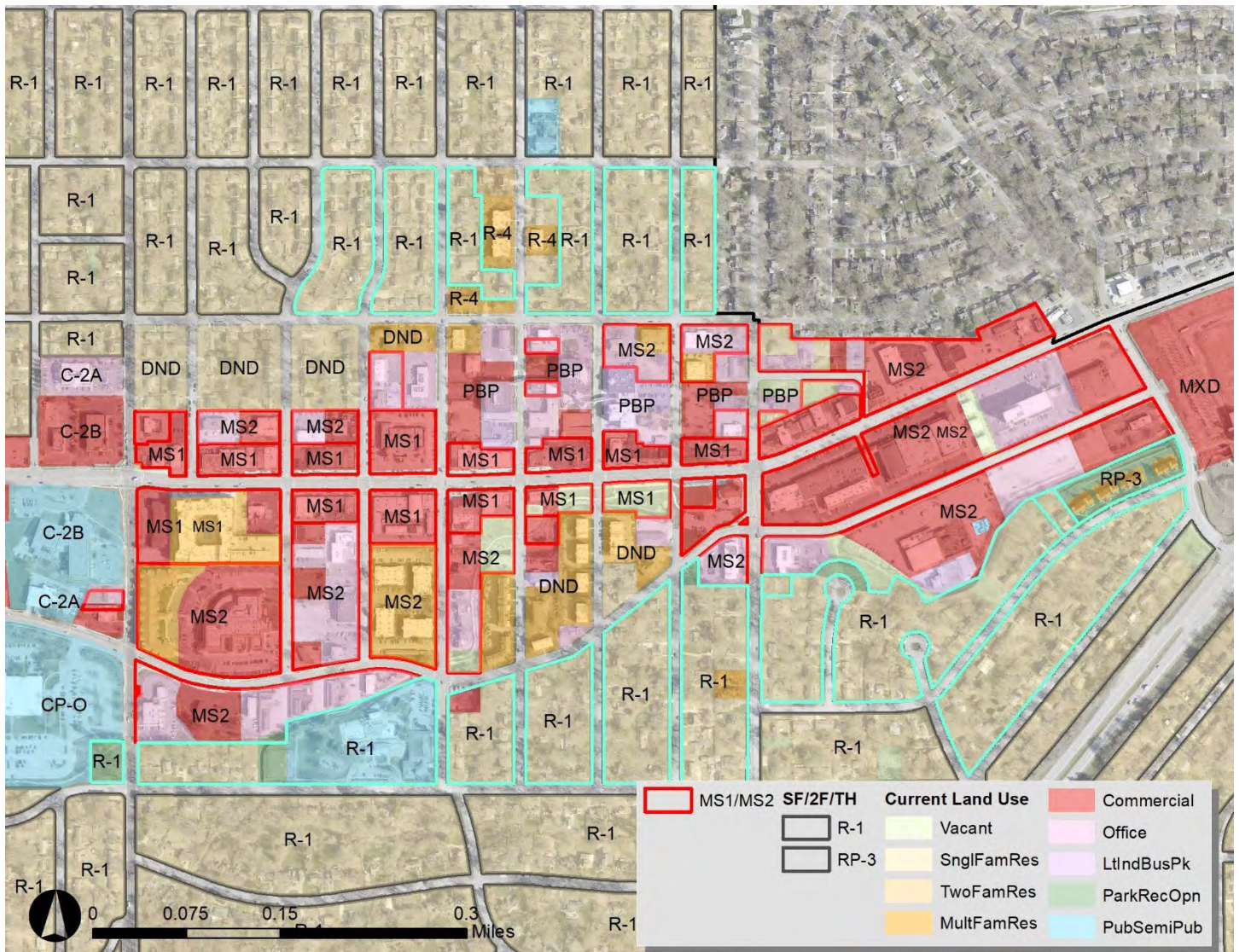
In addition, if a special use permit is required for a club or drinking establishments within 200 feet of a residentially zoned property, would one be required if within 200 feet of The Locale or other apartment buildings located in downtown?

Furthermore, the language pertaining to “food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income” ties back to a requirement of Johnson County that was repealed by the voters a few years ago.

Staff is proposing an amendment to the zoning code that would eliminate the requirement for clubs and drinking establishments to have a special use permit unless they are within 200 feet of specifically designated residential zones, those being R-1 through R-6. This will preserve the original intent for a special use permit for drinking establishments near residential property, that being to control some of the disruptive and disorderly activity that is sometimes associated with such uses. By clearly defining which residentially zoned district, we take away some of the ambiguity around apartment buildings and residential property within the MS-1 or MS-2 zoning districts.

It should be noted that staff has specifically not included the Downtown Neighborhood District (“DND”) zoning district in the list of residential zoned districts where a special use permit would be required if within 200 feet. The reasoning for this is that the “DND” zoning is intended to be a transition zone from the more active MS-1 and MS-2 zoning districts in the downtown area to the less active residential areas further away. By its very nature, it is expected that a club or drinking establishment may be within 200 feet of a “DND” zoned property.

It should also be noted that because the Main Street 2 (“MS-2”) zoning district mirrors many of the same permitted uses and standards as the “MS-1”, these proposed changes will also be applicable to the “MS-2” zoning district.



The map above shows the downtown area of Mission with the MS-1 and MS-2 zoning. Where the MS-1 and MS-2 zoning districts abuts an R-1 or RP-3 (Roeland Drive Townhomes) zoning district, a special use permit would be required if within 200 feet of that residentially zoned area. However, where the MS-1 or MS-2 zoning district abuts a DND zoned district, a special use permit would not be required.

The proposed amendment will also remove the requirement that at least 30% of gross income be derived from food sales. This will place the city in-line with Johnson County requirements.

A public hearing has been scheduled for the Planning Commission at their November 28th meeting to take any public comment on the proposed amendment change. After the public hearing, the Planning Commission will vote on the proposed zoning code amendment. If recommended for approval, then it will appear on the December 21st City Council agenda as a Planning Commission Action Item for consideration.

There are two special use permits currently in place for drinking establishments. If the proposed zoning amendments are approved, these special use permits will become null and void. Action may be taken up by the Council at a later date to revoke these permits.

Recommendation:

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed amendments to the MS-1 zoning as they pertain to the drinking establishments. Case #22-35

Planning Commission Action:

This item will be considered by the Planning Commission at their November 28, 2022 meeting.

City Council Action:

This item will be considered by the City Council at their December 21, 2022 meeting

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City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Administration	From:	Robyn Fulks

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

RE: November 2, 2022 Community Development Committee minutes.

RECOMMENDATION: Review and accept the November 2, 2022 minutes of the Community Development Committee.

DETAILS: Minutes of the November 2, 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
November 2, 2022

The Mission Community Development Committee met at the Powell Community Center and virtually via ZOOM on Wednesday, November 2, 2022. The following Committee members were present: Mary Ryherd, Kristin Inman, Mayor Flora and Ben ChocieJ. Lea Loudon appeared via Zoom. Ken Davis and Trent Boultinghouse were absent. Councilmember ChocieJ called the meeting to order at 6:30 p.m.

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

Revised Agenda

The Council considered a revised agenda. **Moved by Kring, seconded by Ryherd** to approve the November 26, 2022 Community Development Committee meeting Agenda as revised. Voting AYE: Thomas, ChocieJ, Ryherd, Inman, Loudon and Kring. **Motion Carried.**

Public Comments

Councilmember ChocieJ 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/Informational Items

Milhaus Development Presentation

Councilmember ChocieJ asked Deputy City Administrator Brian Scott to introduce the Presenter, Milhaus Development, who is looking at building a 228-unit multifamily project in two buildings south and east of the Powell Community Center (PCC).

Mr. Scott introduced Milhaus Development and its representative Devon Coffey. Mr. Scott explained the block of land that the Developer is proposing to build the project on. The existing buildings on Martway and Dearborn and Martway and Beverly will be torn down.

Ms. Coffey presented information about Milhaus and projects in the Kansas City area. The main reason for tonight's presentation is to introduce the project to the Council, including the potential for a land swap of Beverly Park. The Developer would like to use the Beverly Park parcel in exchange for one of the parcels along the southside of Martway. That would bring the park closer to City amenities such as the Andersen Park tennis courts and pool. The main building of the project would be an urban type of project, four stories tall, with structured parking in the middle and units wrapped around. Amenities include a pool, outdoor grilling, fitness center, lobby, club room and workspace. Additionally, the main building will include about 1500 square feet of retail. The south building will be three stories with about 35 units and 25 parking spaces, all surface spaces.

Councilmember Thomas asked if the proposed land swap site the City would take is in a flood zone?

Mr. Scott answered that there is a small portion of the Rock Creek flood plain meanders around the proposed land swap property.

Ms. Coffey went on to explain that, while initially they thought the City preferred the easternmost parcel which is why their presentation slide shows the building further to the west. Ms. Coffey also stated that the Developer is confident they can keep their development out of the flood plain, if the land swap eventually accommodates the City receiving the western parcel.

Councilmember Thomas followed up by asking Mr. Scott what made the western parcel more desirable and if the footprint of the two pieces of land is comparable or more advantageous for the City?

Mr. Scott explained that the Comprehensive Plan currently in place identified all of the land on the south side of Martway as potential parkland, as it creates a link between City facilities on Martway (the PCC) with Andersen Park, the outdoor pool, and City Hall. Mr. Scott was unsure of the comparison between the two pieces of land. He believes they look very similar in size.

Councilmember Inman asked when the Developer purchased the land? Ms. Coffey answered that just a couple of weeks ago. Councilmember Inman stated that the properties are in disrepair and wanted to know short term plans to bring the properties back up to code, specifically to the properties on the south side of Martway. The Developer does plan to clean up trash on the site as well. Councilmember Inman went on to ask if the total apartment count includes the smaller building on the south side of Martway, to which Ms. Coffey confirmed it does. Councilmember Inman last welcomed Ms. Coffey and the Milhaus team to Mission.

Councilmember Kring asked why, since it appears this deal has been worked on for quite some time, that a formal application has not been put in with the City?

Ms. Coffey answered that the property just went under contract, plans are not fully developed and project project underwriting is still coming together, especially in light of changes in the financial world in the last six months.

Councilmember Kring then asked Mr. Scott for an updated listing of all apartments that currently exist, all proposed apartments formally approved or being considered, and projects like this one where no application has been put in but the project has been discussed.

Mayor Flora commented that, from her involvement in the preliminary meetings, the Developer has been working to make sure that their plan is amenable to the City which included time to get the second parcel of land under contract.

Councilmember Kring followed up to ask Mayor Flora if she had been involved with the discussions surrounding moving Beverly Park. Mayor Flora confirmed she was and was aware of that proposal.

Councilmember Loudon asked about parking specifics for the project to make sure there are enough spaces for the number of apartments. She also wanted to know if parking would be an additional fee.

Ms. Coffey showed 349 parking spaces as the project is drawn today. That gives them a ratio of 1.5 spaces per unit, which their studies have found is a nice balance for a semi-urban area in a suburban market. Parking will be an additional charge, per the market norm. If future market investigation shows differently that could change. Spaces are typically \$100.00 per space per month. Councilmember Loudon followed up by asking for a breakdown of the types of units in the project. Ms. Coffey explained that there will be studio, one-bedroom, two-bedroom, and some three-

bedroom units.

Councilmember Thomas asked Mr. Scott about challenges over previous projects surrounding the height of buildings. Mr. Scott confirmed it was four stories on top of a podium that caused issues, with a final plan approved with three stories on top of a podium. Ms. Thomas then asked if the Developer planned to seek incentives for the project. Ms. Coffey answered that there have been talks about incentives, but nothing is finalized.

Councilmember Inman asked for some reassurances that, toward the end of the approval process, there won't be a need to add another story to the project at the last minute as has happened frequently before.

Ms. Coffey explained how her company does things, including in-house preconstruction analysis. She believes that gives them the best chance of having a project size nailed down early in the process to avoid surprises. They try to be cautious about adding stories. She believes that construction pricing has improved some while the financing side of things gets more difficult.

Mayor Flora commented that she and Ms. Smith had spoken with John McGurk on the Developer team about the concern about the height of the building. Part of the reason the City considered the land swap is that without the current Beverly Park site, the Developer wouldn't have enough land to build what they needed to make numbers work. The three stories on the south of Martway also meets current zoning code without any deviations.

Councilmember Chociey thanked Ms. Coffey for her presentation and informed the rest of the Committee that he had looked up the land size of the current Beverly Park and it is slightly smaller than the parcel the City would receive in a land swap.

Johnson County Wastewater Mission Facility Updates

Brian Scott next introduced Patrick Denning from Johnson County Wastewater to update the Committee on plans for upgrades to the Nelson Wastewater Treatment Plant and the Turkey Creek pumpstation off of Foxridge. The treatment plant was built in the 1940s and has outgrown its useful life. The plant will now be rebuilt, a significant project with a positive impact for all of northeast Johnson County.

Mr. Denning introduced himself as the Assistant Chief Engineer for existing projects. He reviewed the history of the facility, which serves a large portion of Northeast Johnson County. The site is located between Lamar and Nall at the county line. The second location is a pumping facility at Foxridge Drive. Mr. Denning reviewed that while the facility is currently meeting water quality standards, there are future standards coming from the State that the facility will not be able to meet. Mr. Denning shared materials showing renderings of the new facility. The new facility is smaller and will be able to be moved further away from neighbors. Resident meetings about the new facility included worries about odor and the lack of odor control at some spots. The new design includes some buffer from residences. Screening of the site was also mentioned. A berm with trees on top, along with a wrought iron fence will provide screening. Fill in landscaping will help with screening while the trees mature. Water quality and sustainability was also brought up by residents. The site plans include several sustainable practices. Electric cranes will also be used to help with noise pollution. The preliminary construction schedule is a seven-year schedule, due to needing to be able to continue using the existing facility while constructing the new one. Construction itself will end in 2029 with two to three years of time to transfer all services over and demolish the existing facility.

Mr. Denning reviewed upcoming improvements off-site at the pump station on Foxridge Drive. A pipe that runs from there to the Nelson facility must be replaced prior to work beginning at the main treatment plant. In December 2022, JCW will begin the pipe replacement along Foxridge Drive, which is anticipated to be completed by April 2023 when the City's street project will begin. Residents will experience almost a year of construction, through the fall of 2023. One way traffic during pipe replacement will cause a significant disruption. In the summer of 2023, traffic signals will be added to the Lamar intersection off of I-35. That project is a joint project between Johnson County Wastewater and KDOT. After installation, the lights will be maintained by The Unified Government of Wyandotte County as they are in Wyandotte County. The lights will aide with construction traffic and the traffic study did warrant the signals as well. They will be permanent. The project will cause congestion for the next year or so. Mr. Denning thanked Public Works Director Celia Duran, Superintendent Brent Morton and Deputy City Administrator Brian Scott for their cooperation in working with the County on the project.

Feedback was shared from the October 6 open house held at the Nelson Treatment Plant. The resident feedback was generally favorable, and the County will continue to work to address the concerns raised. Mr. Denning shared that a video presentation and a survey about the project is available through the end of November at www.jcwnelson.com.

Councilmember Kring asked if any additional property was purchased for the project. Mr. Denning explained that the entire project will be built on the existing site.

Councilmember Inman asked about the total project cost. Mr. Denning provided the amount budgeted by the Board of County Commissioners, which is \$574,000,000 for the project.

Councilmember Thomas thanked Mr. Denning for his presentation. She asked if, during the seven years, there would be potential for worsened odor or water quality issues.

Mr. Denning explained that the facility is currently meeting water quality standards from the State. Their intent is to stay that way throughout the construction period.

Councilmember Thomas clarified she was hoping to find out if there was the chance that odor issues, specifically, would increase during the project.

Mr. Denning explained that there is always an increased chance when systems are disturbed, however the County will monitor this closely and could bring in additional odor control systems throughout the project. At times they know there could be increased issues, they will use their website to note unusual conditions. This practice worked well during the Tomahawk project in Leawood.

Councilmember Thomas asked how long the Tomahawk project took for completion.

Mr. Denning explained it took only 4-5 years as they were able to send the water flow to Kansas City Missouri for treatment. That is not an option for this project.

Councilmember Kring asked what new capabilities the new facility will have that the existing facility does not.

Mr. Denning shared that the new facility will be able to meet much more stringent water quality standards. The new facility will be able to handle a slightly larger flow of water which will help during weather events. He does not feel like the facility will need to be expanded as the area it serves is already fairly fully developed.

Councilmember Chociey asked if the facility is typically used at its capacity and Mr. Denning replied that it is.

Councilmember Chociey asked about disturbances in Roeland Park. Mr. Denning explained that they have had many conversations and coordination with Roeland Park and have worked with them to get input on design concepts.

Action Items

Acceptance of the October 12, 2022 Community Development Committee Minutes

Minutes of the October 12, 2022 Community Development Committee were provided to the Committee.

Councilmember Inman recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

Johnson County Wastewater (JCW) Nelson Treatment Plant Improvements and Interlocal Agreement

Mr. Scott presented an interlocal agreement with JCW. The Planning Commission will be reviewing a preliminary development plan, application for special use permit and application for preliminary plat on November 28. If approved, the items will come forward to the City Council in December. The interlocal agreement was requested by Johnson County. The agreement allows the City and the County to make decisions quickly and to be able to document the decisions throughout the course of the project. The agreement does allow for going to the respective Governing Body if a party believes it to be necessary. Coordination is happening between several agencies, and this allows the process to move as quickly as possible.

Mr. Denning with JCW returned to show a slide to the Committee that highlights the key points of the interlocal agreement. He considers it a framework for cooperation between the agencies.

Councilmember Kring asked if Mr. Denning has information about the increase in rates after the Tomahawk project. He did not have that information with him.

Aaron Witt with Johnson County Wastewater explained that rate increases are across the entire service area, not just the area where the project is being completed. He explained they are typically at around 5% for rate increases per year.

Councilmember Thomas recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the regular agenda.

PCC Skylights Rebid

Parks and Recreation Director Penn Almoney explained that this item was originally presented in February of 2022, however price fluctuation and supply chain delays caused it to be deferred. The skylights are original to the facility and are experiencing more deterioration and leaks. Replacement was originally scheduled in 2020 but was deferred due to COVID-19 revenue considerations and was presented again in February 2022 in connection with the ceiling painting and relighting project in the natatorium. The project was rebid as the original winning vendor was not able to complete the job. Costs increased approximately 30% and labor increased 50%. Mr. Almoney reviewed the question of whether it was worth the investment to replace the skylights with the large bid so significantly. After talking with two contractors regarding options, it would not appear that there would be any savings, and could potentially be more expensive, to simply close off the skylights. Staff proposes accepting the bid from Tigris Specialty Construction in an amount not to exceed \$44,830. The pool will be closed during the last two weeks of the year to allow for the replacement of the skylights and pool deck.

Councilmember Kring asked if the life of the skylights is longer now than it was for the skylights that are currently in place.

Mr. Almoney stated that the proposed Kalwal warranty is extended to fifteen to thirty years, previously it was ten to twenty years. However, there is only a five year warranty on the material.

Councilmember Thomas recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the regular agenda.

PCC Locker Room Flooring

Mr. Almoney presented this item as well, replacement of the tile flooring in the locker rooms at the Community Center. The current floor is 1"x1" tile, which means there is a lot of grout to maintain. Staff often receives negative patron feedback related to the locker room flooring. The 2022 Parks + Recreation Capital Improvement Plan included \$60,000 for the project. Staff researched several options, and determined that an epoxy floor would meet objectives and come within the approved budget. Staff is recommending that a contract be awarded to APEX, who has recently done a similar job at the community center in Liberty, MO. The contract would in an amount not to exceed \$20,328.

Councilmember Inman asked if the product would be similar to an epoxy garage floor. Mr. Almoney explained that there are similarities between the two products.

Councilmember Kring recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

On-Call Engineering Contract Extension

Public Works Director Celia Duran presented a contract extension for the on-call engineering contracts currently in place with both GBA and Olsson. The desire is to extend the contract for one additional 12-month period to allow more time to prepare for an conduct the extensive process to select firms. Her department is very happy with the services they are receiving and both firms are currently in the middle of multiple jobs for the City.

Councilmember Inman recommended this item be forwarded to the City Council for approval. All

on the committee agreed, and this item will be on the consent agenda.

CARS Agreement for the Foxridge Drive (51st Street to Lamar Avenue) 2023 CARS Project

Ms. Duran next presented an agreement with CARS for the Foxridge Drive from 51st Street to Lamar as the 2023 CARS project, as discussed earlier in the meeting. Ms. Duran reviewed the work that will be done as part of the project. She mentioned that stormwater and runoff at Foxridge and Lamar is a big concern. It appears that the moisture is coming out of the bedrock, so Public Works is working to determine how to mitigate that moisture and what additional work may be needed as part of the project to combat it. She has been working with Johnson County Wastewater (JCW) to coordinate their project with the City's. JCW will do their work beginning in December 2022, with the City's project immediately following in April 2023. The agreement specifies the County's participation in the project.

Councilmember Thomas asked if there would be bike lanes with the project. Ms. Duran explained that there is not enough right of way to do both sidewalks and bike lanes without substantial cost. There will be a five-foot-wide sidewalk and shared bike/automobile lanes.

Councilmember Thomas is worried about residents who bike as she hears concerns from them frequently, and she mentioned bike lanes on the first phase of the project. Ms. Duran reminded her that the second phase will include the same shared lanes as were included in the first phase of the project. Ms. Duran also explained there is a lot of foot traffic from apartments and the hotel in the area and that it didn't seem appropriate to sacrifice the sidewalk and pedestrian access for a dedicated bike lane.

Councilmember Inman thanked Ms. Duran for her work with Johnson County and the work done in advance to avoid tearing up a new road. She is concerned about the potential for additional traffic on 51st Street considering its condition. She is excited about the sidewalks that will be put in. Ms. Duran noted that she had talked with the County about 51st being a CARS designated route, but currently the traffic counts are slightly below their threshold. It's possible that those numbers will increase with the construction on Foxridge and with completion of The Preserve project, getting numbers up to the appropriate thresholds.

Councilmember Thomas echoed concerns about the poor conditions of 51st Street. She is concerned things will only get worse after a year of construction, and then the Stride Development construction. Ms. Duran assured her they are very aware of the conditions on 51st Street, but until either the traffic counts allow the project to be a CARS project, or the City can fit the project into its budget they are in a holding pattern.

Councilmember Kring asked about the timing for the construction of the apartments on 51st Street.

Mr. Scott advised that all zoning approvals have been given, and the developer hopes to start grading the site during the first quarter of 2023 with groundbreaking in the spring.

Councilmember Kring asked how that would impact the Foxridge project and vice versa. Ms. Duran explained that there would be an impact to the construction project, and that they would

communicate that they would need to avoid Foxridge during the project. Mr. Scott reiterated Ms. Duran's comments and that he has been in talks with the developer about the construction traffic limitations in the area.

Councilmember Chociey asked about plans about the poor condition of the Lamar bridge over I-35. Ms. Duran has spoken with KDOT about that and asked how to get the project moved up. She told the Committee about an annual local Council meeting that happens. The more people who are at the meeting talking about a project the more attention it tends to get to move up the list of projects. She believes that in addition to the condition of the pavement, the bridge also has capacity issues and is in need of replacement.

Mayor Flora mentioned that herself, Ms. Duran, and City Administrator Laura Smith have started brainstorming on how to work more with KDOT and get Mission priorities in front of them.

Councilmember Kring recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the regular agenda.

PPS Agreement with SMAC for Rock Creek Channel

Ms. Duran's final item of the meeting was a proposed PPS agreement with the Johnson County Stormwater Management Advisory Council for the Rock Creek Channel. Olsson has been working on the project following Council approval in September. This action item secures the County's funding for the project. The County has also increased funding, 50% to 75%, for studies of this type.

Councilmember Chociey asked if the County's new approach to evaluating projects has helped us with the funding here. Ms. Duran told him that she got Mission's application in very quickly in hopes of securing funding for the project. Once completed the recommendations will allow the City to make decisions regarding application for funding to construct projects.

Councilmember Inman recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the regular agenda.

Discussion Items

Proposed Amendment to Chapter 400, Article V of the Mission Municipal Code Pertaining to Drinking Establishments in the MS-1 Zoning District

Mr. Scott presented on consideration of amending the City's zoning code as it relates to drinking establishments in MS-1 Zoning districts. He shared a portion of the City's zoning map showing the downtown corridor from Lamar to almost Roeland Drive highlighting properties zoned MS-1, MS-2 and DND. Drinking establishments are a permitted use in MS-1, but they must have a special use permit per Chapter 445 of the City Code. Additionally there is a requirement for a drinking establishment to be at least 200 feet from a residentially zoned district, and a requirement of 30% in food sales is still included even though that requirement was amended county-wide in 2020.

The existing code contains some inconsistencies which is why Staff is bringing forward the proposal tonight to change the language. Staff would also recommend removing the requirement for a drinking

establishment to be within 200 feet of residentially zoned property with the exception of an actual residence. Maintaining the special use permit situation helps the City have some say over hours, etc. He also would like to define what a residentially zoned district is, giving The Locale as an example. He described the DND as a transition district from the business district on Johnson Drive and the quieter neighborhood areas to the north. He hopes to get Council feedback and move the matter to the Planning Commission for public hearing in November. If it's approved by the Planning Commission, it will then come back to the Council in December.

Councilmember Kring asked if the 30% rule will go away completely or be changed to a different percentile. Mr. Scott answered that the requirement will go away completely.

Councilmember Thomas voiced her support for the recommendations.

Councilmember Chocie j asked Mr. Scott if the DND zoned area allows for retail. Mr. Scott answered that it does not, it is strictly residential.

Councilmember Ryherd gave her support of the proposals as someone who lives in a home that is on the map.

Councilmember Chocie j asked about the restrictions in MS-2.

Mr. Scott explained that MS-2 mirrors MS-1 with regard to drinking establishments. Establishments in that area that are within 200 feet of a residentially zoned area will require a special use permit.

Councilmember Kring asked if the City has ever denied a special use permit for these types of activities. Mr. Scott answered not to his knowledge. She followed up by asking if there is a lot of paperwork for Staff. Mr. Scott replied that for the City it's not too much, but it would potentially be less cumbersome for applicants. Keeping a special use permit for certain limited situations does give the City some leverage if there are problems with the business.

Councilmember Thomas asked if the 200-foot rule applies to residences that are in another city, but the establishment is in Mission on the border of the city limits. Mr. Scott answered that the City would notice the residents in the neighboring city. Other cities are always noticed with projects that abut other cities as a courtesy.

Street Light Extension Policy

Ms. Duran returned to review a street light extension policy. She began by explaining there are currently 1,011 streetlights in the City the majority of which were purchased from Evergy in 2013. She explained that they are generally adequately spaced, and the City has not typically had many requests for additional streetlights. Recently a couple of requests were submitted, and so it seemed reasonable to develop a policy to help inform and guide the decision-making process. What she is reviewing tonight are written procedures for Staff to follow when a request comes in.

Ms. Duran noted that when a request comes in, it will be sent to the City's on-call engineers to review. They look at what kind of street (residential, collector, etc.), and the pedestrian traffic in the area, and then after that they evaluate the areas of lumens and dark spots and then give a

recommendation. Under the proposed policy, the recommendation then goes to Public Works to evaluate, obtain a cost estimate, and send a letter to the resident. Occasionally, residents do not want a streetlight on their property. The attempt is always to put the light on a property line and not in the middle of someone's yard. After that, depending on cost, the request will either be approved by the City Administrator or taken to Council for approval. Following approval, Public Works staff will proceed with installation and add the light to the tracking and management system.

Councilmember Chociej asked if this would be subject to the same spending authority that Ms. Smith already has and Ms. Duran confirmed it would.

Councilmember Thomas stated that she liked the policy and voiced her desire to have all of the city streetlights painted as Roeland Park recently did. She sees a lot of mismatching streetlights that don't look as nice. She would love to see the City explore having that work done.

Snow Plan

Public Works Superintendent Brent Morton reviewed the 2022 Public Works Snow Plan with the Committee. There will be two 4-5 person crews assigned to 12-hour shifts whenever inclement weather is predicted, and those shifts rotate each month. There are four main routes run throughout the City. In school zones, Public Works ensures work is completed before school starts, unless it is cancelled. The new sidewalk snow plow will be helpful in getting paths cleared for children walking to and from school. City Hall will be cleared, and the Community Center can be cleared by a Parks and Recreation employee using surplus Public Works equipment. On Johnson Drive, the parking spaces are cleared at night only as cars are typically there during the day. A 48-hour snow event can make those spots look like they weren't cleared, but it's typically because of the continued snow. If too much snow piles up on Johnson Drive creating sight distance concerns, excess snow can be removed and taken to an open lot during the night shift. As always, safety is a high priority for the crews.

OTHER

Department Updates

Ms. Duran updated the Committee about pavement markings on Martway from Broadmoor to Metcalf as those are completed and looking good. Barkley Street from Johnson Drive to 58th has also been completed, and the Johnson Drive pavement markings are underway. The residential street project punch list has been completed, and the twenty-day watering period for the sod is ongoing. Residents will get a letter once the sod is approved for the residents to take over maintenance. A survey will also go out to residents on the streets included in the 2022 Residential Street Program for feedback.

Mr. Almoney shared that the Spooky Walk event brought in approximately 850 participants, just slightly less than last year. Parks and Recreation used a shuttle service this year with a lot of positive feedback. Two buses went up and down Foxridge from Broadmoor to Streamway Park and there were no issues with parking. Fifteen stations cycled around the park, fire twirlers were added as entertainment and the night was a great experience.



The Mohawk Park project curbing has been finished and the sidewalks have been roughed in with some having been completed. The sidewalks are 10 feet wide and very nice. The foundation for the restrooms and pavilion will be ready for concrete coming up. Weather concerns for the rest of the week pushed off the asphalt pour to next week. The City has been working with Overland Park on the crosswalks at Lamar and 67th street.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 8:18 p.m.

Respectfully submitted,

Robyn L. Fulks, City Clerk

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott / Jim Brown

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

RE: Adoption of the 2018 Edition of the International Codes for Building Construction and the 2017 Edition of the National Electrical Code

RECOMMENDATION: Staff recommends that the City Council adopt the following set of building codes for the City of Mission

- 2018 International Building Code (IBC)
- 2018 International Fire Code (IFC)
- 2018 International Residential Code (IRC)
- 2018 International Plumbing Code (IPC)
- 2018 International Mechanical Code (IMC)
- 2018 International Fuel Gas Code (IFGC)
- 2018 International Energy Conservation Code (IECC)
- 2018 International Property Maintenance Code (IPMC)
- 2017 National Electrical Code (NEC- NFPA70)

DETAILS: The International Code Council represents a diverse family of codes, providing minimum life/safety requirements for the construction and maintenance of both commercial and residential buildings. The various disciplines in the construction industry are governed by separate codes which specifically address that discipline. However, the codes work together to ensure that a requirement in one discipline area does not conflict with a requirement in another discipline area. For that reason, codes are introduced as a complete set.

The International Code Council continuously reviews and implements revised codes on a three (3) year cycle. Changes to codes are presented to and input is received from various stakeholders on a national level including the Home Builders Association, architects, design professionals and numerous product vendors and testing agencies. These changes and input from various stakeholders are presented to voting members of the ICC through a series of code hearings and are typically finalized at the ICC Annual Convention with input and votes from the thousands of code officials from the United States and the international community (in person and on-line voting).

Once adopted, ICC issues the codes as a complete set for adoption by local governments. Local governments (be it states, counties, or cities) will adopt the codes with amendments that are particular to regional building practices or adopted policies. The long-standing practice in the Kansas City metro area has been that cities will adopt the same set of building codes with the same, agreed upon amendments. This allows for uniformity across jurisdictions, so design professionals and builders are not having to interpret

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott / Jim Brown

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

changes from one jurisdiction to the next. It also reduces the opportunity for favoritism if one city is more lenient than another.

At the local level, a three-year code adoption cycle has been determined as being too aggressive for most jurisdictions to accommodate, due to limited staff and resources; and the time that it takes to review the codes, develop amendments, and receive legal review. Therefore, it is a common practice in the Kansas City metro area for jurisdictions to proceed with a code adoption process every six (6) years. The current set of codes that has been adopted across the region is the 2018 ICC codes.

In May of 2018, building officials from around the metro area formed a code adoption committee tasked with preparation of a metro wide 2018 code adoption packet. This committee was well represented by building officials and fire department officials from across the greater Kansas City Metro to include; Olathe, KS; Overland Park, KS; Lenexa, KS, Shawnee, KS, Belton, MO; Grandview, MO; Independence, MO; Lees Summit, MO; Gladstone, MO; Kansas City, MO; Kearney, MO; and Raytown, MO.

The committee met on several occasions from May through December of 2018 to compare current and proposed amendments from the different jurisdictions. These amendments were discussed, analyzed and condensed into the final action item entitled 2018 KC Metro Code Adoption.

The body of work was presented to the following stakeholders, construction professionals and design professionals to include; Home Builders Association (HBA), Business Owners and Managers Association (BOMA), Mid-America Regional Council (MARC), Association of General Contractors (AGA) and the American Institute of Architects (AIA) to obtain feedback and discussion on the proposed code changes.

Once comments and input were received a final set of the 2018 ICC codes, with the agreed upon amendments, was approved by the committee and individual communities began adopting the codes accordingly. Mission has not yet adopted this set of codes. Almost all the construction documents that are received and reviewed by the City, however, are being prepared to the 2018 ICC codes.

The 2018 ICC codes were presented to the City Council two years ago, in September of 2020 for adoption. At that time, there was general discussion among design professionals, construction industry leaders, code officials, sustainability advocates, and elected officials about the newly released 2021 Energy Conservation Code. Council

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

City of Mission	Item Number:	8.
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Action items require a vote to recommend the item to the full City Council for further action.

requested that staff research this further, and adoption of the 2018 ICC Codes was delayed.

The initial 2021 Energy Conservation Code that was adopted and released by the ICC in 2020 was deemed by many in the construction industry as being “too far ahead” for general construction standards. The code was ultimately repealed by ICC and replaced with a new code that was more in line with energy conservation practices that were being adopted throughout the industry. Kansas City Missouri just recently adopted the modified 2021 Energy Conservation Code.

Staff is continuing to research and explore the action taken by KCMO and will continue discussions with the Council regarding goals related to the Energy Conservation Code. As that evaluation continues, staff recommends adopting the 2018 codes as presented. During the Committee meeting, Jeremy Knoll, a member of the Executive Board with Climate Action KC will be available to make a brief presentation on the 2021 Energy Codes. Additionally, staff has prepared a resolution for Council consideration outlining and communicating Mission’s commitment to evaluating the 2021 Energy Code in a timely manner.

Attached to this action item staff report are the proposed Code Adoption Ordinances which reflect the consensus of the 2018 code adoption packet as recommended by the metro wide code adoption committee. Although the codes are adopted as a “set,” each must be incorporated via a separate ordinance. The relevant codes from this effort which are adopted by the City of Mission, Kansas include the following:

- International Building Code (IBC):**
- International Fire Code (IFC)**
- International Residential Code (IRC)**
- International Plumbing Code (IPC)**
- International Mechanical Code (IMC)**
- International Fuel Gas Code (IFGC)**
- International Energy Conservation Code (IECC)**
- International Property Maintenance Code (IPMC)**
- National Electric Code (NEC)**

It should be noted that all the Codes above pertain to commercial development projects with the exception of the IRC. The IRC is a standalone Code that pertains only to one- and two-family dwellings and incorporates all disciplines within the body of the code.

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Community Development	From:	Brian Scott / Jim Brown

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

The Codes regulate building construction only. Site development, utilities, streets, zoning, etc., are governed by subdivision regulations and other sections of the Mission Municipal Code and certain sections of the International Fire Code (IFC).

If this item is approved by the City Council during the regularly scheduled meeting on November 16th, staff recommends the new Codes become effective March 1st, 2023. This will allow for time to notify the building community and coincides with the beginning of the building season for 2023.

Staff will also begin the process of establishing a Board of Code Appeals in order to hear and decide appeals of decisions or determinations made by the building official relative to the interpretation and application of the code.

CFAA CONSIDERATIONS/IMPACTS: The adoption of current codes helps to assure a safe-built, accessible and energy efficient environment for all residents and business owners in the city.

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A



IECC 2021

Ready and Resilient

14 December 2022



bnim

Jeremy Knoll

Associate Principal

Director of Sustainability

Energy Code Alliance



KCMO Energy Code – takes effect July 1, 2023



Adopt IECC 2021
(no weakening amendments)



Zero Code
(voluntary)

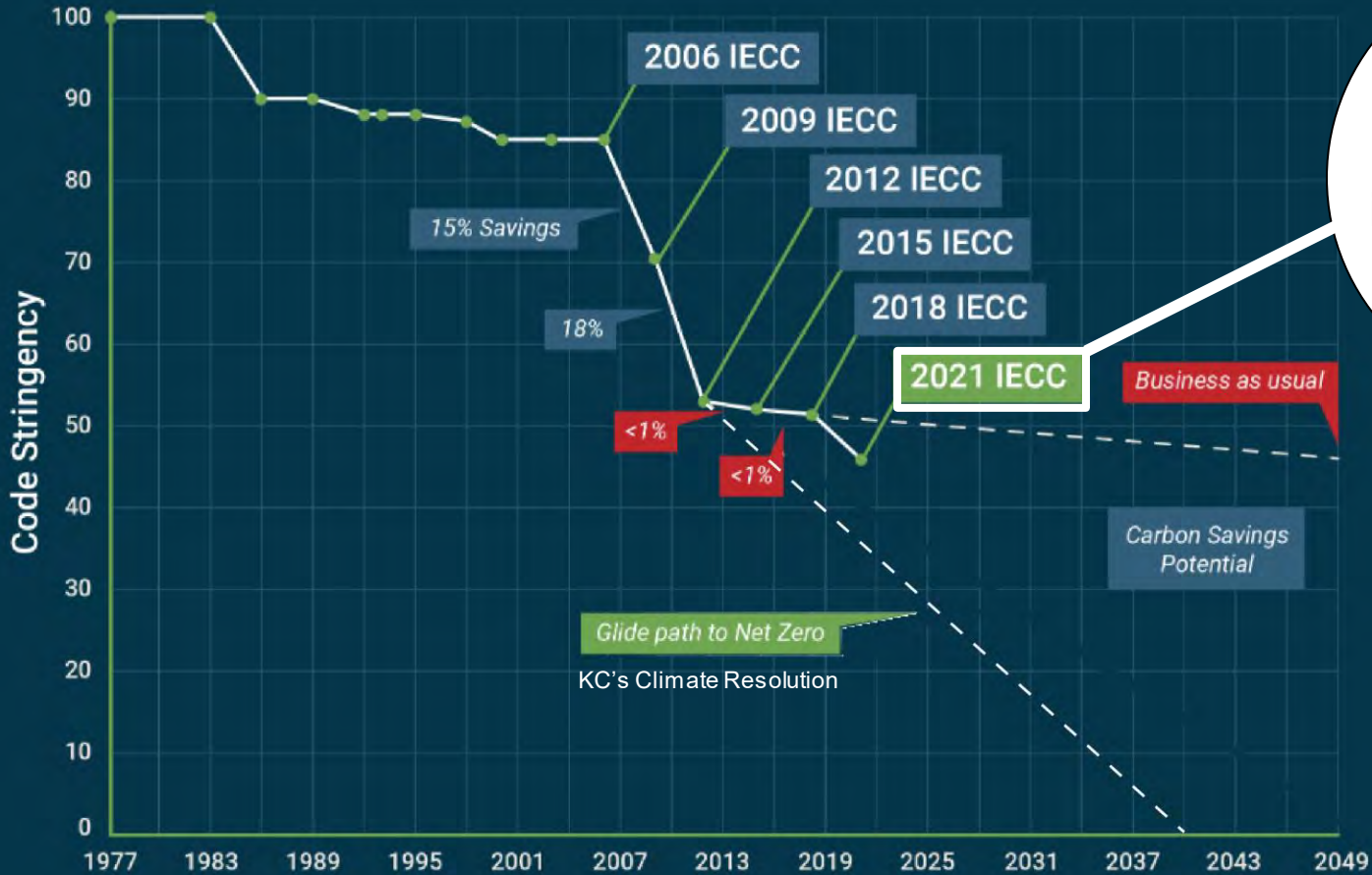


Strengthening Amendments
(NBI Decarbonization Overlay)

1. EV Readiness
2. PV & Storage Readiness

Why now?



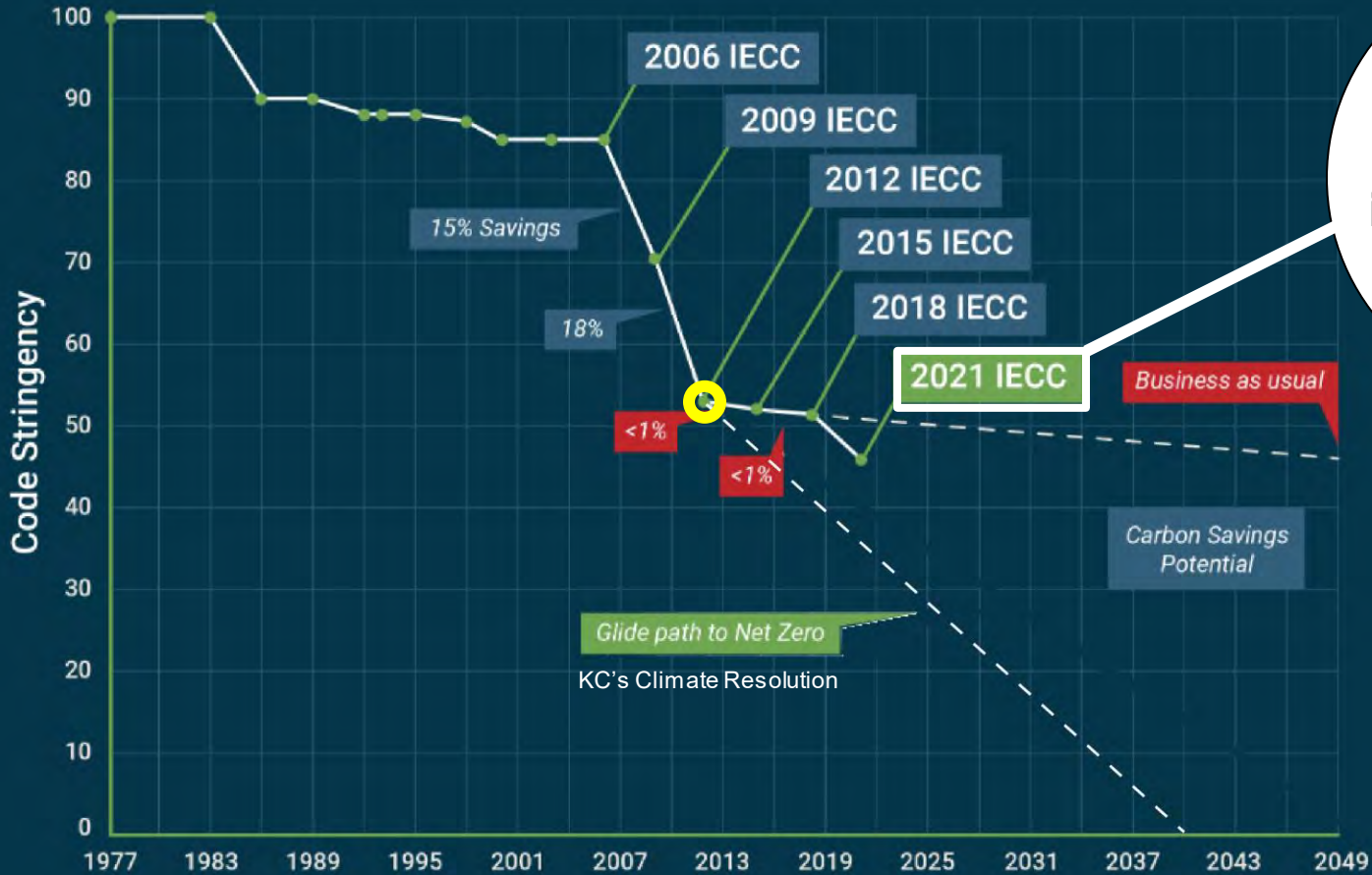


7%
 increase in energy
 efficiency
 (from 2018 IECC)

Carbon Savings Potential

Glide path to Net Zero
 KC's Climate Resolution

Business as usual



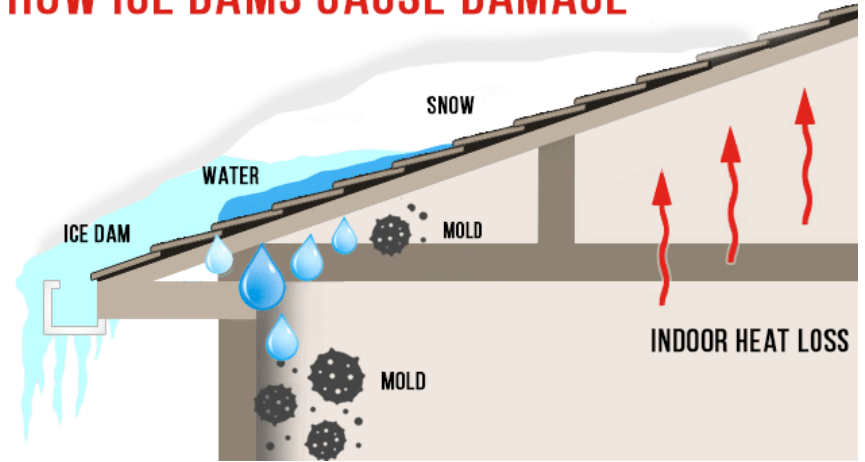
10%
 increase in energy
 efficiency
 (from 2012 IECC)

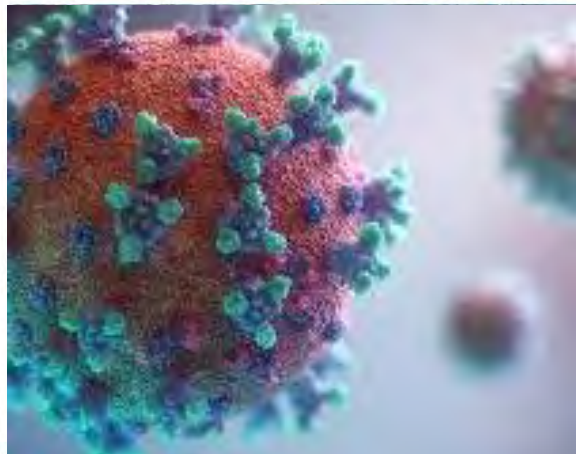
Improves durability



HOW WINDOW CONDENSATION CAUSES DAMAGE

HOW ICE DAMS CAUSE DAMAGE





KANSAS

Residential Energy Efficiency Potential



Energy used by Kansas single-family homes that can be saved through cost-effective improvements



Kansas existing jobs in energy efficiency (2016)¹

Investing in Building Energy Performance Adds Value and Creates Jobs



Each \$1 invested in improved building performance often yields \$2-\$3 in increased property value



Last year, 2.38 million people worked in the energy efficiency sector—more jobs than all fossil fuel extraction



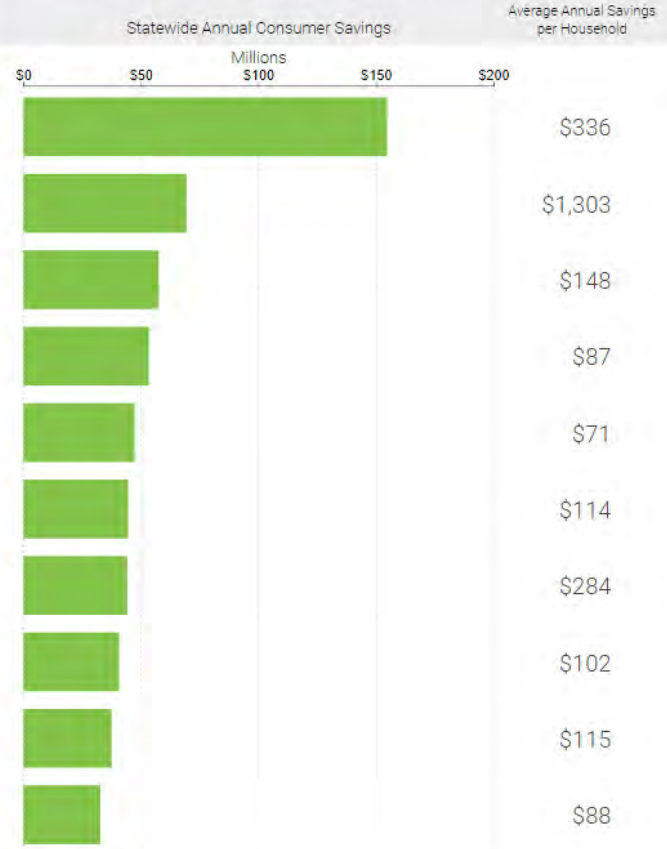
Improved buildings create local jobs at every skill level

Kansas Top 10 Improvements

* Pays back in less than 5 years for most households

- Enclosure** Drill-and-fill wall cavity insulation
- HVAC** * High-efficiency heat pump (replace electric furnace at wear out)
- Enclosure** R-10 basement wall insulation
- HVAC** * Smart thermostat
- Enclosure** Air sealing
- Lighting** * LED lighting
- Enclosure** R-5 insulated wall sheathing (at siding replacement)
- Enclosure** R-49 attic insulation
- Enclosure** Low-E storm windows (DIY install)
- HVAC** SEER 18 central air conditioning

Kansas Utility Bill Savings (electricity, gas, propane, and fuel oil)



¹U.S. Department of Energy, January 2017, *U.S. Energy and Employment Report*

Analysis approach and input assumptions are listed here. For full details, see Wilson, E., et al. *Energy Efficiency Potential in the U.S. Single-Family Housing Stock*: NREL/TP-5500-68670, 2017. This work was supported by the U.S. Department of Energy Building Technologies Office and the Office of Energy Policy and Systems Analysis. Point of contact: Erin Boyd

Sources:

1. www.imt.org/valuing-energy-efficiency-retrofits
2. www.usenergyjobs.org

A black and white photograph of a construction site. In the foreground, a large tower crane is visible, with the words "CROSS" and "MORROW" on its structure. The crane is positioned to the left of a building under construction, which is heavily scaffolded. In the background, a tall, ornate building with a clock tower is visible. The clock tower has a large clock face and a decorative top. The sky is a uniform grey. The text "COMMERCIAL UPDATES" is overlaid in large, white, bold, sans-serif capital letters across the center of the image.

COMMERCIAL UPDATES

Ready and Resilient

Commercial

- Energy Improvement, 10% Savings
- Building Enclosure Changes
- Lighting Improvements
- Leakage Rate Testing
- Improved Air Sealing Requirements
- Flexibility for Builders to Comply
- Energy Rating Index (ERI) Pathway
- Zero Code Appendix

PV & Storage Readiness



On-site Solar Generation

- Residential: incorporates Appendix RB into main body of text
 - Requires solar ready zone and infrastructure
 - Redirects multifamily (3+ units) to commercial requirement
- Commercial: incorporates language from 90.1-2022 for mandatory on-site solar
 - 0.25W/ft² * gross area of three largest floors
 - Requires documentation of RECS retained or retired

© 2021 ENR Energy Solutions

EV Readiness



Electric Vehicles

- Residential: One- and two-family dwellings
 - Requires one EV-ready space/dwelling unit
 - Requires minimum capacity of 9.6kVA for charging
 - Redirects multifamily to commercial requirement
- Commercial: incorporates language from 90.1-2022 for mandatory on-site solar
 - EVSE, EV-ready, EV-capable required by occupancy type
 - Allows trading up to meet required percentages
 - Allows ALMS installation to reduce total capacity

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RESIDENTIAL UPDATES

Ready and Resilient

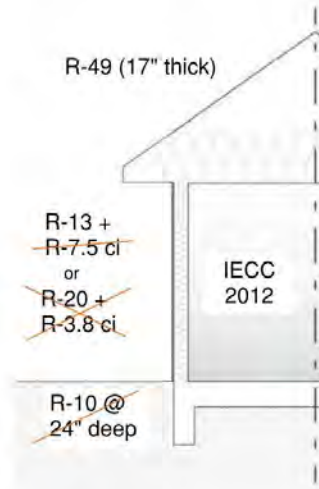
Residential

- Building Enclosure Updates
- Leakage Rate Testing
- Improved Air Sealing Requirements
- Lighting Improvements
- Water Heating, Compact Design
- Flexibility for Builders to Comply
- Energy Rating Index (ERI) Pathway
- Zero Energy Residential Appendix

Envelope Changes

+ 35%
(energy savings
from current)

KC Current Energy Code
(IECC 2012 with amendments)



current amendments
eliminate increased
insulation values

Our Proposal
(IECC 2021 no amendments)

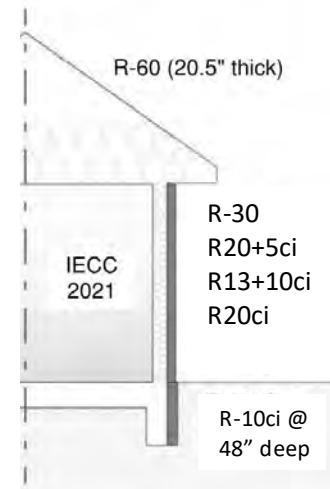


TABLE N1102.1.3 (R402.1.3) INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT*

CLIMATE ZONE	FENESTRATION U-FACTOR ¹	SKYLIGHT ¹ U-FACTOR	GLAZED FENESTRATION SHGC ²	CEILING R-VALUE	WOOD FRAME WALL R-VALUE ³	MASS WALL R-VALUE ⁴	FLOOR R-VALUE	BASEMENT ⁵ WALL R-VALUE	SLAB ⁶ R-VALUE & DEPTH	CRAWL SPACE ⁷ WALL R-VALUE
0	NR	0.75	0.25	30	13 or 06.10ci	3/4	13	0	0	0
1	NR	0.75	0.25	30	13 or 06.10ci	3/4	13	0	0	0
2	0.40	0.85	0.25	49	13 or 06.10ci	4/6	13	0	0	0
3	0.35	0.55	0.25	49	20 or 136.10ci ⁸ or 08.10ci ⁹	8/13	19	5ci or 13"	10ci, 2 ft	5ci or 13"
4 except Marine	0.30	0.55	0.40	60	30 or 208.5ci ⁸ or 136.10ci ⁹ or 04.20ci ¹⁰	8/13	19	10ci or 13"	10ci, 4 ft	10ci or 13"
5 and Marine 4	0.30	0.55	0.40	60	30 or 208.5ci ⁸ or 136.10ci ⁹ or 04.20ci ¹⁰	13/17	30	15ci or 19 or 136.5ci	10ci, 4 ft	15ci or 19 or 136.5ci
6	0.30	0.55	NR	80	30 or 208.5ci ⁸ or 136.10ci ⁹ or 04.20ci ¹⁰	15/20	30	15ci or 19 or 136.5ci	10ci, 4 ft	15ci or 19 or 136.5ci
7 and 8	0.30	0.55	NR	80	30 or 208.5ci ⁸ or 136.10ci ⁹ or 04.20ci ¹⁰	19/21	38	15ci or 19 or 136.5ci	10ci, 4 ft	15ci or 19 or 136.5ci

Table 2. Consumer Cash Flow from Compliance with the 2021 IECC Compared to the 2009 IECC

	Cost/Benefit	4A	5A	State Average
A	Incremental down payment and other first costs	\$575	\$522	\$574
B	Annual energy savings (year one)	\$712	\$704	\$712
C	Annual mortgage increase	\$199	\$180	\$198
D	Net annual cost of mortgage interest deductions, mortgage insurance, and property taxes (year one)	\$61	\$56	\$61
E	= Net annual cash flow savings (year one) [B-(C+D)]	\$452	\$468	\$453
F	= Years to positive savings, including up-front cost impacts [A/E]	2	2	2

Note: Item D includes mortgage interest deductions, mortgage insurance, and property taxes for the first year. Deductions can partially or completely offset insurance and tax costs. As such, the "net" result appears relatively small or is sometimes even negative.

Table 3. Simple Payback Period for the 2021 IECC Compared to the 2009 IECC

Climate Zone	Payback Period (Years)
4A	6.5
5A	5.9
State Average	6.4

Table 9. Total Single-Family Construction Cost Increase for the 2021 IECC Compared to the 2009 IECC (\$)

Single-family Prototype House				
Climate Zone	Crawlspace	Heated Basement	Slab	Unheated Basement
4A	\$5,716	\$5,716	\$6,162	\$5,716
5A	\$4,902	\$5,491	\$5,348	\$4,902

Table 10. Total Multifamily Construction Cost Increase for the 2021 IECC Compared to the 2009 IECC (\$)¹

Multifamily Prototype Apartment/Condo				
Climate Zone	Crawlspace	Heated Basement	Slab	Unheated Basement
4A	\$2,043	\$2,043	\$2,109	\$2,043
5A	\$1,979	\$2,066	\$2,045	\$1,979

DOE Cost-Effectiveness Results - Kansas

Source: https://www.energycodes.gov/sites/default/files/2021-07/KansasResidentialCostEffectiveness_2021_0.pdf



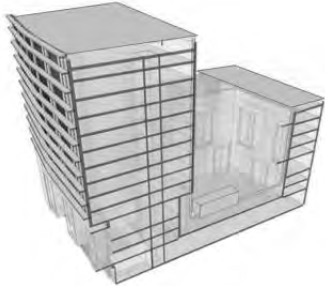
ZERO  **CODE** TM

ZERO CODE™

Commercial • Institutional • Mid-Rise/High-Rise Residential Buildings

1

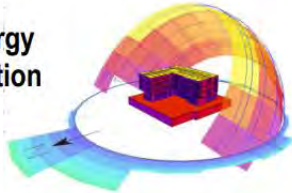
Design an energy efficient building in compliance with the 2021 IECC or better.



2

Establish the building's renewable energy requirement from:

an energy simulation



or

default renewable energy table

29

Building Type

Building Area Type	Climate Zone														
	NA	NE	EA	SE	SA	SB	SC	4A	4B	4C	5A	5B	6A	7	8
Multi-family (A-2)	43	41	41	42	42	38	35	31	27	27	44	41	32	34	33
Healthcare/Hospital (I)	119	119	119	119	108	108	108	108	108	108	108	108	108	108	108
Hotel/Resort (R-1)	73	73	73	73	73	73	73	73	73	73	73	73	73	73	73
Office (B)	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21
Residential (A-2)	289	429	417	424	425	255	185	125	125	125	125	125	125	125	125
Retail (M)	40	33	43	44	44	37	48	44	44	32	46	32	32	34	33
Storage (U)	42	46	42	42	39	38	38	40	40	43	43	44	43	43	44
Warehouse (U)	9	12	9	12	11	11	11	11	14	24	17	18	18	19	20
All others	25	34	33	31	31	44	34	32	31	37	34	32	31	32	33

3

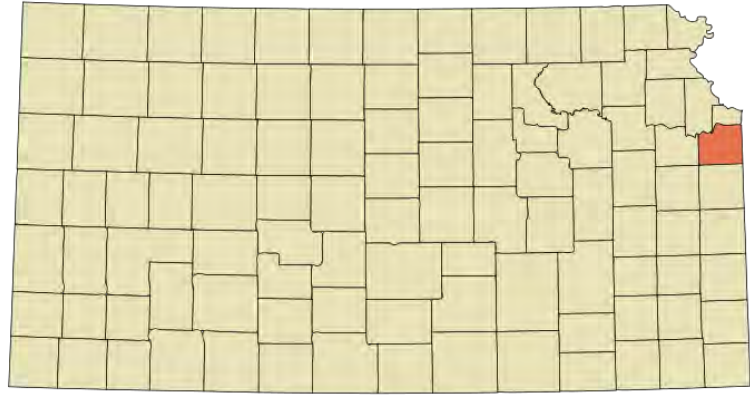
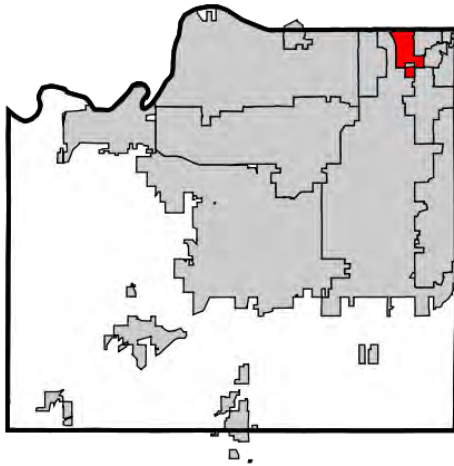
Meet the requirement by integrating onsite renewable energy when feasible.



4

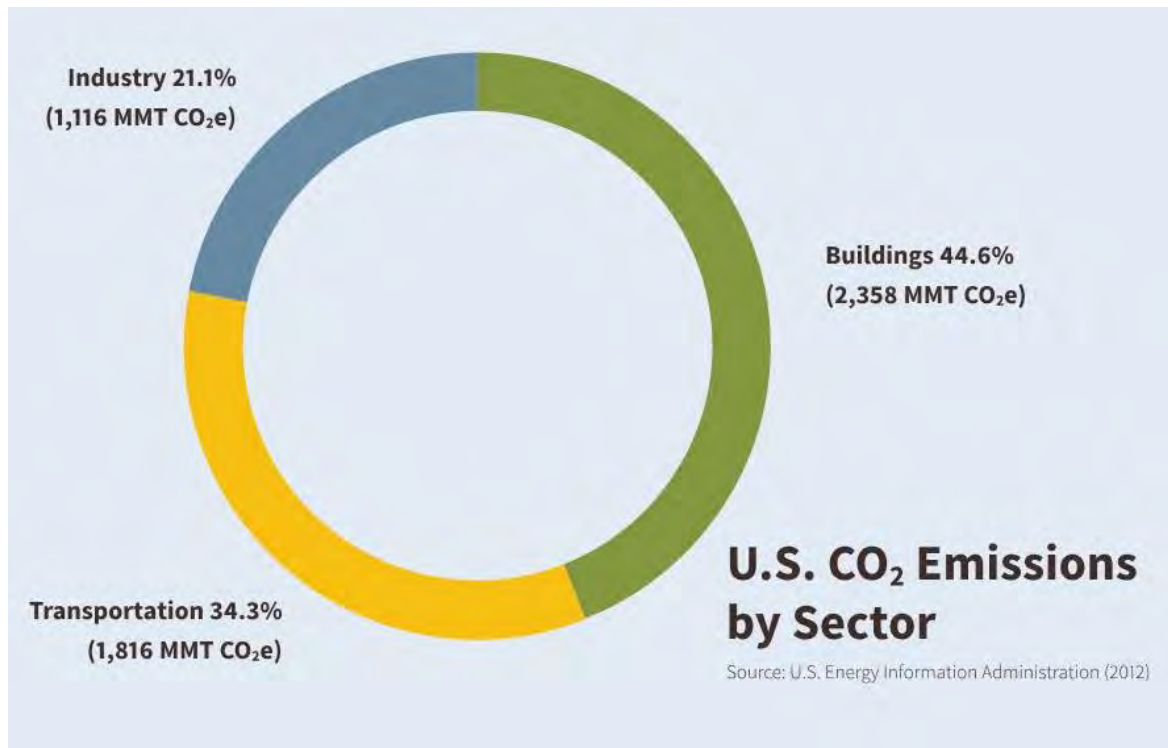
If necessary, procure offsite renewable energy.



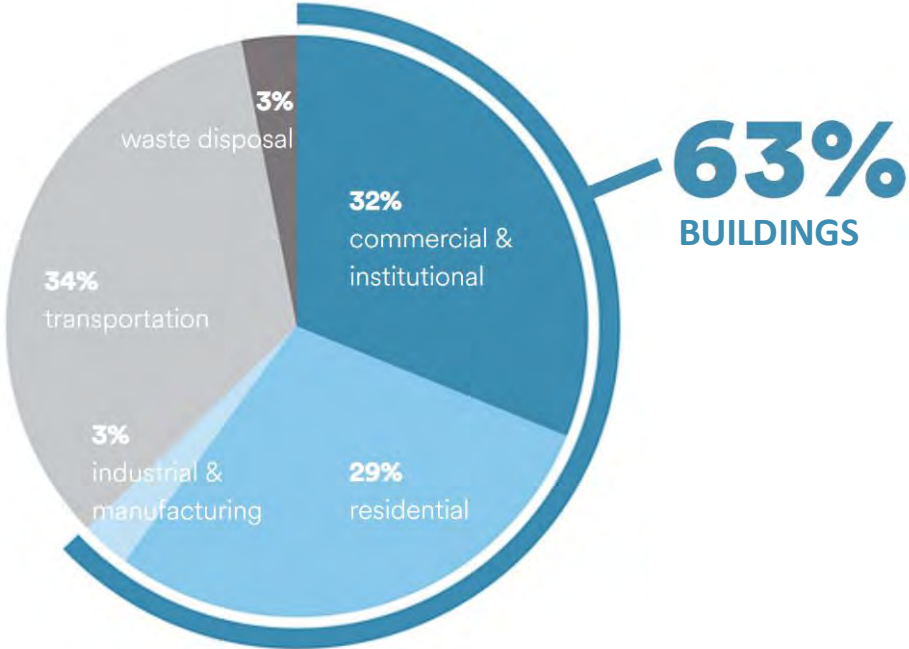


Context

Why is this important?



Regional Greenhouse Gas Inventory



Energy

Grid-based electrical power use
Building energy efficiency

Transportation

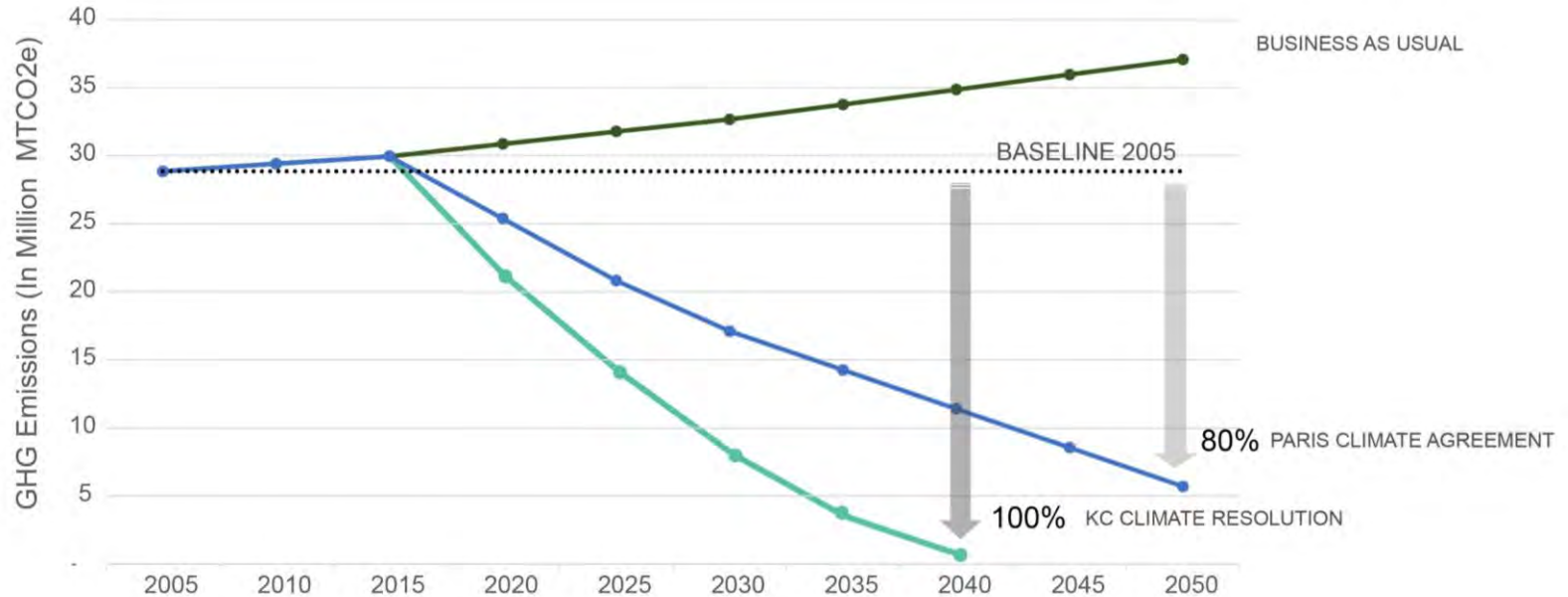
Technology, fuel and behavior

Waste

Landfills emit greenhouse gases too!

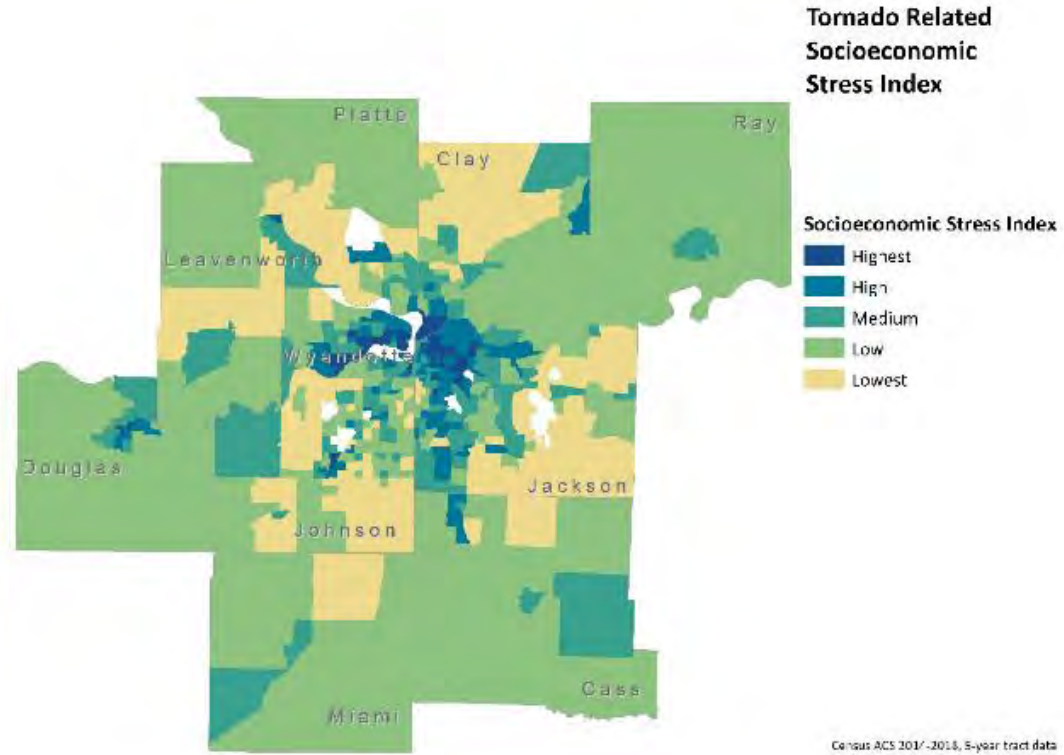
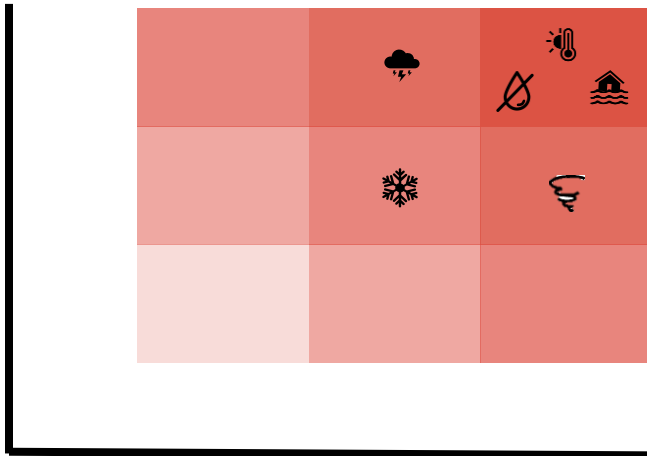
KC Metro – Carbon Projections

Business as usual vs. Target Emissions



Climate Risk + Vulnerability

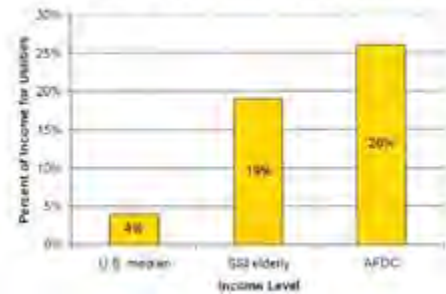
Risk Matrix



Affordable Housing - IECC 2021

- Lowers energy cost burden for renters
- Provides healthy living environments

Figure 1. Energy Cost Burden as a Percentage of Income



It could be claimed that lower-income families are more likely to rent than own their homes, which is borne out by national statistics. But this assertion only reinforces the importance of energy codes in making housing affordable; because renters can't choose the efficiency of their homes, energy codes must be in place to protect them. This is why *the low-income housing advocacy community staunchly supports energy efficient codes.*

Source: The Affordable Housing Energy Efficiency Alliance. *The Affordable Housing Energy Efficiency Handbook*. <http://h-m-g.com/multifamily/ahcca/Handbook/AHEEAHandbook.pdf>



Kansas City Housing Impacts

2019 KC Regional Housing Sales – 39,232 sales

Existing housing (not affected by 2021)

36,578 houses (91% of sales)

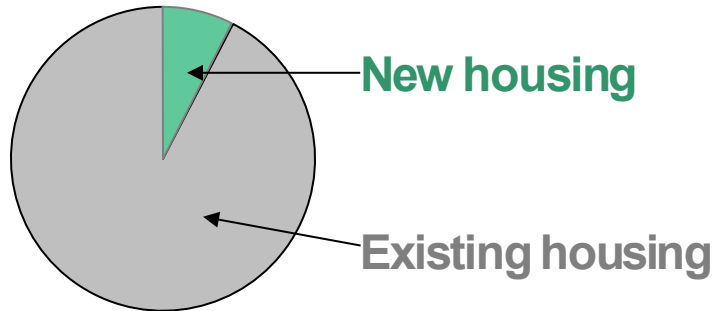
Average price - \$229,658

New housing

3,735 units

Average price - \$411,363

Impact of 2021 code less than 3% (using conservative impact estimate)

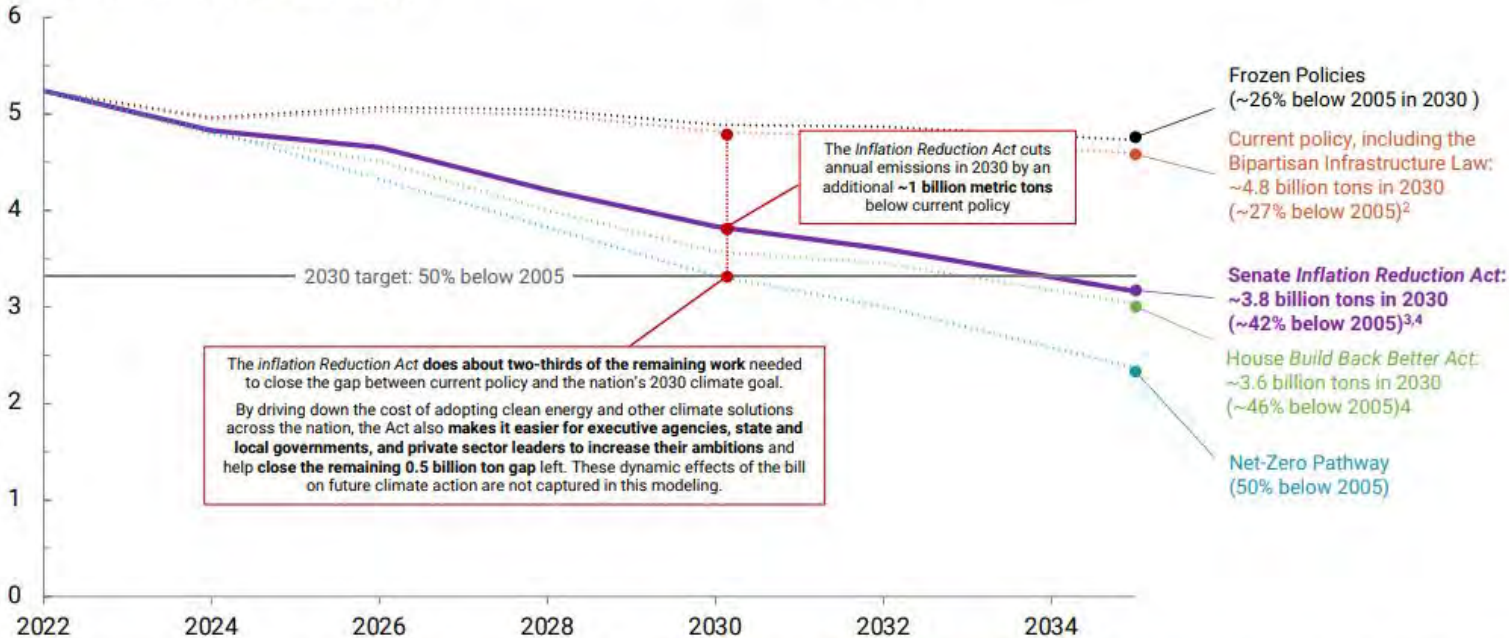


Primary KC Impact of IECC 2021 will be on Commercial, Mid-Rise Buildings

Source: Heartland Multiple Listing Service and the Kansas City Regional Association of Realtors

Modeled Net U.S. Greenhouse Gas Emissions (Including Land Carbon Sinks)

billion metric tons CO₂-equivalent (Gt CO₂-e)¹



The *Inflation Reduction Act* does about two-thirds of the remaining work needed to close the gap between current policy and the nation's 2030 climate goal.

By driving down the cost of adopting clean energy and other climate solutions across the nation, the Act also makes it easier for executive agencies, state and local governments, and private sector leaders to increase their ambitions and help close the remaining 0.5 billion ton gap left. These dynamic effects of the bill on future climate action are not captured in this modeling.

1 - CO₂-equivalent emissions calculations use IPCC AR4 100 year global warming potential as per [EPA Inventory of Greenhouse Gas Emissions and Sinks](#). All values should be regarded as approximate given uncertainty in future outcomes.

2 - Modeled emissions exclude any changes in passenger and freight miles traveled due to surface transportation, rail, and transit investments in IIRA. According to the [Georgetown Climate Center](#), emissions impact of these changes depend heavily on state implementation of funding from IIRA, which could result in anywhere from -14 to +25 Mt change in CO₂ emissions from transportation in 2030.

3 - Results reflect preliminary modeling based on the [July 27, 2022 draft legislation](#).

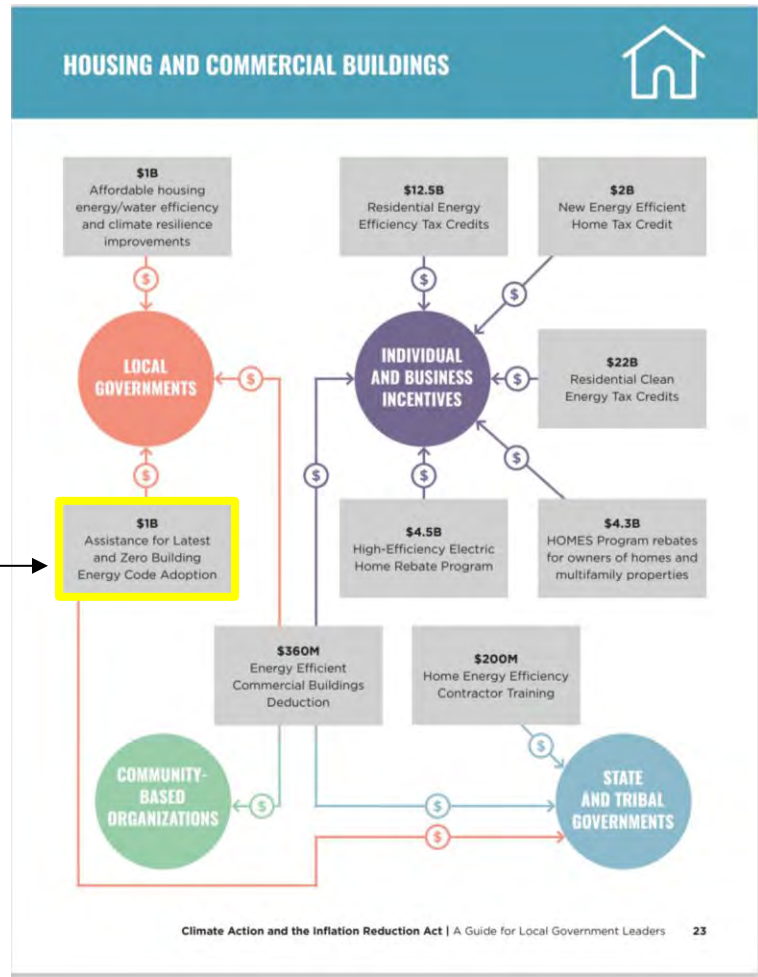
4 - Results reflect average of estimated high and low oil & gas production scenarios, which span +/- 20 Mt CO₂-e in 2030 (see p. 14-15). Impact on land carbon sinks based on analysis by [Energy Innovation](#).

- Local support and grant-writing
- City Staff + Planning training and resources
- Contractor + Design training and resources



The Carrot

IRA Funding Impacts



The usual (and unusual) arguments against

"This will kill development and make Kansas City uncompetitive."

"Continuous insulation makes buildings wobble in the wind."

"This will kill the American Dream."

"I won't be able to sell fireplaces and bbq grills."

"This update will cost \$31,800 per home."

What's new in the draft code?

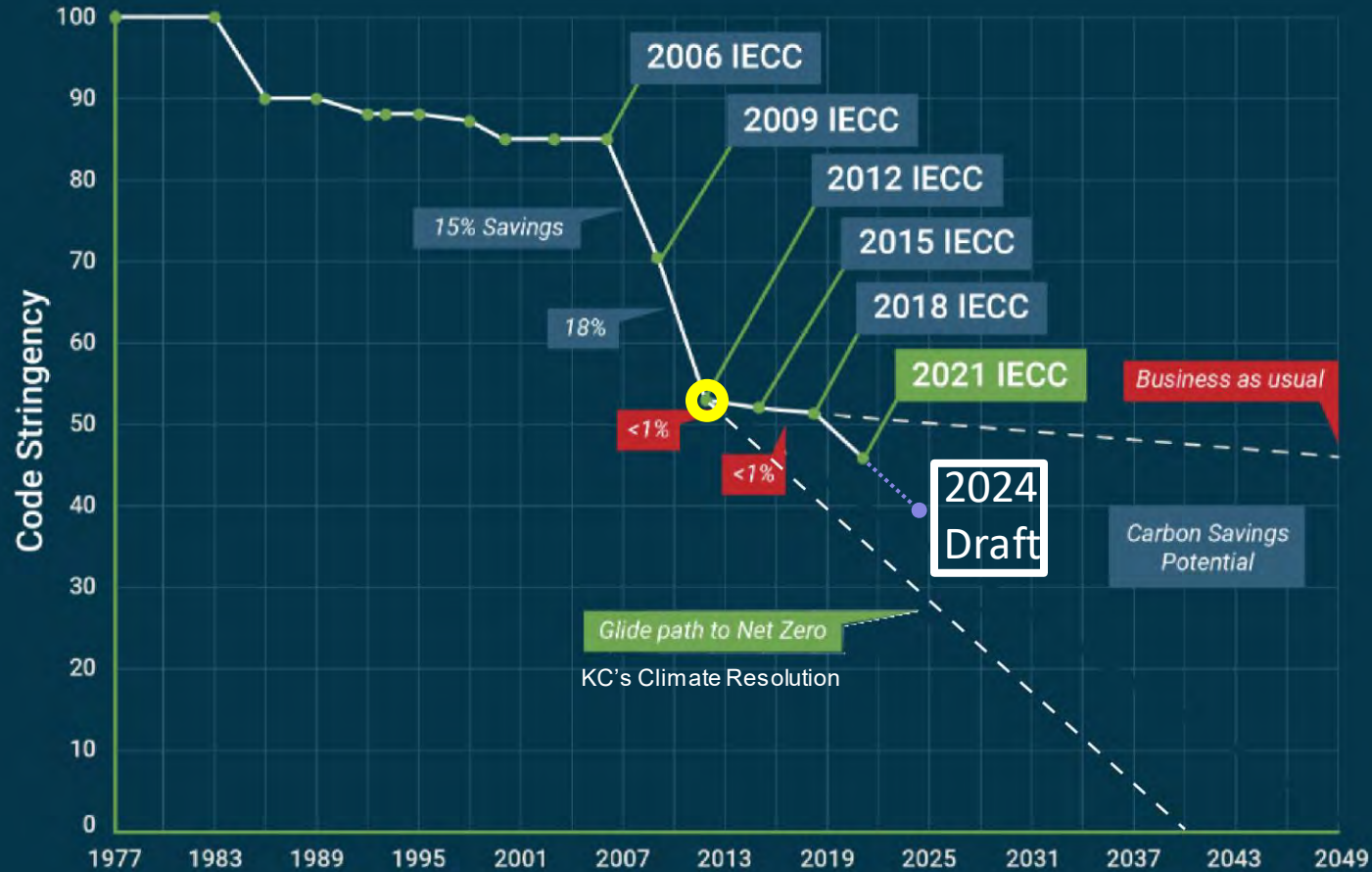
ACEEE and other energy efficiency advocates have worked hard to ensure a 2024 IECC that pushes for deep energy and emissions reductions while considering both upfront and energy costs, as well as the ability of jurisdictions to implement the new code. Among the most impactful proposed changes:

- Expanded energy efficiency credits that give building developers the flexibility to select among several measures to meet a prescribed total number of credits required for each building type and climate zone. This framework also has the potential to deliver deeper energy savings over time.
- Mandatory on-site renewable energy, such as from rooftop solar panels. Where on-site installations are limited by physical conditions, exceptions allow for the procurement of off-site renewable energy.
- New requirements to achieve a prescribed number of "Renewable and Load Management Credits" through a combination of additional renewable energy and energy storage. These provisions are aimed at cost savings with the net energy impact dependent on the combination of measures a building developer selects.
- New provisions to cut down on heat loss from thermal bridging (higher-conductivity materials passing through insulation layers) and to further reduce air leakage.
- Reductions in lighting power allowances and new lighting control requirements (e.g., daylight dimming controls in many building areas, occupancy sensors in more spaces).
- Occupancy sensor and control requirements to limit ventilation when certain building spaces are vacant, reducing energy usage for heating or cooling of outside air brought in for ventilation.
- A new computer model-based compliance option that evaluates overall HVAC system efficiency instead of individual component efficiency. This provides flexibility to building developers in complying with the code, as well as an opportunity to significantly improve HVAC system efficiency where individual equipment improvement options may be limited.

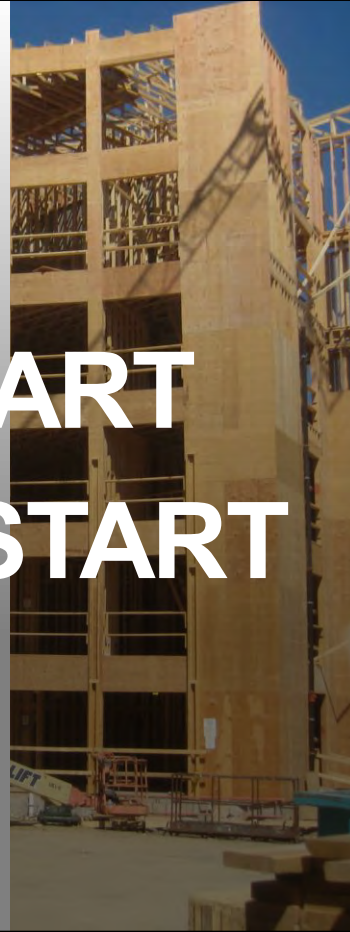
The proposed 2024 IECC-Commercial model code would require buildings to be significantly more efficient than those adhering to the previous version, from 2021. It would save an estimated 8% to 12% energy from improved energy efficiency, reducing energy costs and greenhouse gas emissions.

Source: ACEEE

IECC 2024 – Draft Notes



Carbon Savings Potential



**BUILD SMART
FROM THE START**

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL BUILDING CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE II OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL BUILDING CODE 2018 EDITION.

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

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article II and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article II International Building Code**

Section 500.030 Adoption.

- (a) There is hereby adopted the International Building Code 2018, to include Appendices C, F, G, H, I, and J, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2018 edition, on file in the office of the building official are hereby referred to as the IBC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.

- (b) Wherever the word "jurisdiction" is used in the International Building Code, adopted hereby, said term shall mean the City of Mission.

Section 500.031 Violation.

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.032 Definitions

The term "*approved certified sprinkler system*" shall mean one that has been designed by an engineer who is licensed in the State of Kansas, and installed by a contractor licensed to do so by the Johnson County Contractor Licensing Program, and approved by the Building Code Official.

Section 500.033 Omissions

- 1. Section 101.4.7 Existing Buildings
- 2. Section 103.2 Appointment
- 3. Section 113 Board of Appeals

Section 500.034 **Amendments and Additions**

a) Amend Section 101.4.3 of the IBC to read as follows:

101.4.3 Plumbing - The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Johnson County Environmental Department shall apply to private sewage disposal systems.

b) Amend the IBC by adding a new Section 101.4.7 to read as follows:

101.4.7 Existing Building - The provisions of the International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Residential Code, International Energy Conservation Code and NFPA 70 (NEC) shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings. Alterations to any building or structure shall comply with the requirements of the code for new construction. Alterations shall be such that the existing building or structure is no less complying with the provisions of this code than the existing building or structure was prior to the alteration.

Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or owner's designated agent shall be responsible for the maintenance of the buildings and structures. To determine compliance with this subsection, the Building Official shall have the authority to require a building or structure to be re-inspected. The requirements of this section shall not provide the basis for removal or abrogation of the fire protection and safety systems and devices in existing structures.

The provisions of this code related to the construction, repair, alteration, restoration and movement of structures, and changes of occupancy shall not be mandatory for historic buildings where such buildings are determined by the Building Official to not constitute a distinct life safety hazard.

No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for the purpose in other groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

c) Amend the IBC by adding a new Section 101.4.8 to read as follows:

101.4.8 Electrical. The provisions of the NFPA 70 National Electrical Code, 2017 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

d) Amend the IBC by omitting Section 103 Department of Building Safety in its entirety.

e) Amend Section 104.3 of the IBC to read as follows:

104.3 Notices, Orders and Work Hours - The Building Official shall issue necessary notices or orders to ensure compliance with this code. Construction work on residential, commercial and industrial projects involving earth-moving equipment, trucking, concrete work, exterior carpentry and masonry, exterior plumbing, exterior painting, exterior electrical work shall be permitted during the following hours only:

Monday through Friday - 7:00 A.M. to 6:00 P.M.

Saturday - 8:00 A.M. to 6:00 P.M.

Sunday - All Work Prohibited

Exceptions:

- 1) Repair and remodeling work performed by the owner or occupant of one- and two-family residential buildings.
- 2) Repair work performed on an emergency basis.
- 3) An extended construction work hours permit approved by the Community Development Department.

Penalty:

Violation of the provisions of this Article shall be punishable by a fine not to exceed five hundred dollars (\$500.00) per violation and/or revocation of the building permit.

f) Amend Section 105.3 of the IBC by adding items 8 through 12 to read as follows:

105.3 Application for Permit.

A permit shall not be issued until evidence is presented to the Building Code Official certifying the availability of satisfactory potable water. Applicants within areas under the jurisdiction of a duly constituted water district shall submit a connection permit or notice of intent to supply water service from the water district.

- 1) A permit for construction shall not be issued until evidence is presented to the Building Code Official verifying the availability of satisfactory hydrant locations. Applicants for areas under the jurisdiction of a duly constituted water district shall submit a statement from the district verifying that the proposed fire protection system conforms to Article 10 of this Code.
- 2) No building permit for any structure or building to be located within a legally created sewer district in the City in which sanitary sewage will, or may, originate shall be issued until the applicant, or the applicant's agent, has previously applied for and received from the sewer district an outside sanitary sewer construction and

connection permit as required by the rules and regulations of the Johnson County Wastewater District.

- 3) Include a right-of-way permit application from the City.
- 4) Include proof that the permit applicant has a valid contractor license, in the appropriate class with Johnson County Contractor Licensing.

g) Amend the IBC by adding a new Section 105.3.1.1 to read as follows:

105.3.1.1 Denial of Permits - The Building Official is authorized to deny a permit to any applicant not meeting the provisions of this code on any open permits. The Building Official may also stop construction on any permit if the contractor fails to maintain oversight of a project or fails to maintain insurance as required by the Johnson County Contractor Licensing Regulations.

h) Amend the IBC by adding a new Section 105.3.3 to read as follows:

105.3.3 Moving Buildings or Structures - A permit for a foundation, or a new single-family or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move buildings or structures shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. Letters from the Police Department and the Public Works Department approving the date, time and route of the move.
5. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
6. A map showing the route of the move.
7. A copy of the State highway move permit, if applicable.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will give the date and time of the move.
9. Written permission from the private property owner to trim any trees on private property necessary to provide clearance for the move along the proposed route.
10. Written permission to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.
11. Sewer permit from Johnson County Wastewater District.
12. Letter from the appropriate water district certifying the availability of the water supply.
13. Verification from the water district of a satisfactory fire hydrant location.
14. Verification that the building or structure meets current adopted codes and standards.

15. A plot plan showing the property or lot where the building or structure is to be moved. A legal description of the property shall be included.

i) Amend Section 105.5 of the IBC to read as follows:

105.5 Expiration - Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:

- 1) The building or work authorized by such permit is not commenced within 180 days from the date of such permit; or
- 2) The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

The Building Code Official is authorized to grant, in writing, one or more extensions of time. The extension shall be requested in writing and justifiable cause demonstrated.

j) Amend the IBC by adding a new Section 105.8 to read as follows:

105.8 Responsibility - The permit applicant of record shall complete, and be responsible for, all work for which the building permit was issued, in full compliance with applicable laws and ordinances. The permit applicant of record shall complete, and be responsible for, all sidewalks, drive approaches, grading, erosion control, installation of landscaping, and culvert drains in the right-of-way abutting the property described by the building permit. The construction of sidewalks, drive approaches and other public improvements shall comply with all technical specifications adopted by the City and as directed by the Public Works Director or his/her representative.

k) Amend Section 109.2 of the IBC to read as follows:

109.2 Schedule of Permit Fees - On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged. Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

- 1) The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
- 2) The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

l) Amend Section 109.4 of the IBC to read as follows:

109.4 Work Commencing Before Permit Issuance - Work commencing before permit issuance. Any person or company that commences any work on a building, structure electrical, gas, plumbing or mechanical system before obtaining the necessary permits shall be subject to a fee double the original permit fee as established by the City of Mission.

m) Amend Section 109.6 of the IBC to read as follows:

109.6 Refunds - The Building Official is authorized to refund a permit fee which was erroneously paid or collected. The Building Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under the permit issued. The Building Official may authorize refunding of not more than eighty percent (80%) of the plan review paid when no plan review work has been performed. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee, not later than one-hundred eighty (180) days after the date of fee payment.

n) Amend Section 111.3 of the IBC to read as follows:

111.3 Temporary Certificates of Occupancy - The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. A 60- day temporary certificate may be issued for interior items and a 90-day temporary certificate may be issued for exterior items upon request from the owner or contractor, subject to the approval of the Building Code Official. Additional time may be granted by the Building Code Official upon written request and for a fee of \$100.00. Contemporaneously with the issuance of a Temporary Certificate of Occupancy, the

Building Code Official shall provide a list of deficiencies, if any, that require correction to any building or portion thereof. The failure of the permit holder to correct the deficiencies, to the satisfaction of the Building Code Official, prior to the expiration of the Temporary Certificate of Occupancy, shall be an unlawful act.

o) Amend Section 113 of the IBC to read as follows:

Section 113 Board of Appeals - The Board of Appeals shall mean the Board of Code Review as established in Chapter 500, Article XI-A of the Mission Municipal Code and shall hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of this code.

p) Amend Section 114.3 of the IBC to read as follows:

114.3 Prosecution of Violation - Any person failing to comply with a notice of violation or order shall be deemed guilty of an unlawful act. If the notice of violation is not complied with, the Building Code Official may request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

q) Amend Section 114.4 of the IBC to read as follows:

114.4 Violation Penalties - Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

r) Amend Section 115 of the IBC by as follows:

115 Stop Work Orders - In addition to Sections 115.1, 115.2 and 115.3, no building permit or permits will be issued to any person engaged in doing or causing such work to be done by such persons in the City of Mission until any and all stop work orders or any other restrictions have been cancelled or have been lifted by the Building Official.

s) Amend Section 305.2 of the IBC to read as follows:

305.2 Group E, Day Care Facilities - This group includes buildings and structures and portions thereof occupied by more than five (5) children older the 2 ½ years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day.

Exception:

Daycare that is an accessory use for the dwelling unit principal residents, when conducted in compliance with applicable state and local regulations, shall comply with applicable requirements of the International residential Code.

t) Amend the IBC by omitting Section 305.2.3 Five or Fewer Children in a Dwelling Unit in its entirety.

u) Amend the IBC by omitting Section 310.4.1 Care Facilities within a Dwelling in its entirety.

v) Amend Section 903.3.1.2.1 of the IBC as follows:

Section 903.3.1.2.1 Balconies and decks - Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

w) Amend Section 904.3.5 of the IBC as follows:

Section 904.3.5 Monitoring - Where a building fire alarm system is installed, automatic fire-extinguishing systems, to include kitchen hood suppression systems, shall be monitored by the building fire alarm system in accordance with NFPA 72.

x) Amend Section 906.1 of the IBC as follows:

Section 906.1 - Where required. Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies;
2. In all new and existing laundry rooms.

y) Amend Section 912.4 of the IBC as follows:

912.4 Access. Immediate access to fire department connections shall be no less than 3 feet in width, maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire code official.

z) Amend Section 1015.2 of the IBC as follows:

Section 1015.2 Where required. Provide the additional text: Guards are required at retaining walls over 30 inches above grade when walking surfaces are within 10 feet of the high side of the retaining wall.

aa) Amend the IBC by omitting Chapter 11 and adding in lieu thereof the following:

Chapter 11- Accessibility. The architect/design professional is responsible for all ADA design elements and requirements in accordance with ICC A117.1-2017 Standard for Accessible and Usable Buildings and Facilities or the 2010 ADA Standards for Accessible Design (at a minimum). Modifications to existing buildings or sites, and construction of new buildings shall comply with all applicable Federal and State laws governing ADA access and usability. The architect/design professional shall provide certification that the entire scope of the construction documents and the finished construction project shall be in full compliance with all applicable ADA regulations.

bb) Amend Section 1202.1 of the IBC to read as follows:

1202.1 General. - Buildings shall be provided with natural ventilation in accordance with Section 1203.5, or mechanical ventilation in accordance with the International Mechanical Code.

cc) Amend Section 1612.3 of the IBC to read as follows:

1612.3 Establishment of Flood Hazard Areas - To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Johnson County, Kansas and Incorporated Areas", dated July 17, 1997, as amended or revised with the accompanying current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

dd) Amend Section 2901.1 of the IBC to read as follows:

2901.1 Scope - The provisions of the International Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1209 of the International Building Code.

ee) Amend Section 3307 of the IBC to read as follows:

3307 Protection of Adjoining Property - Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected.

Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation. A copy of the notice shall be delivered to the Building Official prior to the commencing of excavation. All construction sites shall be maintained in a good, clean, and safe condition, including, but not limited to, the following minimum requirements:

1. Construction materials shall be stored, maintained and secured so as to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of at an approved landfill. Dumpsters shall be emptied or removed when full and may be used only for construction debris. Construction materials shall not be stored in a public right-of-way.
2. All mud, dirt, or debris deposited on any street, crosswalk, sidewalk, or other public property as a result of excavation, construction, or demolition shall be immediately broom cleaned to the extent possible and disposed of in an acceptable manner.
3. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public or private sewer.
4. Airborne particles shall be controlled at the property at all times during work by means of a water truck and/or spraying equipment, or other water sources capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
5. No person shall operate or cause to be operated any radio, media player, telecommunications device or other such object at such a volume, or in any other manner that would cause a nuisance or disturbance to any person.
6. Every contractor shall be responsible for all actions of their employees, agents, and subcontractors under this Subsection, and shall be responsible for all violations of the provisions of this Subsection committed by such employees, agents, or subcontractors.

SECTION 2. That existing Chapter 500 Article II of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article II as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas,
this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November,
2022.

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL FIRE CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE X OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL FIRE CODE 2018 EDITION.

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

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article X and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article X International Fire Code**

Section 500.108 Adoption

- (a) There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the International Fire Code, published by the International Code Council, Inc., including Appendices A, B, C, D, H and I, being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the “IFC” or “fire code”.
- (b) Wherever the word "jurisdiction" is used in the International Fire Code, adopted hereby, said term shall mean the City of Mission.

Section 500.109 Violation

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.110 Definitions

For the purposes of the International Fire Code, 2018 edition, as adopted, the following words and phrases shall have the following meanings:

- a) The “fire chief” shall mean the Fire Chief of Consolidated Fire District #2.
- b) The “fire code official” shall be appointed by the Fire Chief of Consolidated Fire District #2.

Section 500.111 Deletions.

The following provisions of the International Fire Code, as adopted, shall be deleted and not applicable under this code:

- a) Section 108 Board of Appeals.
- b) The Board of Appeals shall mean the Board of Code Review as established in Chapter 500, Article XI-A of the Mission Municipal Code and shall hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of this code.

Section 500.112 Amendments and Additions

a) Amend Section 101.1 of the IFC to read as follows:

101.1 Title: These regulations shall be known as the Fire Code of Mission, Kansas, hereinafter referred to the “IFC” or “this code”

b) Amend Section 102, Applicability, of the IFC by adding a new Section 102.13 to read as follows:

102.13 Home Daycares - Home Daycares that meet the requirement of the Johnson County, Kansas Home Daycare Handbook 2019 edition shall be viewed as meeting the equivalent of the requirements of the IFC.

c) Amend Section 104.11.2 of the IFC to read as follows:

104.11.2 Obstructing Operations - No person shall obstruct the operations of the fire district in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief or Fire Code Official of the fire district who may be in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire district. Any person who obstructs the operations of the fire district in connection with extinguishing any fire, or other emergency, or disobeys any lawful command of the applicable Fire Chief or Fire Code Official of the fire district who may be in charge at such a scene, or any part thereof, or any police officer assisting the fire district, shall be guilty of an unlawful act.

d) Amend Section 105.1 of the IFC to read as follows:

105.1 General - Permits shall be in accordance with Section 105. Where permits are required elsewhere in this code, the Fire Code Official shall be permitted to waive the requirements for issuance of a permit provided public safety and welfare is maintained. Operational permits are specifically required for the following:

1. Explosives. (105.6.14)
2. Pyrotechnic special effects material. (105.6.40)

e) Amend Section 105.6.14 of the IFC to read as follows:

105.6.14 Explosives, Fireworks and Blasting - An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive material, fireworks, or pyrotechnic special effects within the scope of this code, or Chapter 505, Article IV, Blasting Regulations of the Mission Municipal Code.

f) Amend Section 105.6.40 of the IFC to read as follows:

105.6.40 Pyrotechnic Special Effects Materials - An operational permit is required for use and handling of pyrotechnic special effects material.

g) Amend Section 106.2 of the IFC to read as follows:

106.2 Schedule of permit fees - On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

The fee for each fire alarm, fire sprinkler, building and other permits shall be as set forth by Consolidated Fire District #2. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Fire Code Official. The Fire Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

h) Amend Section 106.5 of the IFC to read as follows:

106.6 Refunds - The Fire Code Official is authorized to refund a permit fee which was erroneously paid or collected. The Fire Code Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under the permit issued. The Fire Code Official may authorize refunding of not more than eighty percent (80%) of the plan review paid when no plan review work has been performed.

i) Amend Section 109 of the IFC as follows:

109 Board of appeals - The Board of Appeals shall mean the Board of Code Review as established in Chapter 500, Article XI-A of the Mission Municipal Code and shall hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of this code.

j) Amend Section 110.4 of the IFC as follows:

110.4 Violation Penalties - It shall be unlawful for any person, firm or corporation to violate any of the provisions of this code or fail to comply therewith, or to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder. Violation of any provision of this code shall be subject to penalties as prescribed by law. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

k) Amend Section 112.4 of the IFC as follows:

112.4 Failure to Comply - Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided.

l) Amend Section 310.7 of the IFC by adding Section 310.7.1 to read as follows:

310.7.1 Smoking receptacles required. Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved receptacles for discarding smoking material in locations approved by the Fire Code Official.

m) Amend Table 315.7.6(1) of the IFC to read as follows:

Table 315.7.6(1) Under the heading "Wood Pallet Separation Distance"- "51-200 Pallets" the 5 foot separation distance reflected in the table is in error and should be revised to read 15 feet.

n) Amend Section 503.4 of the IFC to read as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner including the parking of vehicles. The Fire Code Official is authorized to have towed, at the owner's expense, any vehicle obstructing the fire apparatus access road. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

o) Amend Section 503.6 of the IFC to read as follows:

503.6 Security Gates - The installation of security gates across a fire apparatus access road shall first be approved by the Fire Code Official in writing prior to installation. Where security gates are installed, they shall have an approved means of emergency

operation with a manual secondary means of emergency operation in the event of failure of the primary emergency operation. The security gates and emergency operations shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

p) Amend Section 505.1 of the IFC to read as follows:

Exceptions:

1. If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead or cargo doors and normal passage doors).
2. Further exceptions shall be permitted by the Fire Code Official.

505.1.2 Additional identification. - Where identification of additional exits would be of benefit to emergency response personnel, a sequential numbering system may be required by the Fire Code Official whereby the interior and exterior surfaces of each exit is marked in an approved manner.

q) Amend Section 506.1 of the IFC to read as follows:

506.1 Where Required - Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, a key box shall be installed in an approved location as required by the Fire Chief or designated Fire Code Official. The key box shall be an approved type listed in accordance with UL 1037, and shall contain keys or access cards to gain necessary access as required by the Fire Chief or designated Fire Code Official.

r) Amend Section 506.2 of the IFC to read as follows:

506.2 Key Box Maintenance - The operator of the building shall immediately notify the Fire Code Official of Consolidated Fire District #2 and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. The key box shall be maintained in working order by the operator/owner/occupant of the building.

s) Amend the IFC by adding Section 507.1.1 to read as follows:

507.1.1 Water Distribution System Failures - Water districts serving areas within the City shall notify the Emergency Communications Center of any failure in their water distribution system; hydrant repair, main breaks, pump failures, or other interruptions of water supply that may affect water supply for fire control purposes.

t) Amend Section 507.5.1.1 of the IFC to read as follows:

507.5.1.1 Hydrant for Fire Sprinkler and Standpipe Systems - Buildings equipped with a fire sprinkler or standpipe system that is installed in accordance with Section 903 or 905 shall have a fire hydrant within 100 feet of the fire department connections.

507.5.2.1 Line and Hydrant tests - Private hydrants and supply piping shall be tested as specified in NFPA 24. Hydrants shall comply with AWWA standards adopted by the Johnson County Water District and maintained to AWWA-M17 standard.

507.5.2.1 Hydrants- Color - All fire hydrants shall be painted and highly visible. Private fire hydrants shall be painted red.

u) Amend Section 901.6 of the IFC to read as follows:

901.6 Inspection, Testing and Maintenance - Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested and maintained, or removed. The inspection, testing and maintenance of fire protection systems and equipment shall be performed by a fire protection engineer who is licensed in the State of Kansas, or a contractor with National Institute for Certification in Engineering Technologies (NICET), Level II technicians in the applicable discipline (automatic sprinkler systems, fire alarm systems or inspection and testing of water-based system), licensed to do so by the Kansas State Fire Marshal, and approved by the Fire Code Official.

v) Amend Section 903.3.1.2.1 of the IFC to read as follows:

903.3.1.2.1 Balconies and decks - Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

w) Amend Section 903.4.2 of the IFC to read as follows:

903.4.2 Alarms - An approved audio/visual device shall be connected to each automatic sprinkler system. Such sprinkler system water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building directly above the fire department connection or in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

x) Amend Section 912.3 of the IFC to read as follows:

912.3 Fire Hose Threads - The fire department connection shall be fitted with a five (5) inch Storz quick coupling connector.

y) Amend Section 1023.9 of the IFC to read as follows:

1023.9 Stairway Identification Signs - A sign shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the floor level, the terminus of the top and bottom of the interior exit stairway and ramp, and the identification of the stairway or ramp. The signage shall state the story of, and the direction to, the exit discharge and the availability of roof access from the interior exit stairway and ramp for the fire department.

The sign shall be located five (5) feet above the floor landing in a position that is readily visible when the doors are in the open and closed position. In addition to the stairway identification sign, a floor level sign in visual characters, raised characters and braille complying with ICC A117.1 shall be located at each floor level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level.

The signs shall be color coded, or have colored borders that are identified as follows: red shall be used for the primary exit enclosure, blue for the third stairwell, white for the fourth, and green for the fifth.

z) Amend Chapter 11 of the IFC to read as follows:

Chapter 11- Construction Requirements for Existing Buildings.
Omit Chapter 11 of the IFC except for Sections 1103.8 through 1103.9.

aa) Amend Section 5601.2 of the IFC to read as follows:

5601.2 Permit Required - A permit application shall be made to the Consolidated Fire District #2 office who shall issue the same only if the Fire Chief or his or her designated Fire Code Official shall after inspection approve the issuance of the permit. There shall be a fee of one-hundred dollars (\$100.00) for making such application. Permits shall expire 30 days after date of issuance. Permits shall be obtained for the following:

1. To manufacture, possess, store, sell, display, or otherwise dispose of explosive materials.
2. To use explosive materials.
3. To operate a terminal for handling explosive materials.

5601.2.1 Residential Uses -No person shall keep or store, nor shall any permit be issued to keep or store, any explosives at any place of habitation, or within one-hundred (100) feet thereof.

Exceptions:

The storage of smokeless propellant, black powder and small arms primers for personal use and not for resale in accordance with Section 5606.

5601.2.2 Sale and Retail Display - No person shall construct a retail display or offer for sale explosives, explosive materials or fireworks upon highways, sidewalks, public property or in Group A or Group E occupancies.

5601.2.3 Permit Restrictions - The fire code official is authorized to limit the quantity of explosives, explosive materials or fireworks permitted at a given location. No person possessing a permit for storage of explosives at any place shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified in such permit shall be kept or stored.

5601.2.4 Financial Responsibility - Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of one-million dollars (\$1,000,000) or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

5601.2.4.1 Blasting - Before approval to perform blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in such form, amount and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive material, fireworks, or pyrotechnic special effects within the scope of this code, or Chapter 505, Article IV, Blasting Regulations of the Mission Municipal Code.

5601.2.4.2 Fireworks Display - The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Code Official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

bb) Amend Section 5601.4 of the IFC to read as follows:

5601.4 Qualifications - Persons in charge of magazines, blasting, fireworks display or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks, possess a valid Blaster's Certificate issued

by the State of Kansas Fire Marshal's Office, ATF&E Notice of Clearance, and valid photo identification.

cc) Amend Section 5607.4 of the IFC to read as follows:

5607.4 Hours of Operation - Blasting operations shall be conducted Monday through Friday only, between the hours of 8:30 a.m. and 4:30 p.m.

Exceptions:

- 1) When other times are approved in writing in advance by the Fire Chief or his/her designated Fire Code Official.

dd) Amend the IFC by adding a new Section 5607.16 to read as follows:

5607.16 Pre-blast Survey and Notification - At least 15 days before initiation of blasting, the surveyor shall notify, in writing, all residents or owners of dwellings or other structures located within five-hundred (500) feet of the blasting area of the location and date of the proposed blasting and the intent to conduct a pre-blast survey. The Fire Code Official may identify alternate re-blast survey distances.

The surveyor shall promptly conduct a pre-blast survey of the dwelling(s) or structure(s) and promptly prepare a written report of the survey. An updated survey of any additions, modifications or renovations shall be performed by the surveyor if requested by the contractor or the Fire Code Official.

The surveyor shall determine the condition of the dwelling(s) or structure(s) and shall document any existing damage and other physical factors that could reasonably be affected by the blasting. The surveyor shall examine the interior as well as the exterior structure and shall document any damage by means of digital photographic or digital video methods. Structures such as pipelines, cables, transmission lines, cisterns, wells, and other water systems warrant special attention; however, the assessment of these structures may be limited to surface conditions and other readily available data.

The written report of the survey shall be signed by the person who conducted the survey. Copies of the report shall be promptly provided to the contractor and made available to the Fire Code Official. All surveys shall be completed by the surveyor before the initiation of blasting. All surveys shall be conducted by an independent third party, regularly engaged in performing pre-blast surveys.

The contractor shall notify the owners of all gas, water, sanitary and petroleum pipelines in an area where blasting will be utilized. A representative of the pipeline(s) shall be allowed to be present to observe preparations and blasting.

ee) Amend the IFC by adding a new Section 5607.17 to read as follows:

5607.17 Ground Vibration - Regardless to the distance of nearby facilities, building or other structures, the blasting operations shall be carried out in such a manner that they will not cause flyrock damage from airblast overpressure or ground vibration. The contractor or operator shall conduct seismic monitoring of all blasts. The seismic recording site shall be located at the nearest structure or building within five-hundred (500) feet of the blast site. The maximum peak particle velocity at any such recording site shall not exceed one inch per second in any of three mutually perpendicular directions.

ff) Amend the IFC by adding a new Section 5607.18 to read as follows:

5607.18 Distance from Structures - There shall be no blasting within one-hundred (100) feet of any structure or building.

gg) Amend the IFC by adding a new Section 5607.19 to read as follows:

5607.19 Blasting Records - The contractor shall retain a record of all blasts for at least three (3) years. Upon request, copies of these records shall be made available to the Fire Code Official and to the public for inspection. Such records shall contain the following data:

1. Name of contractor conducting the blast.
2. Location, date and time of blast.
3. Name, signature and certificate number of blaster conducting the blast.
4. Identification, direction and distance, in feet, from the nearest blast hole to the nearest dwelling, public building, school, church, community or institutional building outside the permit area, except those described herein.
5. Weather conditions, including those which may cause possible adverse blasting effects.
6. Type of material blasted.
7. Sketches of the blast pattern including number of holes, burden, spacing, decks and delay patterns.
8. Diameter and depth of holes.
9. Types of explosives used.
10. Total weight of explosives detonated in an 8-millisecond period.
11. Initiation system.
12. Type and length of stemming.
13. Mats or other protections used.

Seismographic and airblast records shall include:

1. Type of instrument, sensitivity, and calibration signal, or certification of annual calibration.
2. Exact location of instrument and the date, time and distance from the blast.
3. Name of the person or firm taking the reading.
4. Name of the person and firm analyzing the seismographic record.
5. The vibration and/or airblast level recorded.

hh) Amend the IFC by adding a new Section 5704.2.01 to read as follows:

5704.2.01 *Above-Ground Storage* - The storage of Class I and Class II liquids in outside aboveground tanks shall be prohibited within the city limits of the City of Mission, Kansas except in a designated M-1 & M-P district insofar as the same may be relevant to the proposed stationary aboveground tank.

SECTION 2. That existing Chapter 500 Article II of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article II as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November, 2022.

Solana Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL PLUMBING CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE V OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL PLUMBING CODE 2018 EDITION

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

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article V and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article V International Plumbing Code**

Section 500.060 Adoption.

- (a) There is hereby adopted the International Plumbing Code 2018, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, and maintenance of all plumbing systems in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2018 edition, on file in the office of the building official are hereby referred to as the IPC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- (b) Wherever the word "jurisdiction" is used in the International Building Code, adopted hereby, said term shall mean the City of Mission.

Section 500.061 Violation.

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.062 Definitions.

For the purposes of the International Plumbing Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "Building Official" shall also be known as the "Code Official" or "Administrative Authority" and shall have the duty of enforcing all provisions of this code.

Section 500.063 Deletions.

The following provisions shall be deleted:

- a) *Section 103. Department of Plumbing Inspection.*
- b) *Section 312.10. Inspection and testing of backflow prevention assemblies.*
- c) *Section 312.6. Gravity sewer test.*
- d) *Section 312.7. Forced sewer test.*
- e) *Section 312.10.1. Inspections.*
- f) *Section 109 Means of Appeal.*

Section 500.064 Amendments and Additions.

a) Amend Section 101.1 of the IPC to read as follows:

Section 101.1 Title. These regulations shall be known as the International Plumbing Code of the City of Mission, hereinafter referred to as "this code" or "IPC".

b) Amend section 106.6.2 of the IPC to read as follows:

Section 106.6.2 Fee Schedule. The fees for work requiring a permit shall be paid as adopted by resolution of the City Council. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

c) Amend Section 106.6.3 of the IPC to read as follows:

Section 106.6.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80% of the plan review fee paid when an application for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

d) Amend Section 108.4 of the IPC to read as follows:

Section 108.4 Violation Penalties. It shall be unlawful for any person, firm or corporation to violate a provision of this code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this code. Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during

which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

e) Amend Section 108.5 of the IPC to read as follows:

Section 108.5 Stop Work Orders. Upon notice from the Building Code Official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

f) Amend Section 305.4.1 of the IPC to read as follows:

Section 305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall comply with the Johnson County Sanitary Code, adopted by Johnson County, Kansas. Building sewer pipe connecting to the public sewer shall comply with the regulations of the Johnson County Wastewater District.

g) Amend Section 312.3 of the IPC to read as follows:

Section 312.3 Drainage and Vent Air Test. An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5kPa) or sufficient to balance a 10 inch column of mercury. This pressure shall be held for a period not less than 15 minutes. Any adjustments to the test pressure because of changes in ambient temperature or the seating of gaskets shall be made prior to the beginning of the test period.

i) Amend Section 410.4 of the IPC to read as follows:

Section 410.4 Substitution. In occupancies where drinking fountains are required, water coolers or bottled water dispensers are permitted to be substituted for the required drinking fountains.

j) Amend Section 608.15.2 of the IPC as follows:

Section 608.15.2 Protection of backflow preventers. Backflow preventers shall not be located in areas subject to freezing except where they can be removed by means of a union or are protected from freezing by heat, insulation or both. *Exception:* In-ground backflow devices for lawn-irrigation systems.

k) Amend Section 903.1 of the IPC to read as follows:

Section 903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 6 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck, or similar purposes, open vent pipes shall terminate not less than 7 feet above the roof.

l) Amend Section 918.1 of the IPC to read as follows:

Section 918.1 General. Air admittance valves are not allowed unless approved by the Authority Having Jurisdiction (AHJ). Vent systems utilizing air admittance valves shall comply with this section. Stack type air admittance valves shall conform to ASSE 1050. Individual and branch-type air admittance valves shall conform to ASSE 1051.

k) Amend Section 1103.3 of the IPC to read as follows:

Section 1103.3 Prohibited drainage. Storm water systems, to include connections of sump pumps, foundation drains, yard drains, gutters, downspouts and any other stormwater conveyance or system are prohibited from connecting to the sanitary sewer system. Storm water systems shall not be installed so as to cause a nuisance onto adjacent properties or to alter any existing drainage course.

l) Amend Section 1113.1.4 of the IPC to read as follows:

Section 1113.1.4 Piping. Discharge piping shall meet the requirements of Sections P3002.1, P3002.2, P3002.3, and P3003. Discharge piping shall include an accessible full flow check valve. Pipe and fittings shall be the same size as or larger than the pump discharge piping. Discharge shall be day-lighted so as not to cause a nuisance onto adjacent properties or alter any existing drainage course and shall not be discharged into the public sewer system.

SECTION 2. That existing Chapter 500 Article V of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article V as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL MECHANICAL CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE VI OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL MECHANICAL CODE 2018 EDITION.

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

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article VI and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article VI International Mechanical Code**

Section 500.108 Adoption

(a) There is hereby adopted for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair and maintenance of all mechanical systems in the City, that certain code known as the International Mechanical Code, published by the International Code Council, Inc., being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IMC" or "mechanical code".

(b) Wherever the word "jurisdiction" is used in the International Mechanical Code, adopted hereby, said term shall mean the City of Mission.

Section 500.071 Violation

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.072 Deletions

The following provisions shall be deleted:

- a) Section 109: Means of Appeal.

Section 500.073 Additions

The following provisions shall be added:

- a) The following Subsection shall be added at the end of Section 102 of the International Mechanical Code, as adopted: *102.12 State Boiler Inspector*. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the state of Kansas, those portions of the work will comply with the state requirements in lieu of compliance with the technical provisions of this code. Contact the State Boiler Inspector at the State Department of Human Resources for complete information

regarding state requirements. State approval is generally required for all boilers that require permits.

Exceptions:

1. Boilers serving individual dwelling units and their accessory structures.
2. Boilers serving apartment houses with less than five (5) families.
3. Pressure vessels that do not exceed 15 cubic feet and 250 psi.

Section 500.073 **Amendments**

The following amendments shall be made:

- a) Section 101.1 of the International Mechanical Code, as adopted, shall be amended to read: *Section 101.1 Title*. These regulations shall be known as the Mechanical Code of Mission, Kansas, hereinafter referred to as "this code".
- b) Section 106.4.3 of the International Mechanical Code, as adopted, shall be amended to read: *106.4.3 Expiration*. "Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:
 - i) The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
 - ii) The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

- c) Section 106.5.2 of the International Mechanical Code, as adopted, shall be amended to read: *106.5.2 Fee Schedule*. The fees for work requiring a permit shall be paid as adopted by resolution of the City Council. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- d) Section 106.5.3 of the International Mechanical Code, as adopted, shall have sentences 2 and 3 amended to read:

- 2) Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 - 3) Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- e) Section 108.4 of the International Mechanical Code, as adopted, shall be amended to read: *108.4 Violation Penalties*. It shall be unlawful for any person, firm or corporation to violate a provision of this code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this code.

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

- f) Section 108.5 of the International Mechanical Code, as adopted, shall be amended to read: *108.5 Stop work orders*. Upon notice from the Building Code Official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
- g) Section 401.2 of the International mechanical Code, as adopted, shall be amended to read:
- 401.2 Ventilation required*. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Where the air infiltration rate in a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch water column (50 Pa) in accordance with Section R402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403.

SECTION 2. That existing Chapter 500 Article VI of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article VI as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

Solana Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL FUEL GAS CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE IV OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL FUEL GAS CODE 2018 EDITION.

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

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article IV and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article IV International Fuel Gas Code**

Section 500.050 Adoption

(a) There is hereby adopted for the purpose of prescribing regulations governing conditions for the erection, construction, enlargement, alteration, repair and maintenance of water heaters, fuel gas piping and heating systems in the City, the code known as the International Fuel Gas Code, published by the International Code Council, Inc., being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IFGC" or "fuel gas code".

(b) Wherever the word "jurisdiction" is used in the International Fuel Gas Code, adopted hereby, said term shall mean the City of Mission.

Section 500.051 Violation

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.052 Reserved

Section 500.053 Deletions

The following provisions shall be deleted:

a) *Section 109: Means of Appeal.*

Section 500.054 Reserved

Section 500.055 Amendments

The following amendments shall be made:

a) *Section 101.1 Title.* Amend the paragraph to read: These regulations shall be known as the Fuel Gas Code of Mission, Kansas, hereinafter referred to as "IFGC" or "fuel gas code".

b) Section 106.4.3 of the International Fuel Gas Code, as adopted, shall be amended to read: *106.4.3 Expiration*: "Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

c) Section 106.6.2 of the International Fuel Code, as adopted, shall be amended to read: *Section 106.6.2 Schedule of permit fees*. Amend the paragraph to read: The fees for work requiring a permit shall be paid as adopted by resolution of the City Council.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

d) Section 106.6.3 of the International Fuel Gas Code, as adopted, shall have sentences 2 and 3 amended to read: *106.6.3 Fee Refunds*.

- 1) Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
- 2) Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

e) Section 108.4 of the International Fuel Gas Code, as adopted, shall be amended to read: *108.4 Violation penalties*. It shall be unlawful for any person, firm or corporation to violate a provision of the code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair fuel gas work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this code. Violation of any provision of this code shall be unlawful, punishable upon conviction as provided by law.

Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

f) Section 108.5 of the International Fuel Gas Code, as adopted, shall be amended to read:
108.5 Stop work orders. Upon notice from the Building Code Official, work on any plumbing or gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work.
The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe conditions, shall be subject to penalties as prescribed by law.

SECTION 2. That existing Chapter 500 Article IV of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article IV as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas,
this ____ day of _____, 2019.

**APPROVED BY THE MAYOR of the City of Mission, Kansas, this ___ day of _____,
2019**

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE XI OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE 2018 EDITION.

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

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article XI and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article XI International Energy Conservation Code**

Section 500.115 Adoption.

- (a) There is hereby adopted the International Energy Conservation Code 2018, published by the International Code Council, for regulating the energy efficiency of building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Energy Conservation Code, 2018 edition, on file in the office of the building official are hereby referred to as the IECC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- (b) Wherever the word "jurisdiction" is used in the International Energy Conservation Code, adopted hereby, said term shall mean the City of Mission.

Section 500.116 Violation.

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.117 Definitions.

For the purposes of the International Energy Conservation Code, 2012 Edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "code official" shall mean the Building Official.

Section 500.118 Deletions.

The following provisions of the International Energy Conservation Code, as adopted, shall be deleted and not applicable under this code:

- a) Section C109, R109 Board of Appeals.
- b) Section R402.4.4 Rooms containing fuel burning appliances.
- c) Section R403.3.3 Duct testing.
- d) Section R403.3.2.1 Sealed air handler.
- e) Section R403.3.5 Building cavities.
- f) Section R403.3.5.1.1 Circulation systems.
- g) Section R404 Electrical power and lighting systems.

- h) Section C406 Additional Efficiency Package Options.
- i) Section C408 Maintenance Information and System Commissioning

Section 500.119 Amendments and Additions.

- a)** Amend Section C101.1, R101.1 of the IECC as follows:

Section C101.1, R101.1 Title: These regulations shall be known as the Energy Conservation Code of the City of Mission, hereinafter referred to as "this code or the IECC."

- b)** Amend by adding a new Section C101.4.2 of the IECC as follows:

C101.4.2 Additions, Alterations, Renovations and Repairs. Additions, alterations, renovations and repairs to existing buildings, building systems or portions thereof shall perform to the provisions of this code as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this code. Additions, alterations, renovations, or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

Exception: The following need not comply provided the energy use of the building is not increased.

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.

- c)** Amend Sections C104.2 and R104.2 of the IECC as follows:

C104.2 and R104.2 Schedule of Permit Fees. The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fees specified in this Subsection are separate fees from the permit fees specified in Sections C107.2 or R107.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred or amended submittal items as defined in Section C103.4 or R103.4, an additional plan review fee may be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

d) Amend by adding new Sections C110, R110 of the IECC as follows:

C110, R110 Violation Penalties. Violations of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided Municipal Code Section 100.100.

C110.1, R110.1 Prosecution of violation. Any person failing to comply with a notice of violation or order shall be deemed guilty of an unlawful act. If the notice of violation is not complied with, the Building Code Official may request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

e) Amend Table C402.1.3 of the IECC as follows:

Table C402.1.3 Opaque Thermal Envelope Requirements

Roofs

Component	All other	Group R
Insulation entirely above deck	R-20 ci	R-20ci
Metal building roofs w/ R-5 thermal blocks (a,b)	R-19 + R-11 LS	R-19 + R-11 LS
Attic and other	R-38	R-38

Walls Above Grade

Component	All Other	Group R
Mass	R-9.5 ci	R-11.4 ci
Metal Building	R-13 + R-13 ci	R-13 + R-13 ci
Metal Framed	R-13 + R-7.5 ci	R-13 + R-7.5 ci
Wood Framed and Other	R-13	R-13

Walls Below Grade

Component	All other	Group R
Below Grade Wall (d)	R-7.5 ci	R-7.5 ci

Floors

Component	All other	Group R
Mass	R-10 ci	R-10.4 ci
Joist/Framing	R-30	R-30

Slab-on-Grade Floors

Component	All other	Group R
Unheated slabs	R-10 for 24 inches below	R-10 for 24 inches below
Heated slabs	R-15 for 24 inches below	R-15 for 24 inches below

Opaque Doors

Component	All other	Group R
Swinging	U-0.61	U-0.61
Roll-up or Sliding	U-0.61	U-0.61

ci= continuous insulation. LS=Liner system- a continuous membrane installed below the purlins and uninterrupted by framing members. Uncompressed, un-faced insulation rests on top of the membrane between the purlins.

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using R-value compliance method, a thermal space block shall be provided, otherwise use the U-factor compliance method in Table C402.1.2.
- d. Where heated slabs are below grade, below grade walls shall comply with the exterior insulation requirements for heated slabs.

f) Amend Table R402.1.2 of the IECC as follows:

Table R402.1.2 Insulation and Fenestration Requirements by Component. (a)

Climate zone: 4

Fenestration U- factor (b): 0.32

Skylight U-factor (b): 0.55

Glazed Fenestration SHGC (b): 0.40

Ceiling R-value: 49

Wood frame wall R-value: 13

Mass wall R-value (i): 8/13

Floor R-value: 19

Basement wall R-value(c): 10/13

Slab R-value and Depth: NR (d)

Crawl space R-value(c): 10/13

(a) R values are minimums. U-factors and SHGC are maximums.

(b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

(c) "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation on the interior of the basement walls.

(d) NR shall mean no requirement

(i) Mass walls shall be in accordance with Section N1102.2.5. The second R-value applies where more than half the insulation is on the interior of the mass wall.

g) Amend Section R402.4.1.2 of the IECC as follows:

Section R402.4.1.2 Testing. When required by the code official, the building or dwelling unit shall be tested and verified by an approved third party as having an air leakage rate of not exceeding five (5) air changes per hour. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official.

Amend Section R402.4.2 as follows:

Section R402.4.2 Fireplaces. New wood-burning fireplaces shall have tight- fitting flue dampers or doors and outdoor combustion air.

Delete Section R402.4.4 Rooms containing fuel burning appliances.

Delete Section R403.3.3 Duct testing.

Delete Section R403.3.2.1 Sealed air handler.

Delete Section R403.3.5 Building cavities.

Delete Section R403.3.5.1.1 Circulation systems.

Delete Section R404 Electrical power and lighting systems.

Amend Table R406.4 as follows:

Table R406.4 Energy Rating Index. Climate zone 4: Energy rating index: 70

SECTION 2. That existing Chapter 500 Article XI of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article XI as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE IX OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2018 EDITION.

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

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article IX and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article IX International Property Maintenance Code**

Section 500-100 Adoption.

- a) There is hereby adopted the International Property Maintenance Code 2018, to include Appendix A, published by the International Code Council, for regulating minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards and for a reasonable level of sanitary maintenance of all buildings or structures in the City of Mission, and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, 2018 edition, on file in the office of the building official are hereby referred to as the IPMC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- b) Wherever the word "jurisdiction" is used in the International Property Maintenance Code, adopted hereby, said term shall mean the City of Mission.

Section 500-101 Violation.

Any person violation any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500-102 Definitions.

For the purposes of the International Property Maintenance Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Existing Building Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, National Electrical Code or the International Residential Code, those terms shall have the meanings ascribed to them as stated in those codes.

Section 202 General definitions - Definitions Added.

Accessory Structure - A building, the use of which is incidental to that of the main building, and which is located on the same lot.

Approved - Approved by the code official.

Blighted - Any structure or premises, which by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors are detrimental to safety, health, and morals.

Board - The “Board of Appeals” shall in all instances mean the Board of Code Review.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building Official - The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Bus - A self-propelled motor vehicle designed for or used for the transportation of passengers exceeding any of the following:

1. 25 feet in overall length;
2. Eight feet in height; or
3. A gross weight of 3,000 pounds per axle.

City - The City of Mission, Kansas.

Cellar - The portion of a building which is partly or completely below grade.

Condemn - To adjudge unfit for occupancy.

Crawl Space - A space provided in a building in order to enable access to plumbing, wiring, and other equipment.

Debris - Discarded waste and/or the remains of something broken down or destroyed.

Driveway - A private road, constructed of materials approved by the city, giving access from a public thoroughfare to a building or buildings on abutting grounds.

Driveway Approach - The portion of the driveway that is located within the city right-of-way.

Dumpster - A large container used for storage of refuse and/or debris until next scheduled pickup. Generally used for commercial occupancy, but may be used for temporary residential projects.

Dumpster, Temporary - A large container used for the storage of refuse and/or debris for a period of time corresponding to a particular task or project.

Dwelling - Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

Enclosed Area - Any area, which is inaccessible to the public view.

Exterior Screened Area - An area separated by a permanent nonflexible device to completely conceal an element of a property from other elements or from adjacent or contiguous property, i.e., fencing constructed so that one cannot see the elements to be concealed.

Extermination - The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Labeled - Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of above-labeled items and by whose have the manufacture attests to compliance with applicable nationally recognized standards.

Lot Line - A line dividing one lot from another, or from a street or any public place.

Motor Vehicle - Every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs. [KSA 8-2,128 (r)]

Motor Vehicle, Commercial (State of Kansas- Definition) Means a motor vehicle designed or used to transport passengers or property, if:

1. The vehicle has a gross vehicle weight ratio of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary but shall not be more restrictive than the federal regulations.
2. The vehicle is designed to transport 16 or more passengers, including the driver; or
3. The vehicle is transporting hazardous materials and is required to be placarded in accordance with C.F.R. § 172, subpart F. [KSA 8-2,128 (f) 1-3]

Motor vehicle, Commercial (Federal regulations; 49 CFR§390.5- Definition.) Means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle

1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
2. Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

4. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Motor Vehicle, Inoperable - A vehicle which cannot be driven upon the public streets for reason including, but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Motor Vehicle, Unlicensed - A motor vehicle, as defined herein, which is required by the state to have proper and current registration for movement upon the public right-of-way that is maintained in an open parking area on private property without displaying a current license from the state.

Parking Area - An approved paved area located on the premises of a lot used or intended for the use of maintaining motor vehicles which are used in the daily routine.

Parking Area, Commercial - An approved paved area, which is connected to the driveway approach and is used or intended for the use of temporary and transient parking of motor vehicles. Any public or private area, under or outside, of a building or structure, designed and used for the parking of motor vehicles including parking lots, garages, and legally designated areas of public streets.

Parking Area, Residential - An approved paved area, which is connected to the driveway approach and is used or intended for the use of overnight storage of motor vehicles.

Parking Pad - An approved paved area located on the premises of a lot used or intended for the use of maintaining motor vehicles which are not used in the daily routine.

Paved Area - An area constructed of concrete or asphalt as approved by the city, for the purpose of parking motor vehicles.

Perennial Violator - Shall mean any person who shows an annual pattern of failing to comply with any provision of the municipal code, which is demonstrated by repeated notices of violation and orders to abate, notices sent, or previous violations of the municipal code.

Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Trailer - A vehicle without motor power designed or used for, but not limited to, the carrying of property, freight, or merchandise, which is pulled by a motor vehicle.

Weeds - All grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

Weeds, Noxious - Poison ivy, poison oak, poison sumac, and plants containing thistles or other vegetation that may raise lesions upon brief contact by a person with the plant material or secretion from the weed or plant.

Section 500.103 Deletions.

The following provisions of the International Residential Code, as adopted, shall be omitted and not applicable under this code unless amended:

a) *Section 103.2 Appointments*

Section 500.104 Additions.

The following additions shall be made:

- a) Section 101.5 of the 2012 International Property Maintenance Code is hereby added to read as follows: *101.5 General.* The Code Official or, where appropriate, the City Council is authorized, subject to any adopted policies or administrative rules or regulations, to take the following actions to bring the subject property into compliance with this code or other resolutions of the City.
- b) Those actions include, without being limited to, abatement of the violation, vacation of the premises until the violation is corrected, prohibition of occupancy of the premises until the violation is corrected, issuance of a Notice to Appear in Court, injunctive or other relief in court, suspension or revocation of any licenses pertaining to the premises that remain in violation, and any other necessary or appropriate actions authorized by any applicable law, resolution, statute, rule or regulation. If no public necessity is found for the immediate demolition of the structure or premises, the Code Official or City Council may take such other action, including, without limitation, causing the property to be cleaned, cleared, vacated, secured or otherwise repaired or any other action deemed necessary to promote the public health, safety or general welfare. The provisions of Chapter 500, Article XIII Enforcement, Violations And Penalties shall be made applicable to this Section and pursuant to those provisions and any other applicable laws, statutes, resolutions, rules or regulations, the property owner may be charged for the costs incurred by the City in taking any actions to abate or correct such unlawful conditions, including administrative fees, and a lien may be placed on the property for any such unpaid costs and fees. The Community Development Director shall designate the division, employee or agency of the City to enforce this code, and such designee shall, for the purposes of this code, be known as the "Code Official."

The following Section shall be added to the designated International Property Maintenance Code, as adopted:

108.1.3 Posting structures unfit for human occupancy. The Code Official shall cause any building or structure deemed unfit for human occupancy to be posted at each entrance thereto with a notice reading:

**BUILDING UNFIT FOR HUMAN OCCUPANCY
DO NOT OCCUPY**

It is unlawful to occupy this building or to remove or
deface this notice
Code Official
Mission, Kansas

New Section 302.8.2 is added to read as follows:

302.8.2 Commercial vehicle. No person shall park or allow to be parked a commercial vehicle upon any residential lot or premises, improved or unimproved, in the city.

Exceptions:

1. City-owned and operated vehicles; service vehicles owned by utility companies while in the process of providing services or maintenance; construction vehicles while being used in connection with construction or maintenance authorized by the city.
2. For the purpose of making delivery or pickup provided such vehicles are not left continuously parked between the hours of 6:00 p.m. and 6:00 a.m. local time.

New Section 302.8.3 is added to read as follows:

302.8.3 Motor vehicles for sale. Except as provided for herein no one with an ownership interest in a motor vehicle shall park or allow to be parked said motor vehicle on private or public property zoned residential, commercial, or manufacturing within view of a public street for the purpose of selling or advertising for sale, said motor vehicle.

Exceptions:

1. In residential zoned properties, one motor vehicle shall be allowed to be placed on a paved area for the purpose of selling said motor vehicle. No residential property shall be allowed more than four motor vehicles for sale in a calendar year.
2. In commercial and manufacturing zoned properties, if a person with an ownership interest in said motor vehicle is an employee of a business within said property and has written permission from the property owner to use the property for the purpose of selling, or has a valid occupational license from the city for the sale of motor vehicles and said occupational license designating the premises involved as the business location. Whether or not permission has been given to park on the property is an affirmation defense, and the showing of written permission and proof of employment meet the burden of proof.

New Section 302.8.3.1 is added to read as follows:

302.8.3.1 Prima facie evidence. The fact that a "For Sale" sign, telephone number(s), or other advertising appears on the motor vehicle shall be prima facie evidence that the motor vehicle is parked for the purpose of sale.

For the purpose of this section, if a motor vehicle has remained on commercial or manufacturing zoned properties for a period of more than eight hours, this shall be prima facie evidence that it was not parked for the purpose of using other facilities on the premises. However, other evidence may be used to establish it was not parked primarily for this purpose and it is not necessary that it be parked for a time exceeding eight hours.

New Section 302.8.4 is added to read as follows:

302.8.4 Motor vehicle encroachment. No motor vehicle shall block or partially block any portion of a city sidewalk, located within the city right-of-way.

New Section 302.8.5 is added to read as follows:

302.8.5 Recreational vehicles. Recreational vehicles shall not be used for storage of materials, goods or equipment, other than those items considered to be a part of the unit or essential to its immediate use, nor shall they be used as dwelling units while parked in any residential zoning district, and they shall only be connected to an electrical power outlet or water connection for maintenance purposes in any residential zoning district.

New Section 308.4.1 is added to read as follows:

308.4.1 Deposition in streets, streams, etc. No person shall cart, place, sweep, throw or deposit anywhere within the city any rubbish or garbage in any stream, lake, body of water, ravine, or in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or upon any occupied premises within the city.

New Section 308.4.2 is added to read as follows:

308.4.2 Refrigerator storage. No refrigerator or similar equipment shall be stored outside the premises for more than 24 hours prior to pick up. All refrigerators or similar equipment must have all doors removed before placing for pick-up. Any refrigerator and/or freezer stored outside the premises which the doors are attached shall be deemed an immediate hazard and shall be immediately abated by the city. All costs associated with the abatement shall be assessed to the property owner.

New Section 308.4.3 is added to read as follows:

308.4.3 Burning rubbish or garbage prohibited. No person shall burn rubbish or garbage within the city limits.

New Section 308.4.4 is added to read as follows:

308.4.4 *Storage and screening of trash containers and dumpsters.* All trash containers shall be stored no closer to the public streets than the front building line; for corner lots all containers shall be stored no closer to the public streets than the front and side building line of the main building of any premises. In either case, no container shall be stored in front of the main building; in addition corner lots shall have no containers stored on the side of the main building adjacent to the street.

Trash, garbage or rubbish shall not be allowed to accumulate and shall be removed from the premises at a frequency no greater than every seven (7) days.

Exception: At 7:00 p.m. the day before scheduled pickup, during which contained rubbish and garbage may be temporarily placed near the public street for the purpose of pickup. Rubbish and garbage must be properly stored no later than 7:00 p.m. the scheduled day of collection.

All rubbish and garbage dumpsters serving commercial and multi-family residential properties, must be screened by a four-sided enclosure. Three-sides of which will be composed of the same material and color of the main building, with a wooden gate for access being the fourth side. Access gates must be kept closed at all time except when filling or emptying the dumpster.

New Section 308.4.5 is added to read as follows:

308.4.5 *Accelerated abatement.* Trash, debris, or any other discarded item deposited within the public right-of-way or upon the public sidewalk, which remains after a scheduled trash removal service shall be declared a public nuisance and must be removed within twenty –four (24) hours of placement.

Failure to remove the nuisance items within the twenty-four (24) hour period will result in the city taking action to abate the violation and assessing all costs associated with the abatement to the property owner.

New Section 308.4.6 is added to read as follows:

308.4.6 *Immediate abatement.* In cases where the code enforcement officer identifies and declares an immediate hazard to the general public or property, the city will take immediate action to abate the violation and assess all costs associated with the abatement to the property owner. Such hazards include but are not limited to trash, debris blowing into the street and /or onto adjacent property, downed tree limbs and/or trees across streets, sidewalks, rights-of-way or utilities.

New Section 310 is added to read as follows:

310 *Composting and yard waste.*

310.1 *General.* It shall be the responsibility of the occupant to place all yard cleanup waste, including, but not limited to, grass clippings, leaves and tree trimmings, in biodegradable kraft paper bags or other rigid containers not exceeding thirty-two (32) gallons in capacity or

appropriately bundled tree trimmings at the regular collection point for collection. Containers shall be maintained as to prevent the dispersal of waste placed therein upon the premises served, upon adjacent premises or upon adjacent public rights-of-way. Any composting of yard waste within the City shall be conducted behind the rear building setback line and in a manner so as not to create a nuisance, an offensive sight or offensive odors.

Tree trimmings less than two (2) inches in diameter shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers.

No person shall place or allow the accumulation of rubbish on their premises unless used specifically for composting as set forth in this section.

310.2 Definitions. For the purpose of this section, certain terms, words, and phrases are defined as follows:

Compost - A mixture consisting usually of decayed organic matter and used for fertilization and conditioning land, especially, such a mixture produced by decomposition in a compost pile.

Compost Bin - A structure specifically built to store compost. A compost bin may contain more than one contiguous compartment and may be constructed of a commercially available unit or a structure made of woven wire (such as hog wire, chicken wire, chainlink), wood slat fencing (such as snow fencing), cement blocks, bricks, or similar material.

Compost Pile - A stack of alternating layers of organic matter arranged so as to encourage conversion of the constituents into compost.

310.4 Composting permitted. A compost pile shall be permitted when located on a premise used for one and two-family residential purposes and shall comply with the requirements of sections 310.4.1 through 310.4.4.

310.4.1 Location on premises. Compost piles shall be located as follows:

1. A compost pile shall be located in the rear yard and shall be contained within an approved compost bin. No compost piles are allowed in front or side yards.
2. A compost pile shall not be located within five feet of any property line and shall be at least 60 feet from the center of a roadway. A compost pile shall be no less than five feet from any other building or structure on the premises.
3. A compost pile shall be placed in a well-drained area with no standing water.

310.4.2 Compost bin requirements. Only one compost bin is permitted on any residential premises. Compost bins shall meet the following requirements.

1. A compost bin shall be no larger than 600 cubic feet and shall not exceed four feet in height.
2. A compost bin shall be so constructed as not to allow the material within to be blown from the compost pile by wind.
3. All compost bins shall have a cover, which consists of wire mesh or similar material.

310.4.3 Maintenance. Compost piles and bins shall be maintained in accordance with the following:

1. All compost bins shall be maintained in good repair and structurally sound.
2. No odor emitted from a compost pile shall be detected more than five feet in any direction from such compost pile.

3. If odors are emitted and detectable greater than five feet in any direction, then action shall be taken by the person maintaining the compost pile to eliminate such odor. Such action may include, but not be limited to:
 - a. Adding lime to the compost pile,
 - b. Mixing or turning the compost pile more frequently, and/or
 - c. Regulating the moisture content of the compost pile.

310.4.4 Contents of compost piles. Compost piles may contain any or all of the following:

1. Grass clippings;
2. Leaves;
3. Dead limbs;
4. Brush;
5. Logs;
6. Wood chips;
7. Foliage;
8. Vegetation from gardens;
9. Shrub cuttings;
10. Sod;
11. Soil;
12. Hay;
13. Straw;
14. Weeds; and
15. Sawdust.

(d) Violations.

- i) Unlawful acts. It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of the property maintenance code adopted in this chapter.
- ii) Violation; penalties. Any person who violates a provision of the property maintenance code adopted in this chapter or fails to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the city council, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 100-100 of the Mission Municipal Code. The imposition of one penalty for any violation shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and, when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense. In the case of a “perennial violator”, a citation/summons to municipal court may accompany the initial violation notice and order to abate.

Section 500-105 Amendments.

The following amendments shall be made:

- a) Amend Section 101.1 of the IPMC to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Mission, Kansas, hereinafter referred to as "this code" or "IPMC".

- b) Amend Section 102.3 of the IPMC to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the 2018 International Building Code, 2018 International Residential Code, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, and the NFPA 70 National Electrical Code, 2017 Edition. Where the term ICC Electrical Code is used in other portions of this code, the term shall be used synonymously with the term "NFPA 70 National Electrical Code, 2017 Edition".

- c) Amend Section 103.5 of the IPMC to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the fee schedule as adopted by the City Council.

- d) Amend Section 302.3 of the IPMC to read as follows:

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. Existing gravel driveways and parking areas shall conform to the following standards:

1. Boundaries must be kept defined and provide means of maintaining gravel within Perimeters
2. Gravel must completely cover surface area of drive;
3. Acceptable gravel will be limited to crushed or naturally occurring rock of one (1) inch nominal diameter or less;
4. Grass and other vegetation growth must be eliminated;
5. Gravel drives or parking areas may not be expanded or newly built;
6. In the event a structure is demolished or destroyed and rebuilt, all drives and/or parking areas must be brought into compliance with all current zoning and development standards.

- e) Amend Section 304.14 of the IPMC as follows:

304.14 Insect Screens. During the period from March 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

f) Amend Section 602.3 of the IPMC as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat during the period from October 1 to April 1 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

g) Amend Section 602.4 of the IPMC as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions
2. Areas in which persons are primarily engaged in vigorous physical activities.

h) Amend Section 604.2 of the IPMC as follows:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, and single-phase electrical service having a rating of not less than 100 amperes. Alternate service configurations may be approved by the Code Official.

SECTION 2. That existing Chapter 500 Article IX of the Mission Municipal Code hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article IX as presented, of the Mission Municipal Code is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November, 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November, 2022.

Solana Flora, Mayor

ATTEST:

APPROVED AS TO FORM:

Robyn Fulks, City Clerk

David K. Martin, City Attorney

AN ORDINANCE ADOPTING THE 2017 NATIONAL ELECTRIC CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE VIII OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF NATIONAL ELECTRIC CODE.

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

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article VIII and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions
Article VIII National Electrical Code**

Section 500.090 Adoption.

a) There is hereby adopted for the purpose of prescribing regulations governing conditions for the erection, construction, enlargement, alteration, repair and maintenance of electrical systems in the City, the code known as the National Electrical Code- NFPA 70, published by the National Fire Protection Association, being particular the 2017 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "NEC" or "electrical code".

(b) Wherever the word "jurisdiction" is used in the National Electrical Code hereby, said term shall mean the City of Mission.

Section 500.091 Violation.

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

Section 500.092 Definitions.

For the purposes of the National Electrical Code, 2017 Edition, as adopted, the following words and phrases shall have the following meanings:

a) The term "*authority having jurisdiction*" shall in all instances mean the Building Code Official.

Section 500.093 Deletions.

The following provisions shall be deleted:

- a) Section 80.15. Electrical Board.
- b) Section 80.23(B)(3). Penalties.
- c) Section 80.25(C). Notification.
- d) Section 80.25(D). Other Territories.
- e) Section 80.27. Inspector's Qualifications.
- f) Section 80.33. Repeal of Conflicting Acts.
- g) Section 80.35. Effective Date.

Section 500.094 Additions.

The following additions shall be made:

a) Section 80.19(E) of the National Electrical Code, as adopted, shall have the following paragraph added to read:

Section 80.19(E). Fees. The fees or work requiring a permit shall be paid as adopted by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

The plan review fee specified in this Subsection is a separate fee from the permit fees specified in Section 80.19(E) and is in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

b) Section 80.19(G)(7) of the National Electrical Code, as adopted, shall have the following paragraph added to read: Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

c) *Section 80.23. Notice of Violations, Penalties. (B) Penalties. (3).* A new paragraph shall be added to the Section as follows: Violation of any provision of this Electrical Code shall be an unlawful act. Each separate day or any portion thereof during which any violation of this Electrical Code continues shall be deemed to constitute a separate offense, and shall be punishable as provided for in Municipal Code Section 100.100.

d) Section 250.52 of the National Electrical Code, as adopted, shall have the following paragraph added to read: Where none of the electrodes specified in Section 250.52 is available,

two or more of the electrodes specified in 250.52(5) shall be used. They shall be connected in the manner specified in Section 250.53 to a minimum of two separate grounding electrode conductors.

Section 500.095 Amendments.

The following amendments shall be made:

a) Section 80.2 of the National Electrical Code, as adopted, shall be amended to read: *80.2*

Definitions.

Authority Having Jurisdiction. The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

The Building Official is designated by the authority having jurisdiction and is responsible for administering the requirements of this code.

b) Section 80.13 of the National Electrical Code, as adopted, shall be amended to read: *80.13*

Authority (13). Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspections and shall conduct the inspection in a timely manner.

c) Section 80.19(F) (3) of the National Electrical Code, as adopted, shall be amended to read: *(F)*

Inspections and Approvals. When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of the building, the person, firm, or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector.

d) Section 80.29 of the National Electrical Code, as adopted, shall be amended to read: *80.29*

Liability for Damages. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City or any of its employees be held as assuming any such liability by reason of the inspection, reinspection, or other examination authorized.

e) Section 210.12(A) of the National Electrical Code, as adopted, shall be amended to read:

(A) Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. For these purposes, a smoke alarm shall not be considered an outlet and shall not be included in the arc-fault circuit.

Exceptions no. 1, 2, and 3 apply.

Add exception 4 to read:

This Section will not apply where existing dwelling unit premises wiring circuits make the application of this Section impracticable, as determined by the Building Official.

f) Section 547.5(E) of the National Electrical Code, as adopted, shall be amended to read:

Section 547.5(E) Physical Protection. All electrical wiring and equipment subject to physical

damage shall be protected. All electrical wiring and equipment subject to physical damage by livestock shall be protected to a minimum height of 8 feet.

SECTION 2. That existing Chapter 500 Article VIII of the Mission Municipal Code is hereby repealed in its entirety.

SECTION 3. That the new Chapter 500 Article VIII as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney



Community Development Committee 2018 Code Adoption Work Session November 2, 2022

Significant Changes between the 2012/2018 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Energy Conservation Code and the 2011/2017 Edition of the National Electrical Code

2012/2018 IBC

2012 IBC



2018 IBC



International Building Code (IBC)

Section 202 Definitions. New definitions added:

Sleeping unit. A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Sleeping unit



International Building Code (IBC)

Section 202 & 304.2 Definitions. Definitions located in different sections of the code have been removed and are now consolidated in Chapter 2.

- ▣ **Section 302.1 Occupancy clarification.** This section has been revised to clarify that “occupied roofs” are to be classified in a manner consistent with the inside the building. For example, when a rooftop contains a restaurant, has dining seating for 50 or more persons, the occupied roof would be classified an A-2 occupancy.

Rooftop dining area



International Building Code (IBC)

903.3.1.2.1 Balconies and decks. This section clarifies that when non rated decks and balconies are permitted as projections in Type IIIA and VA construction fire sprinkler protection is required.

Balconies and Decks



International Building Code (IBC)

904.13 Domestic cooking systems. This section has been revised to clarify that domestic cooking operations in I-1(assisted living facility, group homes, halfway houses, etc), I-2 (hospitals, nursing homes, etc) and R-2 college dormitories shall be protected with a UL 300A fire extinguishing system.

Domestic fire extinguishing system



International Building Code (IBC)

Table 1008.2.3 Exit discharge.

This section has been revised to now require illumination along the path of travel for the exit discharge from each exit to the public way/safe dispersal area. This means illumination of the entire exit discharge path.

Exit discharge illumination



International Building Code (IBC)

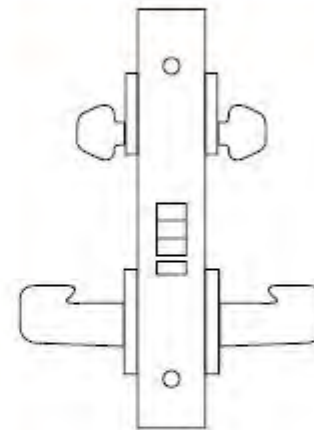
1010.1.4.4 Locking arrangements in educational occupancies.

This section has been revised to provide enhanced security measures for educational occupancies. Egress doors from classrooms, offices and other occupied rooms are permitted to have locking arrangements to keep intruders from entering the room when all of the following conditions are met:

1. The door shall be capable of being unlocked from outside the room with a key or other approved means.
2. The door shall be openable from inside the room.
3. Modifications shall not be made to listed panic hardware, fire door hardware or door closers.

8200 Line

SARGENT



**CLASSROOM
SECURITY
INTRUDER**

ELECTROMAGNETIC LOCK



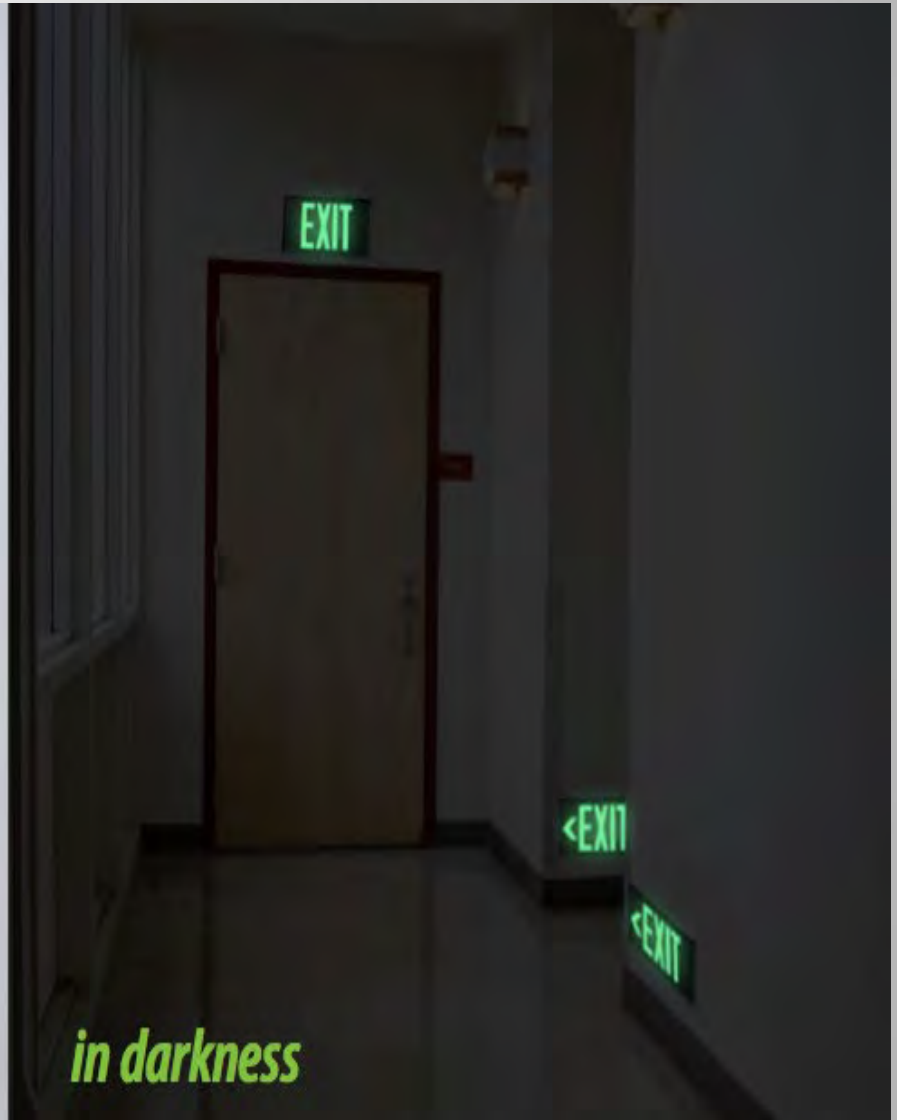
International Building Code (IBC)

1013.2 Low level exit signs in Group R-1.

Where exit signs are required in group R-1 occupancies (hotels, motels, boarding houses) additional low-level floor exit signs are now required in all areas serving guest rooms. This section has been expanded to now allow the bottom of such sign to be mounted 18 inches above the floor.

The 2012 IBC required the sign to be installed not less than 10 inches nor more than 12 inches above the floor level.

FLOOR LEVEL EXIT SIGNS



International Building Code (IBC)

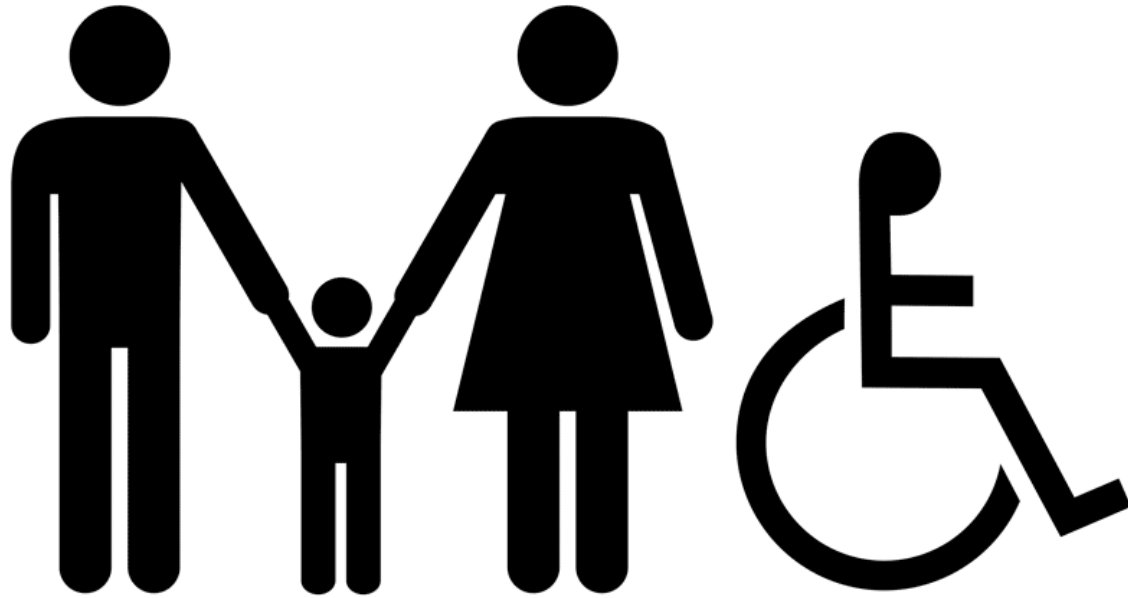
1109.2.1.2 Family or assisted-use toilet rooms.

This section has been revised to allow the following additional fixtures in a family or assisted-use toilet room:

1. A urinal.
2. A child-height water closet.
3. A child height lavatory.

1110.4.13 Play areas.

This section has been revised to specifically require access to children's play areas. Play areas must now be on an accessible route.



FAMILY RESTROOM

Reorder: RRE-7035-Black_on_White www.ComplianceSigns.com



International Building Code (IBC)

Table 1607.1 Minimum Uniformly Distributed Live Loads.

Item 5. Balconies and decks has been revised to state as follows:
“1.5 times the live load of the occupancy served, not required to exceed 100 psf.”

For example, a deck serving a private room of a multi-family dwelling must be designed for 60 psf. (1.5 times the private room served @ 40 psf equates to 60 psf)



International Building Code (IBC)

3310.1 Stairways required.

This section has been revised to require at least one temporary stairway for buildings under construction where the height above fire department vehicle access is 40 feet or more.



International Building Code (IBC)

3314 Fire watch during construction.

New provisions have been established to give the fire code official the authority to require a fire watch during construction. Since multi-floor wood construction (apartments, etc) are especially vulnerable to a fire event during construction, this becomes a valuable tool for the fire code official. The new section is as follows:

3314.1 Fire watch during construction.

Where required by the fire code official, a fire watch shall be provided during non-working hours for construction that exceeds 40 feet in height above the lowest adjacent grade”.



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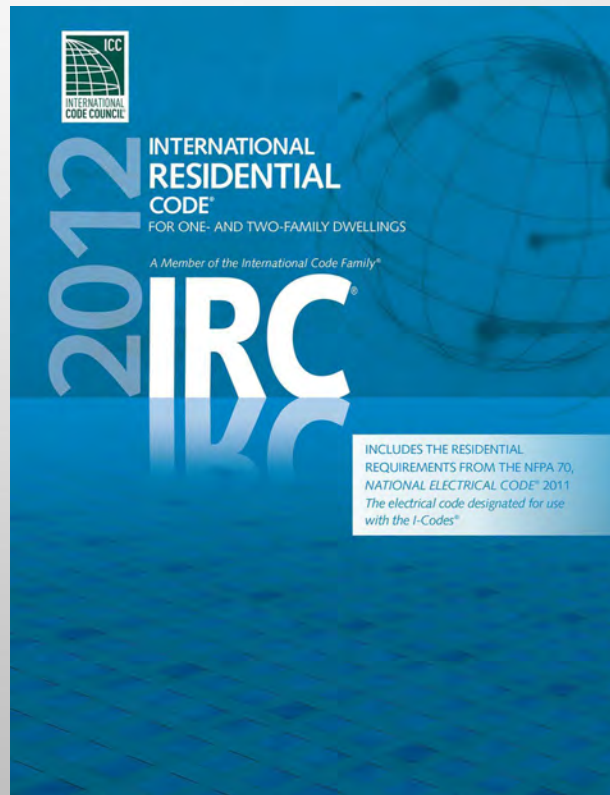


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2012/2018 IRC

2012 IRC



2018 IRC



International Residential Code (IRC)

R101.2 Scope.

Exceptions have been expanded as follows:

The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with Section P2904:

1. Live/work units located in townhouses.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

Live-work unit



Owner-occupied lodging



Custodial care facility



Assisted living facility



International Residential Code (IRC)

R202 Definitions. (new)

Access (to): That which enables a device, appliance or equipment to be reached by ready access, or by a means that first requires the removal or movement of a panel, door, or similar obstruction.

Crawl space: An underfloor space that is not a basement.

Carbon monoxide alarm. A single or multi-station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

Carbon monoxide detector: A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

Crawl space



Carbon monoxide detector/alarm

CARBON MONOXIDE DETECTOR



CARBON MONOXIDE ALARM



International Residential Code (IRC)

R302.5 Dwelling-garage opening and penetration protection.

This section has been revised to allow another option for the self-closing fire door between the garage and residence. The door may be equipped with a self closing device or automatic closing device.

Self closing device & Automatic closing device



International Residential Code (IRC)

R302.13 Fire Protection of Floors.

The 2012 IRC required installation of ½ inch gypsum board, 5/8 inch wood structural panel, or other approved material on the underside of floor assemblies consisting of i-joists, manufactured open web floor trusses, cold-formed steel framing and other materials and products considered most susceptible to collapse in a fire. The 2018 IRC expands the requirement to the underside of the floor assembly over a crawl space when fuel-fired or electric-powered heating equipment is installed in the crawl space.

I-JOISTS



OPEN-WEB FLOOR JOISTS



Fire protection- Underside of Crawl Spaces



International Residential Code (IRC)

R310.3 Emergency escape and rescue doors.

The terminology for, “bulkhead enclosures” has been replaced with “area wells”. The revised sections are as follows:

R310.3.2 Area wells. Area wells shall have a width of not less than 36 inches. The area well shall be sized to allow the emergency escape and rescue door to be fully opened.

R310.3.2.1 Ladders and steps. Area wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the door in the fully open position.

Basement area well



International Residential Code (IRC)

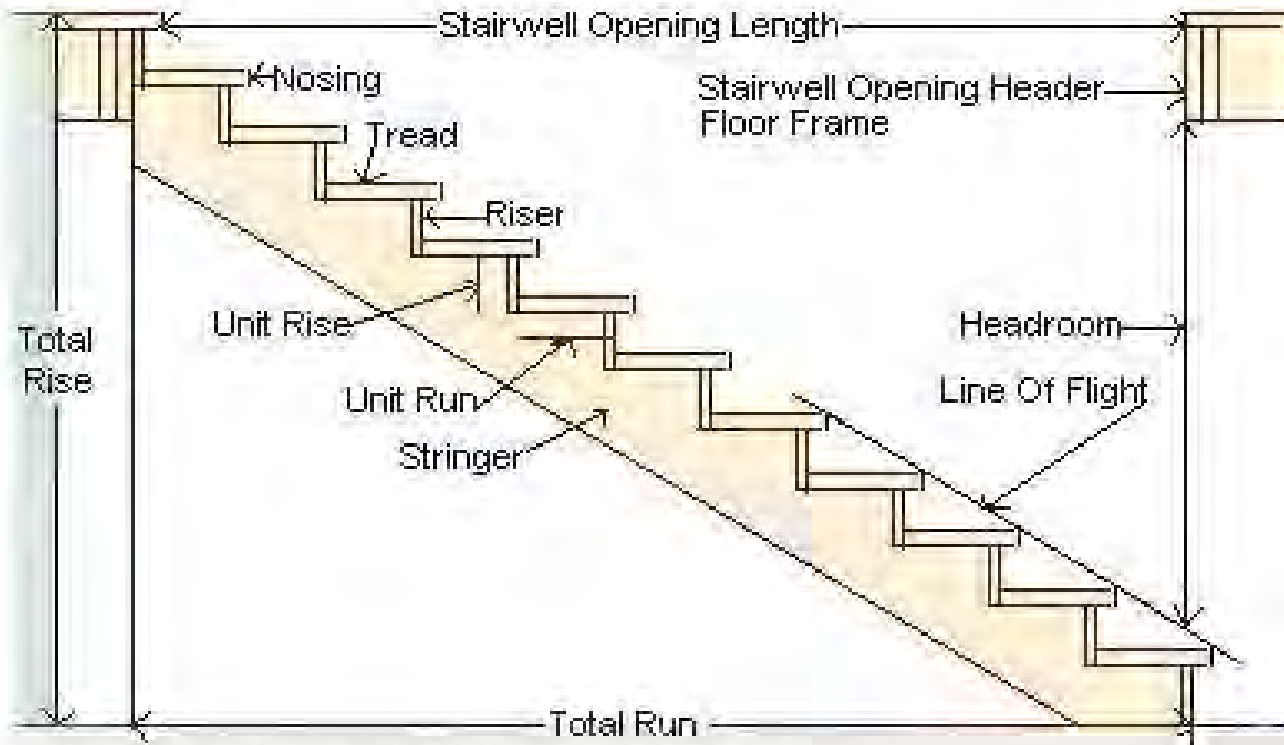
R31.7.3 Vertical rise. The maximum rise for a flight of stairs has increased from 147 to 151 inches (12 feet 3 inches to 12 feet 7 inches) This increase addresses the common 12 foot plus story height of modern home designs.

R312.1 Guards. This section has been revised to clarify the guard requirement only applies to that portion of the open-sided walking surface that exceeds 30 inches in height, measured vertically to the floor or grade below at any point within 36 inches horizontally to the edge of the open side.

R314 Smoke alarms. Wireless smoke alarms are now readily available and are affordable. With the advancement in this technology the exemption for interconnection of smoke alarms triggered by alterations, repairs or additions has been removed.

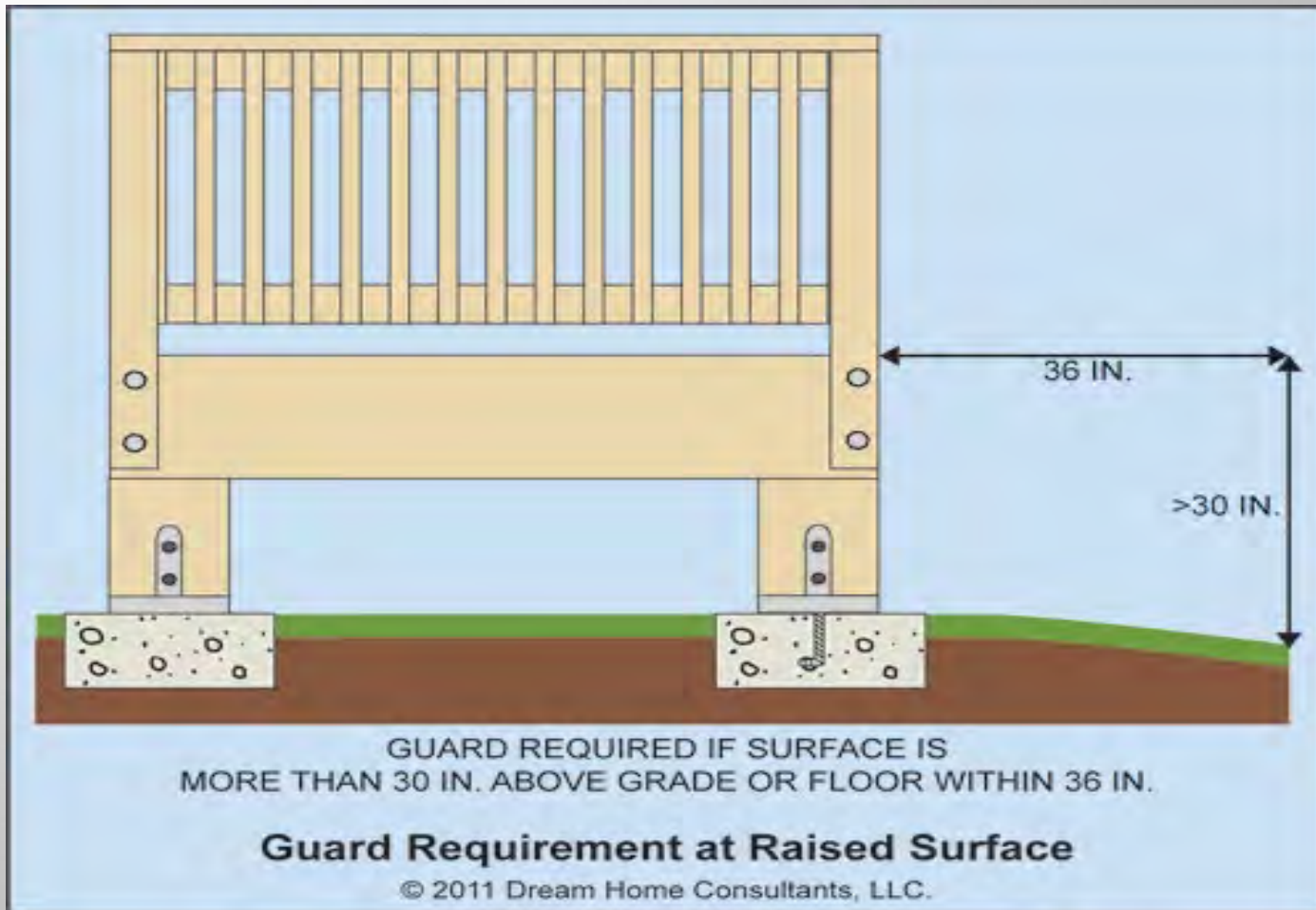
R315 Carbon monoxide alarms. Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit, the alarm devices are now required to be interconnected.

Vertical rise



Newel Post, Balusters and Handrail are not shown.

Guard



Wireless smoke alarm



Wireless combination smoke and carbon monoxide alarm



International Residential Code (IRC)

Table R507.6 Deck joist spans for common lumber species.

This table has been revised to include the maximum deck joist span and now includes the maximum cantilevered span also. The cantilever spans are controlled by one fourth the span length (measured from center of support to center of support) or the tabular cantilever value in the table, whichever is less.

R703.2 Water- resistive barrier. The exception for detached accessory buildings has been removed. A water-resistive barrier for the exterior walls of detached accessory structures is now required.

Water-resistive barrier



Cantilevered joists



International Residential Code (IRC)

N1101.6 Air barrier. The definition of air barrier has been revised for clarification as follows: (Section R202)

“**Air Barrier.** One or more materials joined together in a continuous manner to restrict or prevent the passage of air through the building thermal envelope and its assemblies.

N 1106.6 Building thermal envelope. The definition of building thermal envelope has been revised to further clarify it is an assembly to provide a boundary between conditioned space and unconditioned space.

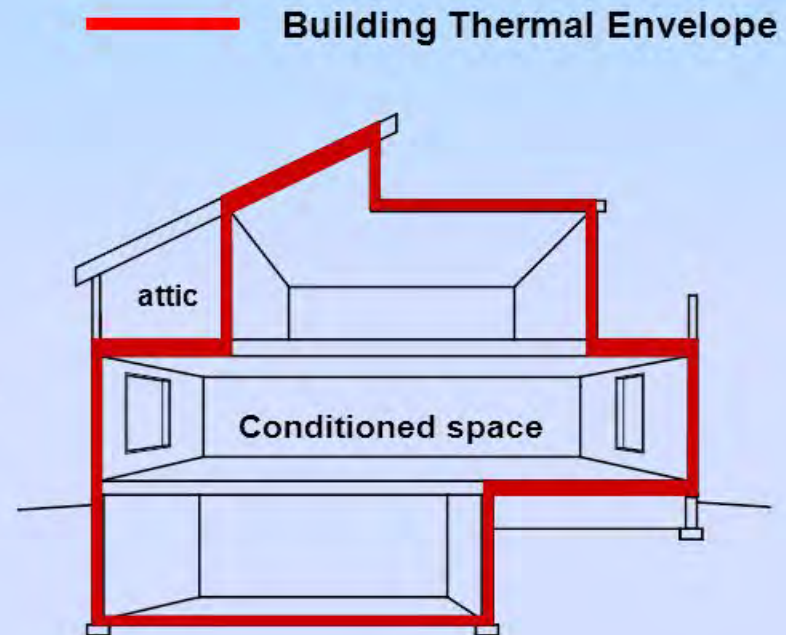
R703.2 Water- resistive barrier. The exception for detached accessory buildings has been removed. A water-resistive barrier for the exterior walls of detached accessory structures is now required.

Building Thermal Envelope

Definitions

Building Thermal Envelope:

The basement walls, exterior walls, floor, roof, and any other building element that enclose the conditioned space. This boundary also includes the boundary between conditioned space and any exempt or unconditioned space.



Water resistive air barrier



International Residential Code (IRC)

Tables N1102.1.2 & N1102.1.4 Insulation and fenestration

requirements. The tables have been revised to reflect a lower fenestration U-factor for dwellings and townhouses which will result in improved energy efficiency. The U-factor has been reduced slightly from 0.35 to 0.32. This is due to the low cost for improving U-factors and the increasing number of windows and doors already meeting and exceeding the 0.32 U-factor.

A study by the American Council for Energy Efficient Economy shows that 80% of all windows and doors installed in Climate zones 4-8 have a average 0.27 U-factor. (this area is in Climate Zone 4)

Energy Performance Window Label

Low -E Argon Gas Filled Windows

Low-E refers to the mirroring coating on the inside panes of the glass that reflects the sun's heat rays and also blocks UV rays that damage carpet, hardwood floors, cabinets and furniture. Argon gas is pressurized at 30 PSI and is denser than natural air.

U-FACTOR

the lower the U-Factor means less energy consumption, lower utility bills, and greater comfort in the living space

Solar Heat Gain

Refers to the percent of the sun's heat and radiation that can pass through the window glass. The Lower the number the better.

ENERGY PERFORMANCE RATINGS

U-Factor (U.S./I-P)	Solar Heat Gain Coefficient
0.30	0.20

ADDITIONAL PERFORMANCE RATINGS

Visible Transmittance	-
0.45	

ENERGY STAR PARTNER

This product is ENERGY STAR Qualified in Highlighted Regions

DP30 100" X 74"

SEQUENCE : 00097
 DEPT:028 S.O.:04814974 04914974-07-0001-0001
 LOAD:P8079 MOD:331
 Product Date: 06/23/2014

V Transmittance

Refers to the visible light that is transmitted past the tinting of the window. The lower this number the more light shines through.

Energy Star

The shading in the map shows that the window is Energy Star approved for the US states shaded in gray

**SIMPLE TEST
 FIND A WINDOW THAT IS FACING WEST AND
 ON A BRIGHT SUNNY DAY, FEEL THE GLASS.**

International Residential Code (IRC)

N1104.1 Lighting equipment (mandatory). This section has been revised to now required 90% of all permanently installed lighting fixtures to have high efficacy bulbs (i.e., LED lamps) Previous requirement was 75%.



2012/2018 IFC

2012 IFC



2018 IFC



International Fire Code (IFC)

807.2 Combustible decorative materials.

This section has been clarified to define the limitations of combustible decorative materials in Groups A, B, E, I, M, & R-1 dormitories of R-2 occupancies. Such materials shall not exceed 10% of the specific wall or ceiling area to which such materials are attached. Note: the 10% limit does not apply to curtains, draperies and similar combustible materials used for window coverings.



International Fire Code (IFC)

903.3.1.1.2 Bathrooms. This section has been revised to remove the fire sprinkler requirements from small bathrooms in R-4 occupancies. (assisted living facility, group home, alcohol/drug centers, rehab facilities, etc)

903.3.1.2.1 Balconies and decks. This section clarifies that when non rated decks and balconies are permitted as projections in Type V construction fire sprinkler protection is required. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members & a maximum of 14 inches below balconies and decks constructed of open wood joist construction.

R-4 bathroom & Balcony/deck



International Fire Code (IFC)

1010.1.10 Panic and fire exit hardware.

This section has been revised to allow sensor release of electrically locked swinging doors equipped with panic or fire exit hardware. Activation of the panic or fire exit hardware will automatically release the electronic lock assembly for the door(s).

ELECTROMAGNETIC LOCK



2018

INTERNATIONAL CODES

IPC[®]

A Member of the International Code Family

INTERNATIONAL
PLUMBING CODE[™]



International Plumbing Code (IPC)

412.10 Head shampoo sink faucets.

This new section limits the hot water temperature to not more than 120 degrees F. In addition, each faucet shall have integral check valves to prevent crossover flow between the hot and cold water supply connections.

423.3 Footbaths and pedicure baths.

This new section limits the hot water temperature to not more than 120 degrees F. The water-temperature-limiting device must conform to ASSE1070/ASME A112.1070/CSA B125.70 or CSA B125.3.

Head shampoo station



Footbaths and Pedicure baths



New

2018

AN INTERNATIONAL STANDARD

IFGC

International Fuel Gas Code

INTERNATIONAL
FUEL GAS CODE



International Fuel Gas Code (IFGC)

303.3.1 Fireplaces and decorative appliances in Group I-2, Condition 2 occupancies. This section has been revised to allow a gas fireplace appliance or decorative gas appliance in Group I-2, Condition 2 occupancies where such appliances are direct-vent appliances installed in public lobby and waiting areas that are not within smoke compartments containing patient sleeping areas. The appliance controls shall be located where they can only be accessed by facility staff.

Gas fireplace appliance



International Fuel Gas Code (IFGC)

614.4 Exhaust installation. This section has been revised to clarify that clothes dryer exhaust ducts shall be sealed in accordance with Section 603.9 of the International Mechanical Code.

614.4.1 Exhaust termination outlet and passageway. This new section states as follows:

“ The passageway of dryer exhaust duct terminals shall be undiminished in size and shall provide an open area of not less than 12.5 square inches.”

Dryer Exhaust



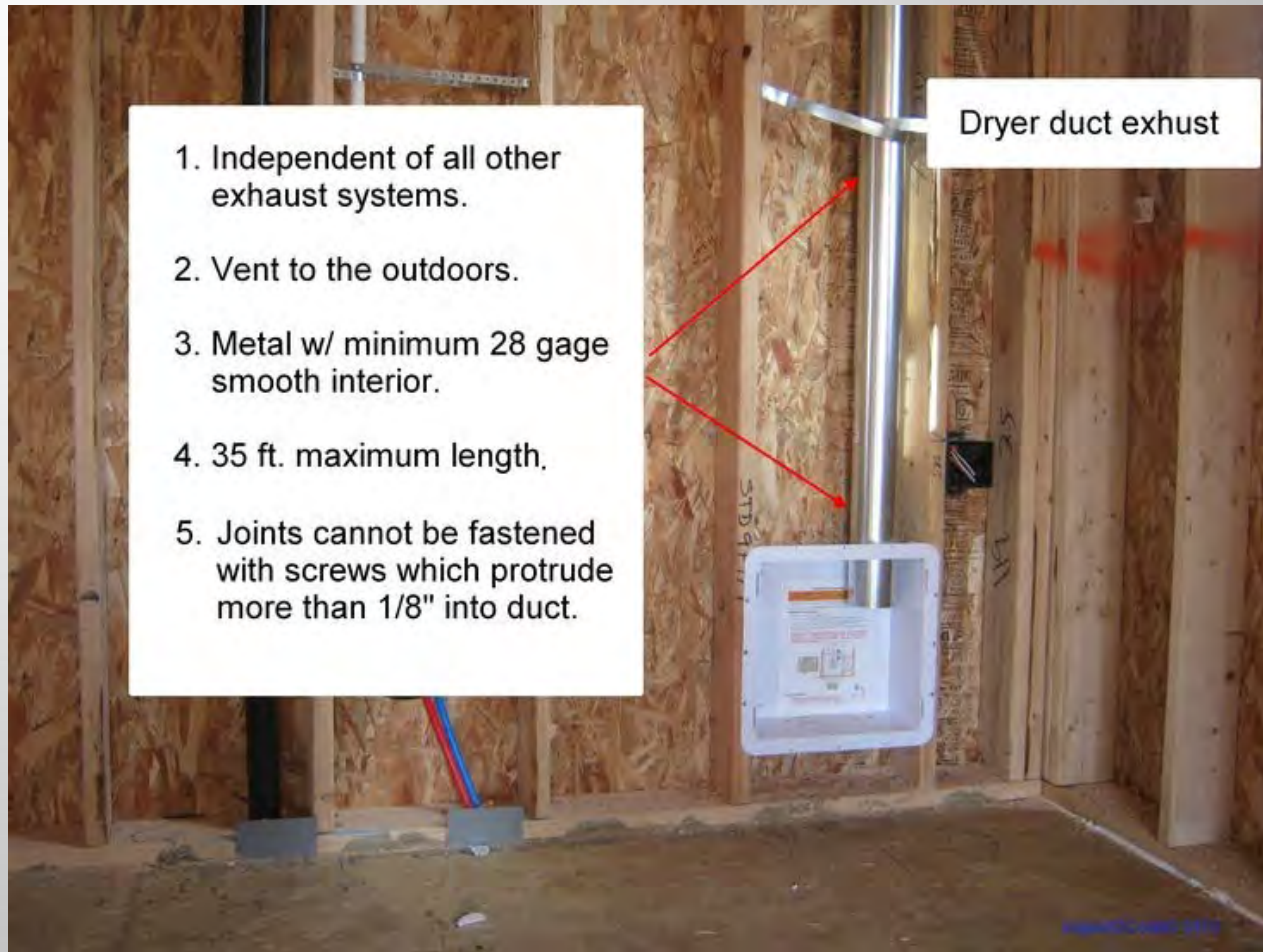


International Mechanical Code (IMC)

504.8.2 Duct installation.

This section has been revised to allow clothes dryer ducts to be joined with screws or similar fasteners that protrude more than 1/8 inch into the inside of the duct. An additional requirement has been added which states: “Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation”.

Clothes dryer duct



2 0 1 8

INTERNATIONAL CODES™

IECC®

A Member of the International Code Family®

INTERNATIONAL
ENERGY CONSERVATION CODE®



International Energy Conservation Code (IECC)

Table 402.1.1 Insulation and Fenestration Requirements by Components.

This table has been modified to reflect the climatic conditions in this area. (Climate Zone 4)

R402.4.1.1 Installation.

The components of the building envelope shall be installed in accordance with the manufacturer's instructions and the criteria of Table R402.4.1.1 as applicable to the method of construction. When required by the code official an approved third party shall inspect all components and verify compliance.

**TABLE R402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a)**

Climate Zone	Fenestration U-factor (b)	Skylight U-factor (b)	Glazed Fenestration SHGC (b)	Ceiling R-value (f)	Wood frame wall R-value	Mass wall R-value (e)	Floor R-value	Basement wall R-value (c)	Foundation perimeter R-value (d)	Crawl space wall R-value (c)
4	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13

- (a). R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value shall not be less than the R-value specified in the table.
- (b). The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- (c). 10/13 means R-10 continuous insulation on the interior or exterior, or R-13 cavity insulation at the interior of the finished basement walls only.
- (d). R-10, 2 ft. around perimeter of slab. R-5 shall be added to the required slab edge R-values for heated slabs.
- (e). The second R-value applies when more than half the insulation is on the interior of the wall mass.
- (f). Loose fill insulation shall be installed at the rate recommended by the manufacturer’s statement “so many bags per 1000 square feet” Where the pitch of the roof restricts the “minimum thickness” at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the “minimum thickness” can be achieved. An alternate is to install high-density batts around the perimeter edge per N1102.2.

Energy Requirements and Terminology

What is R-value ?

It is the capacity of an insulating material to resist heat flow. The higher the R-value the greater the insulating power. Only resistance to heat flow is considered in the R-value and this is measured in a lab within a controlled environment. Unfortunately your home is built outdoors and subject to wind, storms, humidity and extreme temperature changes. In that regard, other elements of energy efficiency will come into play, such as thermal envelope to help assure comfort and savings.

Energy Requirements and Terminology

How many inches of fiberglass/batt insulation equate to:

R-13 = 3 1/2 to 3 5/8 inches thick pending manufacturer

R-19 = 6 1/4 to 6 1/2 inches thick pending manufacturer

R-30 = 9 1/2 to 10 1/4 inches thick pending manufacturer

R-38 = 12 to 12 1/2 inches thick pending manufacturer

R-49 = 15 1/2 to 16 inches thick pending manufacturer

Energy Requirements and Terminology

What is U-factor ?

The lower the U –factor, the greater a window’s resistance to heat flow and the better its insulating properties.

What is solar heat gain coefficient (SHGC) ?

The SHGC measures the fraction of solar energy transmitted and tells you how well the product blocks heat caused by sunlight. Typical ranges are 0.25 to 0.80.

Energy Requirements and Terminology

What is air leakage ?

Air leakage is also called infiltration, which is the unintentional or accidental introduction of outside air into a building, typically through cracks in the building envelope and through doors for passage. In the summer infiltration can bring humid outdoor air into the building. Whenever there is infiltration there is corresponding exfiltration elsewhere in the building. In the winter this can result in warm moist indoor air moving in cold envelope cavities. In either case, condensation can occur in the structure, resulting in mold, mildew, or rot. In testing for air leakage the rate shall not exceed 5 air changes per hour (ACH).

Energy Requirements and Terminology

What is air changes per hour (ACH) ?

ACH is a measure of the air volume added or removed from a space (normally a room or house) divided by the volume of the space. For example, a room 10 feet x 10 feet x 8 feet high = 800 cubic feet. The supply grill is 10 inches x 6 inches with a 6 inch flexible duct delivering 80 cfm. In this case, the $ACH = 60 \times 80 / 800 = 6.0$ ACH. It may also be calculated as $4800 \text{ cfh} / 800$ which also equates to 6.0 ACH. The minimum ACH rate for a typical room is 4.0, with the range being 4.0 to 10.

Energy Requirements and Terminology

What is the building thermal envelope ?

The building thermal envelope is the physical separator between the conditioned and unconditioned environment of a building including the resistance to air, water, heat, cold, light and noise transfer.

▣ What is RESNET and HERS Index ?

The Residential Services Network (RESNET) was founded in 1995 as an independent, non-profit organization to help homeowners reduce the cost of their utility bills by making their homes more energy efficient. The Home Energy Rating System (HERS) Index is the industry standard by which a home's energy efficiency is measured. It is also the nationally recognized system for inspecting and calculating a home's energy performance.

Energy Requirements and Terminology

How does the HERS Index work ?

A certified Home Energy Rater assesses the energy efficiency of the home, assigning it a relative performance score. (Note: The lower the number the more efficient the home). The U.S. Department of Energy has determined that a typical resale home scores 130 on the HERS Index, while a standard new home is awarded a rating of 100. For example, a home with a HERS Index score of 70 is 30% more efficient than a standard new home. A home with a HERS Index score of 130 is 30% less efficient than a standard new home. (Note: A standard new home with a HERS Index score of 100 is based upon compliance with the 2006 IECC).

Energy Requirements and Terminology

The Energy Codes keep raising the bar :

The 2009 IECC is 15% more stringent than the 2006 version.

The 2012 IECC is 30% more stringent than the 2006 version.

The 2015 IECC target is to be 50% more stringent than the 2006 IECC.

The 2018 IECC target is to be 70% more stringent than the 2006 IECC.

The bar continues to raise in conjunction with the U.S. Department of Energy's Building Energy Codes Program (BECP) which mandates increased energy efficiency in America's residential and commercial buildings. Established in 1991 the BECP is part of the DOE's Energy Efficiency and Renewable Energy programs.

Energy Requirements and Terminology

Model Code Development

Residential and commercial buildings use about 40% of the energy in the United States making them significant contributors to the energy problem. Building energy codes are a critical part of the energy solution. By continuing to improve the energy codes results in less energy is consumed by America's buildings resulting in less cost for consumers, less carbon added to the environment thereby reduced greenhouse gas emissions and a reduction in dependence on foreign energy sources. The Building Energy Codes Program (BECP) plays a key role in establishing more "stringent" baseline codes. A building constructed to meet a baseline code meets a minimum level of energy efficiency. BECP's reach does not stop at a minimum level. By increasing the stringency of baseline codes, above-code programs such as LEED and ENERGY STAR may be more readily achievable. The 2009 edition of the IECC marked the first milestone in BECP's goal of achieving a minimum 30% increase in energy efficiency.

International Energy Conservation Code (IECC)

Table R402.1.1 Insulation and fenestration requirements.

The table has been revised to reflect a lower fenestration U-factor for dwellings and townhouses which will result in improved energy efficiency. The U-factor has been reduced slightly from 0.35 to 0.32. This is due to the low cost for improving U-factors and the increasing number of windows and doors already meeting and exceeding the 0.32 U-factor.

A study by the American Council for Energy Efficient Economy shows that 80% of all windows and doors installed in Climate zones 4-8 have an average 0.27 U-factor. (Note: this area is in Climate Zone 4)

Energy performance window label

Low -E Argon Gas Filled Windows




Low-E refers to the mirroring coating on the inside panes of the glass that reflects the suns heat rays and also blocks UV rays that damage carpet, hardwood floors, cabinets and furniture. Argon gas is pressurized at 30 PSI and is denser than natural air.

U-FACTOR

the lower the U-Factor means less energy consumption, lower utility bills, and greater comfort in the living space

Solar Heat Gain

Refers to the percent of the suns heat and radiation that can pass through the windows glass. The Lower th enumber the better.

		3/4" (Dualglazed) MFR#073 ATRIUM SERIES: 150 VINYL Continuous Head Tri Low - e Argon ADW - A - 154 - 00522 - 00004	
ENERGY PERFORMANCE RATINGS			
U-Factor (U.S./I-P)		Solar Heat Gain Coefficient	
0.30		0 20	
ADDITIONAL PERFORMANCE RATINGS			
Visible Transmittance		—	
0.45			
<small>Manufacturer certifies that these ratings conform to applicable NFRC procedures for determining whole product performance. NFRC ratings are determined for a fixed set of environmental conditions and a specific product size. NFRC does not recommend any product and does not warrant the suitability of any product for any specific use. Consult manufacturer's literature for other product performance information. www.nfrc.org</small>			
			
This product is ENERGY STAR Qualified in Highlighted Regions			
<small>This window has been tested in accordance with either ANSI/HAMA/WWDA 101/LS2-97, 101/LS2/NAFS-02 or AAMA/AMA/CSA 101/LS2/NAFS-02 and has a Design Pressure Adjustment of 30. Add to Window's DP 30</small>			
+/- DP30 108" X74"		IN size	
I/PD Approval: FL11834 Glazing complies with ASTM E 1300 Super Lite Glazing Single - Strength Annealed Airspace Single - Strength Annealed		I/D: WIN - 747 Lock Lite Glazing Single - Strength Annealed Airspace Single - Strength Annealed	
SEQUENCE : 00097 DEPT:026 S.O.:04914974 04914974 - 07 - 0001 - 0001 LOAD:P8079 MOD:531 Product Date: 06/23/2014			

V Transmittance

Refers to the visable light that is transmitted past the tinting of the window. The lower this number the more light shines through.

Energy Star

The shading in the map shows that the window is Energy Star approved for the US states shaded in gray

**SIMPLE TEST
FIND A WINDOW THAT IS FACING WEST AND
ON A BRIGHT SUNNY DAY, FEEL THE GLASS.**

International Energy Conservation Code (IECC)

Table 402.4.1.2 Testing.

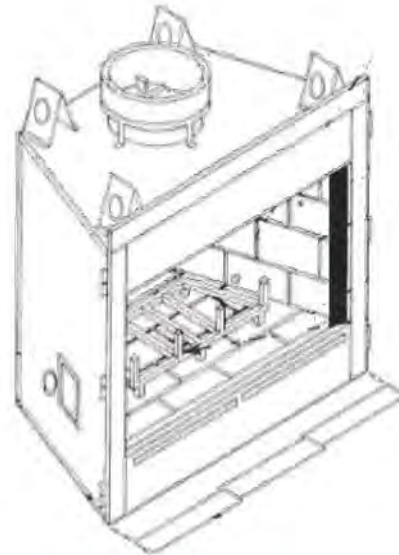
When required by the code official, the building or dwelling unit shall be tested and verified, by an approved third party, as having an approved air leakage rate. (5 air changes per hour)

R402.4.2 Fireplaces.

New wood burning fireplaces shall have tight fitting flue dampers and outdoor combustion air. The doors shall be tested and listed for the fireplace in accordance with UL 127.

UL 127 Factory Built Fireplaces

- Testing requirements for entire system
 - Fire chamber
 - Chimney
 - Roof assembly
 - Related components



International Energy Conservation Code (IECC)

R402.4.4 Recessed Lighting.

Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage between the conditioned and unconditioned spaces. Recessed lighting shall be IC- rated and labeled as having an air leakage rate of not greater than 2.0 cfm. Recessed luminaires shall be sealed with a gasket or caulked between the housing and the interior wall or ceiling covering.

R403.2.2 Insulation.

Supply and return ducts in attics shall be insulated to a minimum of R-8 for ducts 3 inches in diameter and larger. Supply and return ducts in other portions of the building shall be insulated to a minimum R-6 for ducts 3 inches in diameter and larger and not less than R4.2 for ducts smaller than 3 inches in diameter. Exception: Ducts located completely within the building thermal envelope.

R404.1 Lighting equipment (mandatory). This section has been revised to now required 90% of all permanently installed lighting fixtures to have high efficacy bulbs (i.e., LED lamps) Previous requirement was 75%.

IC Rated Light Fixture

Non IC Rated: Not used with insulated ceilings



IC Rated: Used for insulated ceilings



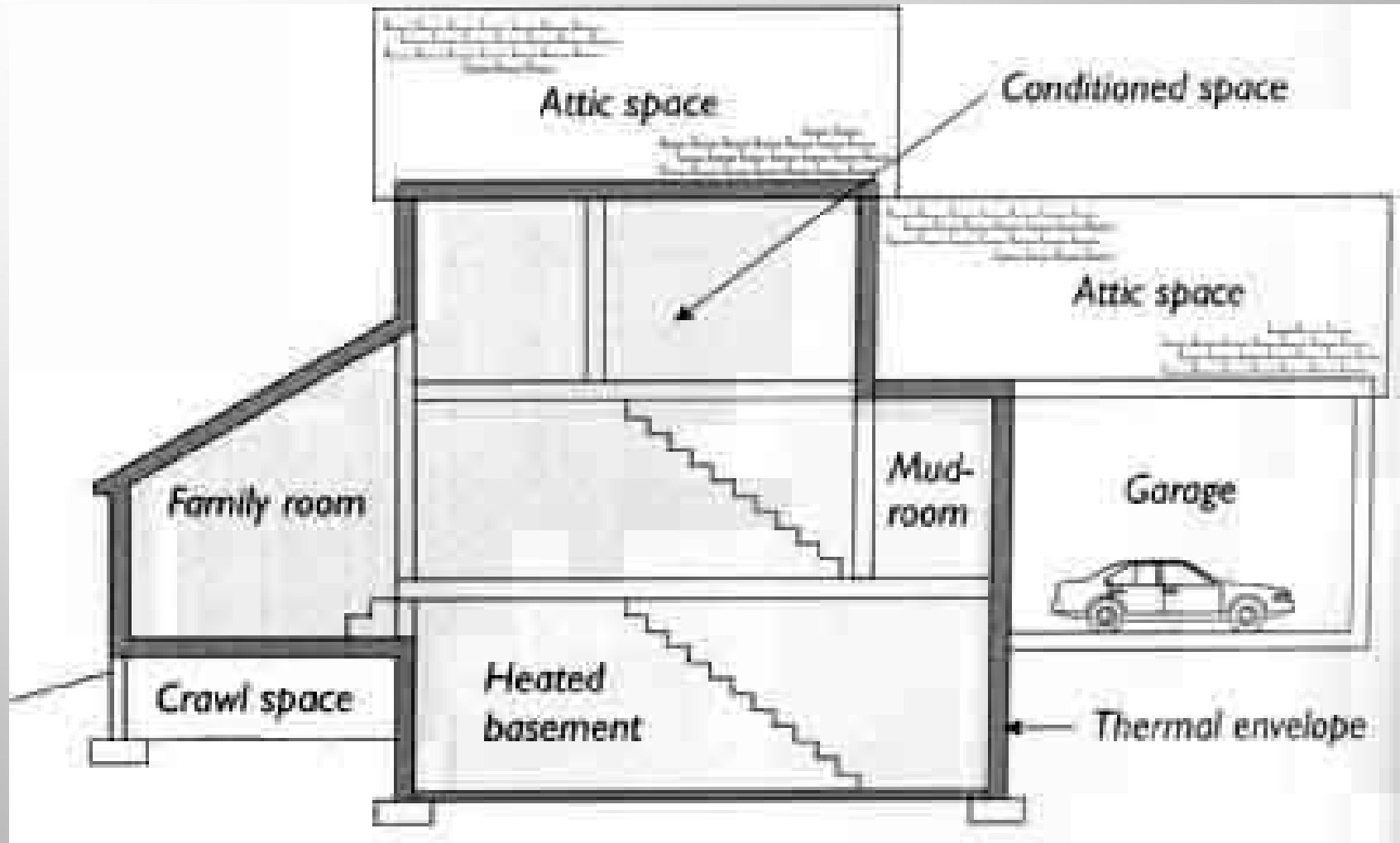
Insulated Duct



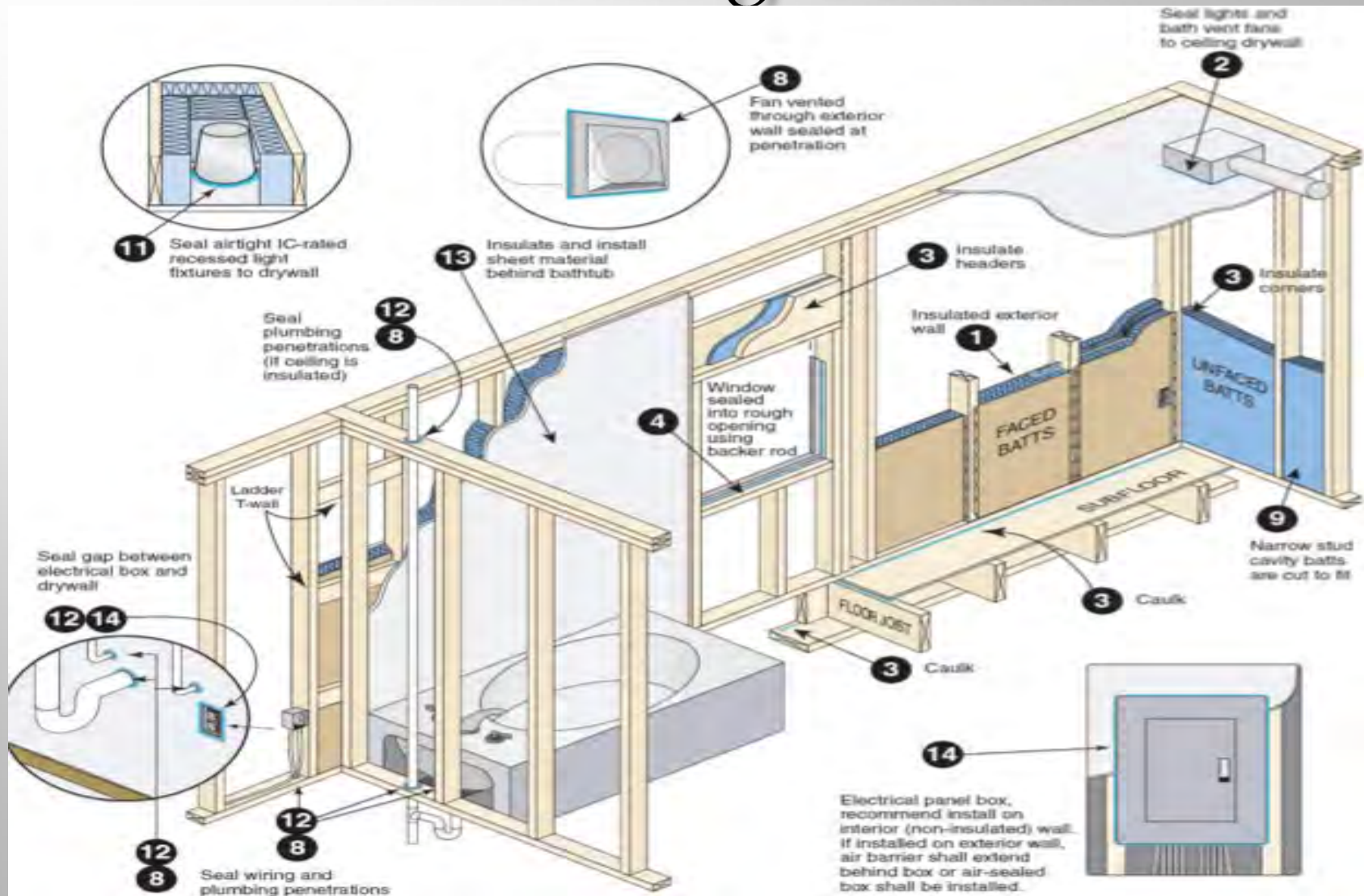
High efficacy bulbs



Building Thermal Envelope



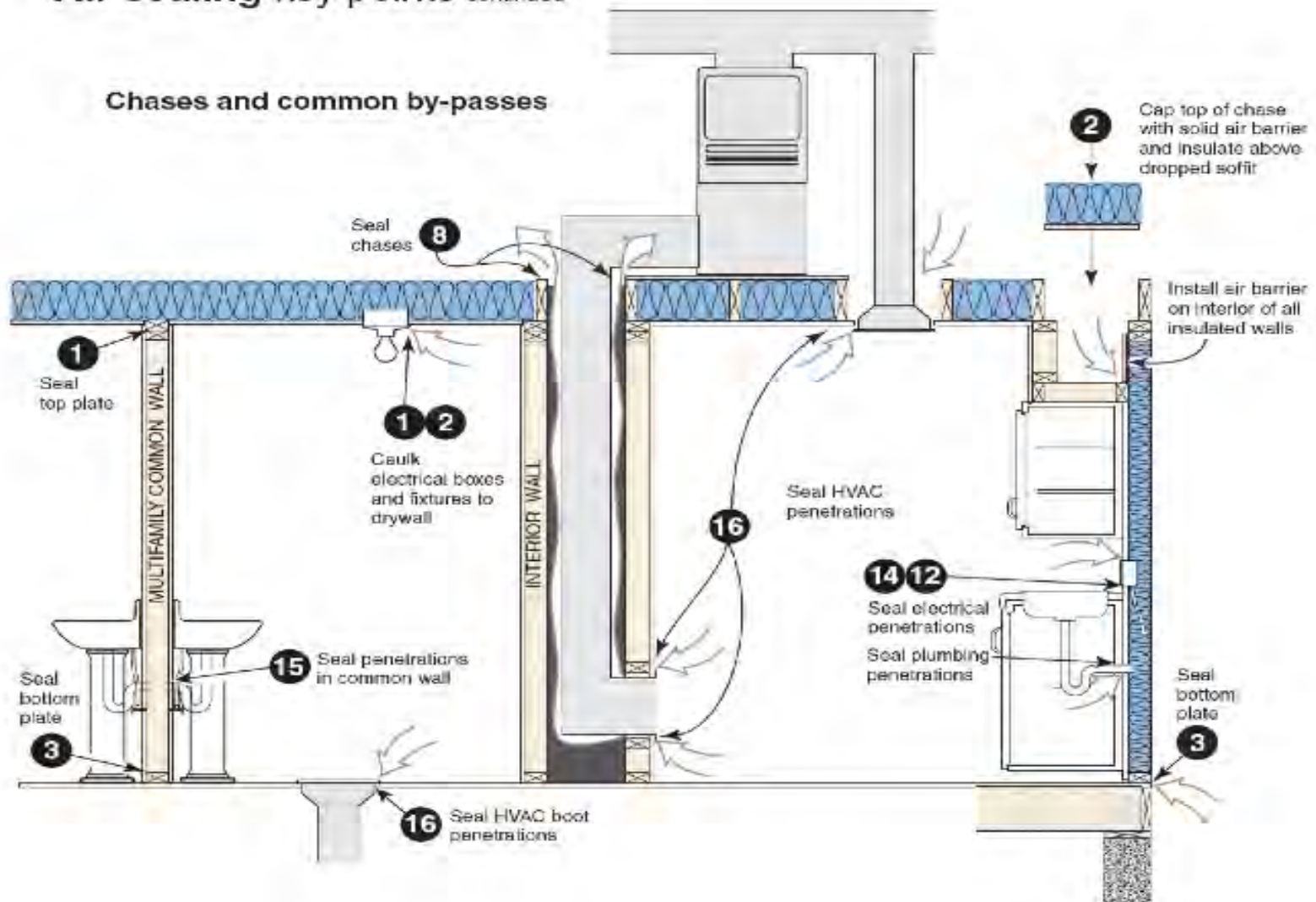
Air Sealing General



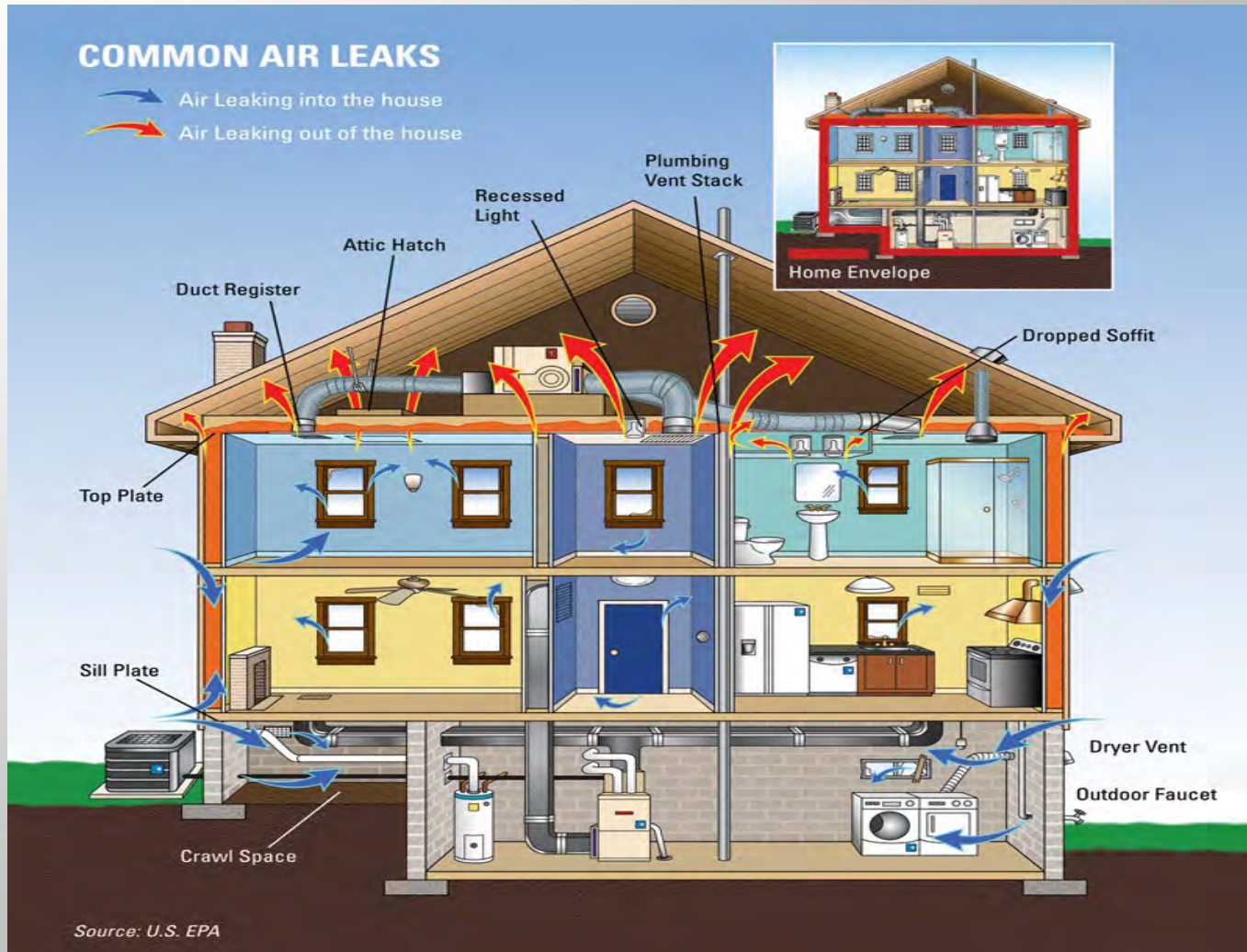
Air Sealing (Cont.)

Air sealing key points *continued*

Chases and common by-passes



Air Leakage



NFPA 70[®]



National Electrical Code[®]

International Electrical Code[®] Series

2017

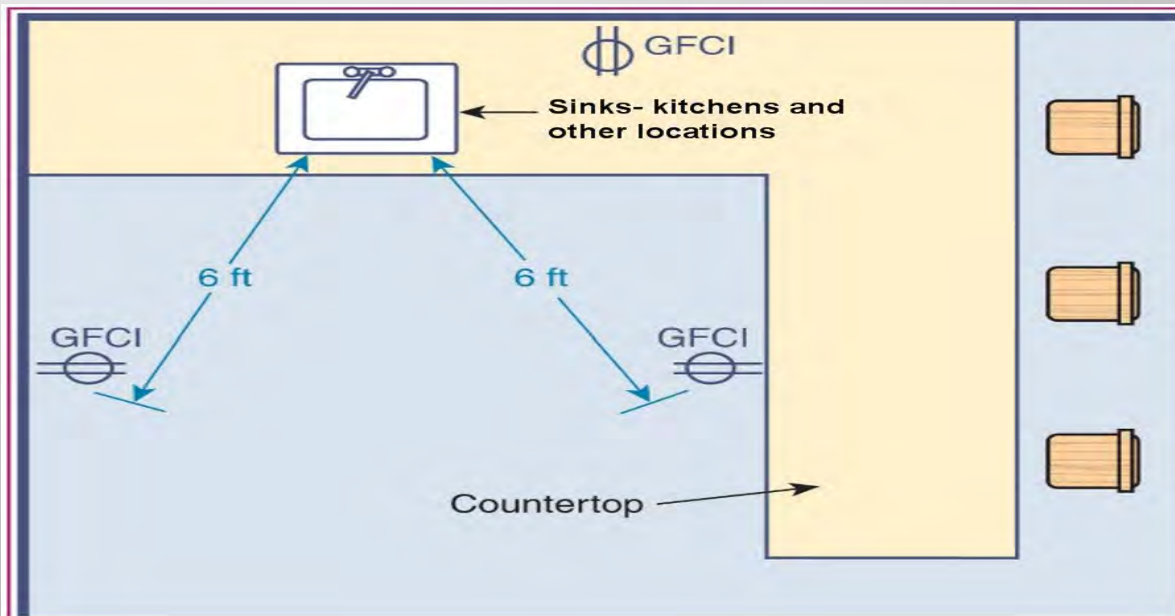


National Electrical Code (NEC)

Article 210- 210.8 Ground-fault Circuit Interrupter Protection for Personnel; (B) Dwelling Units. (7) Sinks.

This section has been revised as follows:

“Sinks- where receptacles are installed within 6 feet from the top inside edge of the bowl of the sink.” (The 2011 edition stated “within 6 feet of the outside edge of the sink”).



National Electrical Code (NEC)

Article 210- 210.12 Arc-fault Circuit Interrupter Protection; (A) Dwelling Units.

All 120 volt, single phase, 15 and 20 amp circuits supplying outlets installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas or similar rooms or areas shall be protected by any listed arc-fault circuit interrupter installed to provide protection of the branch circuit.

AFCI AND GFCI LOCATIONS



AFCI

Family Room
Dining Room
Living Room
Bedroom
Sunroom
Library
Kitchen

Den
Office
Hallways
Closets
Rec Rooms
Laundry Rooms
Similar Areas

GFCI

Kitchen
Bathroom
Garage
Porch
Pool Area
Laundry Rooms

*AFCI technology is also required in college dormitories

National Electrical Code (NEC)

Article 406- 406.12 Tamper- Resistant Receptacles in Dwelling Units.

This section requires that all non-locking type 125volt, 15 and 20 ampere receptacles specified in 406.12 (1) through(7) shall be listed tamper-resistant receptacles: (1) dwelling units; (2) Guest rooms and guest suites of hotels; (3) child care facilities; (4) preschools and elementary education facilities; (5) business offices, corridors, waiting rooms and the like; (6) subsets of assembly occupancies such as transportation waiting areas, gymnasiums, skating rinks, auditoriums; (7) Dormitories.

There are 4 exceptions, which include:

1. Receptacles located more than 5 ½ feet above the floor.
2. Receptacles that are part of a luminaire or appliance.
3. A single receptacle or duplex receptacle for two appliances located within a dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected. (i.e., stackable washer and dryer)
4. Nongrounding receptacles used as replacements.

Tamper Resistant Receptacles

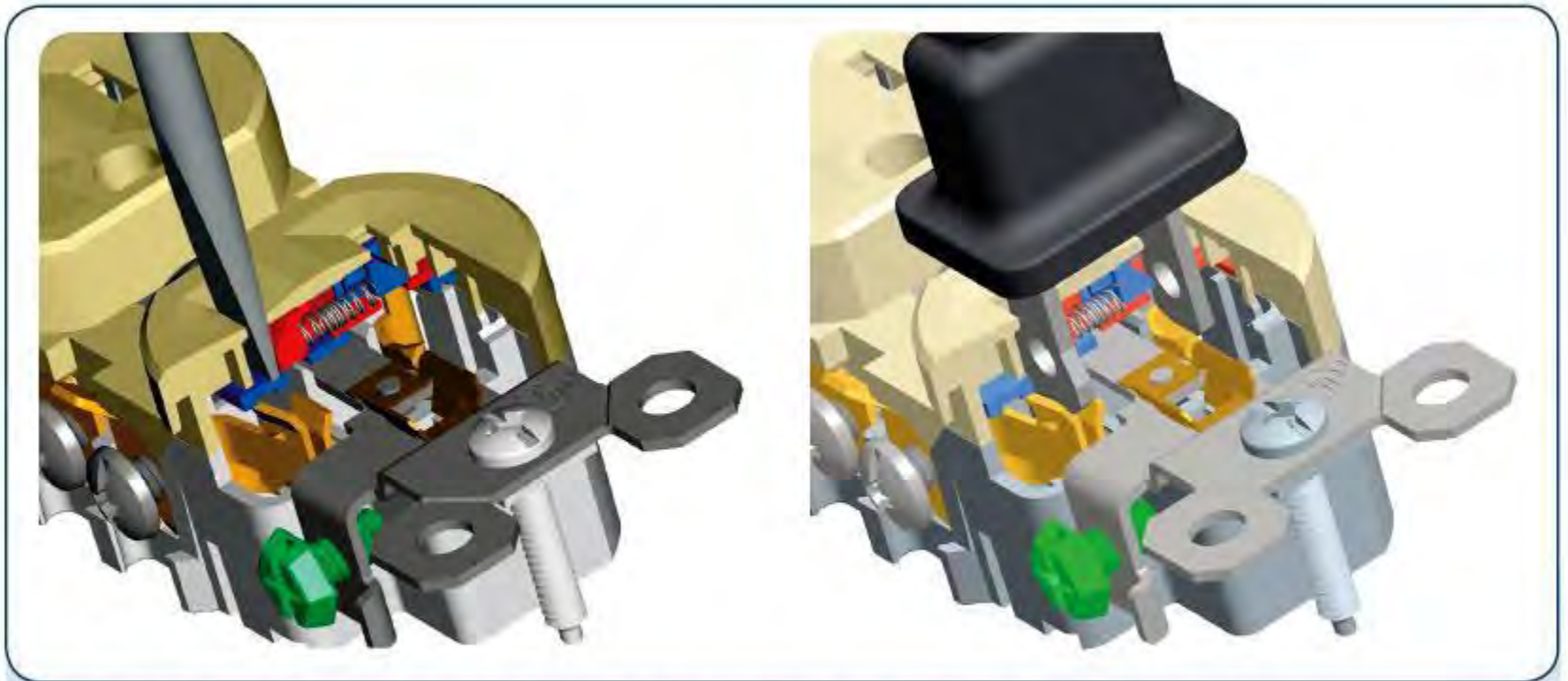
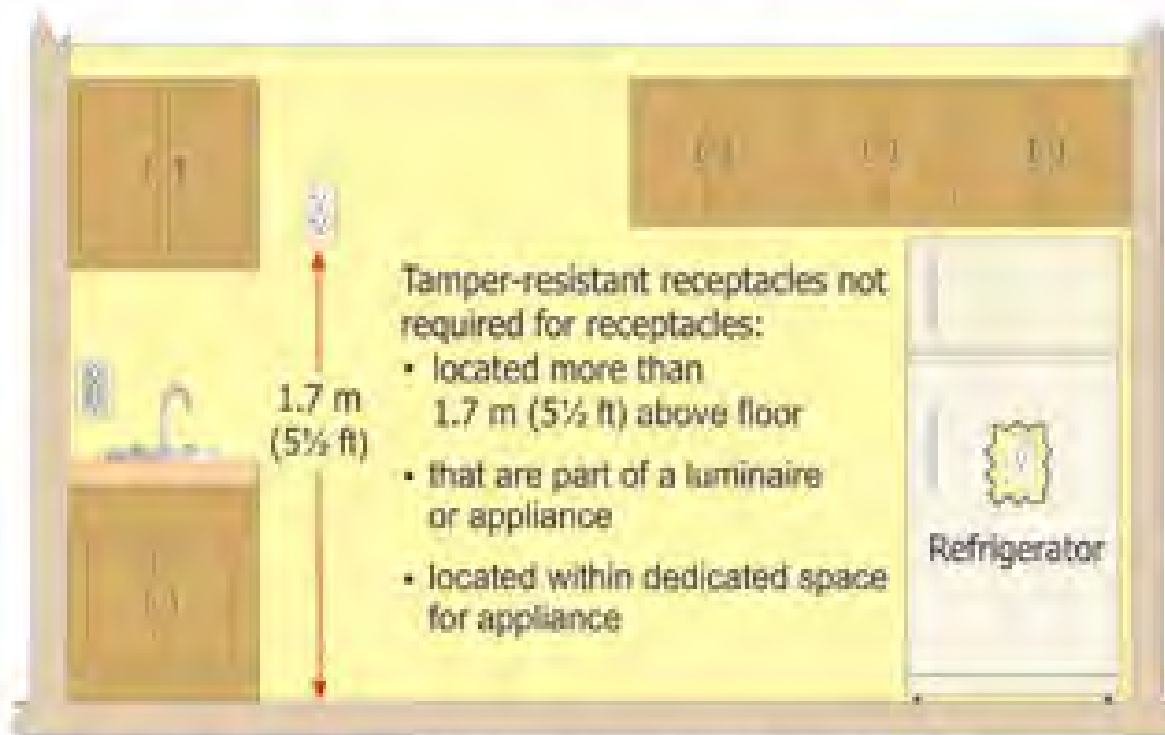


EXHIBIT 406.6 Tamper-resistant receptacle. Insertion of an object in any one side does not open the shutter (left), but a two-bladed plug or grounding plug compresses the spring and simultaneously opens both shutters (right). (Courtesy of Legrand/Pass & Seymour®)

406.12 Tamper-Resistant Receptacles



In all areas specified in 210.52, all nonlocking type 125-volt, 15- and 20-ampere receptacles required to be listed tamper-resistant receptacles

QUESTIONS AND COMMENTS

CITY OF MISSION
RESOLUTION _____

WHEREAS, the 2018 ICC codes were originally presented to the City Council in September of 2020 for adoption; and,

WHEREAS, there was general discussion at the time among design professionals, construction industry leaders, code officials, sustainability advocates, and elected officials about the newly released 2021 International Energy Conservation Code and Council requested that staff conduct further research, resulting in delayed adoption of the 2018 ICC Codes; and,

WHEREAS, the initial 2021 Energy Conservation Code adopted and released by the ICC in 2020 was ultimately repealed by ICC and replaced with a new code that was more in line with energy conservation practices being adopted throughout the industry; and,

WHEREAS, on October 20, 2021, the Governing Body adopted a Resolution endorsing the KC Regional Climate Action Plan developed by Climate Action KC and the Mid-America Regional Council and recognizing the KC Regional Climate Action Plan's goal of a Net-Zero metropolitan region by 2050; and,

WHEREAS, the Greenhouse Gas Inventory relied upon in the formulation of the KC Regional Climate Action Plan concluded that Residential Buildings represent 29% of greenhouse gas emissions in the Kansas City metropolitan area and Commercial and Industrial Buildings represent an additional 32% of greenhouse gas emissions in the Kansas City metropolitan area; and,

WHEREAS, the KC Regional Climate Action Plan's Work Plan calls for "form[ing] a collaborative regional energy working group to focus on renewable energy and energy efficiency" and "[d]evelop[ing] and adopt[ing] [a] new suite of local government energy policies"; and,

WHEREAS, the KC Regional Climate Action Plan's Policy Recommendations for Local Government include "[a]dopt[ion] [of] IECC 2021"; and,

WHEREAS, on February 16, 2022, Mayor Sollie Flora established a Climate Action Plan Task Force to recommend 1-, 3-, and 5-year strategies to advance the goals of the KC Regional Climate Action Plan in Mission; and,

WHEREAS, on October 13, 2022 the City of Kansas City, Missouri adopted the 2021 IECC with strengthening amendments, including a voluntary ZERO Code provision; and,

WHEREAS, the City of Mission did not have the technical expertise or staff capacity to effectively evaluate the 2021 IECC Codes on its own and was waiting to see how the actions of the City of Kansas City, Missouri aligned with the 2018 Body of Codes; and

WHEREAS, recognizing that review and adoption of more aggressive energy code standards is an important goal of the Governing Body,

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

Section 1. Beginning in January 2023, Staff and Council will engage in conversations with the City of Kansas City, MO, and any other communities within the metropolitan area operating under the 2021 IECC (either in connection with the 2018 Body of ICC Codes or the 2021 Body of ICC Codes) in order to understand any potential conflicts, if any, between the 2021 IECC and the 2018 Body of ICC Codes, and the feasibility of adopting the 2021 IECC.

Section 2. Staff will explore partnership opportunities with Climate Action KC, the Building Energy Exchange KC (an initiative of Climate Action KC), the Mid-America Regional Council (MARC), the Metropolitan Energy Center, and/or other affiliated groups to review and discuss the pros and cons of the historical six-year review cycle used by most cities throughout the region for assessing and adopting the applicable Body of ICC Codes and to explore options that may better align with the Governing Body's goals regarding sustainability while recognizing the varying expertise and capacity available in smaller organizations.

Section 3. No later than _____ 2023, staff will present findings and recommendations to the Community Development Committee for review, discussion, and potential action regarding the 2021 IECC and related matters.

PASSED AND APPROVED BY THE CITY COUNCIL this 21st day of December 2022.

APPROVED BY THE MAYOR this 21st day of December 2022.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	December 14, 2022
PUBLIC WORKS	From:	Brent Morton

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

RE: 2023 Mowing Services Contract

RECOMMENDATION: Approve the 2023 Mowing Services Contract with Kansas Land Management in the amount of \$80,710.00.

DETAILS: Since 2010, the regular mowing of City parks, facilities, and other public grounds has been performed as a contracted service. The decision was made to contract this service for two reasons, cost savings and reallocation of time for Public Works staff.

Cost savings are realized by not having the capital expenditures and maintenance cost of equipment required to maintain 60+ acres of public space. The number of employees dedicated to this service also drove the cost higher as seasonal workers were brought on in the summer months for the sole purpose of mowing.

Reallocation of time has been another benefit to contractual mowing. Staff time can be utilized to perform core Public Works tasks such as street repair and stormwater maintenance.

The current contract includes approximately 60 acres of public green space, which includes KDOT right-of-way, guardrail mowing, parks, city-owned lots, and trails. The frequency of mowing ranges from weekly to monthly depending on the area being maintained. For instance, parks are mowed on a weekly basis while KDOT areas are mowed once a month.

The City took the mowing contract out to bid for the 2023 mowing season with a bid alternate that would begin implementation of the City Council's goal for more sustainable practices. The bid alternate includes completing 25.8 acres with electric weed eaters and blowers on a weekly basis. This area includes Waterworks Park, Mohawk Park, Streamway Park, City Hall, Andersen Park, and Broadmoor Park and was selected since the parks are highly visible to the public and Staff can more easily monitor the use of electric equipment in these areas. Originally, Staff planned to require the use of electric mowers for the bid alternate; however, based on discussions with manufacturers and landscaping companies, commercial electric mowers are not readily available and typically have a one-year lead time after ordering. Therefore, this equipment would not be available for the 2023 mowing season.

The City received three proposals, and upon careful review, determined that KLM was the most qualified bidder based on the equipment and employees available to complete the work required by the contract. The contract with Kansas Land Management is for one year with an option to renew in one-year increments through 2027 at an amount not

Related Statute/City Ordinance:	
Line Item Code/Description:	01-20-212-06 Service Contracts
Available Budget:	\$250,000

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	December 14, 2022
PUBLIC WORKS	From:	Brent Morton

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

to exceed 3% annually.

The agenda item presented to Council for consideration at the 12/14/2022 Community Development Committee (CDC) meeting recommended award of the mowing contract to Kansas Land Management with the base bid and bid alternate in an amount not to exceed \$100,710.00. The costs for the current mowing contract, which expires at the end of 2022, is \$72,870.00 (does not include costs for use of electric equipment).

Based on discussions at the 12/14/2022 CDC meeting, Council raised concerns about the additional cost for the electric equipment in the bid alternate. Council stated that it would be more cost effective to approve only the base bid at this time and rebid the mowing contract in future years once electric mowing equipment is more readily available.

The additional cost for electric equipment is recommended to be funded from the sustainability funds allocated during the 2023 Budget process, and then evaluated annually for potential expansion as more electric equipment becomes available for commercial applications.

2023 Mowing Services	Total Bid	Bid Alt Electric Equipment
Embassy Landscape Group	\$149,088.00	\$9,200.00
Kansas Land Management	\$80,710.00	\$20,000.00
Executive Lawn Care LLC	\$92,216.64	\$52,425.00

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	
Line Item Code/Description:	01-20-212-06 Service Contracts
Available Budget:	\$250,000

Bid Proposal

Bid Proposal Considerations and Instructions. A Bidder shall submit a separate unit price for each separately numbered facility, one (1) through sixty-three (63). The areas to be maintained at each designated location are spatially identified in the "Map Attachments". The Bid Proposal states an estimated or approximated quantity of thirty-two (32), sixteen (16), or eight (8), reflecting that it is estimated that Bidder will provide mowing (trimming and litter removal subsidiary) consistent with the documented schedule beginning the first week of April 2023. The actual amount paid will be based on the frequency of the work as directed by the Director. Bidder agrees to perform the services agreed to in these Contract Documents a minimum that reflects the schedule specified in the bid table. If the Director instructs a Bidder awarded a contract to maintain a facility more or less frequently than scheduled for the estimated thirty-two (32) weeks, Bidder will be paid the unit price bid for each separately numbered facility, for the actual quantity of work performed. Mowing services (trimming and litter removal subsidiary) shall be performed in accordance with the General Conditions.

A Complete bid proposal package shall include:


1. Fully executed bid proposal form with signatures
2. A fully completed bid table form (base bid and bid alternate)
3. Contractor list of major equipment owned
4. Addendum Receipt Acknowledgement (if applicable)

Question and/or concerns may be directed to The City of Mission Public Works Department at 913-676-8380 (Brent Morton) or at bmorton@missionks.org.

The undersigned Bidder hereby proposes to furnish all materials, supplies, transportation, tools, equipment and to perform all necessary labor for providing the following services in conformity with the Contract Documents, including all documents referred to therein, for and in consideration of the prices or rates listed in the attached Bid Table:

DATED in _____ this 28th day of NOVEMBER, 2022.

(SEAL)

KANSAS LAND MANAGEMENT
Contractor

Signature
PAUL WISLE

Printed Name

PRESIDENT

Title

23751 W 82ND TER

Street Address or P.O. Box

SHAWNEE KS 66227

City, State, Zip

913-980-1287

Telephone Number

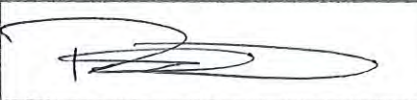
CONTRACTOR LIST OF ALL MAJOR EQUIPMENT OWNED &/OR ACCESSIBLE

Quantity	Type of Equipment
16	KUBOTA ZD 1211 WITH 72" DECK
1	KUBOTA ZD 1211 WITH 60" DECK
1	JOHN DEERE Z 994R WITH 60" DECK
5	JOHN DEERE 652E WITH 52" DECK
9	3/4 TON PICKUP TRUCKS
9	24' TRAILERS

ADDENDUM RECEIPT ACKNOWLEDGEMENT

The Undersigned hereby agrees to complete all work covered by this proposal as specified in the Contract Documents.

I/We acknowledge receipt of the following addenda:

Addendum No.	Date Received by Bidder	Signature
1	11/17/2022	

Dated this 18 day of NOVEMBER, 2022.

City of Mission

Parks and Public Property Mowing

2023 RFP Base Bid Table

For services to be rendered between April 2023 - November 2023

		Approx. Quantity	Unit Price	Total
#1	<u>Waterworks Park (53rd & Woodson)</u> Between 5910 & 5810 W 53rd St	4.2 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>165.⁰⁰</u>	\$ <u>5,280.⁰⁰</u>
#2	<u>Community Center (6200 Martway)</u>	0.9 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>120.⁰⁰</u>	\$ <u>3,840.⁰⁰</u>
#3	<u>Beverly Park (5935 Beverly)</u>	0.5 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>30.⁰⁰</u>	\$ <u>960.⁰⁰</u>
#4	<u>Mohawk Park (67th & Lamar)</u> 6649 Lamar Ave	7.8 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>275.⁰⁰</u>	\$ <u>8,800.⁰⁰</u>

#5	Foxridge Lot (Between 5501 & 5621 Foxridge Dr) Mowing (Trimming & Litter Removal Subsidiary)	0.5 Acres 16	\$ <u>15.00</u>	\$ <u>240.00</u>
#6	Birch Park-6000 Birch St North End of Street Mowing (Trimming & Litter Removal Subsidiary)	0.4 Acres 32	\$ <u>30.00</u>	\$ <u>960.00</u>
#7	Pearl Harbor Park (Martway & Maple - SE corner) Mowing (Trimming & Litter Removal Subsidiary)	0.3 Acres 16	\$ <u>25.00</u>	\$ <u>400.00</u>
#8	Nall Lot (6516 Nall Ave) Mowing (Trimming & Litter Removal Subsidiary)	0.4 Acres 16	\$ <u>20.00</u>	\$ <u>320.00</u>
#9	Roe Ramp 5930 Roe Ave (Right-of-way to the North of address) Mowing (Trimming & Litter Removal Subsidiary)	2.2 Acres 8	\$ <u>150.00</u>	\$ <u>1,200.00</u>
#10	56th/Broadmoor Lot (56th & Broadmoor - NE corner) Mowing (Trimming & Litter Removal Subsidiary)	1.25 Acres 16	\$ <u>50.00</u>	\$ <u>800.00</u>

#11	<u>Streamway Park (51st & Foxridge Dr)</u> <u>(Access Road)</u>	6.0 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>140.00</u>	\$ <u>4,480.00</u>
#12	<u>City Hall (6090 & 6019) Woodson + Parking</u> <u>Area E of Woodson)</u>	0.4 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>80.00</u>	\$ <u>2,560.00</u>
#13	<u>Anderson Park (6090 Woodson)</u>	2.4 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>175.00</u>	\$ <u>5,600.00</u>
#14	<u>61 St. Islands (Between Woodson & Maple)</u>	0.3 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	16	\$ <u>15.00</u>	\$ <u>240.00</u>
#15	<u>5919 Woodson St</u>	0.1 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	16	\$ <u>15.00</u>	\$ <u>240.00</u>
#16	<u>Broadmoor Park (5701 Broadmoor)</u>	5.0 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>175.00</u>	\$ <u>5,600.00</u>
#17	<u>Public Works Shop (4775 Lamar)</u>	1.0 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>65.00</u>	\$ <u>2,080.00</u>

#18	Harley Woods / Adjacent Lot- 5916,5922,5924 Outlook St Mowing (Trimming & Litter Removal Subsidiary)	0.4 Acres 32	\$ <u>25.00</u>	\$ <u>800.00</u>
#19	Guard Rails @ Foxridge & Lamar N/W corner of intersection of Foxridge Dr & Lamar Ave Mowing (Trimming & Litter Removal Subsidiary)	0.1 Acres 16	\$ <u>25.00</u>	\$ <u>400.00</u>
#20	Foxridge Dr Guardrail / ROW Address: Starting @ Falls Prop. line & cont. To 50th Ter Mowing (Trimming & Litter Removal Subsidiary)	0.6 Acres 16	\$ <u>15.00</u>	\$ <u>240.00</u>
#21	Foxridge Guardrails (5280 & 5297 Foxridge Dr) Mowing (Trimming & Litter Removal Subsidiary)	0.01 Acres 16	\$ <u>10.00</u>	\$ <u>160.00</u>
#22	Foxridge Dr Guardrail (AT&T) - AT&T prop line cont. to KDOT ROW #1 on W side of road Mowing (Trimming & Litter Removal Subsidiary)	0.08 Acres 6	\$ <u>5.00</u>	\$ <u>30.00</u>
#23	KDOT ROW #1 - S of #22 cont. to Intersection @ 56th & Foxridge Dr Mowing (Trimming & Litter Removal Subsidiary)	0.33 Acres 8	\$ <u>25.00</u>	\$ <u>200.00</u>
#24	KDOT ROW #2 - 56th & Foxridge Dr continued to 58th & Foxridge Dr Mowing (Trimming & Litter Removal Subsidiary)	1.0 Acres 8	\$ <u>50.00</u>	\$ <u>400.00</u>

#25	KDOT ROW #3 - 58th & Foxridge Dr continued to Johnson Dr & Metcalf Ave Mowing (Trimming & Litter Removal Subsidiary)	0.8 Acres 8	 \$ <u>125.00</u>	 \$ <u>1,000.00</u>
#26	Rotary Park/KDOT ROW #4 Intersection @ Johnson Dr & Metcalf Ave Mowing (Trimming & Litter Removal Subsidiary)	0.7 Acres 32	 \$ <u>60.00</u>	 \$ <u>1,920.00</u>
#27	KDOT ROW # 5 S/W exit of Target on Squibb cont. to W side of Glenwood Mowing (Trimming & Litter Removal Subsidiary)	3.56 Acres 8	 \$ <u>250.00</u>	 \$ <u>2,000.00</u>
#28	KDOT ROW #6 N/W corner of the Intersection @ SMP & Lamar Ave Mowing (Trimming & Litter Removal Subsidiary)	0.53 Acres 8	 \$ <u>40.00</u>	 \$ <u>320.00</u>
#29	KDOT ROW #7 N/W corner of the Intersection @ SMP & Roeland Dr Mowing (Trimming & Litter Removal Subsidiary)	0.44 Acres 8	 \$ <u>50.00</u>	 \$ <u>400.00</u>
#30	KDOT ROW - SMP Ramp #1 S/E corner of the Intersection @ SMP & Roe Ave Mowing (Trimming & Litter Removal Subsidiary)	1.1 Acres 8	 \$ <u>100.00</u>	 \$ <u>800.00</u>
#31	KDOT ROW - SMP Ramp #2 N/E corner of the Intersection @ SMP & Roe Ave Mowing (Trimming & Litter Removal Subsidiary)	1.3 Acres 8	 \$ <u>100.00</u>	 \$ <u>800.00</u>

#32	KDOT ROW - SMP Ramp #3 S/E corner of the Intersection @ SMP & Johnson Dr Mowing (Trimming & Litter Removal Subsidiary)	1.1 Acres 8	 \$ <u>100.00</u>	 \$ <u>800.00</u>
#33	Martway St Lot - W of 5501 Martway St Mowing (Trimming & Litter Removal Subsidiary)	0.48 Acres 32	 \$ <u>35.00</u>	 \$ <u>1,120.00</u>
#34	Rosewood St Island - @ dead end of Rosewood St 6001 Rosewood St Mowing (Trimming & Litter Removal Subsidiary)	0.03 Acres 32	 \$ <u>15.00</u>	 \$ <u>480.00</u>
#35	Russell St Island - @ dead end of Russell St 5320 Russell St Mowing (Trimming & Litter Removal Subsidiary)	0.02 Acres 32	 \$ <u>15.00</u>	 \$ <u>480.00</u>
#36	Lamar Ave Guardrail #2 51st St to 52nd St on W side of Lamar Ave Mowing (Trimming & Litter Removal Subsidiary)	0.1 Acres 16	 \$ <u>15.00</u>	 \$ <u>240.00</u>
#37	51st St Guardrail / ROW #2 Between Lamar Ave & Dearborn St on S side of 51st St Mowing (Trimming & Litter Removal Subsidiary)	0.32 Acres 16	 \$ <u>15.00</u>	 \$ <u>240.00</u>
#38	52nd St Island #1 Between Horton St & Woodson St on N side of 52nd St Mowing (Trimming & Litter Removal Subsidiary)	0.11 Acres 32	 \$ <u>15.00</u>	 \$ <u>480.00</u>

#39	52nd St Island #2 Between Horton St & Woodson St N side of 52nd St Mowing (Trimming & Litter Removal Subsidiary)	0.11 Acres 32	\$ <u>15.00</u>	\$ <u>480.00</u>
#40	49th St Island #1 Between Lamar Ave & dead end on W side of road 6333 W 49th St Mowing (Trimming & Litter Removal Subsidiary)	0.03 Acres 32	\$ <u>15.00</u>	\$ <u>480.00</u>
#41	49th St Island #2 Between Lamar Ave & dead end on W side of road 6385 W 49th St Mowing (Trimming & Litter Removal Subsidiary)	0.2 Acres 32	\$ <u>15.00</u>	\$ <u>480.00</u>
#42	Lamar Ave Guardrail #2 Between 49th St & end of the guardrail on W side of road Mowing (Trimming & Litter Removal Subsidiary)	0.2 Acres 16	\$ <u>15.00</u>	\$ <u>240.00</u>
#43	50th St Island - @ the dead end of 50th St 6338 W 50th St Mowing (Trimming & Litter Removal Subsidiary)	0.01 Acres 32	\$ <u>15.00</u>	\$ <u>480.00</u>
#44	51st St ROW #1 Between 51st St N/S & Foxridge Dr on W side of road Mowing (Trimming & Litter Removal Subsidiary)	0.22 Acres 8	\$ <u>25.00</u>	\$ <u>200.00</u>
#45	Community Garden S/E corner of Intersection @ Lamar Ave & Foxridge Dr Mowing (Trimming & Litter Removal Subsidiary)	1.03 Acres 32	\$ <u>60.00</u>	\$ <u>1,920.00</u>

#46	Rock Creek Trail Mowing Area #1 S of the S/W Target entrance off of Squibb Rd - At the W most end of the trail. Mowing (Trimming & Litter Removal Subsidiary)	0.13 Acres 32	\$ <u>25.00</u>	\$ <u>800.00</u>
#47	Rock Creek Trail Mowing Area #2 N/W corner of Intersection @ Barkley & RC Trail Mowing (Trimming & Litter Removal Subsidiary)	0.2 Acres 32	\$ <u>25.00</u>	\$ <u>800.00</u>
#48	Rock Creek Trail Mowing Area #3 E of Intersection @ Barkley St & RC Trail Mowing (Trimming & Litter Removal Subsidiary)	1.3 Acres 32	\$ <u>60.00</u>	\$ <u>1,920.00</u>
#49	Rock Creek Trail Mowing Area #4 E of Intersection @ Barkley St & Rock creek Trail Mowing (Trimming & Litter Removal Subsidiary)	1.0 Acres 32	\$ <u>60.00</u>	\$ <u>1,920.00</u>
#50	Rock Creek Trail Mowing Area #5 5907 Outlook St - S of Johnson Dr & Outlook St Mowing (Trimming & Litter Removal Subsidiary)	0.06 Acres 32	\$ <u>10.00</u>	\$ <u>320.00</u>
#51	Rock Creek Trail Mowing Area #6 5727 Johnson Dr to 5703 Johnson Dr Mowing (Trimming & Litter Removal Subsidiary)	0.2 Acres 32	\$ <u>10.00</u>	\$ <u>320.00</u>

#52	Rock Creek Trail Mowing Area #7 5633 Johnson Dr cont. to 5601 Johnson Dr, cont. to the N/E corner of Intersection @ Martway St & Maple St	1.0 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>60.00</u>	\$ <u>1,920.00</u>
#53	Legacy Park 6000 Broadmoor St	0.5 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>90.00</u>	\$ <u>2,880.00</u>
#54	Neff Printing Lot 7080 Martway Lot is North side of Panera Bread	0.8 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	16	\$ <u>40.00</u>	\$ <u>640.00</u>
#55	5919 Lot - 5919 Woodson St	0.2 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>25.00</u>	\$ <u>800.00</u>
#56	KDOT ROW #2 / Countryside ROW Between Lamar Ave & Outlook (S side of 62nd Terr)	3.0 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	16	\$ <u>100.00</u>	\$ <u>1,600.00</u>
#57	Nall Ave & W 61st Terrace Island of Nall	0.2 Acres		
	Mowing (Trimming & Litter Removal Subsidiary)	32	\$ <u>10.00</u>	\$ <u>320.00</u>

#58	Johnson Dr & Lamar NE corner of Intersection Between 6200 & 6250 Johnson Dr Mowing (Trimming & Litter Removal Subsidiary)	0.03 Acres 32	 <u>\$ 10.⁰⁰</u>	 <u>\$ 320.⁰⁰</u>
#59	Johnson Dr Between Nall & Roeland Drive In front of : 5410 Johnson Dr 5402-5406 Johnson Dr 5200 Johnson Dr Mowing (Trimming & Litter Removal Subsidiary)	0.23 Acres 32	 <u>\$ 65.⁰⁰</u>	 <u>\$ 2,080.⁰⁰</u>
	SUB-TOTAL ACRES:	57.41 ACRES	In the space to the right, add together the line item totals for #1 - #59	<u>\$ 77,830.⁰⁰</u>
#60	Rock Creek Trail Phase #1 - Section 1 & 2 Starting @ Riggs St cont to Russell St Mowing (Trimming & Litter Removal Subsidiary)	10ft either side of the trail (683 ft.) 32	 <u>\$ 30.⁰⁰</u>	 <u>\$ 960.⁰⁰</u>
#61	Rock Creek Trail Phase #2 - Section 3-5 Starting @ Martway St & Lamar Ave & cont. to E Woodson St Mowing (Trimming & Litter Removal Subsidiary)	Spot right of way mowing (1,009 ft.) 32	 <u>\$ 20.⁰⁰</u>	 <u>\$ 640.⁰⁰</u>
#62	Rock Creek Trail Phase #2 - Section 6-8 Starting @ Woodson St & cont. to Nall Ave Mowing (Trimming & Litter Removal Subsidiary)	Spot right of way mowing (983 ft.) (a) 32	 (a) <u>\$ 20.⁰⁰</u>	 <u>\$ 640.⁰⁰</u>

#63	Rock Creek Trail Phase #2 - Section 9 Starting @ Nail Ave & cont. to Roeland Dr Mowing (Trimming & Litter Removal Subsidiary)	Spot right of way mowing (1,763 ft) 32	\$ 20. ⁰⁰		\$ 640. ⁰⁰
	SUB-TOTAL TRAILS:	4,438 ft.	In the space to the right, add together the line item totals for #60 - #63		\$ 2,880. ⁰⁰

Category	Quantity	Bid
SUB-TOTAL ACRES:	57.41 ACRES (Total for #1 - #59)	\$ 77,830. ⁰⁰
SUB-TOTAL TRAILS:	4,438 ft. (Total for #60-#63)	\$ 2,880. ⁰⁰
	TOTAL BASE BID:	\$ 80,710. ⁰⁰



November 17, 2022

RE: **Addendum No. 1**
 RFP for 2023 Public Property Mowing Services
 City of Mission, Kansas

Dear Contract Bidders:

Enclosed is **Addendum No. 1** to the above-referenced contract documents. Please execute and attach this **Addendum No. 1** with your bid documents.

If you have any questions, please contact the undersigned.

Sincerely,
CITY OF MISSION

Brent Morton
Public Works Superintendent

attachment

2023 PUBLIC PROPERTY MOWING SERVICES
CITY OF MISSION
ADDENDUM NO. 1

Bid Alternate Table:

Item 1: Bid alternate table clarification: The quantity to be completed with electric weed eaters and blowers on a weekly basis is 25.8 acres and includes Waterworks Park, Mohawk Park, Streamway Park, City Hall, Anderson Park, and Broadmoor Park.

The undersigned hereby acknowledges receipt of this addendum, which by this reference is hereby incorporated in and becomes a part of the Contract Documents for the above referenced project.

KANSAS LAND MANAGEMENT

Company Name



Signature

PRESIDENT

Title

23751 W 82ND TER.

Address

SHAWNEE KS 66227

City/State/Zip

913-980-1287

Telephone Number

End of Addendum 1

Addendum 1 City of Mission Parks and Public Property Mowing 2023 RFP Bid Alternate Table

For services to be rendered between April 2023 - November 2023

Category	Quantity To Be Completed With Electric Equipment	Cost
Acres To Be Completed with Electric Equipment (Blower and Trimmer)	25.80 Acres (includes Waterworks Park, Mohawk Park, Streamway Park, City Hall, Anderson Park, Broadmoor Park).	\$ <u>625.00</u>
	TOTAL(BID ALTERNATE:	\$ <u>20,000.00</u>

**City of Mission
Johnson County, Kansas
Contract Agreement**

THIS AGREEMENT made and entered into this 1st day of DECEMBER, 2022, by and between the City of Mission, Kansas, as party of the first part, and hereinafter termed the "City", and KANSAS LAND, party of the second part, hereinafter termed the "Contractor".
MANAGEMENT

WITNESSETH:

WHEREAS, the City has caused to be prepared the Contract Documents for the work herein described, and has approved and adopted these Contract Documents and has received a proposal setting unit prices for furnishing materials, labor and equipment for, and in connection with, all work as indicated in the Contract Documents, including the work for mowing and trimming each separately numbered facility, one (1) through sixty-three (63), and the removal and proper disposal of trash within all waste containers from each designated facility ("Services"), all as set forth in the Bid Proposal, Contract Documents all in accordance with the terms of this Contract.

WHEREAS, the Contractor, in response to the Notice to Bidders, has submitted to the City, in the manner and at the time specified, a sealed proposal for Services in accordance with the terms of the Notice to Bidders, Instructions to Bidders, General Conditions and Bid Proposal, all of which are incorporated into and become terms of this Contract Agreement.

WHEREAS, the City, in the manner prescribed by law, has publicly opened, examined and canvassed the proposals submitted and, as a result of such canvass, has determined and declared the Contractor to be the successful bidder for said Services and has duly awarded to the said Contractor a contract therefore for the performance of the Services at the unit prices named in the proposal attached to and made a part of this Contract.

NOW, THEREFORE, in consideration of the compensation to be paid the Contractor, and of the mutual agreement herein contained, the parties have agreed and do hereby agree, the City for itself and its successors, and the Contractor for itself, and its successors or executors and administrators, as follows:

Article I: Scope of Work. The Contractor will furnish at its own cost and expense all labor, tools, equipment and materials necessary to timely and fully provide Services, expeditiously and in conformance with generally accepted standards for quality, skill and construction of similar projects, in a workmanlike manner, designated, described and required by the Instructions to Bidders, Bid Proposal, General Conditions, and any Written Addendum or Change Orders, this Contract Agreement and the General Conditions as set forth in the following items as set forth in

the Bid proposal: including the work for mowing and trimming each separately numbered facility, one (1) through sixty-three (63), and the removal and proper disposal of trash within all waste containers from each designated facility. The standard of care for all Services and various duties, either performed for or furnished by the Contractor, shall be the care and skill ordinarily used by members of the Contractor's profession, practicing under similar conditions at the same time and in the same locality.

All to be done in accordance with the Instructions to Bidders, Bid Proposal, General Conditions, General Provisions, Bid Table, Map Attachments, and this Contract Agreement, all of which are incorporated into this Contract Agreement, and which become terms of this Contract as fully a part thereof, as if repeated verbatim herein and in accordance with the laws of the State of Kansas.

At all times, the relationship between Contractor and City shall be deemed that of independent contractors, and Contractor recognizes that it shall be responsible for all income or employment taxes to be collected or imposed upon payments made under this contract. City shall not withhold and applicable income or employment taxes from the contract amount, and Contractor certifies that it shall comply with all applicable tax laws.

Article II : Contract Amount. The City shall pay the Contractor for the timely performance of the work embraced in this Contract, and the Contractor will accept in full compensation therefore, the estimated sum (subject to the adjustment as provided by the Contract Documents) of \$ 100,710.⁰⁰ for all work covered by and included in the contract award and designated in the foregoing Article I, payment thereof to be made in cash or its equivalent.

Article III: Time of Completion. The Contractor hereby agrees that work will begin no later than the authorization date in the notice to proceed and shall be diligently prosecuted at such rate and in such manner as, in the judgment of the City, is necessary for the completion of the contract work in accordance with the frequency and in the manner specified within the Contract Documents.

Article IV: Indemnification and Insurance. The Contractor shall defend, indemnify and save the City harmless from and against all liability for damages, cost and expenses arising out of any claim, suit, action or otherwise for injuries and/or damages sustained to persons or property by reason of the acts or omissions of the Contractor, his or her subcontractors, agents or employees in the performance of this contract

The City shall be named as an additional insured on all policies of insurance issued to the Contractor and required by the terms of this contract.

Article V: Term. This Agreement shall be effective for a term extending from the contract effective date through December 31, 2023. The Contractor and the City may renew this Agreement for additional one-year terms in the 2024, 2025, 2026, and 2027 calendar year upon entering into a written addendum agreement with an annual unit cost increase not to exceed 3%. However, the

City may, but is not obligated to, advertise the project work and solicit bids at any time prior to entering into such written addendum. Either the City or the Contractor may determine not to enter into a written addendum providing for a renewal at such parties' sole discretion provided either party gives notice of their intent to terminate the Agreement at least sixty (60) days prior to the end of the current term.

IN WITNESS WHEREOF, the City of Mission, Kansas, has caused this Contract to be executed in its behalf, thereunto duly authorized, and the said Contractor has executed three (3) counterparts of this Contract in the prescribed form and manner the day and year first above written.

CITY OF MISSION, KANSAS

By _____

Laura H. Smith, City Administrator

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney

KANSAS LAND MANAGEMENT

Contractor

By  _____

(SEAL)

Title President

(If the Contract is not executed by the president of the corporation or general partner of the partnership, please provide documentation which authorizes the signatory to bind the corporation or partnership. If a corporation, Contractor shall furnish City a current certificate of good standing, dated within ten (10) days of the date of this Contract.)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/01/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Creative Planning Property & Casualty LLC 5440 West 110th Street Suite 101 Overland Park KS 66211	CONTACT NAME: Andrea Canaday PHONE (A/C, No, Ext): (913) 341-0900 E-MAIL ADDRESS: certificates@creativeplanning.com	FAX (A/C, No): (913) 341-0901
	INSURER(S) AFFORDING COVERAGE	
INSURED Kansas Land Management, LLC 23751 W. 82nd Terrace Lenexa KS 66227	INSURER A: Amco NAIC # 19100	
	INSURER B: KBIG	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 22-23 MASTER **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	SUBROGATION WAIVED	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			ACP7205440459	02/06/2022	02/06/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			ACP7205440459	02/06/2022	02/06/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			ACP7205440459	02/06/2022	02/06/2023	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	2022-2151	01/01/2022	12/31/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 2,000,000 E.L. DISEASE - EA EMPLOYEE \$ 2,000,000 E.L. DISEASE - POLICY LIMIT \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is included as Additional Insured with respects to General Liability including ongoing and completed operations (CG7288) and Additional Insured with respects to Automobile Liability (AC7005) when required by written contract or agreement. Blanket waivers of Subrogation is included when required by written contract or agreement. Umbrella is following form.

CERTIFICATE HOLDER

City of Mission
6090 Woodson

Mission KS 66202

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Rob Hinnig

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City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	December 14, 2022
PUBLIC WORKS	From:	Brent Morton

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

RE: 2023 Turf Management/Chemical Application Contract

RECOMMENDATION: Approve the 2023 Turf Management/chemical Application Contract with TRUGREEN Commercial in the amount of \$16,620.

DETAILS: Since 2010, the regular turf management of City parks, facilities, and other public grounds has been performed as a contracted service. The decision was made to contract this service for two reasons, cost savings and reallocation of Public Works staff time.

The current contract includes treatment/management of approximately 40 acres of park space and city-owned lots. The frequency of turf management ranges from four to three yearly applications depending on the area being maintained.

Since 2019 the Turf Management/Chemical Application contract has been awarded separate from the Mowing contract and has provided the City substantial cost savings. The City received two proposals for the 2023 services, and TRUGREEN was determined to be the lowest and most responsive bidder.

The contract with TRUGREEN is for one year, with the option to renew in one-year increments through 2027 at an amount not to exceed 3% annually.

Staff recommends award of the turf management/chemical application contract with TRUGREEN in an amount not to exceed \$16,620.00. The costs for the current turf management/chemical application contract, which expires at the end of 2022, is \$12,429.00.

2023 Turf Management/Chemical Applications	Total Bid
Embassy Landscape Group	\$31,444.00
TRUGREEN	\$16,620.00

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-20-212-06 Service Contracts
Available Budget:	\$250,000

Bid Proposal

Bid Proposal Considerations and Instructions. A Bidder shall submit a separate unit price for each separately numbered facility, one (1) through twenty-eight (28). The areas to be maintained at each designated location are spatially identified in the “Map Attachments”. The unit price shall also include the cost for the application of weed treatment and fertilizer at each designated location. The Bid Proposal states an estimated or approximated quantity of three (3), or four (4), reflecting that it is estimated that Bidder will provide consistent weed treatment/fertilization in accordance with the documented schedule beginning the first week of March 2023. Additionally, the weed treatment and fertilizer will be applied in moderate amounts as specified in the submitted documents by the bidder. The actual frequency of the required and application of weed treatment/fertilizer **at any designated facility may be increased at the discretion of the City** due to unpredictable weather-related circumstances, holidays, and special events. The actual amount paid will be based on the frequency of the work as directed by the Director. Bidder agrees to perform the services agreed to in these Contract Documents a minimum that reflects the schedule specified in the bid table. If the Director instructs a Bidder awarded a contract to maintain a facility more or less frequently than scheduled for the estimated thirty-two (32) weeks, Bidder will be paid the unit price bid for each separately numbered facility, for the actual quantity of work performed. The unit price bid shall reflect and include all cost necessary to comply with such provisions.

A Complete bid proposal package shall include:

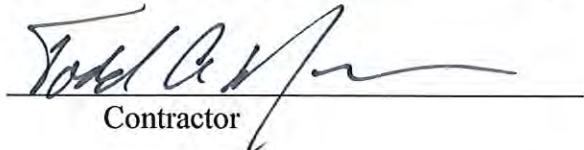
1. Fully executed bid proposal form with signatures
2. A fully completed bid table form
3. Contractor list of major equipment owned
4. Addendum Receipt Acknowledgement (If Addendum issued)

Question and/or concerns may be directed to The City of Mission Public Works Department at 913-676-8380 (Brent Morton) or at bmorton@missionks.org.

The undersigned Bidder hereby proposes to furnish all materials, supplies, transportation, tools, equipment and to perform all necessary labor for providing the following services in conformity with the Contract Documents, including all documents referred to therein, for and in consideration of the prices or rates listed in the attached Bid Table:

DATED in Lenexa Kansas this 29th day of November, 2022.

(SEAL)


Contractor

Todd A Nugent
Signature

Todd A Nugent
Printed Name

Business Development Manager
Title

1520 Cole Pkwy
Street Address or P.O. Box

Lenexa KS
City, State, Zip

913 276 8652
Telephone Number

City of Mission

Parks and Public Property Chemical Application 2023 RFP Bid Table

For services to be rendered between April 2023 - November 2023

		Approx. Quantity	Unit Price	Total
	Example Location X (Address / Location Description) Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	Land Size (Acres) (a) 4 (example)	(a) \$ <u>120⁰⁰</u>	\$ <u>480⁰⁰</u>
#1	<u>Waterworks Park (53rd & Woodson)</u> Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	4.0 Acres (a) 4	(a) \$ <u>480⁰⁰</u>	\$ <u>1920⁰⁰</u>

#2	<u>Community Center (6200 Martway)</u>	0.9 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>108⁰⁰</u>	\$ <u>432⁰⁰</u>
#3	<u>Beverly Park (5935 Beverly)</u>	0.5 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>60⁰⁰</u>	\$ <u>240⁰⁰</u>
#4	<u>Mohawk Park (67th & Lamar)</u>	7.8 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>936⁰⁰</u>	\$ <u>3744⁰⁰</u>
#5	<u>Foxridge Lot (Between 5501 & 5621 Foxridge)</u>	0.53 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>63⁰⁰</u>	\$ <u>190⁰⁰</u>

#6	<u>Birch Park 6000 Birch St (North End Plus Island)</u>	0.4 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>48⁰⁰</u>	\$ <u>192⁰⁰</u>
#7	<u>Pearl Harbor Park (Martway & Maple - SE corner)</u>	0.3 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>36⁰⁰</u>	\$ <u>144⁰⁰</u>
#8	<u>Nail Lot (6516 Nail Ave)</u>	0.4 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>48⁰⁰</u>	\$ <u>192⁰⁰</u>
#9	<u>56th/Broadmoor Lot (56th & Broadmoor - NE corner)</u>	1.25 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>150⁰⁰</u>	\$ <u>450⁰⁰</u>

#10	<u>Streamway Park (51st & Foxridge Dr) (Access Road)</u>	4.0 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>480⁰⁰</u>	\$ <u>1440⁰⁰</u>
#11	<u>City Hall (6090 Woodson + Parking Area E of Woodson)</u>	0.4 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>48⁰⁰</u>	\$ <u>192⁰⁰</u>
#12	<u>Anderson Park (6090 Woodson)</u>	2.4 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>268⁰⁰</u>	\$ <u>1152⁰⁰</u>
#13	<u>Broadmoor Park (5701 Broadmoor)</u>	5.0 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>600⁰⁰</u>	\$ <u>2400⁰⁰</u>

#14	<u>Public Works Shop (4775 Lamar)</u>	1.00 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>120⁰⁰</u>	\$ <u>480⁰⁰</u>
#15	<u>Harley Woods 5908 Outlook St</u>	0.3 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>36⁰⁰</u>	\$ <u>108⁰⁰</u>
#16	<u>Rotary Park/KDOT ROW #4</u> 7301 Johnson Dr. (West Of Address)	0.51 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>61²⁰</u>	\$ <u>183⁶⁰</u>
#17	<u>Community Garden</u> S/E corner of Intersection @ Lamar Ave & Foxridge Dr	1.03 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>123⁶⁰</u>	\$ <u>370⁸⁰</u>
#18	<u>Neff Printing Lot - North of Panera Bread(7070 Martway)</u>	1.00 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>120⁰⁰</u>	\$ <u>360⁰⁰</u>

#19	<u>Rock Creek Trail- 6201 Barkly (Behind Hyvee East)</u>	2.68 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>321⁰⁰</u>	\$ <u>1286⁴⁰</u>
#20	<u>Rock Creek Trail- Outlook to Woods</u>	0.5 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>60⁰⁰</u>	\$ <u>240⁰⁰</u>
#21	<u>52nd St Island #1</u> Between Horton St & Woodson St on N side of 52nd St	0.5 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>60⁰⁰</u>	\$ <u>180⁰⁰</u>
#22	<u>52nd St Island #2</u> Between Horton St & Woodson St N side of 52nd St	0.4 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>48⁰⁰</u>	\$ <u>144⁰⁰</u>
#23	<u>Farmers Market - 5699 Johnson Drive</u>	0.8 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>96⁰⁰</u>	\$ <u>384⁰⁰</u>

#24	Legacy Park - 6901 W. Martway St.	0.33 Acres		
(a)	Weed Control / Fertilization (4 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-Late June 4 - Blanket Weed Control-September	(a) 4	(a) \$ <u>39⁰⁰</u>	\$ <u>158⁰⁰</u>
#25	Rosewood St Island - @ dead end of Rosewood St	0.03 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>3⁶⁰</u>	\$ <u>10⁸⁰</u>
#26	Russell St Island - @ dead end of Russell St & W 53rd ST	0.02 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>2⁴⁰</u>	\$ <u>7²⁰</u>
#27	49th St Island #1 Between Lamar Ave & dead end on W side of road	0.03 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>3⁶⁰</u>	\$ <u>10⁸⁰</u>
#28	49th St Island #2 Between Lamar Ave & dead end on W side of road	0.2 Acres		
(a)	Weed Control / Fertilization (3 Application Program) 1 - Grassy Weed Pre-Emergent-March 2 - Grassy Weed Pre-Emergent-Blanket Weed Control-April 3 - Blanket Weed Control-September	(a) 3	(a) \$ <u>2⁴⁰</u>	\$ <u>7²⁰</u>

Category	Quantity	Bid
SUB-TOTAL ACRES:	37.2 ACRES (Total for #1- #28)	\$ <u>16620⁰⁰</u>
	TOTAL BID:	\$ <u>16620⁰⁰</u>

CONTRACTOR LIST OF ALL MAJOR EQUIPMENT OWNED &/OR ACCESSIBLE

Quantity	Type of Equipment
10	Z Sprayer
10	Triff Ware Sprayer

ADDENDUM RECEIPT ACKNOWLEDGEMENT

The Undersigned hereby agrees to complete all work covered by this proposal as specified in the Contract Documents.

I/We acknowledge receipt of the following addenda:

Addendum No.	Date Received by Bidder	Signature

Dated this _____ day of _____, 2022.

**City of Mission
Johnson County, Kansas
Contract Agreement**

THIS AGREEMENT made and entered into this 1st day of December, 2022, by and between the City of Mission, Kansas, as party of the first part, and hereinafter termed the "City", and Trugreen, party of the second part, hereinafter termed the "Contractor".

WITNESSETH:

WHEREAS, the City has caused to be prepared the Contract Documents for the work herein described, and has approved and adopted these Contract Documents and has received a proposal setting unit prices for furnishing materials, labor and equipment for, and in connection with, all work as indicated in the Contract Documents, including the work for weed control/fertilization for each separately numbered facility, one (1) through twenty-eight (28), all as set forth in the Bid Proposal and Contract Documents all in accordance with the terms of this Contract;

WHEREAS, the Contractor, in response to the Notice to Bidders, has submitted to the City, in the manner and at the time specified, a sealed proposal for Services in accordance with the terms of the Notice to Bidders, Instructions to Bidders, General Conditions, Technical Specifications, and Bid Proposal, all of which are incorporated into and become terms of this Contract Agreement.

WHEREAS, the City, in the manner prescribed by law, has publicly opened, examined and canvassed the proposals submitted and, as a result of such canvass, has determined and declared the Contractor to be the successful bidder for said Services and has duly awarded to the said Contractor a contract therefore for the performance of the Services at the unit prices named in the proposal attached to and made a part of this Contract.

NOW, THEREFORE, in consideration of the compensation to be paid the Contractor, and of the mutual agreement herein contained, the parties have agreed and do hereby agree, the City for itself and its successors, and the Contractor for itself, and its successors or executors and administrators, as follows:

Article I: Scope of Work. The Contractor will furnish at its own cost and expense all labor, tools, equipment and materials necessary to timely and fully provide Services, expeditiously and in conformance with generally accepted standards for quality, skill and construction of similar projects, in a workmanlike manner, designated, described and required by the Instruction to Bidders, Bid Proposal, Technical Specifications, and any Written Addendum or Change Orders,

this Contract Agreement and the General Conditions as set forth in the following items as set forth in the Bid proposal: including the work for weed control/fertilization for each separately numbered facility, one (1) through twenty-eight (28). The standard of care for all services and various duties, either performed for or furnished by the Contractor shall be the care and skill ordinarily used by members of the Contractor's profession, practicing under similar conditions at the same time and in the same locality.

All work to be done in accordance with the Instructions to Bidders, Bid Proposal, General Conditions, Technical Specifications, General Provisions, Bid Table, Map Attachments, and this Contract Agreement, all of which are incorporated into this Contract Agreement, and which become terms of this Contract as fully a part thereof, as if repeated verbatim herein and in accordance with the laws of the State of Kansas.

At all times, the relationship between Contractor and City shall be deemed that of independent contractors, and Contractor recognizes that it shall be responsible for all income or employment taxes to be collected or imposed upon payments made under this contract. City shall not withhold and applicable income or employment taxes from the contract amount, and Contractor certifies that it shall comply with all applicable tax laws.

Article II : Contract Amount. The City shall pay the Contractor for the timely performance of the work embraced in this Contract, and the Contractor will accept in full compensation therefore, the estimated sum (subject to the adjustment as provided by the Contract Documents) of \$ 166,000⁰⁰ for all work covered by and included in the contract award and designated in the foregoing Article I, payment thereof to be made in cash or its equivalent.

Article III: Time of Completion. The Contractor hereby agrees that work will begin no later than the authorization date in the notice to proceed and shall be diligently prosecuted at such rate and in such manner as, in the judgment of the City, is necessary for the completion of the contract work in accordance with the frequency and in the manner specified within the Contract Documents and Technical Specifications.

Article IV: Indemnification and Insurance. The Contractor shall defend, indemnify and save the City harmless from and against all liability for damages, cost and expenses arising out of any claim, suit, action or otherwise for injuries and/or damages sustained to persons or property by reason of the acts or omissions of the Contractor, his or her subcontractors, agents or employees in the performance of this contract

The City shall be named as an additional insured on all policies of insurance issued to the Contractor and required by the terms of this contract.

Article V: Term. This Agreement shall be effective for a term extending from the contract effective date through December 31, 2023. The Contractor and the City may renew this Agreement for additional one-year terms in the 2024, 2025, 2026, and 2027 calendar year upon entering into a written addendum agreement with an annual unit cost increase not to exceed 3%. However, the City may, but is not obligated to, advertise the project work and solicit bids at any time prior to entering into such written addendum. Either the City or the Contractor may determine not to enter into a written addendum providing for a renewal at such parties' sole discretion provided either party gives notice of their intent to terminate the Agreement at least sixty (60) days prior to the end of the current term.

IN WITNESS WHEREOF, the City of Mission, Kansas, has caused this Contract to be executed in its behalf, thereunto duly authorized, and the said Contractor has executed three (3) counterparts of this Contract in the prescribed form and manner the day and year first above written.

CITY OF MISSION, KANSAS

By _____

Laura H. Smith, City Administrator

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney



Contractor

By Todd A. Nugent

(SEAL)

Title _____ President

(If the Contract is not executed by the president of the corporation or general partner of the partnership, please provide documentation which authorizes the signatory to bind the corporation or partnership. If a corporation, Contractor shall furnish City a current certificate of good standing, dated within ten (10) days of the date of this Contract.)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/22/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 8 Cadillac Drive, Suite 200 Brentwood TN 37027		CONTACT NAME: JoAnn Warpool PHONE (A/C, No, Ext): 615-377-5153 FAX (A/C, No): 615-263-5853 E-MAIL ADDRESS: JoAnn_Warpool@ajg.com	
INSURED TruGreen Limited Partnership 1790 Kirby Parkway Forum II Tower Memphis TN 38183		TRUGHOL-01	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: National Union Fire Insurance Company of Pittsburg	
		INSURER B: AIU Insurance Company	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	
		NAIC # 19445 19399	

COVERAGES

CERTIFICATE NUMBER: 463641999

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Pest/Herb Appl <input checked="" type="checkbox"/> \$2,000,000 Ded GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			GL5425760	1/1/2022	1/1/2023	EACH OCCURRENCE	\$ 3,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 3,000,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 3,000,000
							GENERAL AGGREGATE	\$ 20,000,000
							PRODUCTS - COMP/OP AGG	\$ In 20,000,000
								\$
A A A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> \$2000000 Ded			CA4993205 CA4993207 CA4993206	1/1/2022 1/1/2022 1/1/2022	1/1/2023 1/1/2023 1/1/2023	COMBINED SINGLE LIMIT (Ea accident)	\$ 5,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
B B B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WC017515698 (AOS) WC017515701 (CA) WC017515702 (MA, WI) WC65885929 (NY)	1/1/2022 1/1/2022 1/1/2022 1/1/2022	1/1/2023 1/1/2023 1/1/2023 1/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 See Additional Remarks Schedule for additional information. Workers Compensation policies have \$2,000,000 Ded.
 Texas is not a covered state under the workers compensation policies.

CERTIFICATE HOLDER**CANCELLATION**

TruGreen Limited Partnership
 1790 Kirby Pkwy
 Memphis TN 38138

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

City of Mission	Item Number:	11.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Parks + Recreation	From:	Penn Almoney

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

RE: Amendment of Joint Use Agreement for Water Works Park

RECOMMENDATION: Approve a revised joint use agreement between the City of Mission, Kansas and Water District No.1 of Johnson County (WaterOne) for use of property located at 5900 W. 53rd Street, known as Water Works Park.

DETAILS: WaterOne is the owner of a pumping station located at 5900 W. 53 Street as well as green space located to the north and east of their facilities. On November 15, 1982, Mission entered into an agreement with WaterOne to allow the City “to occupy, operate, maintain and repair for public parks and recreational use purposes” an area to be designated as Water Works Park. That agreement has remained in good standing for nearly forty (40) years.

Improvements to Water Works Park were part of the conceptual planning efforts that have occurred over the last two years. WaterOne Facilities Engineering Manager, Hanley Barker, participated as a member of the stakeholder group for the park and was instrumental in ensuring that trails and amenities met the minimum distances from WaterOne’s infrastructure. A conceptual design was proposed and reviewed by the public in September 2021 and informed the final revised conceptual design in January 2022.

WaterOne staff supported the conceptual park planning and redesign process and worked with City staff to ensure their facility and trail concerns were resolved in the final conceptual layout. WaterOne and Payne & Jones legal teams have reviewed the current amended joint use agreement and approve the inclusions listed below for City Council consideration:

- Sharing improvement plans and design revision updates through Exhibits A and B.
- Both parties acknowledge that there are instances where trails cross over water mains and the City will notify WaterOne at least one month before construction begins.
- WaterOne understands the significant investment the City is making and the \$2.4M estimate is a reference to that investment.
- General liability coverages and releases may be reviewed and modified annually with written notice.

During the Community Development Committee meeting on Wednesday, October 12, Mayor Flora discussed her concern regarding the confusing language within Section 5

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

City of Mission	Item Number:	11.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Parks + Recreation	From:	Penn Almoney

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

of the Joint Use Agreement. This section sought to outline who was responsible for the costs associated with damage to City facilities and sidewalks if underground repairs were necessary. Staff revisited the intent of Section 5 with legal counsel from both the City and WaterOne. The primary concern related to a rain garden and trees planted in the northwest corner of the park, and WaterOne didn't want to be responsible for damaging or replacing these. The final design will be modified to address these concerns, and a new Section 5 is proposed below:

- “WaterOne shall have the right to operate, maintain, repair, inspect, rebuild, remove, and relocate the Underground Facilities as needed, determined solely by WaterOne. Such operation and maintenance may require WaterOne to temporarily occupy and restrict access to any or all the Park Area. During said temporary occupation and restriction by WaterOne, WaterOne shall use all reasonable efforts to mitigate any damage to the City’s facilities and equipment in the Park Area. If damage to the City’s facilities, sidewalks, or landscaping is unavoidable, WaterOne shall not be liable for such damage. Except for landscaping, which will be the City’s sole responsibility, the parties agree to work together prior to operation and maintenance activities to determine cost allocation for foreseeable but unavoidable damage. In no circumstance will WaterOne be responsible for the removal of, or replacement of any trees damaged during the operation and maintenance of its Underground Facilities.”*

This revised agreement is a crucial element for Mission to protect its investment in future park improvements at Water Works Park. Staff recommends approval of the amended joint use agreement between WaterOne and the City of Mission.

CFAA CONSIDERATIONS/IMPACTS: The proposed improvements and permissions associated with this agreement includes improvements to trails and parking lot space which promotes increased measures of mobility and provides infrastructure that maximizes use and safety for all users.

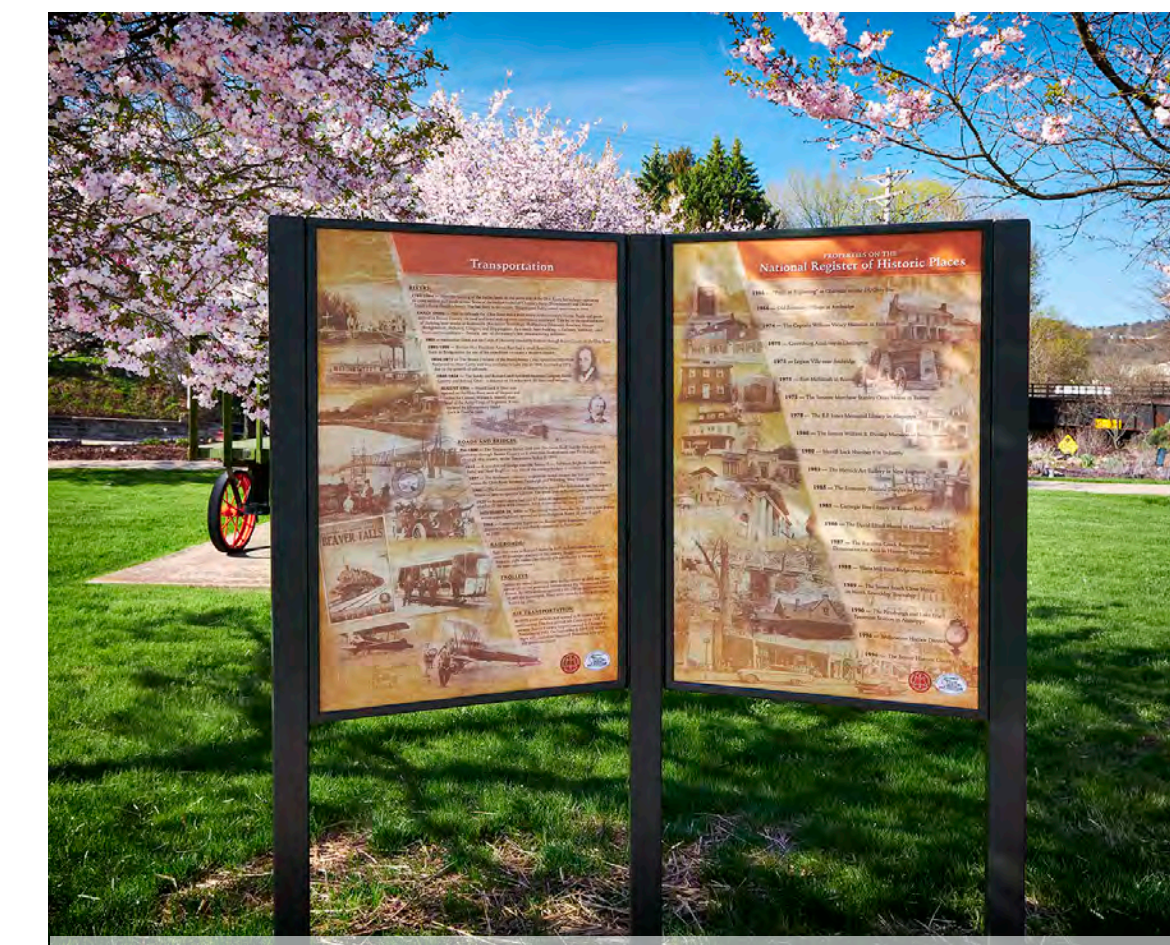
Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	N/A



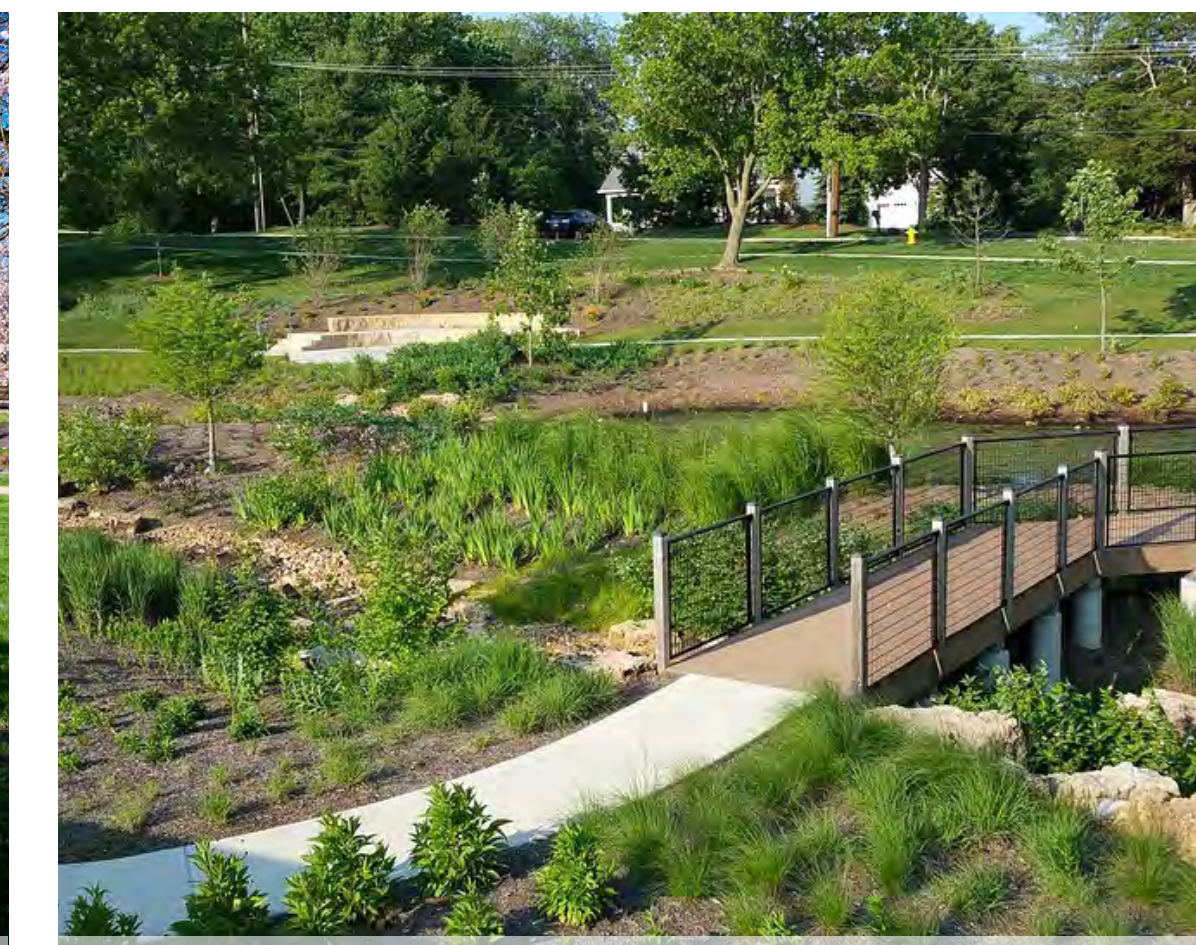
3 LEVEL PLAYGROUND



INDUSTRIAL FEATURE AT NODE



PANELS / NODES



RAIN GARDEN / BRIDGE



3 LEVEL PLAYGROUND



RESTROOMS



ZIP LINE



SHELTER

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the “Agreement”) is made the ____ day of _____, 202__, (the “Effective Date”) by and between **Water District No. 1 of Johnson County**, a quasi-municipal corporation of the State of Kansas (“WaterOne”), and the **City of Mission**, a Kansas second class city (the “City”).

Background

1. WaterOne is the owner of the Woodson Pumping Station (the “Pumping Station”) at 6503-5900 West 53rd Street, Mission, Kansas, as well as Water Works Park and the Park Area to the north and east of the Pumping Station (collectively referred to as the “Property”);

Commented [EP1]: This is the address on the pump station "house"

2. In addition to the Property, WaterOne owns several 24” transmission water mains and smaller distribution water mains under and adjacent to the Property (“Underground Facilities”);

~~2.3.~~ In 1982, WaterOne licensed the vacant ground on the Property adjacent to the Pumping Station to City for the construction and maintenance of a park;

~~3.4.~~ The City subsequently built and continues to maintain Water Works Park (“Water Works Park”) in the licensed space on the Property adjacent to the Pumping Station;

~~4.5.~~ The parties further defined their obligations and responsibilities in a new license agreement in ~~2014~~2017;

~~5.6.~~ The City wishes to expand the use of Water Works Park in a manner that does not interrupt WaterOne’s use of its Pumping Station or Underground Facilities; and

~~6.7.~~ The parties now desire to enter into a written agreement governing the expansion, continued operation and maintenance of Water Works Park.

THEREFORE, in consideration of the above background, which is incorporated into this Agreement, the parties agree as follows:

1. Grant of License. WaterOne hereby grants the City a license to continue to occupy, operate, maintain, and repair Water Works Park on the Property (the “License”). WaterOne licenses to the City the area within Property that is generally east of WaterOne’s existing split rail and chain link fences (the “Park Area”). The Park Area is indicated by the hatched area on the map attached to this Agreement as Exhibit A, which is explicitly made a part of this Agreement.

Commented [EP2]: WaterOne needs to review and approve Exhibit A before this agreement is finalized.

2. Use of Park Area. The City may only use the property for a public park and recreational use purposes. The City shall make the Park Area available and open to the public for

recreational purposes in accordance to K.S.A. Chapter 58, Article 32. The City shall not charge an admission price, fee, or consideration to any person or persons in return for the invitation or permission to enter or go onto the Park Area for recreational purposes, other than reservation fees for exclusive use of a portion or all of the Park Area by a member of the public. By way of example, the City may charge a reservation fee to use a pavilion in the Park Area. The City shall not willfully or maliciously fail to guard or warn against a patent dangerous condition, use, structure, or activity in the Park Area. The City shall not operate any motor vehicles on the Park Area, except for uses permitted by this Agreement, construction in accordance with this Agreement, maintenance of park structures, or in emergency situations.

3. Fencing Surrounding Pumping Station. WaterOne shall maintain and keep the fencing around the Pumping Station in good repair. WaterOne may add or replace the fencing at any time along the existing demarcation of the Pumping Station in Exhibit A.

4. Operation of Park. The City shall be exclusively responsible for the operation, supervision, policing, sanitation, repair, and maintenance of the Park Area and its facilities. The City shall maintain all equipment and facilities constructed or erected by the City in the Park Area in good repair. The City shall be exclusively responsible for the lawn care and trash services for the Park Area.

5. Operation and Maintenance of Underground Facilities. WaterOne shall have the right to operate, maintain, repair, inspect, rebuild, remove, and relocate the Underground Facilities as needed, determined solely by WaterOne. Such operation and maintenance may require WaterOne to temporarily occupy and restrict access to any or all the Park Area. During said temporary occupation and restriction by WaterOne, WaterOne shall use all reasonable efforts to mitigate any damage to the City's facilities and equipment in the Park Area. If damage to the City's facilities, sidewalks, or landscaping is unavoidable, WaterOne shall not be liable for such damage. Except for landscaping, which will be the City's sole responsibility, the parties agree to work together prior to operation and maintenance activities to determine cost allocation for foreseeable but avoidable damage.

5-6. Damage Due to Emergency. In the event of emergency, WaterOne may temporarily occupy and restrict access to any or all the Park Area during the emergency. During said temporary occupation and restriction by WaterOne, WaterOne shall use all reasonable efforts to mitigate any damage to the City's facilities and equipment in the Park Area caused by WaterOne employees. If WaterOne uses all reasonable efforts to mitigate said damage, WaterOne shall not be liable to repair any damage that occurred to the Park Area during said emergency.

6-7. Expansion of Park. The parties understand and agree that the impetus for this new Agreement is that the City wishes to upgrade the existing facilities in the Park Area, including the playground equipment, picnic shelters, and concrete paths. As such, the parties agreed that the City may, during the term of this License, install, construct, or otherwise change the Park Area in accordance with the plan attached to this Agreement as **Exhibit B**, which is expressly incorporated

into this Agreement (the “Plan”). Both parties agree that the Plan does not interrupt WaterOne’s current use of the Pumping Station or interrupt WaterOne’s planned use of the Property over the next ten (10) years. Both Parties agree that the Plan has considered the location of the Underground Facilities and the Plan avoids placing City facilities and equipment on top of Underground Facilities, but there are instances where a sidewalk crosses over the Underground Facilities as shown in Exhibit B. -The City shall notify WaterOne at least one (1) ~~week-month~~ prior to the City beginning construction in accordance with the Plan (the “Commencement Date”). During construction of the Park Area in accordance with the Plan, the City shall use all reasonable efforts to ensure it does not interfere with WaterOne’s use of the Property. The City may only modify the Park Area in accordance with the Plan. In the event the City wishes to modify the Park Area not in accordance with the Plan or wishes to vary the Plan, the City shall ~~seek-obtain~~ prior ~~written~~ approval from WaterOne.

7.8. WaterOne’s Planned Use of the Property. WaterOne represents and warrants that, as of the Effective Date, WaterOne does not currently plan to or currently anticipate the need to expand the Pumping Station in a manner that would disrupt the use of the Park Area by the City during the next ten (10) years. Given the nature of underground infrastructure, WaterOne can not represent or warrant that it will not need to maintain, repair, inspect, rebuild, remove, or relocate the Underground Facilities during the next ten (10) years.

~~8. Future Representation and Warranties. The parties understand that City upgrading the Park Area in accordance with the Plan represents a large investment by the City and that the City may wish not to upgrade the Park Area in accordance with the Plan if, at the time of construction, WaterOne plans to cancel this License. As such, at any point during the term of this Agreement, the City may request WaterOne to complete the representation and warranties contained in Exhibit C, which is attached to and expressly made a part of this Agreement (the “Future Representations and Warranties”). WaterOne shall complete and sign the Future Representations and Warranties within ten (10) days of the request by the City. The City may request WaterOne complete the Future Representations and Warranties no more than once every six (6) months. The signed Future Representations and Warranties shall be a part of this Agreement.~~

9. ~~9-10. Protected Period.~~ If the City decides to upgrade the Park Area in accordance with the Plan, the City shall pay for all construction to the Park Area under the Plan. WaterOne recognizes the upgrades to the Park Area in accordance with the Plan represent a significant investment in the Park Area by the City, costing the City an estimated Two Million Four Hundred Thousand Dollars (\$2,400,000.00). ~~One Million Seven Hundred Twelve Thousand Six Hundred Forty Nine Dollars (\$1,712,649.00).~~—As such, the parties agree that WaterOne shall take all reasonable steps to not revoke the License during the ten (10) year period following the Commencement Date (the “Protected Period”). If WaterOne wishes to revoke the License or terminate this Agreement without a breach by the City during the Protected Period, WaterOne agrees that, prior to giving written notice of termination under Section 10 of this Agreement, WaterOne will enter good faith negotiations with the City for at least thirty (30) days to reach a

Commented [EP3]: WaterOne doesn't believe this is necessary. Section 7 already states that WaterOne has no expansion plans for the next 10 years.

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compromise to reduce the size of the license, if possible, and still allow the City to utilize part of the Park Area. If the parties are unable to reach a compromise in accordance with this Section, WaterOne may pursue Termination under Section 10 of this Agreement.

~~10.~~11. Termination. WaterOne can terminate this Agreement upon one hundred eighty (180) days' written notice to the City that WaterOne intends to sell the Property or that the Park Area is needed for further development. Further, WaterOne can terminate this Agreement upon sixty (60) days written notice if the City has substantially breached this Agreement and the City has not remedied or taken substantial steps to remedy said breach within said sixty (60) day period. The City may terminate this Agreement upon written notice to WaterOne for any reason. In the event this Agreement is terminated, the City shall remove its equipment and structures no later than sixty (60) days after termination of this Agreement.

~~11.~~12. Indemnification. Each party agrees to indemnify, defend, and hold the other party harmless from all demands, claims, suits and judgments arising from activities related to the party's use of the Property. The Kansas Tort Claims Act immunities and maximum liabilities are applicable under this Agreement.

~~12.~~13. Insurance by the City.

- a. The City shall maintain insurance on the Park Area with insurers acceptable to WaterOne. Said insurance shall include the following:
 - ~~i.~~ Workers' Compensation and Employers' Liability Coverage:
 1. ~~\$500,000/\$500,000/\$500,000 or other Kansas statutory minimum~~
 - ~~ii.~~ Commercial Automobile Liability:
 - ~~2.~~1. \$1,000,000 Combined Single Limit
 - ~~iii.~~ Commercial General Liability Coverage:
 - ~~3.~~1. \$1,000,000/\$2,000,000 per occurrence/annual aggregate
 - ~~iv.~~ Umbrella Liability:
 - ~~4.~~\$1,000,000 general aggregate
 - ~~1.~~
- b. The City shall ensure the insurance may not be cancelled, materially changed or renewal refused unless the insurance company provides thirty (30) days prior written notice to WaterOne.
- c. If the insurance is issued on a claims-made basis, the City shall maintain the coverage for a least two (2) years after the termination of this Agreement.

d. Insurance contains a cross liability or severability of interest clause or endorsement. The City shall name WaterOne as an additional insured under each applicable insurance policy.

e. The City shall provide WaterOne evidence of said required insurance policy when requested by WaterOne.

f. With respect to Workers' Compensation, Commercial Automobile Liability, Commercial General Liability, and Umbrella Liability Insurance, the City shall require its insurance carrier to waive all rights of subrogation against WaterOne as allowable by law.

e.g. These coverages may be reviewed and modified by WaterOne on an annual basis, as based on the anniversary of the Effective Date of this Agreement. The City will be notified of any changes in the insurance requirements within sixty (60) days of the anniversary date. The City has thirty (30) days to provide evidence to WaterOne that the insurance changes have been made.

~~16.14.~~ All Previous Agreements. The parties agree that all previous agreements concerning the Park Area or the Pumping Station between WaterOne and the City are hereby revoked and invalid.

~~17.15.~~ Assignment. This Agreement is not assignable, and any proposed assignment is invalid. This Agreement is binding upon the successor of the parties.

~~18.16.~~ Invalidity. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.

~~19.17.~~ Choice of Law and Venue. This Agreement and the rights of the parties shall be governed by and construed in accordance with the laws of the State of Kansas, including all matters of construction, validity, performance, and enforcement and without giving effect to the principles of conflict of laws. Any action brought by any party hereto shall be brought within the State of Kansas, County of Johnson.

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IN WITNESS WHEREOF, the parties have executed this Agreement on the Effective Date, by their respective chief administrative officers by authority of their respective governing bodies.

THE CITY OF MISSION

Laura Smith, City Administrator

WATER DISTRICT NO. 1 OF JOHNSON COUNTY

By: _____
~~General Manager~~ Michael J. Armstrong, General Manager

Exhibit A

Park Area

Exhibit B

The Plan

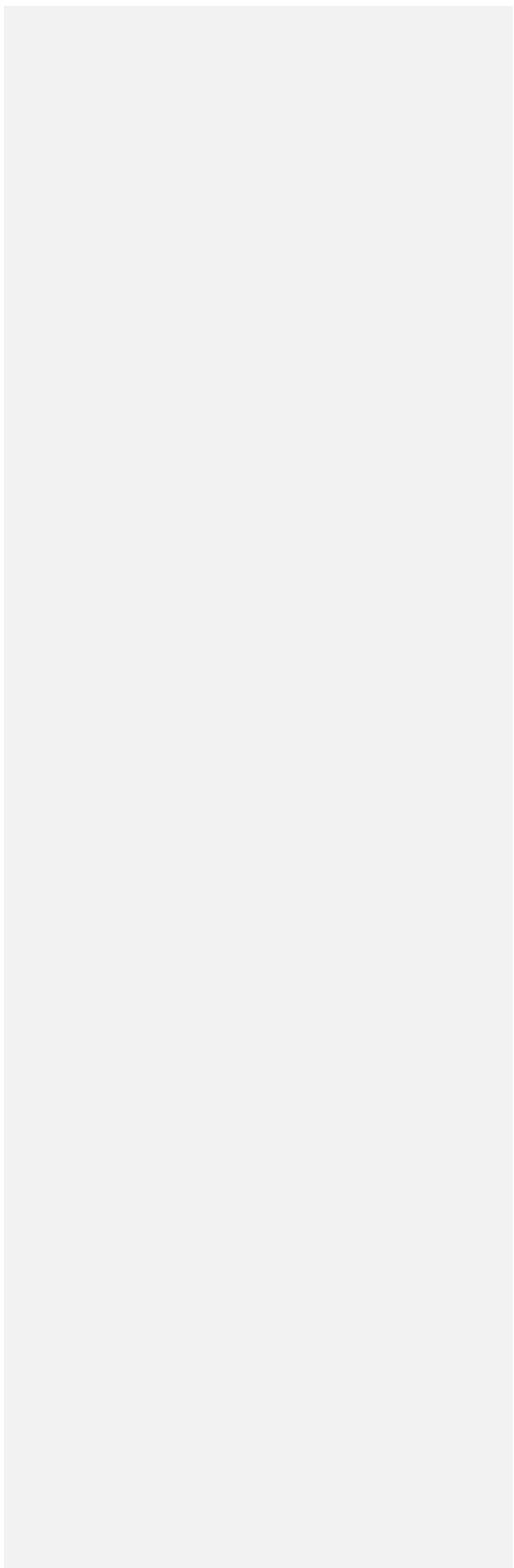


Exhibit C

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Future Representation and Warranty

On this _____ day of _____, 20____ (the "Warranty Date"), **Water District No. 1 of Johnson County**, a quasi-municipal corporation of the State of Kansas ("WaterOne") represents and warrants to the **City of Mission**, a Kansas second-class city (the "City"), that, as of the Warranty Date (check one):

_____ WaterOne does not plan to or anticipate the need to expand the Pumping Station in a manner that would disrupt the use of the Park Area by the City during the next ten (10) years.

_____ WaterOne does plan to or does anticipate the need to expand the Pumping Station in a manner that would disrupt the use of the Park Area by the City during the next ten (10) years.

IN WITNESS WHEREOF, the WaterOne have executed this Future Representation and Warranty on the Warranty Date, by its chief administrative officer by authority of its respective governing bodies.

WATER DISTRICT NO. 1 OF JOHNSON COUNTY

By: _____
General Manager

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the “Agreement”) is made the ____ day of _____, 202__, (the “Effective Date”) by and between **Water District No. 1 of Johnson County**, a quasi-municipal corporation of the State of Kansas (“WaterOne”), and the **City of Mission**, a Kansas second class city (the “City”).

Background

1. WaterOne is the owner of the Woodson Pumping Station (the “Pumping Station”) at 5900 West 53rd Street, Mission, Kansas, as well as Water Works Park and the Park Area to the north and east of the Pumping Station (collectively referred to as the “Property”);
2. In addition to the Property, WaterOne owns several 24” transmission water mains and smaller distribution water mains under and adjacent to the Property (“Underground Facilities”);
3. In 1982, WaterOne licensed the vacant ground on the Property adjacent to the Pumping Station to City for the construction and maintenance of a park;
4. The City subsequently built and continues to maintain Water Works Park (“Water Works Park”) in the licensed space on the Property adjacent to the Pumping Station;
5. The parties further defined their obligations and responsibilities in a new license agreement in 2017;
6. The City wishes to expand the use of Water Works Park in a manner that does not interrupt WaterOne’s use of its Pumping Station or Underground Facilities; and
7. The parties now desire to enter into a written agreement governing the expansion, continued operation and maintenance of Water Works Park.

THEREFORE, in consideration of the above background, which is incorporated into this Agreement, the parties agree as follows:

1. Grant of License. WaterOne hereby grants the City a license to continue to occupy, operate, maintain, and repair Water Works Park on the Property (the “License”). WaterOne licenses to the City the area within Property that is generally east of WaterOne’s existing split rail and chain link fences (the “Park Area”). The Park Area is indicated by the hatched area on the map attached to this Agreement as **Exhibit A**, which is explicitly made a part of this Agreement.
2. Use of Park Area. The City may only use the property for a public park and recreational use purposes. The City shall make the Park Area available and open to the public for

recreational purposes in accordance to K.S.A. Chapter 58, Article 32. The City shall not charge an admission price, fee, or consideration to any person or persons in return for the invitation or permission to enter or go onto the Park Area for recreational purposes, other than reservation fees for exclusive use of a portion or all of the Park Area by a member of the public. By way of example, the City may charge a reservation fee to use a pavilion in the Park Area. The City shall not willfully or maliciously fail to guard or warn against a patent dangerous condition, use, structure, or activity in the Park Area. The City shall not operate any motor vehicles on the Park Area, except for uses permitted by this Agreement, construction in accordance with this Agreement, maintenance of park structures, or in emergency situations.

3. Fencing Surrounding Pumping Station. WaterOne shall maintain and keep the fencing around the Pumping Station in good repair. WaterOne may add or replace the fencing at any time along the existing demarcation of the Pumping Station in Exhibit A.

4. Operation of Park. The City shall be exclusively responsible for the operation, supervision, policing, sanitation, repair, and maintenance of the Park Area and its facilities. The City shall maintain all equipment and facilities constructed or erected by the City in the Park Area in good repair. The City shall be exclusively responsible for the lawn care and trash services for the Park Area.

5. Operation and Maintenance of Underground Facilities. WaterOne shall have the right to operate, maintain, repair, inspect, rebuild, remove, and relocate the Underground Facilities as needed, determined solely by WaterOne. Such operation and maintenance may require WaterOne to temporarily occupy and restrict access to any or all the Park Area. During said temporary occupation and restriction by WaterOne, WaterOne shall use all reasonable efforts to mitigate any damage to the City's facilities and equipment in the Park Area. If damage to the City's facilities, sidewalks, or landscaping is unavoidable, WaterOne shall not be liable for such damage. Except for landscaping, which will be the City's sole responsibility, the parties agree to work together prior to operation and maintenance activities to determine cost allocation for foreseeable but unavoidable damage.

6. Damage Due to Emergency. In the event of emergency, WaterOne may temporarily occupy and restrict access to any or all the Park Area during the emergency. During said temporary occupation and restriction by WaterOne, WaterOne shall use all reasonable efforts to mitigate any damage to the City's facilities and equipment in the Park Area caused by WaterOne employees. If WaterOne uses all reasonable efforts to mitigate said damage, WaterOne shall not be liable to repair any damage that occurred to the Park Area during said emergency.

7. Expansion of Park. The parties understand and agree that the impetus for this new Agreement is that the City wishes to upgrade the existing facilities in the Park Area, including the playground equipment, picnic shelters, and concrete paths. As such, the parties agreed that the City may, during the term of this License, install, construct, or otherwise change the Park Area in accordance with the plan attached to this Agreement as **Exhibit B**, which is expressly incorporated

into this Agreement (the “Plan”). Both parties agree that the Plan does not interrupt WaterOne’s current use of the Pumping Station or interrupt WaterOne’s planned use of the Property over the next ten (10) years. Both Parties agree that the Plan has considered the location of the Underground Facilities and the Plan avoids placing City facilities and equipment on top of Underground Facilities, but there are instances where a sidewalk crosses over the Underground Facilities as shown in Exhibit B. The City shall notify WaterOne at least one (1) month prior to the City beginning construction in accordance with the Plan (the “Commencement Date”). During construction of the Park Area in accordance with the Plan, the City shall use all reasonable efforts to ensure it does not interfere with WaterOne’s use of the Property. The City may only modify the Park Area in accordance with the Plan. In the event the City wishes to modify the Park Area not in accordance with the Plan or wishes to vary the Plan, the City shall obtain prior written approval from WaterOne.

8. WaterOne’s Planned Use of the Property. WaterOne represents and warrants that, as of the Effective Date, WaterOne does not currently plan to or currently anticipate the need to expand the Pumping Station in a manner that would disrupt the use of the Park Area by the City during the next ten (10) years. Given the nature of underground infrastructure, WaterOne cannot represent or warrant that it will not need to maintain, repair, inspect, rebuild, remove, or relocate the Underground Facilities during the next ten (10) years.

9. Protected Period. If the City decides to upgrade the Park Area in accordance with the Plan, the City shall pay for all construction to the Park Area under the Plan. WaterOne recognizes the upgrades to the Park Area in accordance with the Plan represent a significant investment in the Park Area by the City, costing the City an estimated Two Million Four Hundred Thousand Dollars (\$2,400,000.00). As such, the parties agree that WaterOne shall take all reasonable steps to not revoke the License during the ten (10) year period following the Commencement Date (the “Protected Period”). If WaterOne wishes to revoke the License or terminate this Agreement without a breach by the City during the Protected Period, WaterOne agrees that, prior to giving written notice of termination under Section 10 of this Agreement, WaterOne will enter good faith negotiations with the City for at least thirty (30) days to reach a compromise to reduce the size of the license, if possible, and still allow the City to utilize part of the Park Area. If the parties are unable to reach a compromise in accordance with this Section, WaterOne may pursue Termination under Section 10 of this Agreement.

10. Termination. WaterOne can terminate this Agreement upon one hundred eighty (180) days’ written notice to the City that WaterOne intends to sell the Property or that the Park Area is needed for further development. Further, WaterOne can terminate this Agreement upon sixty (60) days written notice if the City has substantially breached this Agreement and the City has not remedied or taken substantial steps to remedy said breach within said sixty (60) day period. The City may terminate this Agreement upon written notice to WaterOne for any reason. In the event this Agreement is terminated, the City shall remove its equipment and structures no later than sixty (60) days after termination of this Agreement.

11. Indemnification. Each party agrees to indemnify, defend, and hold the other party harmless from all demands, claims, suits and judgments arising from activities related to the party's use of the Property. The Kansas Tort Claims Act immunities and maximum liabilities are applicable under this Agreement.

12. Insurance by the City.

- a. The City shall maintain insurance on the Park Area with insurers acceptable to WaterOne. Said insurance shall include the following:
 - i. Workers' Compensation and Employers' Liability Coverage:
 1. \$500,000/\$500,000/\$500,000 or other Kansas statutory minimum
 - ii. Commercial Automobile Liability:
 1. \$1,000,000 Combined Single Limit
 - iii. Commercial General Liability Coverage:
 1. \$1,000,000/\$2,000,000 per occurrence/annual aggregate
 - iv. Umbrella Liability:
 1. \$1,000,000 general aggregate
- b. The City shall ensure the insurance may not be cancelled, materially changed or renewal refused unless the insurance company provides thirty (30) days prior written notice to WaterOne.
- c. If the insurance is issued on a claims-made basis, the City shall maintain the coverage for a least two (2) years after the termination of this Agreement.
- d. Insurance contains a cross liability or severability of interest clause or endorsement. The City shall name WaterOne as an additional insured under each applicable insurance policy.
- e. The City shall provide WaterOne evidence of said required insurance policy when requested by WaterOne.
- f. With respect to Workers' Compensation, Commercial Automobile Liability, Commercial General Liability, and Umbrella Liability Insurance, the City shall require its insurance carrier to waive all rights of subrogation against WaterOne as allowable by law.
- g. These coverages may be reviewed and modified by WaterOne on an annual basis, as based on the anniversary of the Effective Date of this Agreement. The City will be notified of any changes in the insurance requirements within sixty (60) days of the anniversary date. The City has thirty (30) days to provide evidence to WaterOne that the insurance changes have been made.

13. All Previous Agreements. The parties agree that all previous agreements concerning the Park Area or the Pumping Station between WaterOne and the City are hereby revoked and invalid.

14. Assignment. This Agreement is not assignable, and any proposed assignment is invalid. This Agreement is binding upon the successor of the parties.

15. Invalidity. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.

16. Choice of Law and Venue. This Agreement and the rights of the parties shall be governed by and construed in accordance with the laws of the State of Kansas, including all matters of construction, validity, performance, and enforcement and without giving effect to the principles of conflict of laws. Any action brought by any party hereto shall be brought within the State of Kansas, County of Johnson.

IN WITNESS WHEREOF, the parties have executed this Agreement on the Effective Date, by their respective chief administrative officers by authority of their respective governing bodies.

THE CITY OF MISSION

Laura Smith, City Administrator

WATER DISTRICT NO. 1 OF JOHNSON COUNTY

Michael J. Armstrong, General Manager

Exhibit A

Park Area

Exhibit B

The Plan

City of Mission	Item Number:	12
ACTION ITEM SUMMARY	Date:	December 14, 2022
Administration	From:	Emily Randel

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

RE: Greenhouse Gas Inventory Update Contract Award

RECOMMENDATION: Approve the proposal from Lotus Engineering and Sustainability in an amount not to exceed \$33,171 for a update to the greenhouse gas inventory for both municipal operations and at the community level.

DETAILS: In 2008, Mission completed a Greenhouse Gas Emission Inventory. The City Council approved \$15,000 funding for an update to the inventory in 2020 anticipation of the 2020 goal of a 20% reduction in carbon emissions set out in the initial Climate Action Plan following the 2008 inventory. The inventory update was postponed due to staff transition and the COVID-19 pandemic. Those original funds are still available to be combined with the funds approved for sustainability work in 2023. Staff issued a request for proposals in October of this year.

Four firms submitted proposals:

- Black & Veatch (\$37,915)
- Lotus Engineering and Sustainability (\$33,171)
- Dynamhex (\$15,000, plus \$10,000 annual software subscription)
- AET Group, Inc. (\$13,200)

A selection committee including Councilmember Ben Chocie, Sustainability Commission Chair Josh Thede, City Planner Karie Kneller and Assistant City Administrator Emily Randel interviewed the firms and recommend Lotus Engineering and Sustainability. The firm, based in Denver, provided a strong proposal supported by their interview and references. In particular, the steering committee valued the fact that Lotus is a small and nimble firm that specializes in this work. They explained how they evaluate the data and provide full transparency and training for City staff for updates in future years. They also provided strong options in how they can help Mission tell the story of the final report to community stakeholders and they keep an open door policy for questions beyond the proposal scope.

The initial proposal cost was \$29,990, but staff requested an expanded proposal that took advantage of some of the communication opportunities highlighted in the interview including an in-person presentation to the community. That increased the total proposal amount to \$33,171. If the contract is approved, Lotus is prepared to begin the work in January as suggested in the proposal and will complete the work in May.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	\$15,000 (2020 budget) and \$135,000 Sustainability funds (2023 budget)

City of Mission	Item Number:	12
ACTION ITEM SUMMARY	Date:	December 14, 2022
Administration	From:	Emily Randel

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

CFAA CONSIDERATIONS/IMPACTS: Many of the actions recommended to reduce greenhouse gas emissions also improve quality of life for all residents, including those with relatively fragile health such as air quality improvements, or transit options for those who may no longer drive, and more.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	\$15,000 (2020 budget) and \$135,000 Sustainability funds (2023 budget)

City of Mission	Item Number:	13.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Public Works	From:	Celia Duran

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

RE: Streetlight Extension Policy

RECOMMENDATION: Approve the implementation of the streetlight extension policy as presented to be incorporated as Public Works Internal Policy 2022-01.

DETAILS: There are currently 1,011 streetlights within the City of Mission that were purchased from Evergy (formerly Kansas City Power & Light) in 2013. With the exception of streetlights installed with capital improvement projects, such as Johnson Drive and Foxridge Drive, all other existing lights were previously installed by Evergy and generally are appropriately spaced to provide adequate lighting coverage throughout the City.

Over the years, City staff has not received many requests for additional streetlights; however, recently there have been some requests from citizens to add additional streetlights and Staff has observed some areas that may require additional lighting. Therefore, a Streetlight Extension Procedure was prepared in order to provide steps/procedures that Staff will follow once a request for additional streetlights is received.

The attached procedure, identified as Public Works Internal Policy 2022-01, lists the steps that will be taken once a request for additional streetlights is received from a resident or business owner. This procedure does not apply for streetlight replacement with capital improvement projects, such as Johnson Drive or Foxridge Drive. For these types of projects, the designer will evaluate the condition and spacing of the existing streetlights along the roadway and redesign the streetlight network as necessary.

CFAA IMPACTS/CONSIDERATIONS: This policy facilitates a safe, lighted, transportation network that serves drivers and pedestrians of all ages and abilities.

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



**STREET LIGHT EXTENSION PROCEDURE
PUBLIC WORKS INTERNAL POLICY 2022-01
NOVEMBER 2022**

Section 1.0 Background

There are currently 1,011 streetlights within the City of Mission that were purchased from Evergy (formerly named Kansas City Power & Light) in 2013. The existing streetlights (with the exception of streetlights installed with capital improvement projects, such as Johnson Drive and Foxridge Drive) were previously installed by Evergy and generally are appropriately spaced to provide adequate lighting coverage throughout the City.

Over the years, City staff has not received many requests for additional streetlights; however, recently there have been some requests from citizens to add additional streetlights and Staff has observed some areas that may require additional lighting.

Section 2.0 Purpose

The purpose of this policy is to provide steps/procedures that city staff will follow when there is a request for additional streetlights or when Staff identifies an area that could potentially require additional lighting.

Section 3.0 Steps/Procedures for Citizen Requests

The following steps/procedures will be followed to determine whether a streetlight(s) will be added to the existing streetlight network when a streetlight request is received from a resident or business owner:

- The Public Works Director will send the request to one of the City's on-call engineers for evaluation.
- The on-call engineer will review the specific location, including existing streetlights on the roadway, per the ANSI RP-8-18 Design Guidebook (ANSI) and make a recommendation.
 - This design guidebook uses criteria, such as roadway classification and an estimate of the number of pedestrians and potential pedestrian conflict areas which travel the roadway, to determine luminance and uniformity standards.
 - Once the design criteria are determined for each roadway, the on-call engineer will evaluate the existing lighting on the street and determine factors, such as luminance and uniformity, to determine whether additional streetlights are necessary.
 - Once the on-call engineer forwards their evaluation and recommendation to the Public Works Director (including any proposed streetlights and their recommended location), the

Director will discuss the recommendation with the City Administrator. All proposed streetlights will be installed on property lines between properties to minimize disruptions.

- Following discussion and approval by the City Administrator, the PWD will obtain a cost estimate for streetlight installation from the City's streetlight contractor.
- A letter will be sent to the resident adjacent to any proposed streetlights notifying them of potential streetlight installation. This location may be modified based on concerns from adjacent residents.
- Depending upon the cost of the additional streetlight(s), the City Administrator will approve the estimate if the cost is within her/his authority or take it to City Council for approval.
- Following approval, the streetlight contractor will proceed with construction.
- Once construction is completed, the streetlight will be added to the City's streetlight map and asset inventory.

Section 4.0 Streetlight Installation for Capital Improvement Projects

This procedure does not apply for streetlight replacement with capital improvement projects. For these types of projects, the designer will evaluate the condition and spacing of the existing streetlights along the roadway and redesign the streetlight network as necessary.

Section 5.0 Director's Authority

The Director of Public Works retains the authority to waive elements of this procedure when it is determined that unique conditions exist and that it is in the City's best interest to do so.

City of Mission	Item Number:	14.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Public Works	From:	Celia Duran

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

RE: Bid Award for Streetlight Installation

RECOMMENDATION: Approve a bid from Black & McDonald for streetlight installation in an amount not to exceed \$10,683.85.

DETAILS: Staff received a citizen request to evaluate whether there was adequate lighting from existing streetlights on West 60th Terrace between Nall Avenue and Birch Street. There are currently only two existing streetlights on W. 60th Terrace and two at adjacent intersections that do not face W. 60th Terr. (intersections of 60th Terr. and Nall Ave., and 60th Terr. and Rosewood St.). In accordance with the City's streetlight extension policy (Public Works Internal Policy 2022-01), Staff requested that GBA (one of the City's on-call engineers) perform a lighting evaluation. The streetlight extension policy was presented to Council at the Community Development Committee (CDC) meetings on 11/9/2022 and 12/14/2022 and is on the Council agenda with a staff recommendation for approval on 12/21/2022.

GBA performed an evaluation per the ANSI RP-8-18 Design Guidebook and determined that there was inadequate lighting in two locations on W. 60th Terr. (east of Nall Ave. and west of Rosewood St.). The attached lighting review diagram shows the blue areas where there is inadequate lighting.

Staff requested a bid for streetlight installation from Black & McDonald, who is the City's streetlight contractor, for a total cost not to exceed \$22,920.64. The bid includes installation of a streetlight, controller and conduit in the vicinity of 5327 W. 60th Terr. (\$10,683.85) and 6024 Rosewood St. (\$12,236.79). Staff is currently working with the contractor and residents to determine the final location of the proposed streetlights.

Based on discussions with City Council at the 12/14/2022 CDC meeting, there were concerns about the higher cost for installation of the second streetlight at 6024 Rosewood St. Additionally, it was noted that this intersection has adequate site distance and there is some lighting from the existing streetlight at the northwest corner of this intersection. Therefore, it was recommended that Staff revise this agenda item to recommend approval of only the proposed streetlight near 5327 W. 60th Terr. at this

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-23-212-06 Service Contracts
Available Budget:	\$250,000

City of Mission	Item Number:	14.
ACTION ITEM SUMMARY	Date:	December 14, 2022
Public Works	From:	Celia Duran

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

time.

Funds for streetlight installation will be paid for from the Public Works contractual services line item.

CFAA IMPACTS/CONSIDERATIONS: This policy facilitates a safe, lighted, transportation network that serves drivers and pedestrians of all ages and abilities.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-23-212-06 Service Contracts
Available Budget:	\$250,000



Black & McDonald

6001 Front Street, Kansas City, MO. 64120
Phone: 816-483-0257 Fax: 816-483-2111

Proposal

SUBMITTED TO: City of Mission, KS	DATE: 07/29/2022 REVISED 11/16/2022
	PHONE: 913-676-8381
ATTENTION: Celia Duran	JOB NAME
ADDRESS: 4775 Lamar Ave	JOB LOCATION: W 60 Ter & Nall Ave – Location 1
CITY/STATE/ZIP: Mission, KS 66202	ENGINEER/DATE OF PLANS:
SCOPE OF WORK TO BE PERFORMED: Install 25ft steel pole, 6ft arm, Type C LED with a new single circuit controller at 5327 W 60 Ter. Bore in 60ft of 3in conduit and pull in 70ft of direct bury cable from Evergy UFLID pole# 29220 to the new single circuit controller.	
Exclusions and clarifications: <ol style="list-style-type: none">1. Quote does not include sales tax. Taxes will be applied unless project is tax exempt and project tax exemption certificate is provided.2. Any permits or fees are excluded.3. Any major traffic control is excluded.4. Surface Restoration is excluded.5. Rock Clause: Prices are for good to fair ground. Boring of rock is not included and will be priced separately per foot.6. Quote is valid for 30 days.7. Excessive delays beyond our control will be billed at T&E rates.	
We propose to complete the project according to the plans for the sum of: TEN THOUSAND SIX HUNDRED EIGHTY THREE DOLLARS AND EIGHTY FIVE CENTS --- \$10,683.85	
Authorized Signature: Elyssa Padelli	
Acceptance of proposal:	Date:

City of Mission

Lighting Review - 60th Terr

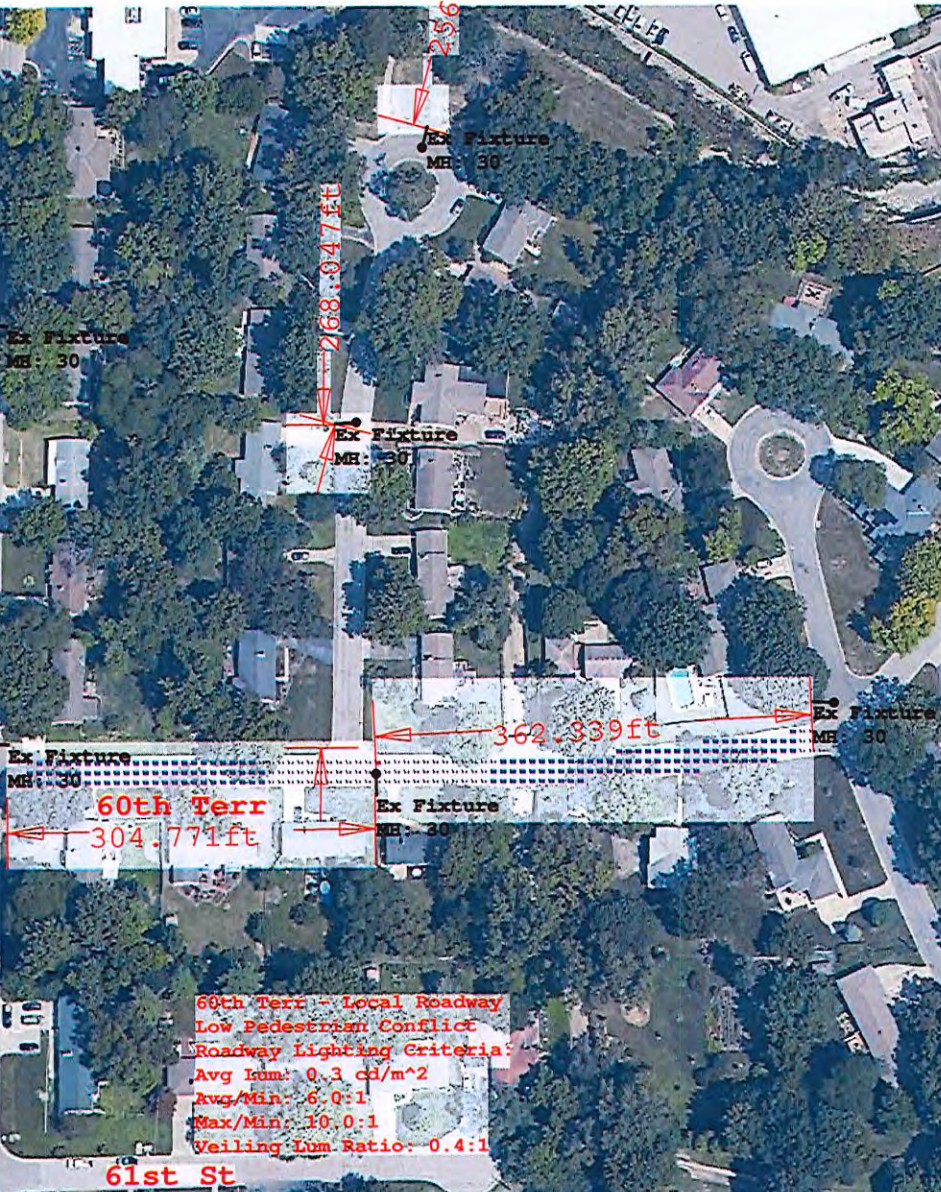
Legend

Nall Ave

60th Terr

61st St

60th Terr - Local Roadway
Low Pedestrian Conflict
Roadway Lighting Criteria:
Avg Lum: 0.3 cd/m²
Avg/Min: 6.0:1
Max/Min: 10.0:1
Veiling Lum Ratio: 0.4:1



Google Earth

400 ft

