



COMMUNITY DEVELOPMENT COMMITTEE

WEDNESDAY, APRIL 12, 2023 at 6:30 p.m.

**MISSION CITY HALL
6090 Woodson Street**

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

ACTION ITEMS

1. Acceptance of the March 1, 2023 Community Development Committee Minutes – Robyn Fulks ([page 4](#))

Draft minutes of the March 1, 2023 Community Development Committee meeting are included for review and acceptance.

2. Purchase of Permitting Software – Brian Scott ([page 19](#))

The City currently uses individual software programs for the recording and tracking of building permits, code enforcement cases, and business licenses. Each of these software programs are “home grown” solutions built in Microsoft Access databases. The programs are well over a decade old and no longer supported by anyone. Other permits and licenses issued by the City are strictly paper based. Over a year ago, Community Development staff researched options for replacement software with greater functionality. After careful review and evaluation, Staff is recommending approval of a contract with GovBuilt for Permitting Licensing and Land-Use Management Software for an initial implementation fee of \$59,995 paid over two years, and 2023 subscription fee in the amount of \$22,450.

3. Supplemental Building Inspection Services, FSC, Inc. – Brian Scott ([page 29](#))

The City is experiencing an unprecedented level of development activity. Zoning approvals were granted for six (6) new developments in 2022 as well as two renovation projects and the revised development plans for the Gateway. All of these projects will now begin to

move to the construction phase. A Building Inspector position was approved for the 2023 budget year, but this additional position will still not account for the significant work load that is expected. Staff is seeking approval to utilize FSC, Inc. Consulting Engineers to augment the inspection services provided by the Building Official and Inspector.

4. Declaration of Structure as Unfit for Human Habitation – 6350 W. 49th Street, Mission, Kansas – Jim Brown/Brian Scott ([page 41](#))

Acting under the authority granted in Section 510.130 of the Mission Municipal Code, which is governed by KSA 17-4759, a public hearing was held on February 21, 2023 to take testimony from all concerned parties as to why the house at 6350 W. 49th Street should not be declared uninhabitable. At the conclusion of the public hearing, findings of facts were made and an order made by the City's Building Official to make the necessary repairs to the structure within 30 days (by March 21, 2023.) To date, the repairs have not been made. In accordance with Section 510.160(D) of the Mission Municipal Code, the findings of fact are now being submitted to the City Council for their consideration. If the City Council is in agreement with the finding of facts, it may adopt a resolution stating that repairs be made within 30 days or the City will take such action to make the repairs and assess the property for the costs.

5. 2024-2028 5-Year CARS Program – Celia Duran ([page 122](#))

Using a combination of state gas tax dollars and County General Fund revenues, the CARS program provides funds to cities to construct and maintain eligible streets. Each year, cities submit a 5-year road improvement plan to the County from which projects are selected for funding (up to 50% of the project's construction and construction inspection costs). Projects to be included in the 2024 - 2028 CARS Program for Mission are detailed in the action item summary.

6. Summer Camp Staff Wage Adjustments – Penn Almoney ([page 128](#))

Instructors are critical to the success of the Mission Summer Camp (MSC) program. A wage study conducted by Parks and Recreation staff along with a regional wage study completed by Kansas City Metro Programming Group indicates that Mission summer camp instructor pay is below the regional mean. Staff recommends increasing the starting instructor wage to \$14.00/hr (\$2 increase). This pay increase will be funded through revenues from the Child Care Aware grant program for 2023.

7. Trail Counters – Penn Almoney ([page 130](#))

Trail pedestrian and bike count data can be used to track peak use days/times, to understand use patterns by mode, to compile total visitor attendance and to properly estimate trail maintenance impacts. Staff recommends purchase of five trail counters and pre-fabricated wood posts from Eco Counter in an amount not to exceed \$18,150.00. The counters would be placed as follows: Rock Creek Trail (2), Broadmoor

Park (1), Streamway Park (1) and Waterworks Park (1). The trail counters were approved in the 2023 Budget as part of the 2023-2027 Parks + Recreation Capital Improvement Plan with funding from the Parks + Recreation Sales Tax Fund.

DISCUSSION ITEMS

OTHER

8. 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:	April 12, 2023
Administration	From:	Robyn Fulks

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

RE: March 1, 2023 Community Development Committee minutes.

RECOMMENDATION: Review and accept the March 1, 2023 minutes of the Community Development Committee.

DETAILS: Minutes of the March 1, 2023 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

March 1, 2023

The Mission Community Development Committee met at Mission City Hall and virtually via ZOOM on Wednesday, March 1, 2023. The following Committee members were present: Ken Davis, Ben Chociej, Trent Boultinghouse, Mary Ryherd, Debbie Kring, Lea Loudon and Mayor Flora. Councilmember Inman was absent. Councilmember Chociej called the meeting to order at 6:30 p.m.

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

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

Discussion of Request for Tax Abatement – 58/Nall Project

City Administrator Laura Smith introduced Developer John Moffit who is in the process of beginning a 77-unit complex at the corner of Nall Avenue and 58th Street. The project has been approved through the Planning Commission and City Council. Ms. Smith explained that Mr. Moffit has expressed his interest in exploring property tax abatement for the project, but no formal application has been submitted. She invited Mr. Moffit to the podium to share his thoughts on what he believes has necessitated this request.

Mr. Moffit shared that he and his team purchased the property one year ago, and they believe that Mission has a housing market that needs to be filled. They believe that a small, multi-family housing project that doesn't include a large amount of amenities but brings quality housing is important to many people. His team is ready to move forward with construction as soon as the plans submitted to the City are approved. They are dedicated to the project; however the rising costs of construction at about 10% more and interest rates that have

doubled since last year have made the project potentially unattainable. The best resolution to continue to move the project forward was to approach the City to discuss the potential consideration of tax abatement. They do not want to put the project on hold to wait for the reduction in costs or interest rates. He believes the project could begin construction in the summer if tax abatements are granted, with a fifteen month timeline for construction.

Councilmember Kring asked if the proposed rents of the units have changed in light of the increase in costs and interest rates. Mr. Moffit stated his team worked with JLL for proformas and have raised proposed rents approximately 3%, which is still lower than the 10%-15% increase by The Locale. He believes for the size of the units the rent costs are fair. Councilmember Kring asked for the range of rents. Mr. Moffit's team hopes to be at about \$1.85 per square foot, equating to \$1,100.00 to \$2,000.00 per month depending on the size of the unit.

Councilmember Davis asked what Mr. Moffit's asking for at this point. Mr. Moffit stated that, in discussions with Staff, they have asked for tax abatement. Ms. Smith noted that staff have not formally reviewed any of the financial information for the project, and so putting an amount on the request was premature at this time.

Mayor Flora stated that tax abatement projects haven't been a part of Mission's landscape prior, and that she believes that the tax abatement can be for all of the property tax for up to ten years. She wondered what, of that allowed amount, he plans to ask for. Mr. Moffit stated that his original ask was the full abatement for the full ten years, however Staff stated that would not work during preliminary discussions. Now they are proposing a staggered abatement of 100% for the first four years, 74% for the next four years and 50% for the last two years of the allowed ten-year term. Again, Ms. Smith noted that no formal negotiations regarding the amount of the abatement have occurred.

Councilmember Thomas asked what 100% for four years would equate to in a dollar amount. Ms. Smith stated that Staff isn't ready to share solid numbers as there is still an analysis and work from the City's financial advisor first to really know what a formal ask may look like. Mr. Moffit shared that they are prepared to move quickly if a green light is given on the tax abatement. He believes it's to everyone's benefit to get the project through. Councilmember Thomas then stated that this Council has an unwritten policy regarding incentives, and that affordable/attainable housing and sustainability have been consistent goals. She

would like to know if those elements will be possible in the project if they were items the Council were looking for. Mr. Moffit answered that, if necessary, they will do what they can to make those things happen.

Mayor Flora asked why the Governing Body should want the project to move forward as soon as possible and grant a tax abatement, and not wait out the market for a year or so. She does understand why Mr. Moffit's team wouldn't want that. Mr. Moffit answered that having a project in "time out" is not a good thing for anyone involved, and another developer is already in "time out" for a pending project. He believes that external forces could make the delay extend over several years. He believes that, in his visits to store owners, they would like new residences near Johnson Drive for more visitors. A delay doesn't solve any problems, and there's no guarantee that rates or prices will decrease.

Councilmember Kring stated that, for herself, she is concerned about tax abatement overall and the ask that may be made by many other multi-housing projects. Mr. Moffit acknowledged that concern, and used the City of Kansas City, MO and their tax abatements that did drive new revitalization. Councilmember Kring stated she does not believe that the comparison between Kansas City, MO and Mission is a fair comparison. She does not like the idea of setting precedent for tax abatements in the City to see other projects asking for the same thing. Ms. Smith stated that many Johnson County cities are already using tax abatements incentives. As Kansas City, MO imposes stricter requirements on the use of abatements in their city, developers have started to look to build projects elsewhere.

Ms. Smith shared that Mission does have a tax abatement policy that is several years old, however it is brief and lacking more specific guidance the Council may wish to see. Staff has discussed updating that policy, and also the issue of precedent. She also explained that tax abatement applies to all taxing jurisdiction revenues for up to ten years with the exception of the 8 mils of capital for the school district. The abatement can be 0% - 100% over the ten-year period. A but-for analysis will have to be completed on any tax abatement ask submitted. She did acknowledge that a couple of developers have paused construction due to increase in costs and interest rates. She also does expect some other pending projects to be interested in tax abatement as well. She does believe that moving quickly is necessary, and that the Milhaus project near the community center has already indicated an interest in asking for tax abatement as well. She also noted that most development attorneys will always bring forward a request for incentives on behalf of their client in the course of doing

their due diligence. Ms. Smith also explained that, while Mission runs the request for incentives and the approvals on the same track, many cities do not and many would require a developer to be at the place where Mr. Moffit is now before they could make a request for incentives. Council shouldn't necessarily feel frustrated at the timing of the request by Mr. Moffit.

Councilmember Thomas stated that she finds value in the City's current process as there is room for negotiation that you may not find in other cities' processes. She also, personally, doesn't see tax abatement requests any differently than any other incentive tool including TIF. She believes that the question is "what does the City get".

Councilmember Kring stated that her expectation is to know all of the apartments currently in the City and what the impact would be if every complex received tax abatement. She wants to see how much tax money would be missing. Ms. Smith shared that the request for a tax abatement could only come forward on new projects.

Councilmember Boultinghouse asked Ms. Smith about the veto power differences in tax abatement and TIF. Ms. Smith answered that, in a TIF district, the Board of County Commissioners and the School District have veto power. In a tax abatement situation, neither of those groups have veto power. The Board of Tax Appeals (BOTA) eventually grants the tax abatement so does have some power. She does believe some on the County Commission would express opposition, but there is no mechanism under the statutes for formal veto power.

Councilmember Davis stated that he agrees with Councilmember Kring. He is reluctant to support tax abatement unless he can see some value to the City.

Councilmember Loudon acknowledged the need for more housing in the County and is not opposed to the idea, however she is especially interested in both low-income housing and sustainability efforts in the project. She finds the rent to be very high for the average family, and wants to see more affordability. Mr. Moffit acknowledged that. He believes that additional revenue will come from new housing and the discretionary income that comes with it. He also encouraged the Council to look at the big picture and what the project can bring to the City.

Councilmember Davis asked for differences between a TIF district and tax abatement and the City's risk. Ms. Smith agreed that there is some risk, although there is the opportunity to negotiate. The abatement ends up being a

payment in lieu of taxes, but there is the ability to approach them similarly.

Councilmember Ryherd asked to confirm that abatement is only to be used for new construction, already built projects cannot ask for tax abatement. Ms. Smith stated that she does not believe an existing project can ask for tax abatement, and Deputy City Administrator Brian Scott confirmed that. She also mentioned that older apartments in the City were the beneficiaries of industrial revenue bonds/abatements in that past that are still outstanding and cannot ask for other incentives. Councilmember Kring asked about the five outstanding projects that have not begun construction yet, and Ms. Smith acknowledged that some could come back to make a similar request.

Councilmember Davis asked if a tear-down and rebuilding of a home could qualify. Ms. Smith stated that there are some tools that can be used under the Neighborhood Revitalization Act, however there are no neighborhood revitalization areas currently established in the City. She stated those can be used for commercial and residential properties, and there are communities using that tool to encourage revitalization.

Councilmember Boultinghouse would like to see things with the City's process reviewed so that there is clear understanding on the part of the developer and the Council of expectations. He hopes to review Mr. Moffit's ask and also look at changes to the City's process to avoid loopholes. Ms. Smith stated that some clarity of expectations could help avoid frustrations.

Mayor Flora asked for an explanation on the policy or statutory differences between the TIF and tax abatement processes. Councilmember Chociey echoed Mayor Flora's comments and stated he would like a more holistic look at what the impacts and benefits would be. He also agreed that bringing residential density to Johnson Drive would help the business community as well. He likes the idea of more residents spending money in the main business corridor as well.

Action Items

Acceptance of the February 1, 2023 Community Development Committee Minutes

Minutes of the February 1, 2023 Community Development Committee were provided to the Committee.

Councilmember Davis 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.

Community Center Projector Replacement

Parks + Recreation Director Penn Almoney presented the need for replacement of lamp projectors in meeting rooms C, D and E at the Powell Community Center. He mentioned that the projectors have had pretty consistent and heavy use since their installation in March of 2017. The technology is now outdated and close to its useful end, with a life expectancy of 5-7 years. Staff recommends three new projectors with LCD that will work seamlessly with the current digital interface system at a cost of \$25,910.00. Additionally, the projectors will be at the back of the room vs. on the projector lift system in the middle of the room which will help decrease maintenance. This was an item that was budgeted in the 2023 Parks + Recreation CIP.

Councilmember Davis 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.

Super Pool Pass Agreement/Letter of Understanding

Mr. Almoney next presented the longstanding annual agreement with other Northeast Johnson County cities for pool privileges at other pools, allowing members of neighboring communities several pools including the Mission Family Aquatic Center. Staff recommends approval for the 2023 season.

Councilmember Kring asked about the success of the program, and Mr. Almoney confirmed the success of the program. \$78,000.00 has been generated since 2009 just from this partnership.

Councilmember Davis 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.

Mission Family Aquatic Center 2023 Fees and Charges

Mr. Almoney next presented the need for fee/fee structure changes at the

Mission Family Aquatic Center (MFAC) for the 2023 season. He cited increases in staffing, chemicals and food costs which continue to escalate, requiring the need for additional revenues to sustain the facility going forward. Fees have not been raised since the 2014 renovation. He would recommend the Council set a cost recovery goal for the MFAC so that fees and costs will be evaluated each year.

He shared membership numbers and daily pass rates and indicated that new fee models will only include individual rates rather than a family, couple or senior pass. Staff recommends a membership policy like Fairway and Leawood which would adopt the individual rate for the membership model and also adopting a lower individual rate to get closer to a sustainable cost recovery model that will also minimize the impact on a family. The impacts will more strongly be felt for non-residents. Staff is proposing the smaller increase for 2023, with another raise in the 2024 season to get closer to the market rate.

Ms. Smith clarified that the adopted 2023 budget shows an estimated cost recovery for the center of about 55%.

Councilmember Davis asked how much a day pass is used at the center. Mr. Almoney stated it's used pretty consistently, with repeat attendees as well. He does not believe the change will drive more people to a day pass vs. an annual pass. Councilmember Davis also mentioned Fairway and Leawood's daily rates of \$6 for residents and \$9 for non-residents, and he would like to know if Mr. Almoney has considered differentiating the two fees. Mr. Almoney stated that one rate makes things easier on his team and allows them not to have to verify addresses for patrons attending the MFAC.

Councilmember Boultinghouse mentioned he is glad to hear that cost structures and recovery will be reviewed annually, he would like to see those conversations each year and also see an increase in cost recovery by looking at items like concessions. He also asked if there had been consideration to staying open past Labor Day. Mr. Almoney answered that they have not considered that due to cooler weather but mostly due to staffing as most staff are high school students. Councilmember Boultinghouse offered his thanks for the work and his agreement with the simpler fee structure and individual membership plan.

Councilmember Thomas asked if the splash pad will still be open for free for families during the week as that is such a valuable asset to the community, and Mr. Almoney confirmed that is correct. Councilmember Thomas also encouraged

the idea of one free guest pass per month as a perk for members.

Councilmember Davis 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.

Lifeguard Pay Adjustments

Mr. Almoney next presented a consideration for lifeguard pay adjustments. He cited factors such as inflation, rates paid by neighboring facilities, the decrease in available workers and the need for incentives to pull in workers from other jobs as reasons for the request to increase pay. This will help staff recruit and retain good team members for both the Powell Community Center and the MFAC. Mr. Almoney spoke with nine other local cities, all of whom will be increasing their lifeguard pay rate this year to attract and retain workers for the season. The increase by Council in 2022 was \$2.50, and this year he is asking to increase pay by \$1.50 for lifeguards and captains. This increase will be across the board for staff equity, not just for new hires. Many workers from last summer stayed on for the winter season, which means that there is less need to find more lifeguards as there are 44 on staff currently vs. 25 at this time last year. The budget impacts for the raises are \$9,990.00 at the indoor pool and \$8,869.00 impact at the outdoor pool. Costs can be absorbed within the existing part-time staffing line items in the budget.

Councilmember Davis 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.

Referral Bonus Program for Part-time Staff

Mr. Almoney next presented a proposed continuation of the referral bonus program for part-time Parks + Recreation staff. He cited the program, which began in 2021 to help jump start staffing for part-time employees. That program was used for lifeguards and camp staff and was very successful. In 2022 the program's budget impact was \$19,350.00 which was absorbed in the part-time staffing line item. The estimated budget impact for the 2023 season is thought to be \$13,000.00 due to so many returning staff members and will be absorbed into the existing part-time staff line item.

Councilmember Loudon expressed her support for the program and Mr. Almoney

shared that the program is very well received by staff and has helped build a great culture. Councilmember Loudon also liked the structure of the program and how funds are paid out.

Councilmember Davis 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.

Mohawk Park Picnic Tables

Mr. Almoney's final action item of the evening was consideration of the purchase of new picnic tables to complement the Mohawk Park Phase I improvements. Mr. Almoney mentioned that the restroom block is being completed along with parking lot paving and lighting. The last pieces include the ordering of new picnic tables for the site. Bids were gathered from three vendors solicited via Confluence. Factors for consideration included the weight of the tables, design that can transfer to an ADA accommodated table easily, design look that keeps branding consistent, recycled materials that meet both maintenance and sustainability requirements, and weight rating of at least 1,000 pounds. Wishbone Site Furnishings had the lowest and most responsive bid with a cost of \$2,422.50 per table. The other two vendors had higher prices, although lower shipping costs. Staff recommends purchase of 12 tables, three of which are ADA accessible, for a cost of \$39,220.00 to be paid from the Parks + Recreation Sales Tax Fund.

Councilmember Kring asked if any tables for small children were part of the plan. Mr. Almoney stated they are not included in the final design, however that can be looked in to in the future. Also, one of the playground renderings under consideration did include a child-size table.

Councilmember Thomas asked about standardized park elements as suggested in the 2016 parks study and if the tables will be used at all parks as they are updated. Mr. Almoney confirmed that he is in favor of that idea so that parks are consistent with vendor lists and branding. Councilmember Thomas also asked about the materials used to build the tables, as she was worried about the aluminum being hot to sit on during warm months. Mr. Almoney confirmed that the aluminum used is only the legs; the slats of the table are 100% recycled plastic.

Councilmember Boultinghouse expressed his excitement for this project. He

asked about vandalism as Roeland Park has seen, and wondered if that has been considered with the design elements. Mr. Almoney confirmed that was part of the conversation during the design process. Lighting is one of the best deterrents he believes, and lighting will be prevalent at the pavilion and restroom blocks. Restrooms will be locked at 10:00 p.m. each evening. Additionally, a strong maintenance schedule which his team has should be a good deterrent.

Councilmember Loudon expressed her appreciation and thanks for the ADA accessible elements. Mr. Almoney shared that the standard was for one ADA table, however he felt like doing more than the minimum was important.

Councilmember Davis 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.

Foxridge Dr. Phase II (51st St. to Lamar Ave.)
Construction Contract Bid Award

Public Works Director Celia Duran presented the Committee with the construction contract bid award for the Foxridge Drive Phase II project from 51st Street to Lamar Avenue. The Foxridge Drive project is the City's 2023 CARS project, with a scope of work including pavement reconstruction, sidewalks and retaining walls, stormwater improvements and traffic light replacement at Lamar along with streetlights and pavement markings. After discovering significant unanticipated drainage issues with last year's street projects, additional geotech analysis was conducted for the Foxridge project. The project was bid in January with five bidders responding. VF Anderson submitted the lowest and most responsive bid. Bid numbers came in below the engineer's estimate, and funds are available in the 2023 CIP to complete the project as planned. Ms. Duran's noted that it was anticipated the project would begin in late May as the contractor believes the lead time on certain supplies and materials will not allow work to begin sooner. The project is expected to be completed by December 1. Extensive traffic control will be necessary with this project, which will include seven phases. Public Works staff will work to get out social media messaging and paper notification to residents and businesses. Message boards will also be out at 51st Street and Lamar Avenue and website updates will be maintained and updated in a timely manner.

Councilmember Kring asked how this project would work in connection with The

Mission Preserve project currently being developed in the same area. Ms. Duran answered that project is on hold currently with no anticipated start date. Councilmember Kring was worried about work done on the street project could be ruined by heavy equipment brought in for that project. Ms. Duran and Deputy City Administrator Brian Scott answered that they believe other routes would be used by that project at whatever time it moves forward. Ms. Duran also answered that they are hopeful to get 51st Street designated as a CARS eligible route, once an appropriate traffic count can be achieved. Currently it does not meet the CARS threshold of 2,500 cars per day. A traffic count will be done again in the future.

Councilmember Davis 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.

**Foxridge Dr. Phase II (51st St. To Lamar Ave.) Construction
Inspection Agreement**

Ms. Duran next presented a construction inspection agreement, also for the Foxridge Drive Phase II project. She explained that Pfefferkorn has performed construction inspection services for several projects throughout the City. The company is cost-effective and provides quality services. She recommends an agreement with Pfefferkorn in the amount of \$83,980.00 based on full-time services with billing only for time spent on the project. She believes the complexity of the project warrants full-time construction inspection services.

Councilmember Davis expressed his agreement that Pfefferkorn is a good company to work with and 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.

**Acceptance of Easements for Foxridge Dr. Phase II (51st St.
to Lamar Ave.) Street Rehabilitation Project**

Ms. Duran's final item related to the Foxridge Drive Phase II project presented project easements to be accepted by the Council. Public Works Superintendent Brent Morton has worked hard to obtain signed easement documents from all property owners needed, these, along with two City drainage easements will be recorded at the County after approval by the City Council.

Councilmember Davis 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.

2023 Street Preservation Project Construction Contract Bid Award

Ms. Duran next presented the contract award for the 2023 Street Preservation Project. This year four streets are being reconstructed, including portions of Beverly Avenue, Riggs Street, 50th Terrace/Reeds Road and 61st Terrace. The scope of work includes full depth pavement reconstruction, curb and gutter removal and replacement and stormwater improvements. Bids were returned in February, and did come in higher than the engineer's estimate. Three bidders responded, with G-B Construction, LLC being the lowest and most responsive bid, but is approximately \$765,000.00 above the engineer's estimate. Ms. Duran shared that, because of the overage, conversations were had with the engineer and consultants to figure out what drove the higher bid amount. Stormwater piping was approximately three times more than the engineer's estimate, and culverts on 61st Terrace were approximately four times higher. The Contractor stated that concrete pipe is more difficult to obtain, and prices are rising. Additionally, the contractor bid the culverts as cast in place which adds to the cost. The 2023 CIP budget can accommodate all four streets, even at the increased price and staff if recommending we proceed with the 2023 Street Preservation Project as planned.

Ms. Duran reported that project work is planned to begin in mid-April. Staff plans to update the City website and will send out letters to residents once the contract award is approved by the City Council and a more formal schedule identified. The letters will include information on project details, contacts and website information. The contractor will also distribute door hangers to residents.

Councilmember Davis asked about the company who completed the projects last year, Miles Excavating. Ms. Duran responded that they were unable to submit a bid timely. Councilmember Davis asked about staff's knowledge of the work that G-B Construction does. Ms. Duran answered that, although they have not done a full street project for Mission, their work on previous stormwater jobs has been very good. Councilmember Davis is worried about the relationship and interaction with residents as last year's company did an excellent job, and he feels that is very important. Ms. Duran confirmed that conversations have been held with the contractor's superintendent to ensure everyone is on the

same page as far as resident outreach. Councilmember Davis thanked Ms. Duran and Mr. Morton for their hard work on the project and obtaining the necessary easements for the project.

Councilmember Davis 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.

Construction Inspection 2023 Street Preservation Project
Construction Inspection Agreement

Ms. Duran next presented a construction inspection agreement, also for the 2023 Street Preservation Project. This project will include part-time inspection services for 170 working days at a cost of \$58,650.00 with Pfefferkorn.

Councilmember Davis 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.

Acceptance of Easements for 2023 Residential
Street Preservation Project

Ms. Duran's final item related to the 2023 Street Preservation Project presented various easements to be accepted by the City. Public Works Superintendent Brent Morton has worked hard to obtain signed easement documents from all property owners needed, including two permanent sidewalk easements and three drainage easements. Twelve temporary construction easements were also obtained.

Councilmember Davis mentioned that a property on 61st Terrace is currently in the process of being sold and would like the new buyer to be alerted about the project. Ms. Duran will send a letter to the new homeowner.

Councilmember Davis 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.

Ms. Smith presented to the Committee a spreadsheet showing the street program in the five-year CIP. Ms. Duran had been focused on budgets and concerned about the potential results of the bid openings for both the Foxridge

Phase II and 2023 Street Preservation Program project. The spreadsheet highlights revenues and expenditures from 2022 and has been adjusted for actual costs in 2022 and estimates for the Foxridge Phase II and 2023 Street Preservation Program based on the contract bids presented tonight. Ms. Smith explained that a negative fund balance shown in the fall of 2022 has now been moved to a positive amount, partly because of debt issuance for the Foxridge project and in part because of \$6 million in STP funding secured by Ms. Duran for the Johnson Drive from Lamar to Metcalf project in 2026. There are still a number of street funding issues to be addressed in the CIP, but in order to stay on schedule with the program, she and Ms. Duran are recommending the projects for 2023 proceed as presented. Staff and Council will begin to address additional funding for future street projects as the 2024 Budget and 2024—2028 CIP discussions begin in the next few months.

Discussion Items

There are no discussion items on the agenda.

OTHER

Department Updates

There are no department updates this evening.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 8:05 p.m.

Respectfully submitted,

Robyn L. Fulks, City Clerk

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Community Development	From:	Brian Scott

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

RE: Approval of an Agreement with GovBuilt for Land Use Management, Permitting, and License Software.

RECOMMENDATION: Approve a contract with GovBuilt for Permitting Licensing and Land-Use Management Software for an initial implementation fee of \$59,995 paid over two years, and 2023 subscription fee in the amount of \$22,450.

DETAILS: The City currently uses individual software programs for the recording and tracking of building permits, code enforcement cases, and business licenses. Each of these software programs are “home grown” solutions built in Microsoft Access databases. The programs are well over a decade old and no longer supported by anyone. Other permits and licenses issued by the City are strictly paper based.

Over a year ago, Community Development staff began to research options for a replacement software solution that would be easier to use and offer greater functionality. Software solutions are now generally provided on a subscription basis via the Internet (commonly known as “software as a service”, or SaaS). The provider hosts the software on their servers where it is continually backed-up and maintained with updates and security patches. The end-user simply logs into the City’s account to access the software, eliminating the need for a City server and reducing or eliminating a number of direct and indirect costs. In addition, because it is hosted on the Internet, the software can be accessed from any location at any time, allowing for external customers desiring to submit a permit or license application to do so through a portal on the City’s webpage at their convenience.

The functionality of the software is very robust. Staff can create applications and forms, develop workflows, process applications, and research information all within the software solution. As an example, an applicant can submit for a building permit through the software by accessing it from the City’s webpage. Once in the software, the applicant creates an account with a unique login and password and then completes the application, uploads construction drawings, and pays any associated fees. The software assigns a case number to the application, routes it to the City Planner and Building Official for review and processes the payment.

Community Development staff can access the software to review the construction drawings and make comments, and the Public Works Director and Fire Marshal can also access the information for review and comment. The applicant can login to see progress on the application and respond to any questions or comments that may have been sent to them. Once the review is completed, comments and a marked-up set of

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	01-23-214-04 Computer Services
Available Budget:	\$38,000 + \$15,000 in Comm Dev salary/benefit savings

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Community Development	From:	Brian Scott

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

construction drawings are sent back to the applicant electronically.

The software functions in much the same manner for code enforcement cases. A resident can submit a concern about a particular property, and the software will create a case number and assign it to the Neighborhood Services Officer for follow-up. Photos can be uploaded and attached to the case file. Violation notices can be created and deadlines for action can be tracked. The resident submitting a concern may also track the status or progress of the case on-line.

The most important aspect of these software applications is that they can be used for multiple types of City permits and licenses including business licenses, massage licenses, alcohol licenses, alarm permits, right-of-way permits, accessory animal (chicken and bee) permits, fence permits, sign permits, etc. The software has broad application across many City functions.

After staff's initial research, a Request for Proposals (RFP) was developed in the summer of 2021 and sent to various software providers. Nine responses were received and evaluated based on the following criteria:

- **Vendor Profile**
- **Experience and References**
- **Product Descriptions and Specifications**
 - Ability for on-line application/applicant interface
 - Ability to create process workflows
 - Ability for digital review of site plans and construction documents including recording comments
 - Ability for use in the field on a tablet or laptop
 - Storage and data management
- **Process Improvements / Adjustments**
 - Ability to be adaptable to City policies, processes, and business operations.
- **Maintenance and Support**
- **Interface with Other Applications**
- **Implementation Plan**
- **Education and Training for staff**
- **Initial Set-Up Costs**
- **Ongoing Annual Costs**

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
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The table below shows the composite score for each proposal submitted. The four firms with the highest composite scores (Citizenserve, OpenGov, Lama and GovBuilt) were invited to provide a demonstration of their software for further evaluation by staff.

Software	Firm	Composite Score	One Time-Cost	Annual Subscription
Citizenserve	Online Solutions	87.75	\$45,700	\$18,250
OpenGov	Citizen Services	81.30	\$30,340	\$39,061
Lama	Davenport Group	77.33	\$74,084*	\$25,729
GovBuilt	GovBuilt	75.50	\$91,850*	\$18,250
EnerGov	Tyler	63.00	\$98,922*	\$22,882
Permit Trax	Bitco	59.00	\$0	\$15,000
Accela	Silver Lining Solution	59.00	\$95,955*	\$26,000
Thentia	Thentia?	48.25	\$0	\$12,000
Accela Civic	RedMark Technologies	36.30	\$158,000*	\$27,720

*First year subscription included.

During the demos, the firms were asked to walk through various tasks and functionality which included:

- Creating an application
- Setting fees for each application (valuation, sliding scale, flat fees)
- Establishing a process workflow
- Assigning case numbers to an application
- Applicant submission of application, uploads documents, and makes payment
- Applicant interfacing with the reviewer
- How a reviewer makes comments or marks-up a set of construction documents
- Software tracking the number of days from application submittal to completion of review to ensure deadlines are met.
- Applicant scheduling an inspection
- The inspector recording notes during the inspection and issuing an inspection report

Though Citizenserve initially had the highest composite score in first round reviews, they ranked low in the second-round demonstrations and evaluation. Their software

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seemed to lack some of the functionality that had been expected, and the software demonstration was poorly done. The two firms receiving the highest scores during the second-round demonstrations and evaluations were OpenGov and GovBuilt, with GovBuilt emerging as the staff preference. Staff contacted references for both firms, and generally both were favorable. Prairie Village recently contracted with OpenGov and they have experienced some issues with the implementation. Westwood and Grandview both contracted with GovBuilt and expressed a good experience to date with the firm and the application.

After further discussion with GovBuilt, they were able to reduce their implementation costs to \$82,445. This includes the reduced set-up fee of \$59,995 plus the first year's subscription rate of \$22,450. Implementation costs will be shared between the 2023 and 2024 budgets and beginning in 2024 the annual subscription fee increases by 5% each year. Although the initial set-up fee is high, the smaller annual subscription fee when costed out over 10 years results in a lower overall cost for the GovBuilt software.

Firm	Set-Up Fee	Annual Subscription	10 Years Subscription Fees	Total Initial Set-up and 10 Years of Software Subscription Fees
GovBuilt	\$ 59,995	\$ 22,450	\$296,486	\$378,924
OpenGov	\$ 30,340	\$ 39,061	\$491,305	\$521,645

During implementation, GovBuilt will work with staff to take existing forms and processes and set them up in the new software and provide training to staff. This will also be an opportunity for process improvement, which GovBuilt can assist with.

The 2023 Budget includes \$38,000 for the permitting software. By splitting the implementation fee over two years, the first three years' budgetary implications would be as follows:

2023: \$29,997.50 (50% implementation) + \$22,450 (annual subscription) = \$52,447.50
 2024: \$29,997.50 (50% implementation) + \$23,572 (annual subscription) = \$53,569.50
 2025: \$24,751 (annual subscription)

The difference in actual/budget costs for 2023 (\$14,447.50) can be absorbed through salary/benefit savings from the Building Inspector's position. It was fully funded as of January 1, 2023, but has not yet been filled which has resulted in at least \$18,625 in

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savings.

On a related topic, staff has been reviewing fees charged for permits and licenses, which, in many cases, have not been increased in many years. Staff will bring forward an updated fee schedule for Council's consideration in the near future in which the fee recommendations will not only reflect staff time to review applications, but incidental costs such as this software package.

Once the contract has been approved staff will begin implementation which is expected to take most of the summer. Initial components of the software should be up and running by fall. Once the Community Development components have been accomplished, and staff is trained and comfortable using it, we will look at bringing other department and application processes (i.e. business licenses) on-line.

Staff recommends that the City enter into a contract with GovBuilt for Permitting Licensing and Land-Use Management Software for an initial implementation fee of \$59,995 paid over two years, and 2023 subscription fee in the amount of \$22,450.

CFAA CONSIDERATIONS/IMPACTS: Having efficient, effective methods for residents, businesses, and contractors to interact with the City as it relates to permitting and code enforcement issues allow for people of all ages and abilities to easily submit information or concerns.

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	01-23-214-04 Computer Services
Available Budget:	\$38,000 + \$15,000 in Comm Dev salary/benefit savings

Master Services Agreement

This Master Services Agreement ("Agreement") is agreed to by and between GovBuilt LLC, a Kansas limited liability company ("GovBuilt"), and the City of Mission, Kansas, a Kansas municipality ("Client;" GovBuilt and Client, jointly, the "Parties") and shall be effective as of the later date of signing indicated at the end of this Agreement ("Effective Date").

RECITALS

WHEREAS, GovBuilt is engaged in the business of developing, marketing and selling custom permitting, licensing and a proprietary custom content type platform. GovBuilt is also engaged in the business of developing integration solutions for data storage, retrieval, financial payment systems, and GIS build out. GovBuilt is also engaged in the business of developing of custom content type build out with proprietary software modules. GovBuilt is also engaged in the business of design, consulting, project development, implementation, support and hosting.

WHEREAS, Client wishes to engage in a relationship with GovBuilt for such services and/or license for use of proprietary software developed and owned by GovBuilt;

WHEREAS, Client and GovBuilt have agreed to certain terms as set forth in this Agreement by this written instrument duly executed by the Parties;

NOW, THEREFORE, Client and GovBuilt agree as follows:

Statements of Work

1. GovBuilt agrees to perform services and/or produce deliverables in accordance with the Statement(s) of Work (the "Work") in consideration of the fees described in the same Statement(s) of Work (the "Fees"). Multiple and successive Statement(s) of Work may be entered into hereto. Such Statement(s) of Work are incorporated into this Agreement by reference and subject to the terms & conditions contained herein.

Ownership & Content Responsibility

2. Upon full and complete payment of submitted invoices for any Fees, Client will own the Customer Content created in the Work (defined as any module content, importable/exportable data, and archived information as created by GovBuilt on behalf of Client pursuant to this Agreement).
3. Upon completion of any SOW Work, Client will assume full responsibility for deliverables created in the Work, such as the platform, module content maintenance and administration. Client, not GovBuilt, shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, appropriateness, and intellectual property ownership or right to use of all Customer Content gathered by the Client.
4. Client agrees that GovBuilt shall not migrate, convert, or port content or information that could reasonably be construed to be time-sensitive in relationship to license or permitting.
5. Client will make a reasonable attempt to work with GovBuilt, if requested, to create a news item to be released in conjunction with the completion of the Work. Client will provide GovBuilt with contact information for local and regional media outlets. GovBuilt may use the press release in any marketing materials as desired throughout the term of this Agreement, however, the decision by Client to work with GovBuilt under this provision shall be in the sole discretion of Client and such cooperation may be withheld by Client for any reason sufficient to Client.



1310 Westloop Pl Ste A, Box 254
Manhattan, KS 66502

Robert Disberger: 785-556-0110

Intellectual Property & Ownership

6. Intellectual Property of any software or other original works created by GovBuilt prior and after to the execution of this Agreement will remain the property of GovBuilt. However, GovBuilt hereby grants Client an irrevocable license to use any Intellectual Property integrated into any deliverables created under any Statement of Work between the parties.
7. Client shall not (i) license, sublicense, sell, resell, transfer, assign, distribute or otherwise commercially exploit or make available to any third party any GovBuilt Property in any way, other than in the ordinary course of Client's operation of the deliverables created under any Statement of Work; (ii) modify or make derivative works based upon the Work; (iii) create Internet "links" to the GovBuilt Property software or "frame" or "mirror" any GovBuilt Property administrative access on any other server or wireless or Internet-based device; or (iv) reverse engineer or access any GovBuilt Property with the specific intent to (a) build a competitive product or service to the Work, (b) build a product using similar ideas, features, functions or graphics to the Work, or (c) copy any ideas, features, functions or graphics of the Work. The GovBuilt name, the GovBuilt logo, and the product and module names associated with any GovBuilt Property are trademarks of GovBuilt, and no right or license is granted to use them.
8. All documents (digital or paper), emails, notes and images provided by the Client or created by GovBuilt, other than the Source Code added to the GovBuilt Platform, for the project will be owned by the Client.

Invoicing & Payment Terms

9. GovBuilt shall send invoices electronically in the manner described in the relevant Statement of Work or otherwise agreed by the parties. Unless otherwise identified in the Statement of Work, the fees due to GovBuilt under any Statement of Work shall be invoiced as follows: 50% of fees are invoiced at Project Kick-Off Meeting, 25% of the fees are invoiced after Client approves the design, and the remainder of the fees are invoiced after GovBuilt trains the Client how to use the deliverables from the Statement of Work. Upon request, GovBuilt will mail invoices and the Client will be charged a \$5.00 convenience fee.
10. Client shall pay all undisputed invoices within 30 days from Client's receipt of each invoice. Unless otherwise limited by law, a finance charge of 1.5 percent (%) per month or \$5.00, whichever is greater, will be added to amounts not paid within 30 days of receipt of the invoice by Client. Payments received will be applied first to finance charges, then to the oldest outstanding invoice(s).
11. If a Client change in timeline causes GovBuilt to incur additional expenses (i.e. airline change fees), GovBuilt shall inform client within three (3) days in writing of the itemized additional expenses GovBuilt will incur due to the change in timeline. Within three (3) days of receiving the itemized additional expenses, Client shall either revert the timeline to the original timeline or reimburse GovBuilt for the reasonable fees, not to exceed \$1,000 per GovBuilt resource per change in timeline.

Taxes

12. It is GovBuilt' policy to pass through sales tax in those jurisdictions where such tax is required. If the Client is tax-exempt, the Client must provide GovBuilt proof of their tax-exempt status, within fifteen (15) days of contract signing, and this Agreement will not be subject to sales taxed. If the Client's state taxation laws change, the Client will begin to be charged sales tax in accordance



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with their jurisdiction's tax requirements and GovBuilt has the right to collect payment from the Client for past due taxes.

Indemnification

13. To the extent permitted by the law of Client's state, Client and GovBuilt shall defend, indemnify and hold the other Party harmless, its partners, employees, and agents from and against any and all lawsuits, claims, demands, penalties, losses, fines, liabilities, damages, and expenses including attorney's fees of any kind, without limitation, caused by the other party, in connection with the operations of and installation of software contemplated by this Agreement, or otherwise arising out of or in any way connected with the GovBuilt provision of service and performance under this Agreement.
14. GovBuilt shall, at its own expense, maintain and carry insurance in full force and effect with a financially sound and reputable insurers in the type and amount as satisfactory to Client, in Client's sole discretion.

Liabilities

15. GovBuilt will not be liable for any act, omission of act, negligence or defect in the quality of service of any underlying carrier or other service provider whose facilities or services are used in furnishing any portion of the service received by the Client, unless the service provider is contracted by GovBuilt for the performance of any Statement of Work.
16. GovBuilt will not be liable for any failure of performance that is caused by or the result of any act or omission by Client or any entity employed/contracted on the Client's behalf.
17. Client agrees that it is solely responsible for any solicitation, collection, storage, or other use of end-users' Personal Data on the platform or online service provided by GovBuilt. Client further agrees that GovBuilt has no responsibility for the use or storage of end-users' Personal Data in connection with the platform or the consequences of the solicitation, collection, storage, or other use by Client or by any third party of Personal Data.
18. To the extent it may apply to any service or deliverable of any Statement of Work, user logins are for designated individuals chosen by Client ("Users") and cannot be shared or used by more than one User. Client will be responsible for the confidentiality and use of User's passwords and usernames. Client will also be responsible for all Electronic Communications, including those containing business information, account registration, account holder information, financial information, Client Data, and all other data of any kind contained within emails or otherwise entered electronically through any GovBuilt Property or under Client's account. GovBuilt will act as though Client will have sent any Electronic Communications it receives under Client's passwords, username, and/or account number. Client shall use commercially reasonable efforts to prevent unauthorized access to or use of any GovBuilt Property and shall promptly notify GovBuilt of any unauthorized access or use of GovBuilt Property and any loss or theft or unauthorized use of any User's password or name and/or user personal information.
19. The Parties shall comply with all applicable local, state, and federal laws, treaties, regulations, and conventions in connection with its use of any GovBuilt Property.
20. To the fullest extent permitted by law, and except for a party's breach of its confidentiality obligations, a party's gross negligence or willful misconduct, a party's violation of applicable laws or regulations and/or each party's indemnification obligations as set forth herein, each party's total, cumulative liability arising hereunder shall not exceed the fees actually paid by Client to GovBuilt hereunder in the twelve (12) months immediately preceding the event giving rise to such claim.



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Force Majeure

21. No party shall have any liability to the other hereunder by reason of any delay or failure to perform any obligation or covenant if the delay or failure to perform is occasioned by force majeure, meaning any act of God, storm, fire, casualty, unanticipated work stoppage, strike, lockout, labor dispute, civic disturbance, riot, war, national emergency, act of public enemy, or other cause of similar or dissimilar nature beyond its control.

Term & Termination

22. The term of this Agreement shall end on the later of: (1) 2 years from the Effective Date or (2) the date of the termination or expiration of any associated Statement of Work. The Client shall receive a 5% technology fee annual.
23. Either Party may terminate this Agreement or any associated Statement of Work at the end of the Agreement term by providing the other Party with 60 days' written notice prior to the end of the Agreement term.
24. Unless terminated by either Party pursuant to Section 23, this Agreement will renew for an additional 1-year term at the end of the original term.
25. The Client is a municipality in the State of Kansas. As such, this Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 et seq. and amendments thereto as it applies to the Client. This Agreement shall be construed and interpreted so as to ensure that the Client shall at all times stay in conformity with such laws and, as a condition of this Agreement, the Client reserves the right to unilaterally terminate its participation in this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of the Kansas Cash Basis Law to the extent it prohibits unfunded obligations. In the event the Client needs to terminate this Agreement, the Client shall pay GovBuilt for services rendered up until the point of termination.

Other Documents

26. The Statement of Work and Description is from the City of Mission/GovBuilt proposal dated XXX, 2022, and to be made part of this Contract.
27. In the case of any conflict between the terms of this Agreement and any incorporated documents, such conflicts shall be resolved with the incorporated documents taking the following order of precedence:
 - a. This Agreement.
 - b. Statement(s) of Work in descending order of execution (for example, the most recent SOW will control over other in the event of a conflict in terms).
 - c. Any Future Change Orders approved by both parties.

Miscellaneous Provisions

28. The invalidity, in whole or in part, of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
29. No amendment, assignment, or change to this Agreement or any Statement of Work shall be effective unless by a written instrument executed by all parties.
30. The parties are independent contractors, and nothing contained in this Agreement shall be construed as creating any agency, partnership, joint venture or other form of joint enterprise, employment, or fiduciary relationship between them. Neither party shall be authorized to contract for or bind the other party in any manner whatsoever.
31. This Agreement shall be governed by and construed in accordance with the internal laws of the State of Kansas. Any legal suit, action, or proceeding arising out of or related to this Agreement or the Services provided hereunder shall be instituted exclusively in the state or federal courts in Johnson County, Kansas, and each party irrevocably: (a) submits to the exclusive jurisdiction of such courts; and (b) waives any objection to such courts based on venue or inconvenience; and (c) waives any right to trial by jury.
32. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.



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Interlocal Purchasing Consent

33. This Agreement and any attached SOWs may be extended to any public entity in any other state within the union at base SOW prices.

Client Signature Date

GovBuilt Signature Date

Additional Client Signature if Needed



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City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Community Development	From:	Brian Scott

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

RE: Supplemental Building Inspection Services

RECOMMENDATION: Approve a contract with FSC, Inc. Consulting Engineers for Supplemental Building Inspection Services in an amount not to exceed \$230,000.

DETAILS: The Community Development Department is experiencing an unprecedented number of applications for new development construction in the City. The Residence at Rock Creek (formerly known as Mission Bowl) is currently under construction. To date, a waterline and sanitary sewer main from the Rock Creek Pump Station to Martway have been relocated, footings have been poured, the concrete podium for the first level has been completed, the elevator shaft has been completed and construction of the upper levels has begun. This activity has resulted in over 500 inspections to date.

A building permit for the new Rushton Elementary School was issued at the beginning of this year. Site work is currently underway for storm water detention and utility relocation.

Other development projects that received zoning approvals last summer include Mission Preserve at 51st Street and Riggs, 58Nall at W. 58th Street and Nall Avenue, Mission Vale at W. 58th Terrace and Nall Avenue, Block development project at 5665 Foxridge, and the Nelson Treatment Facility at 4800 Nall Avenue. Construction documents for 58Nall and Mission Vale have been submitted and are under review.

These projects, in addition to regular building activity, has placed a significant burden on the Community Development Department that cannot be handled by the Building Official alone. The City Council approved the addition of a Building Inspector for the 2023 Budget year and recruitment for that position is underway. However, the current workload still exceeds the current staff capacity, even after the Building Inspector's position is filled.

Staff recently engaged in discussions with FSC Consulting Engineers for assistance with building inspections. The City contracted with FSC when the Gateway development was underway in 2018/2019. This was a period of time when the City did not have a Building Official and was completely reliant on a third-party for plan review and inspections services. FSC conducted plan review of construction documents and provided inspections for the Cinergy building and parking structure. As a result of this work, Community Development Staff developed a high confidence level with FSC and their abilities.

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	01-23-206-08 Plan/Inspection Fees
Available Budget:	Funds for building permit fees will cover the contract costs)

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Community Development	From:	Brian Scott

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

In an effort to meet the needs of the development community and to ensure the construction of projects in accordance with building codes, Community Development Staff would like to contract with FSC to augment inspection services for new development construction. This would include structural, mechanical, fire, and life safety inspections.

FSC submitted proposals for inspection services at the Residence at Rock Creek (\$155,410) and Rushton Elementary School (\$73,600). Proposals were only solicited for these two projects, because building permits have actually been issued. As building permit applications for other development projects are submitted, staff will evaluate if FSC services are recommended. The thought now is that staff will be able to handle some of the smaller development projects such as 58Nall and Mission Vale, and some of the renovations that are anticipated this year such as Big Biscuit and Azura Credit Union. Other projects that are assigned to FSC will be treated as a change order to the agreement with FSC with approval from the City Council.

Sharing workload with FSC will allow the new Building Inspector to be able to do some of the routine inspections that are required such as roof inspections, electrical and plumbing inspections, and some of the smaller tenant and room addition inspections. The Building Official will be able to focus on plan review and managing the overall inspection services and code enforcement activities provided by the City.

The City has collected \$270,586 in building permit fees for the Residence at Rock Creek and Rushton Elementary School, which will cover the anticipated contract costs for FSC. Although not originally budgeted in 2023, the receipt of the permit fees and the fact that the contract costs will be spread over a two- to three-year period allow for the expense to be accommodated in the current and future year budgets.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	01-23-206-08 Plan/Inspection Fees
Available Budget:	Funds for building permit fees will cover the contract costs)

FSC Inspection Scope of Work

FSC code and life safety related inspections are limited to verifying installation complies with approved construction documents and/or the codes adopted by the AHJ on the day the inspection is performed.

FSC will perform building code / life safety (IBC Chapters 3-10), fire protection, and MEP related inspections.

FSC does not perform inspections related to pools, underground utilities more than 5 feet from the building, elevators, building envelope, flashing, exterior wall (sheathing and covering), windows, roofing (sheathing and covering), construction methods and workmanship inspections.

Special Inspections per IBC Chapter 17 will be provided by others to be hired directly by the Building Owner or Owner's Representative.

FSC will perform the following code / life safety (IBC Chapters 3-10), fire protection, and MEP related inspections:

- Temporary Construction Power - Verify installation of temporary power.
- Underground Service Utilities within 5' of the building – Inspect the following:
 - Potable water line(s).
 - Building sewer.
 - Electrical underground conduits.
 - Fire sprinkler service entrance.
 - Natural gas.
- Underslab – Inspect installation and witness pressure testing of following:
 - Drain waste vent (DWV) piping (slope will not be verified).
 - Potable water line(s).
 - Fire sprinkler service entrance.
 - Natural gas, if applicable.
- General Building Construction
 - For wood construction verify platform construction, draft stopping and fire blocking installation. Note: structural framing is a Special Inspection.
 - For wood construction verify treated wood is utilized when in contact with concrete and in other locations where required.
 - For noncombustible construction verify fire retardant treated wood is used.
 - Verify proper dry-wall is used at wet locations.
 - Fire and/or smoke resistance rated wall or floor/ceiling assemblies: verify compliance with selected UL or other rated system designs. Includes verification of correct drywall type, fasteners, spacing of fasteners, number of layers, and frame spacing.
 - Fire and/or smoke resistance rated wall or floor/ceiling: verify penetrations are fire stopped using a selected approved/listed system. Includes confirmation of all details associated with said systems.
 - Verify continuity of fire and/or smoke rated assemblies.
 - Verify radiation, fire, and smoke dampers are installed where shown in the approved construction documents.

- Verify installation of elevator shaft construction, elevator pit sump pump, shunt trip, and machine room ventilation. All other elevator related inspections to be provided by others.
 - Verify required rise/run dimensions of stairs.
 - Verify Grease Interceptor, if applicable, is installed.
 - Verify main electrical service installation.
- Wall Rough-In
 - Verify penetrations of bottom and top plates are fire stopped using a selected approved/listed system. Includes confirmation of all details associated with said systems.
 - Verify following items associated with fire rated walls: stud spacing, type of dry wall is per listed assembly and nail/screw pattern.
 - Verify installation of piping, conduit and duct.
 - Verify proper venting of all plumbing fixtures.
 - Verify proper spacing or sealing of electrical boxes in fire rated walls.
 - Verify installation of flue gas vent piping.
 - Verify fire sprinkler piping rough-in.
 - Verify fire alarm system rough-in.
 - Witness start and final pressure testing of plumbing piping.
 - Witness start and final pressure testing of mechanical piping.
- Rough-In above Ceiling Prior to Ceiling Installation
 - Verify the location of stair access or roof hatch.
 - Verify penetrations of fire rated walls and floors are fire stopped using a selected system. Includes confirmation of all details associated with said systems.
 - Verify installation of piping and duct. Verification is limited to what is visible at the time from the floor.
 - Verify material installed in a ceiling space that is utilized as a return air plenum is rated for that application with correct flame spread and smoke developed ratings.
 - Verify radiation, fire and smoke dampers are installed where shown in the approved construction documents.
 - Verify fire sprinkler head coverage, pipe installation and hanger spacing.
 - Verify fire alarm rough-in.
 - Witness fire sprinkler hydrostatic testing.
 - Verify proper venting of plumbing fixtures.
 - Verify installation of flue gas vent piping.
 - Verify installation of combustion air ducts and openings.
 - Verify draftstopping is installed and of correct materials.
- Final
 - Verify required signage per NFPA 13 is provided for the fire sprinkler system.
 - Verify fire sprinkler tamper and flow switches are installed and report to the fire alarm system.
 - Verify fire sprinkler spare head cabinet and spare heads are provided.
 - Verify fire sprinkler heads and smoke detectors are uncovered.
 - Verify fire and/or smoke rated doors, frames, and hardware.
 - Check rated wall stenciling is installed.

- Verify door ratings and if gasketing is installed.
- Verify fire and/or smoke rated doors close and latch.
- Verify fire and/or smoke rated exit and exit access door opening forces.
- Verify a sampling of other exit and exit access door opening forces.
- Verify door locking arrangements as applicable (e.g. delayed egress and exterior doors).
- Verify required door clearances per NFPA 80.
- Verify any means of egress encroachment issues.
- Verify handrail installations.
- Verify emergency lighting is per approved plans and lighting levels at the path of egress for the required duration.
- Verify exit signage is functional in all modes of operation.
- Verify elevator controls with smoke and/or heat detection with shunt trips are operating correctly.
- Verify adequate access is provided for ceiling radiation, fire and smoke dampers.
- Verify electrical panels have circuit directories installed and properly labeled.
- Verify all GFCI and/or AFCI protection devices are installed and operates.
- Verify life safety and generators (if applicable) operate and meet the transfer time requirements.
- Verify mechanical ventilation and exhaust systems operate.
- Verify plumbing heights meets the minimum height requirements above the roof surface.
- Verify plumbing vents meets the minimum distance from outside air intakes and operable windows.
- Witness testing of overflow roof drainage systems.
- Verify glazing adjacent to the walking surface is impact resistant and rated if required.
- Verify interior and exterior hand rail clearances, sizes, profiles, and extensions.
- Verify installation of arc flash labels.
- Witness Emergency Power Off (EPO) testing, if applicable.
- If roof mounted equipment is present, verify required guards are installed and of the correct heights and sizes.
- Verify guards are provided at the stair access or roof hatch, if required.
- Witness fire alarm / mass notification system testing per NFPA 72 and remote monitoring.
- Witness fire sprinkler acceptance testing per NFPA 13.

Ed Roether Consulting, subconsultant to FSC, will perform the following ADA inspections:

Items to be verified are only those pertaining to spaces and elements required to be accessible, spaces and elements that are not required to be accessible will not be verified.

- Verify accessible route compliance from site arrival to accessible building entrances
- Verify accessible parking spaces and access aisles compliance
- Verify accessible entrances compliance
- Verify accessible route compliance from entrance to accessible spaces
- Verify accessible door compliance
- Verify stairway compliance
- Verify whether any objects protrude into a circulation path
- Verify accessible operable parts compliance
- Verify accessible signage compliance

- Verify accessible dining surfaces compliance
- Verify accessible service counters compliance
- Verify accessible water closets compliance
- Verify accessible toilet accessories compliance
- Verify accessible urinals compliance
- Verify accessible and ambulatory toilet compartment compliance
- Verify accessible lavatories compliance
- Verify accessible mirrors compliance
- Verify accessible showers compliance
- Verify accessible bathtubs compliance
- Verify accessible kitchens compliance
- Verify accessible beds compliance
- Verify accessible pools/spas compliance
- Verify accessible storage elements compliance

KH Engineering, subconsultant to FSC, will perform the following Structural inspections:

- Review of third party Special Inspector reports and submittals.
- Review of delegated design submittals per approved construction documents.
- Periodic observation of third party Special Inspector testing and inspections.
- Periodic observation of construction for footings and foundations.
- Periodic observation of structural systems that are inspected by third party inspector.
- Review of shop drawing submittals.

The inspection services provided by FSC and FSC's Subconsultants are intended to reduce the risk of a potential problem with the design or construction but not to eliminate them. FSC does not guarantee that all code violations and/or construction deficiencies will be found, reported, identified, or recognized. FSC's inspection of the Project is in no way intended to be a guarantee or warranty, express or implied, that all code violations and/or design or construction deficiencies have been discovered and identified. Any and all warranties, express or implied, are expressly excluded by this Agreement to the fullest extent permitted by law. The Parties agree that FSC, while acting for or on behalf of the Client in good faith and without malice in the discharge of FSC and FSC's Subconsultant's duties, shall not be liable to the Client for any damage occurring to persons or property as a result of any act or by reason of any act or omission in the discharge of FSC and FSC's Subconsultant's duties.

Mission Bowl Apartments - Residential - 1 building with 5 floors

Inspection/Tasks	MEP		Fire Protection		Code/Life Safety	
	Number of Inspections	Estimated Hours	Number of Inspections	Estimated Hours	Number of Inspections	Estimated Hours
Temporary Construction Power	2	4	N/A	N/A	N/A	N/A
Plan/Submittal Administrative Reviews:						
o Review building plans becoming familiar with project	N/A	12	N/A	6	N/A	12
o Review fire stopping submittals	N/A	0	N/A	0	N/A	48
o Review steel fire proofing submittals	N/A	0	N/A	0	N/A	24
o Review SI reports (fire proofing/intumescent paint)	N/A	0	N/A	0	N/A	16
Underground Service Utilities Inspection Observation: (within 5' of bldg)						
o Potable water lines	2 (1 initial 1 reinsp)	6	N/A	N/A	N/A	N/A
o Building Sewer	2 (1 initial 1 reinsp)	8	N/A	N/A	N/A	N/A
o Electrical underground conduits	2 (1 initial 1 reinsp)	6	N/A	N/A	N/A	N/A
o Fire sprinkler service entrance (flush-hydro)	N/A	N/A	2 (1 initial 1 reinsp)	8	N/A	N/A
o Natural Gas	2 (1 initial 1 reinsp)	6	N/A	N/A	N/A	N/A
Underslab Inspection Observation: (inspect/pressure testing)						
o Drain Waste Vent (DWV) piping	2 (1 initial 1 reinsp)	14	N/A	N/A	N/A	N/A
o Water piping	2 (1 initial 1 reinsp)	4	N/A	N/A	N/A	N/A
o Natural Gas, if applicable	2 (1 initial 1 reinsp)	4	N/A	N/A	N/A	N/A
General Building Construction Observation Inspection:						
o Wall Rough-in (per floor)	1 (4 hrs per floor)	22	1 (4 hrs per floor)	18	1 (4 hrs per floor)	22
o Wall Rough-in Re-inspection (per floor)	1 (2 hrs per floor)	12	1 (2 hrs per floor)	12	1 (2 hrs per floor)	12
o Above Ceiling (per floor)	1 (4 hrs per floor)	22	1 (4 hrs per floor)	18	1 (4 hrs per floor)	22
o Above Ceiling Re-inspection (per floor)	1 (2 hrs per floor)	12	1 (2 hrs per floor)	12	1 (2 hrs per floor)	12
o Firestopping: visual observations and 2% desctructive testing of each type	N/A	0	N/A	0	4 (1 initial 3 reinsp) per floor (6 hrs per)	128
o Rated assembly: dry wall, fasteners and spacings	N/A	0	N/A	0	4 (1 initial 3 reinsp) per floor (4 hrs per)	88
Final Inspection Observation:						
o Code (initial and re-inspection)	N/A	N/A	N/A	N/A	2 (1 initial 1 reinsp)	64
o Fire Protection (initial and re-inspection)	N/A	N/A	2 (1 initial 1 reinsp)	28	N/A	N/A
o MEP (initial and re-inspection)	2 (1 initial 1 reinsp)	44	N/A	N/A	N/A	N/A
Total Hours		176		102		448
Rates		\$ 140.00		\$ 150.00		\$ 150.00
Total Fee Per Division		\$ 24,640.00		\$ 15,300.00		\$ 67,200.00
					Total Fee	\$ 107,140

Mission Bowl Apartments - Residential - 1 building with 5 floors

<u>Inspections/Tasks</u>	<u>Structural</u>		
	Review of Submittals	Number of Inspections	Estimated Hours
Administrative review of Third Party Special Inspector Bi-Weekly Reports, Final Report and Submittals	26		78
Administrative review of Delegated Design Submittals per Approved Construction Documents	12		24
Periodic Observation of Construction for drilled piers, footings and foundations inspected by third party		5	20
Periodic Observation of structural systems that are inspected by third party inspector		15	60
Administrative review of shop drawing submittals	6		12
Drawing Management - Updates			8
Total Hours			202
Rate			\$ 135.00
Total Fee			\$ 27,270.00
			Total Fee
			\$ 27,270

Mission Bowl Apartments - Residential - 1 building with 5 floors

<u>Inspections/Tasks</u>	<u>ADA</u>	
	Number of Inspections	Estimated Hours
Pre-Construction Meetings (budgeted 2)		4
Rough-in Inspection (Door Maneuvering, Height Electrical Boxes, Location of Plumbing for Water Closets)	2	24
Finish Inspections (Stairs, Elevators, Doors, Casework, Appliances, Plumbing Fixtures and Accessories, Electrical Outlets, Switches and Thermostats)	2	32
Final Inspections (Site Accessible Routes, Parking, Entrances, Signage, Pool and Common Use Spaces)	2	24
Total Hours		84
Rate		\$ 250.00
Total Fee		\$ 21,000.00
		Total Fee
		\$ 21,000

Rushton Elementary School - 1 Bldg with two stories

Inspection/Tasks	MEP		Fire Protection		Code/Life Safety	
	Number of Inspections	Estimated Hours	Number of Inspections	Estimated Hours	Number of Inspections	Estimated Hours
Temporary Construction Power	2	4	N/A	N/A	N/A	N/A
Plan/Submittal Administrative Acquaintance:						
o Review building plans becoming familiar with project	N/A	8	N/A	4	N/A	6
o Review fire stopping submittals	N/A	2	N/A	2	N/A	4
o Review steel fire proofing submittals	N/A	N/A	N/A	N/A	N/A	N/A
o Review SI reports (fire proofing/intumescent paint)	N/A	N/A	N/A	N/A	N/A	N/A
Underground Service Utilities Inspection Observation: (within 5' of bldg)						
o Potable water lines	2 (1 initial 1 reinsp)	8	N/A	N/A	N/A	N/A
o Building Sewer	2 (1 initial 1 reinsp)	8	N/A	N/A	N/A	N/A
o Electrical underground conduits	2 (1 initial 1 reinsp)	8	N/A	N/A	N/A	N/A
o Fire sprinkler service entrance (flush-hydro)	N/A	N/A	2 (1 initial 1 reinsp)	8	N/A	N/A
o Natural Gas	2 (1 initial 1 reinsp)	8	N/A	N/A	N/A	N/A
Underslab Inspection Observation: (inspect/pressure testing)						
o Drain Waste Vent (DWV) piping	2 (1 initial 1 reinsp)	8	N/A	N/A	N/A	N/A
o Water piping	2 (1 initial 1 reinsp)	8	N/A	N/A	N/A	N/A
o Natural Gas, if applicable	2 (1 initial 1 reinsp)	8	N/A	N/A	N/A	N/A
General Building Construction Observation Inspection:						
o Wall Rough-in (per floor)	1 (4 hrs per floor)	10	1 (4 hrs per floor)	10	1 (4 hrs per floor)	8
o Wall Rough-in Re-inspection (per floor)	1 (2 hrs per floor)	6	1 (2 hrs per floor)	6	1 (2 hrs per floor)	4
o Above Ceiling (per floor)	1 (4 hrs per floor)	10	1 (4 hrs per floor)	10	1 (4 hrs per floor)	8
o Above Ceiling Re-inspection (per floor)	1 (2 hrs per floor)	6	1 (2 hrs per floor)	6	1 (2 hrs per floor)	4
o Firestopping: visual observations and 2% destructive testing of each type	N/A	N/A	N/A	N/A	4 (1 initial 3 reinsp) per floor (2 hrs per)	8
o Rated assembly: dry wall, fasteners and spacings	N/A	N/A	N/A	N/A	4 (1 initial 3 reinsp) per floor (2 hrs per)	8
o General: Stair dimensions, door hardware, rated doors, glazing, etc.	N/A	N/A	N/A	N/A	4 (1 initial 3 reinsp) per floor (6 hrs per)	24
Final Inspection Observation:						
o Code (initial and re-inspection)	N/A	N/A	N/A	N/A	2 (1 initial 1 reinsp)	32
o Fire Protection (initial and re-inspection)	N/A	N/A	2 (1 initial 1 reinsp)	8	N/A	N/A
o MEP (initial and re-inspection)	2 (1 initial 1 reinsp)	10	N/A	N/A	N/A	N/A
Total Hours		112		54		106
Rates		\$ 140.00		\$ 150.00		\$ 150.00
Total Fee Per Division		\$ 15,680.00		\$ 8,100.00		\$ 15,900.00
					Total Fee	\$ 39,680

Rushton Elementary - 1 building with two stories

<u>Inspections/Tasks</u>	<u>Structural</u>		
	Review of Submittals	Number of Inspections	Estimated Hours
Administrative review of Third Party Special Inspector Bi-Weekly Reports, Final Report and Submittals	24		72
Administrative review of Delegated Design Submittals per Approved Construction	10		20
Periodic Observation of Construction for drilled piers, footings and foundations inspected by third party		2	8
Periodic Observation of structural systems that are inspected by third party inspector		8	32
Administrative review of shop drawing submittals	6		12
Review of ICC 500 Storm Shelter Drawings, Calculations and Submittals			40
Drawing Management - Updates			8
Total Hours			192
Rate			\$ 135.00
Total Fee			\$ 25,920.00
			Total Fee
			\$ 25,920

Rushton Elementary - 1 building with two stories

<u>Inspections/Tasks</u>	<u>ADA</u>	
	Number of Inspections	Estimated Hours
Review building plans to become familiar with project		4
Rough-in Inspection (Door Maneuvering, Height Electrical Boxes, Location of Plumbing for Water Closets)	2	12
Finish Inspections (Stairs, Elevators, Doors, Casework, Appliances, Plumbing Fixtures and Accessories, Electrical Outlets, Switches and Thermostats)	2	12
Final Inspections (Site Accessible Routes, Parking, Entrances, Signage and Common Use Spaces)	1	4
Total Hours		32
Rate		\$ 250.00
Total Fee		\$ 8,000.00
		Total Fee
		\$ 8,000

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Community Development	From:	Jim Brown/Brian Scott

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

RE: Declaration of Structure as Unfit for Human Habitation – 6350 W. 49th Street, Mission, Kansas 66202

RECOMMENDATION: Approve the Resolution declaring the structure at 6350 W 49th Street unfit for human habitation and ordering the structure to be repaired, altered, or improved or vacated and closed and identifying a strict timeline for compliance in accordance with Section 510.160 (C) of the Mission Municipal Code.

DETAILS: The Community Development Department is responsible for ensuring all property in the City of Mission meets various building and property codes and does not pose a risk to the general public. To meet this goal, staff responds to citizen complaints and requests, along with requests from the Fire and Police Departments regarding possible dangerous or unfit dilapidated structures. Staff also performs self-initiated inspections when a structure presents a clear and present danger to the public.

The structure located at 6350 W 49th Street (the “Property”) is a townhome built in 1979. The structure has an ongoing history of unresolved code violations dating back to April 1, 2022.

On February 17, 2023 an evidentiary hearing was held to make a determination on the Complaint and Order for Hearing personally served to the owner on January 26, 2023. The sole purpose of this hearing was to provide the owner and other interested parties the opportunity to provide evidence and documentation for the Building Official (serving as the Public Officer) to consider when making the final determination as to whether the Property was unfit for human habitation as noted in Item III of the Complaint and Order for Hearing and in accordance with Section 510.160 of the Mission Municipal Code (“the Code”).

The owner of the Property, Susan Minkoff, did not attend the hearing, but was represented by her attorney, Michael Page who had been given authority to speak on her behalf for purposes of the evidentiary hearing.

Other parties in attendance included: Jay Meyer (adjacent property owner at 6348 W 49th Street) and Randall Robb (potential buyer).

Related Statute/City Ordinance:	Chapter 510 – Unsafe or Dangerous Structures – Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Community Development	From:	Jim Brown/Brian Scott

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

All parties in attendance who had an interest in the property acknowledged receipt of the Complaint and Order for Hearing and furthermore acknowledged complete and full understanding of the factual allegations which necessitated the hearing. All parties were given the opportunity to speak, and no evidence or documentation was presented during the hearing to deny or dispute the factual allegations as documented in the Complaint and Order for Hearing. Upon conclusion of the hearing the factual allegations remain uncontroverted and uncontested.

As a result of this hearing, the Public Officer has made the determination, based on the evidence, that the Property located at 6350 W 49th Street, Mission, Kansas **is hereby declared unfit for human occupancy and deemed a public nuisance.** The Public Officer has determined that the cost of the repairs do not exceed fifty percent (50%) of the value of the Property (which, since the Property is a duplex/townhome, it includes the value of the neighboring property sharing the common fire wall) and orders the Property **to be repaired, altered, or improved.**

On February 21, 2023, the Findings of Fact with Order of Abatement was personally served and mailed (certified) to the owner and all parties of interest. (See Exhibit A)

The deadline for compliance with the Findings of Fact with Order of Abatement was March 21, 2023. Despite all efforts by staff to achieve compliance, the violations have not been corrected and the Property remains in violation.

In accordance with Section 510.160 (C) of the Mission Municipal Code, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure within thirty (30) days from the date of such order, the Public Officer shall file with the Governing Body his/her written report of the proceedings and orders which shall be reviewed by the Governing Body at its next regular meeting and, upon approval of the report and proceedings by the Governing Body, the public officer may cause such structure to be repaired, altered or improved or to be vacated and closed.

Staff has clearly demonstrated that the property at 6350 W 49th Street is unfit for human habitation and as such, staff has prepared a resolution for the Governing Body's

Related Statute/City Ordinance:	Chapter 510 – Unsafe or Dangerous Structures – Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Community Development	From:	Jim Brown/Brian Scott

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

consideration and approval. The resolution fixes a reasonable time (30 days) in accordance with Section 510.160 (C) within which repairs, alterations or improvements to such Property shall be commenced and clearly states that if the owner fails to commence repairs, alterations or improvements or vacate and close such Property or “fails to diligently prosecute” the same until the work is completed, the City Council shall cause the Property to be repaired, altered or improved or vacated and closed.

In the event that it is necessary for the City to cause the Property to be repaired, altered or improved, the amount of the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition by the Public Officer shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance of his/her costs and the necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located. The City Clerk shall, at the time of certifying other City taxes, certify the unpaid portion of the aforesaid costs and shall extend the same on the tax rolls of the County against the lot or parcel of land.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	Chapter 510 – Unsafe or Dangerous Structures – Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA



MEMORANDUM

To: Mayor Flora and Members of the City Council

Through: Laura Smith, City Administrator
Robyn Fulks, City Clerk

From: Jim Brown, Building Official
Brian Scott, Deputy City Administrator for Community Development and Planning Services

Date: March 31, 2023

Regarding: Dangerous and Inhabitable Condition of 6350 W. 49th Street

The property at 6350 W. 49th Street is owned by Susan Minkoff. The property next door at 6348 W. 49th Street is owned by Jay Meyer. The two properties are townhomes that share a common party-wall.

Issues with the property at 6350 W. 49th Street date back to 2020. At that time a large tree limb fell damaging the deck, a portion of the privacy fence, and completely knocking down the stairwell from the deck.

The following year, Mr. Meyer was contacted by Ms. Minkoff to investigate a possible animal in one of the upstairs bedrooms. At that time Mr. Meyer noted a hole in the roof that would allow an animal to get in. The roof was eventually covered with a tarp.

In 2022, Mr. Meyer began to hear scratching noises in the common wall shared by the two units. He notified Ms. Minkoff of this, but no action was taken.

It was around this time that Mr. Meyer brought his concerns to the attention of the Community Development staff. The mental health co-responders were asked to visit Ms. Minkoff to assess the situation and her wellbeing. It was during this visit that the hole in the roof was identified as well as a dead racoon in one of the upstairs bedrooms. A notice of violation for the hole in the roof was issued to Ms. Minkoff

In subsequent conversations with the Community Development Department staff, Ms. Minkoff indicated that she was unable make the needed repairs due to financial constraints. Staff referred her to the City's assistance program to help with home repairs, but she did not qualify for these.

Issues with the property have persisted since this time including evidence of rat infestation in both Ms. Minkoff's home and the home of Mr. Meyers, a leaking gas line that had to be disconnected, and a leaking water pipe that led to the water being disconnected. The leaking water pipe also resulted in minor damage to Mr. Meyer's home.

The notice of violation has resulted in a court case with numerous appearances, but no action taken by Ms. Minkoff to address the situation or resolve the pending court case.

In consultation with the City Attorney / Prosecuting attorney, the Community Development Staff has decided that an alternative approach needs to be taken to address the situation, and that is to declare the house uninhabitable and order repairs to be done or the City will make the necessary repairs.

Acting under the authority granted in Section 510.130 of the Mission Municipal Code, which is governed by KSA 17-4759, a public hearing was held on February 21, 2023 to take testimony from all concerned parties as to why the house at 6350 W. 49th Street should not be declared uninhabitable. At the conclusion of the public hearing, findings of facts were made and an order made by Jim Brown, the City's Building Official, to make the necessary repairs to the structure within 30 days, which would be March 21, 2023. To date, the repairs have not been made.

In accordance with Section 510.160(D) of the Mission Municipal Code, the findings of fact are now being submitted to the City Council for their consideration. If the City Council is in agreement with the finding of facts, it may adopt a resolution stating that repairs be made within 30 days or the City will take such action to make the repairs and assess the property for the costs.

Staff is requesting that this item be placed on the April 12th agenda of the Community Development Committee for discussion and on the April 19th City Council legislative agenda for consideration by the City Council.

Attachments:

- History/Timeline/Background of Events Concerning 6350. W. 49th Street
- Findings of Fact with Order of Abatement Dated February 21, 2023
- Resolution Setting Fourth the Governing Body's Findings that a Certain Structure is Unfit for Human Habitation, and Directing that the Structure to be Repaired, Altered or Improved or Vacated and Closed and Fixing a Reasonable Time Within Which the Work Shall Be Commenced and Completed.
- Article II of the Mission Municipal Code

RESOLUTION _____

A RESOLUTION SETTING FORTH THE GOVERNING BODY’S FINDINGS THAT THE STRUCTURE LOCATED AT 6350 W. 49TH STREET IS UNFIT FOR HUMAN HABITATION, DIRECTING THE STRUCTURE TO BE REPAIRED, ALTERED OR IMPROVED OR VACATED AND CLOSED AND FIXING A REASONABLE TIME WITHIN WHICH THE WORK SHALL BE COMMENCED AND COMPLETED.

WHEREAS, the Building Official of the City of Mission (serving as the Public Officer) conducted a public hearing on February 21, 2023 to determine whether the structure located 6350 W. 49th Street in the City of Mission, Johnson County, Kansas is unfit for human habitation as noted and in accordance with Section 510.610 of the Mission Municipal Code, and

WHEREAS, notice of the time and place of the public hearing was provided to the owner of said structure and all other interested parties; and

WHEREAS, at the conclusion of the public hearing, after certain findings of fact were made, it was determined that the structure at 6350 W. 49th Street is unfit for human habitation and an order made to repair, alter, or improve the structure within 30 days so as to make it fit for human habitation (said order attached to this Resolution as “Exhibit A”); and

WHEREAS, as of March 31, 2023 no reasonable effort has been made to bring the structure at 6350 W. 49th Street into compliance with the order; and

WHEREAS, the Building Official is now requesting that the City Council consider ordering the structure at 6350 W. 49th Street to be repaired, altered, or improved to make such structure fit for human habitation, and if no action is taken, the City will then make such repairs and assess the costs on to the property; and

WHEREAS, such consideration will be made at the City Council meeting scheduled April 19, 2023, and notice of the time and place of the City Council meeting has been given to the property owner and all other interested parties as required by law.

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

Section 1. Approval of Finding of Fact and Order to Repair. The written report of the proceedings held on February 21, 2023 and the subsequent order to repair, alter, or improve, attached to this Resolution as “Exhibit A”, is hereby accepted and approved by the Governing Body.

Section 2. Determination That Structure is Unfit for Human Habitation. It is hereby determined that the structure located at:

6350 W. 49th Street in the City of Mission, Johnson County, Kansas
KS Uniform Parcel #: 0460630502022004000
Tax Property ID: KP13500000 0024A
Greenwood Acres Lot 24 Except Southeast 45.9’ MIC93 24A

is found to be unfit for human habitation and that such conditions or defects exist to the extent that said structure is dangerous and injurious to the health, safety and moral of the occupants of said structure and

the residents of Mission, Kansas and has a blighting influence on properties in the area.

Section 3. Order to Repair. The owner or owner's agent of staid structure is hereby directed to cause said structure to be repaired, altered, and improved, and such work shall be commenced by April 28, 2023 and shall be diligently prosecuted to allow for substantial completion of all work by no later than May 31, 2023.

Section 4. City to Abbate. If the owner or owner's agent fails to commence the repairs, or to diligently prosecute the work until the work is substantially completed, all within the times stated in Section 3, the Governing Body shall hereby order the Building Official to obtain bids and cause said structure to be repaired, altered, or improved pursuant to Section 510.160 (D) of the Municipal Code.

Section 5. Lien Placed on Property for Repairs. The amount of the cost of such repairs, alterations or improvements or vacating and closing by the City shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance of his/her/their costs and the necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located. The City Clerk shall, at the time of certifying other City taxes, certify the unpaid portion of the aforesaid costs and shall extend the same on the tax rolls of the County against the lot or parcel of land.

Section 6. Effective Date of This Resolution. This Resolution shall be in full force and effect from and after its adoption by the Governing Body and the City Clerk shall cause it to be published one (1) time in the official city newspaper and shall mail, by certified mail, copies of the resolution to each owner, agent, lienholder of record and any occupant of the structure within three (3) days after its publication.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 19th day of April, 2023.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 19th day of April 2023

Solana P. Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney

Exhibit A

Public Officer's Written Report and Order



PROPERTY AT 6350 W 49TH STREET, MISSION KANSAS

**UNCONTROVERTED
FINDINGS OF FACT
WITH ORDER OF ABATEMENT
FEBRUARY 21, 2023**

On February 17, 2023 an evidentiary hearing was held to make a determination on the Complaint and Order for Hearing personally served January 26, 2023. The sole purpose of this hearing was to provide the owner and other interested parties the opportunity to provide evidence and documentation for the Public Officer to consider when making the final determination as to whether the property located at 6350 W 49th Street, Mission, Kansas (“the Property”) is unfit for human habitation as noted in Item III of the Complaint and Order for Hearing and in accordance with Section 510.160 of the City Code of Mission, Kansas (“the Code”).

The owner of the property, Susan Minkoff, was represented by her attorney, Michael Page. Susan Minkoff was not in attendance at the hearing, but Mr. Page represented that Susan Minkoff hired him and gave him authority to speak on her behalf for purposes of the evidentiary hearing.

Other parties in attendance included: Jay Meyer (Adjacent Property Owner at 6348 W 49th Street) and Randall Robb (potential buyer).

All parties in attendance which had an interest in the property acknowledged receipt of the Complaint and Order for Hearing and furthermore acknowledged complete and full understanding of the Factual Allegations necessitating the hearing.

All parties in attendance were given the opportunity to speak. No evidence or documentation was presented during the hearing to deny or dispute the Factual Allegations as documented in the Complaint and Order for Hearing. Upon conclusion of the hearing the Factual Allegations remain uncontroverted and uncontested.

As a result of this hearing, the Public Officer has made the determination, based on the evidence, that the Property located at 6350 W 49th Street, Mission, Kansas **is hereby declared unfit for human occupancy and deemed a public nuisance.** The Public Officer has determined that the cost of the repairs do not exceed fifty percent (50%) of the value of the Property (which, since the Property is a duplex/townhome, it includes the value of the neighboring property sharing the common fire wall) and orders the Property **to be repaired, altered, and improved.**

Findings of Fact

1. This Property is commonly known as 6350 W 49th Street, Mission, Kansas 66202, a townhome constructed in 1979. This townhome shares a common fire wall with 6348 W 49th Street. This Property is currently owned by Susan Minkoff as evidenced by deed records of Johnson County.
2. On April 1, 2022, Public Officer, in Public Officer's duties as Building Official, observed five property code violations of the International Property Maintenance Code, 2012 Edition, as adopted by Section 500.100 of the City Code of the City of Mission, Kansas (the "IPMC").
3. The first violation of the IPMC is a violation of IPMC 304.1.1 and 304.7, as the Property Owner Minkoff failed to maintain the Property's roof and components, as the roof appears to be original to the Property (1979) and has reached its limit state necessitating full replacement.
4. The second violation of the IPMC is a violation of IPMC 304.2 and 304.6, as the Property Owner Minkoff failed to maintain the Property's exterior wall elements, allowing actual entry and potential further entry by vermin, rodents, animals, and pests into the Property.
5. Actual entry of vermin was confirmed on May 6, 2022, when the neighbor caught, through a pest control service hired by the neighbor, four (4) large Norway Sewer Rats, which the owner of Adjacent Property stated came from the Property.
6. The third violation of the IPMC is a violation of IPMC 304.4, 304.10, and 304.12, as the Property Owner Minkoff failed to maintain the Property's rear deck and deck stairs, causing the rear deck and stairs to collapse, creating a dangerous and structurally compromised condition.
7. The fourth violation of the IPMC is a violation of IPMC 304.6 and 703.1, as the Property Owner Minkoff failed to maintain the Property's side of the common fire wall, resulting in the fire rating of the common wall being compromised and allowing pests, including rodents to gain access to the dwelling sharing the fire wall with the Property.
8. The fifth violation of the IPMC is a violation of IPMC 108.1.5, as the Property Owner Minkoff has failed to provide an exterior landing or stairway for an upper-level existing patio door that serves a side exterior wall on the Property, creating a hazardous condition.
9. Despite adequate notice to Property Owner Minkoff, the above violations have not been corrected and currently remain in violation.
10. Additionally, Property Owner Minkoff neglected to care for the Property, which resulted in the Consolidated Fire District #2 and gas company being dispatched to the Property to remedy a gas leak on April 18, 2022.
11. Property Owner Minkoff further neglected to care for the Property, which resulted in a water line failure in the Subject Property on December 28, 2022, and subsequent water intrusion into the Adjacent Property and water throughout the Property's lower level. The Water Department was dispatched to the Property to remedy the leak and the water remains shut off to the Property and no steps have been taken to repair the water damage or repair the water shut off valve. The absence of water service also directly eliminates the ability to have sanitary service for the property.

Based on the above uncontroverted facts from the Complaint and this hearing, this Public Officer finds the Property is in violation of Section 510.160 of the City Code of Mission, Kansas for being unfit for human habitation as the Property is dangerous and injurious to the health, safety and moral of the occupants of Mission, Kansas and has a blighting influence on properties in the area. As such, the Public Officer orders the Property to be repaired, altered, and improved.

Order to Abate Violations

As such, it is thereby ordered that the following repairs must be undertaken without delay:

1. Replace the dilapidated roof and all applicable components in their entirety. (Item 3 noted above)
2. Repair all damaged and dilapidated exterior wall elements. (Item 4 noted above)
3. Take immediate action to eradicate all pests, rodents, and vermin from the property. (Item 5 noted above)
4. Replace the stairway serving the rear deck, Repair or replace all dilapidated components of the existing deck to include guardrail and handrail components. (Item 6 noted above)
5. Take immediate action to make all necessary repairs to the common fire wall separating the two properties. (Item 7 noted above)
6. Install a landing and exterior stair to serve the existing upper-level patio door. Or remove the existing patio door and replace with a code compliant window unit. (Item 8 noted above)
7. Make all repairs necessary to assure all utilities are fully operational to include gas service and HVAC components. (Item 10 noted above)
8. Take immediate action to repair the damaged/leaking water service and water lines to the property. (Item 11 noted above)
9. Restore the property to a livable condition acceptable for human occupancy.
10. Obtain all necessary permits as applicable for the repairs. (roof, deck, electrical, plumbing, mechanical, etc.)
11. Schedule inspections to assure compliance with all applicable codes and regulations.

Deadline for Compliance

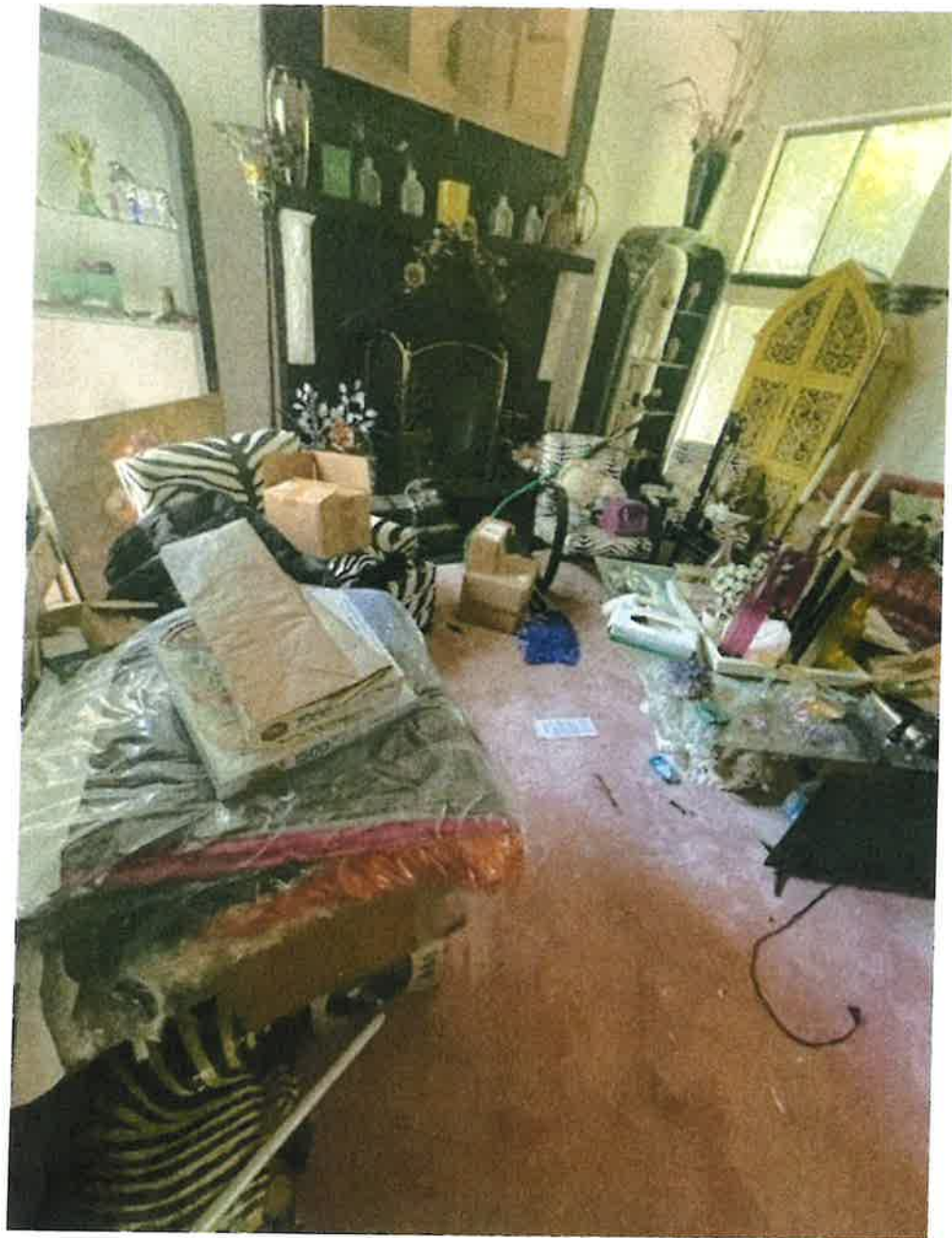
MARCH 21, 2023

If the Property is not repaired, altered, or improved in accordance with this Order within thirty (30) days from the date of this order, the public officer shall file with the Governing Body his/her written report of his/her proceedings and orders which shall be reviewed by the Governing Body at its next regular meeting and, upon approval of the report and proceedings by the Governing Body, the public officer may cause such structure to be repaired, altered or improved or to be vacated and closed.

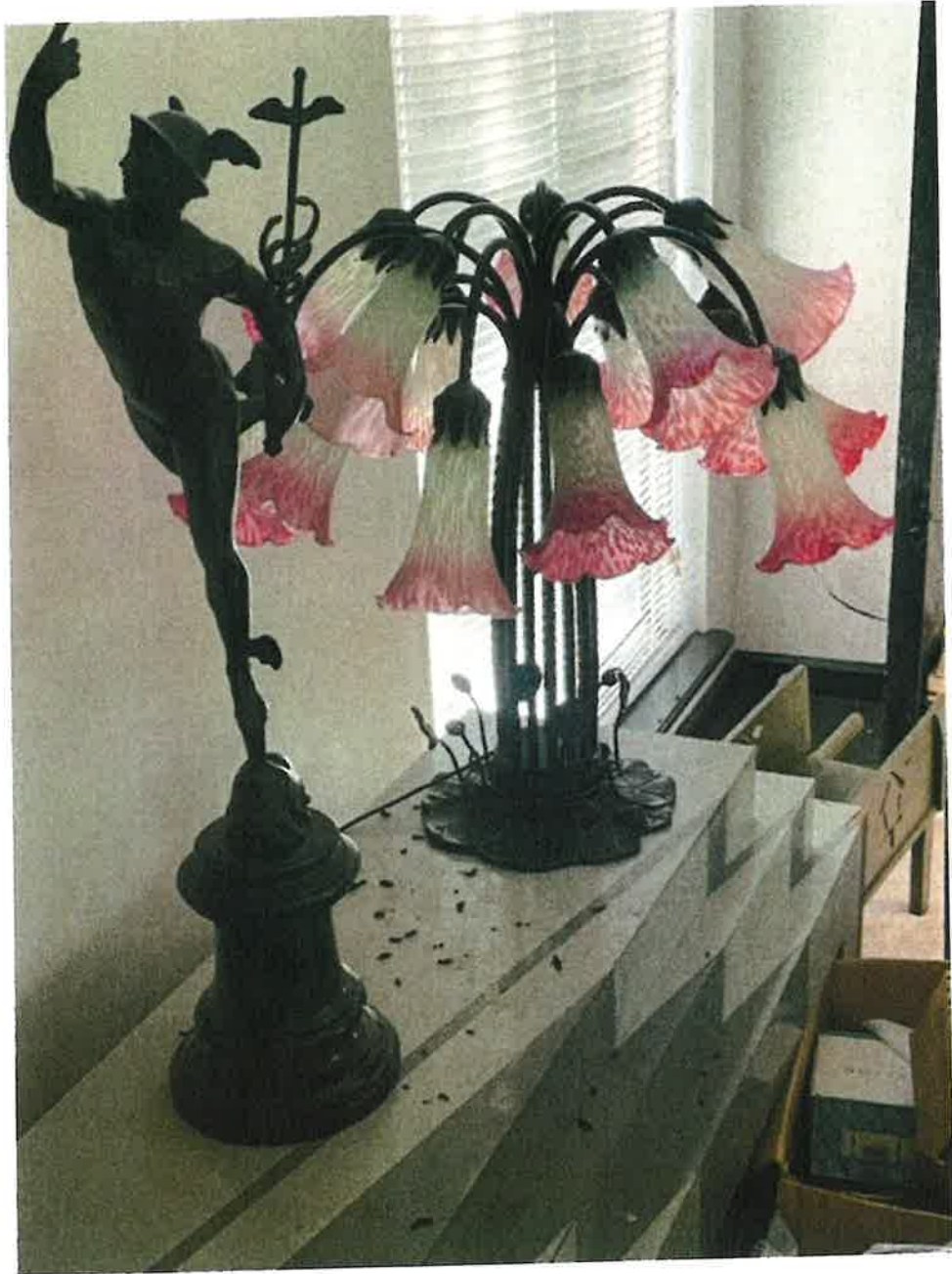
It is so ordered.

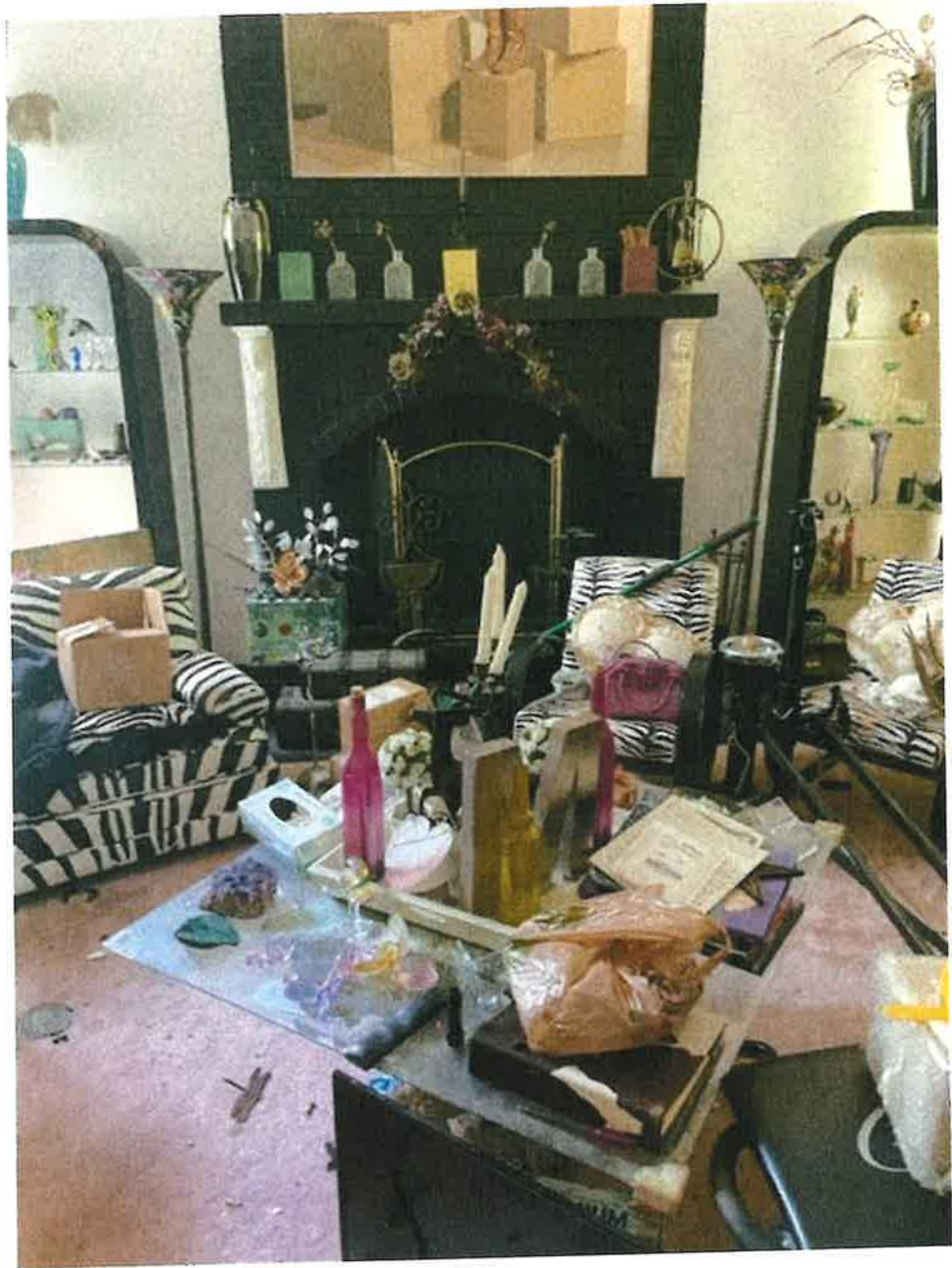
Jim Brown, Public Officer

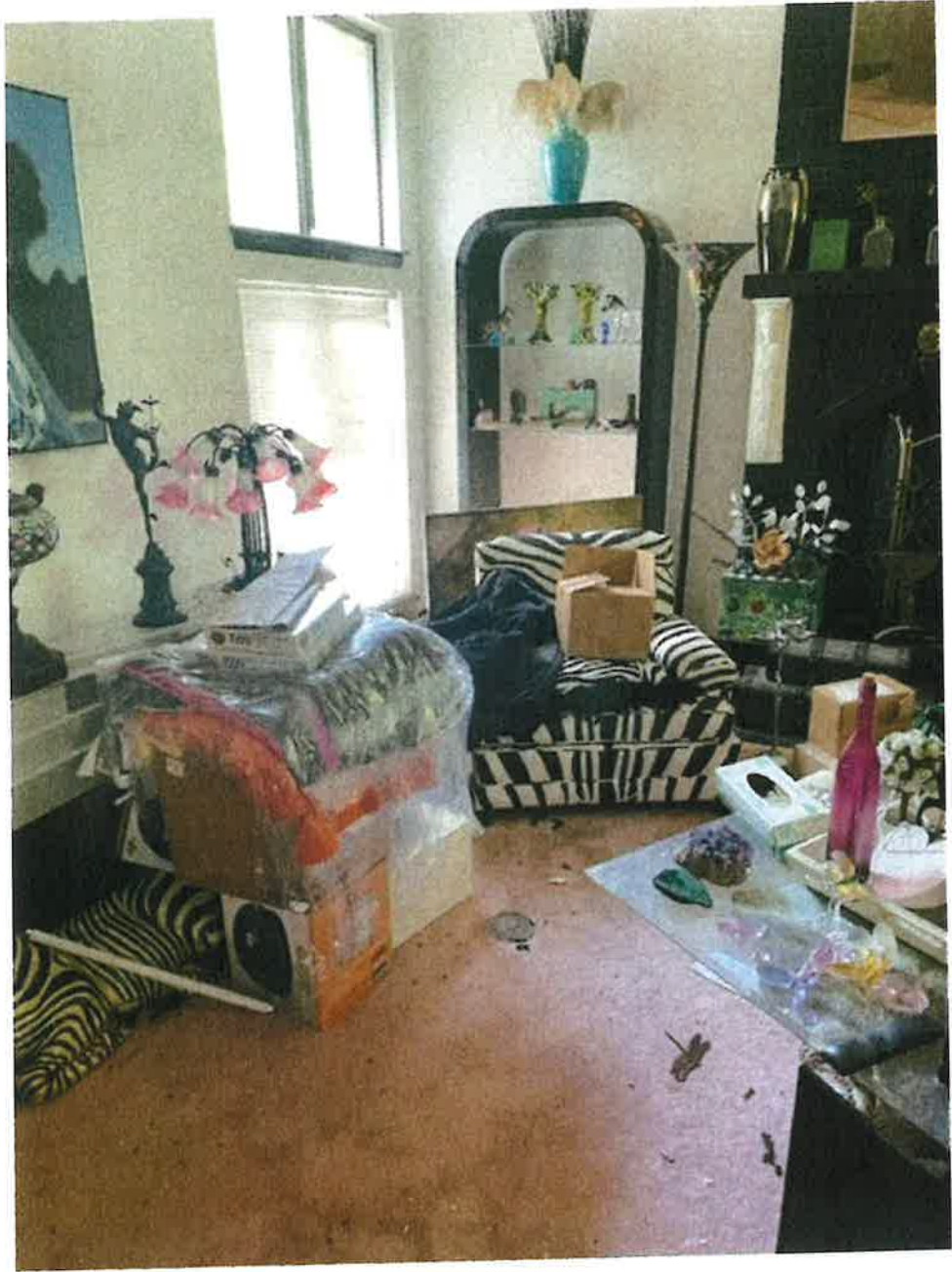
First Floor
07/15/2022



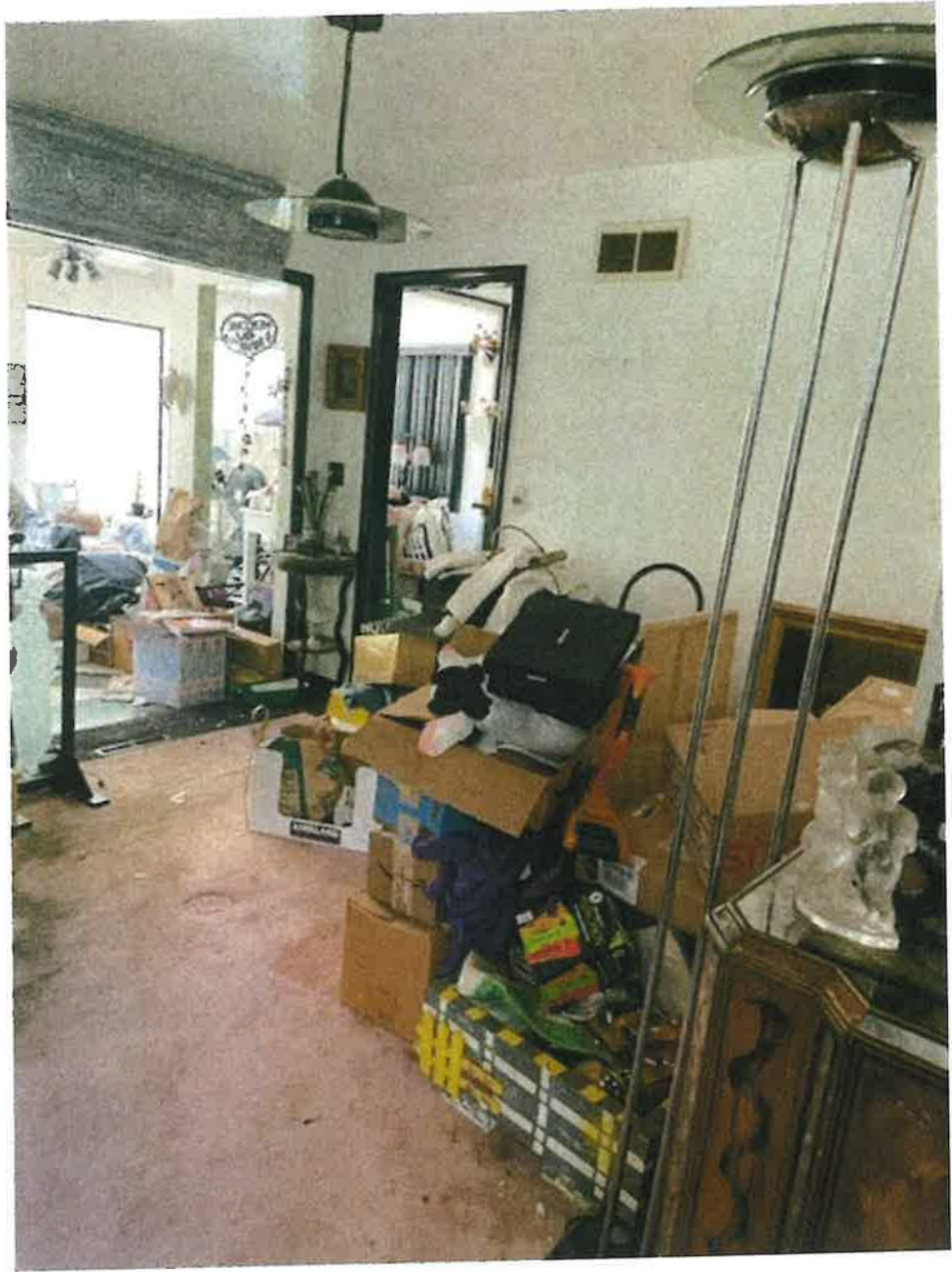














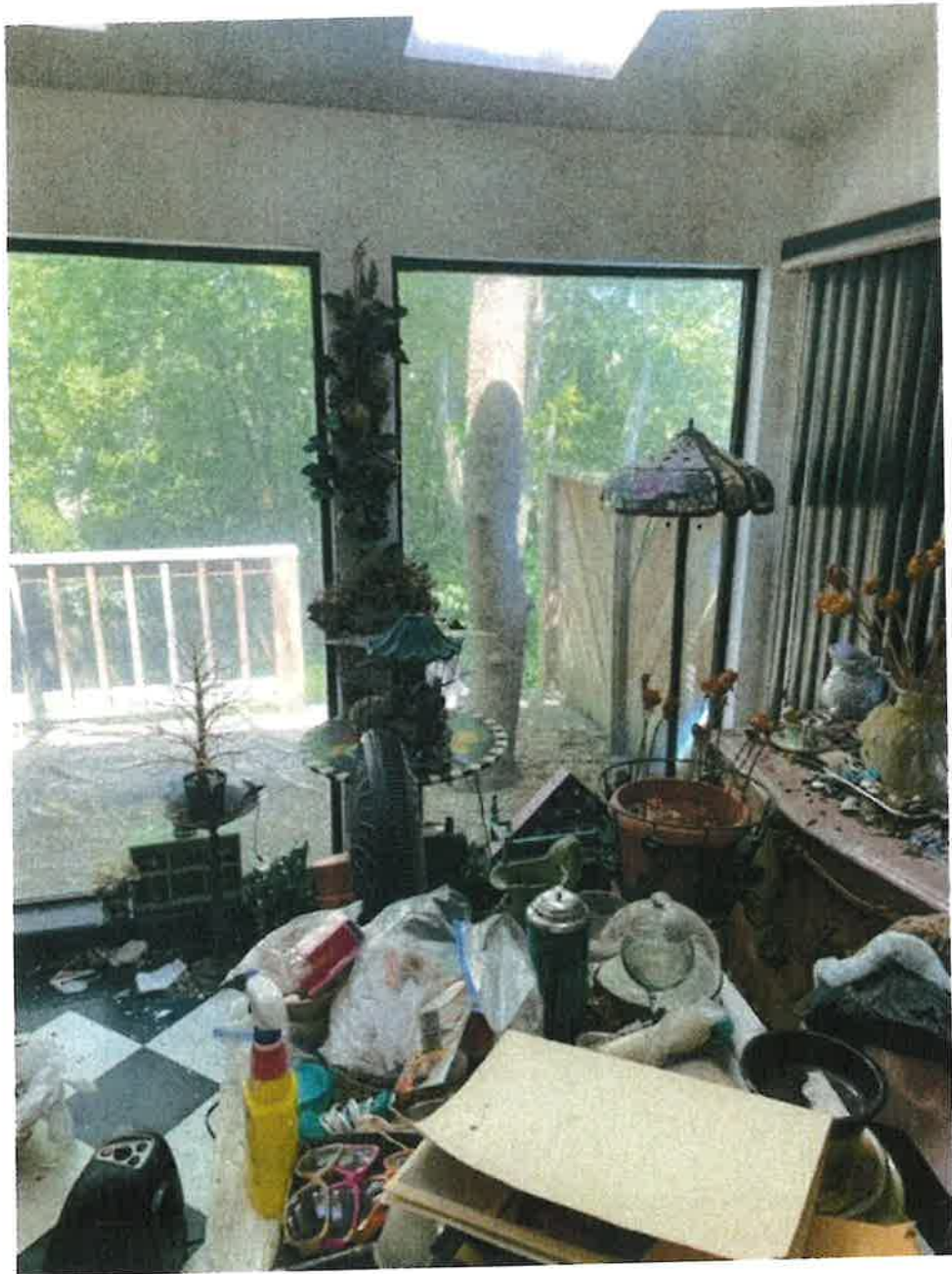


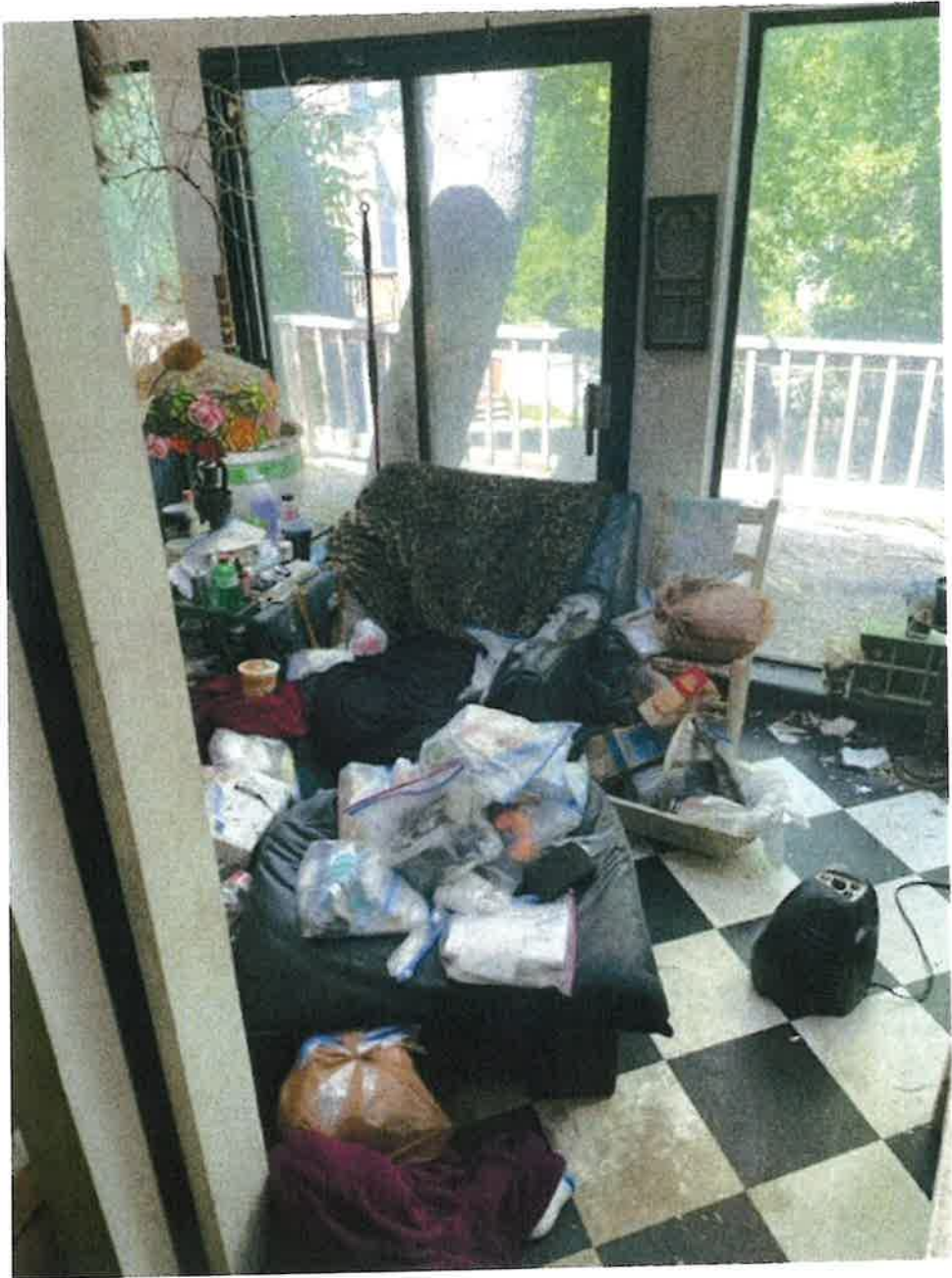


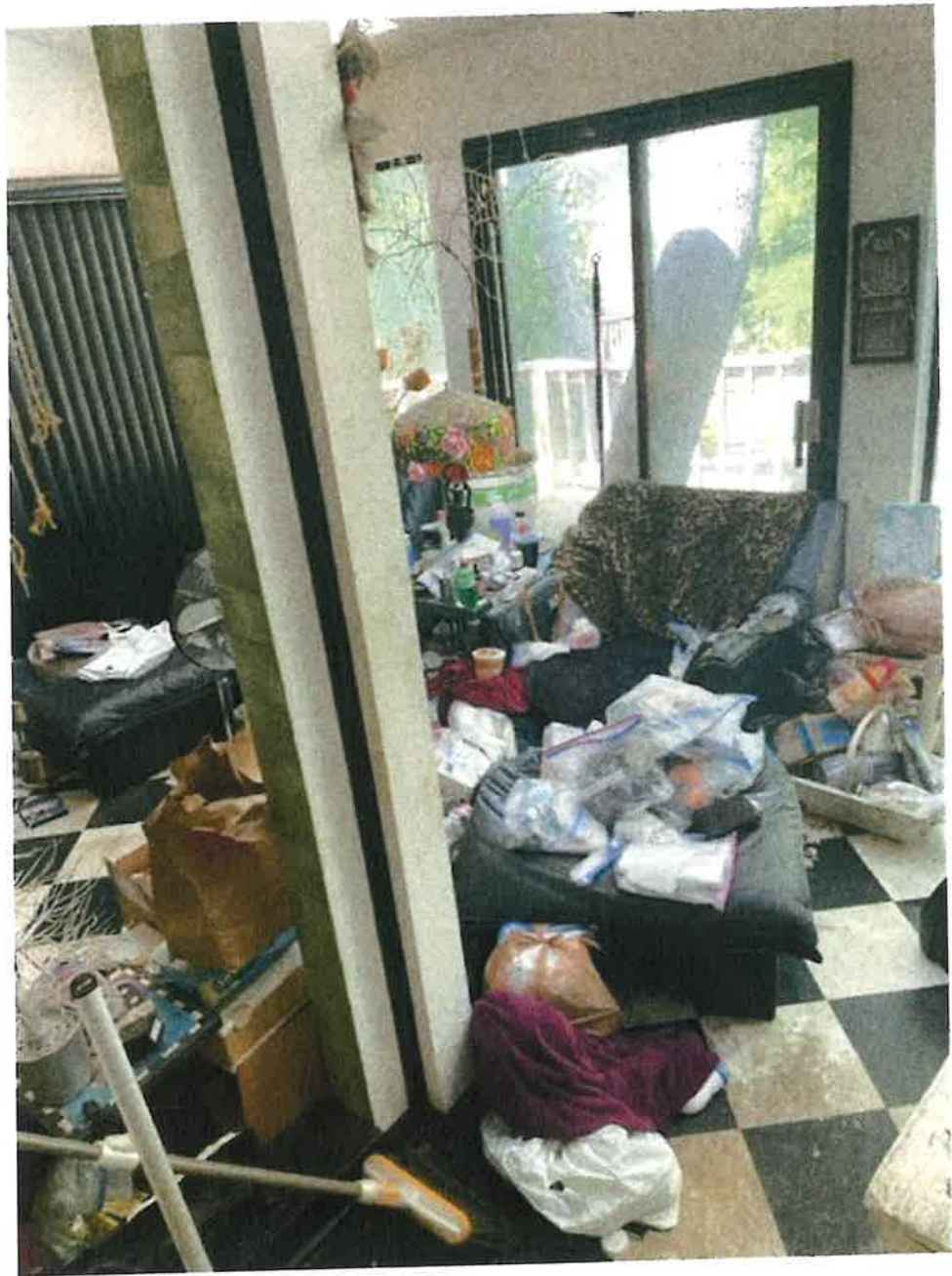




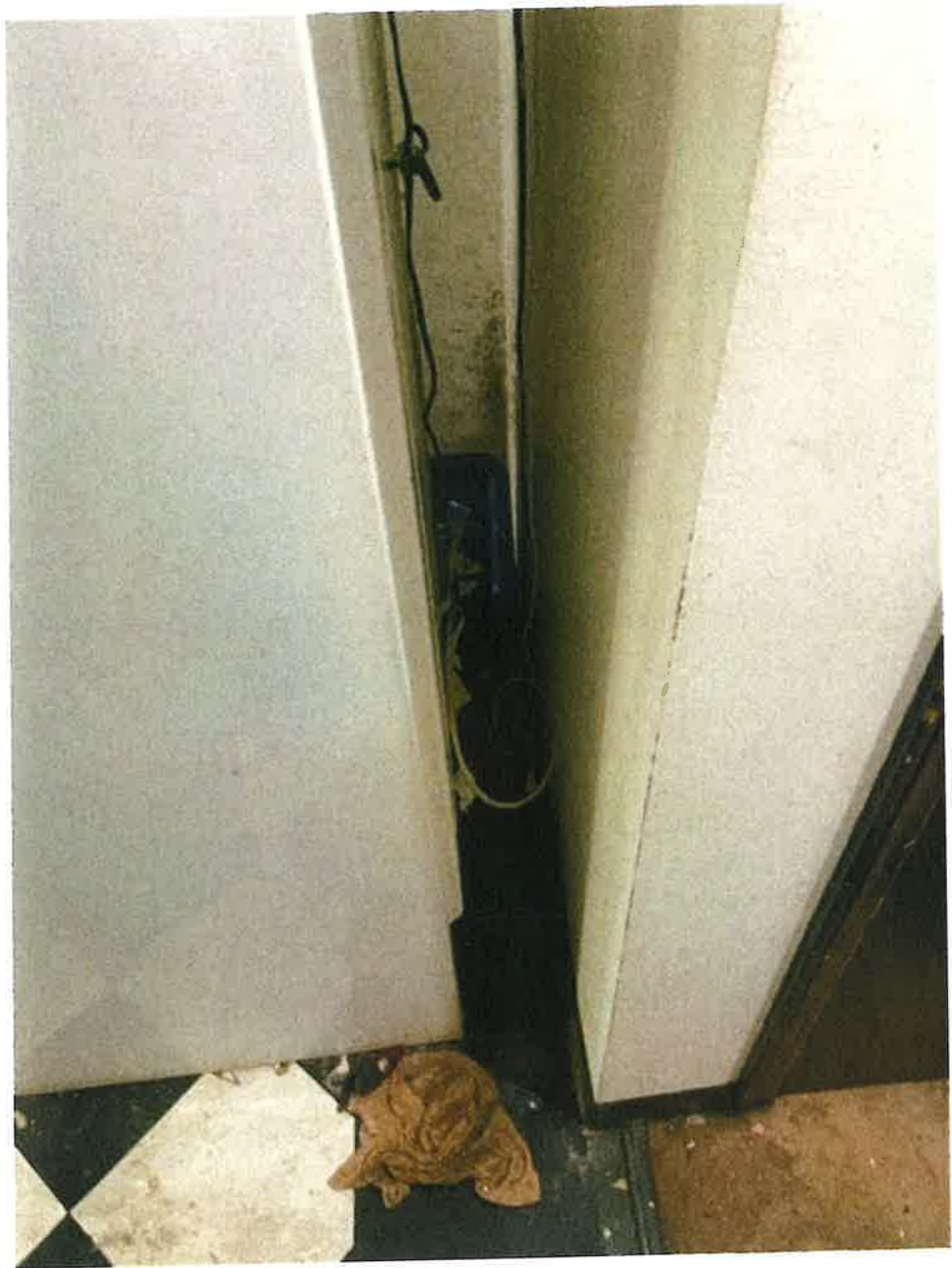






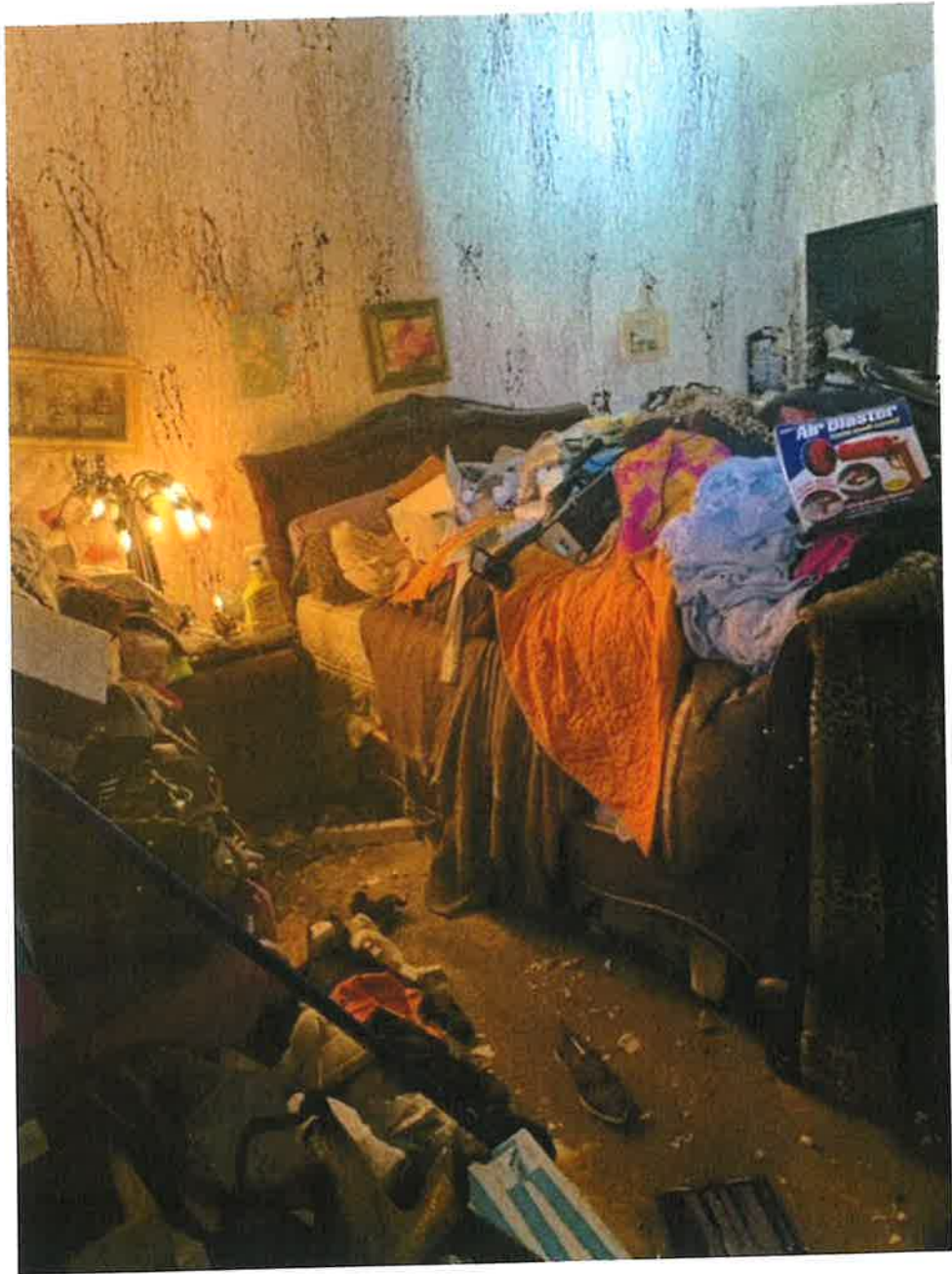


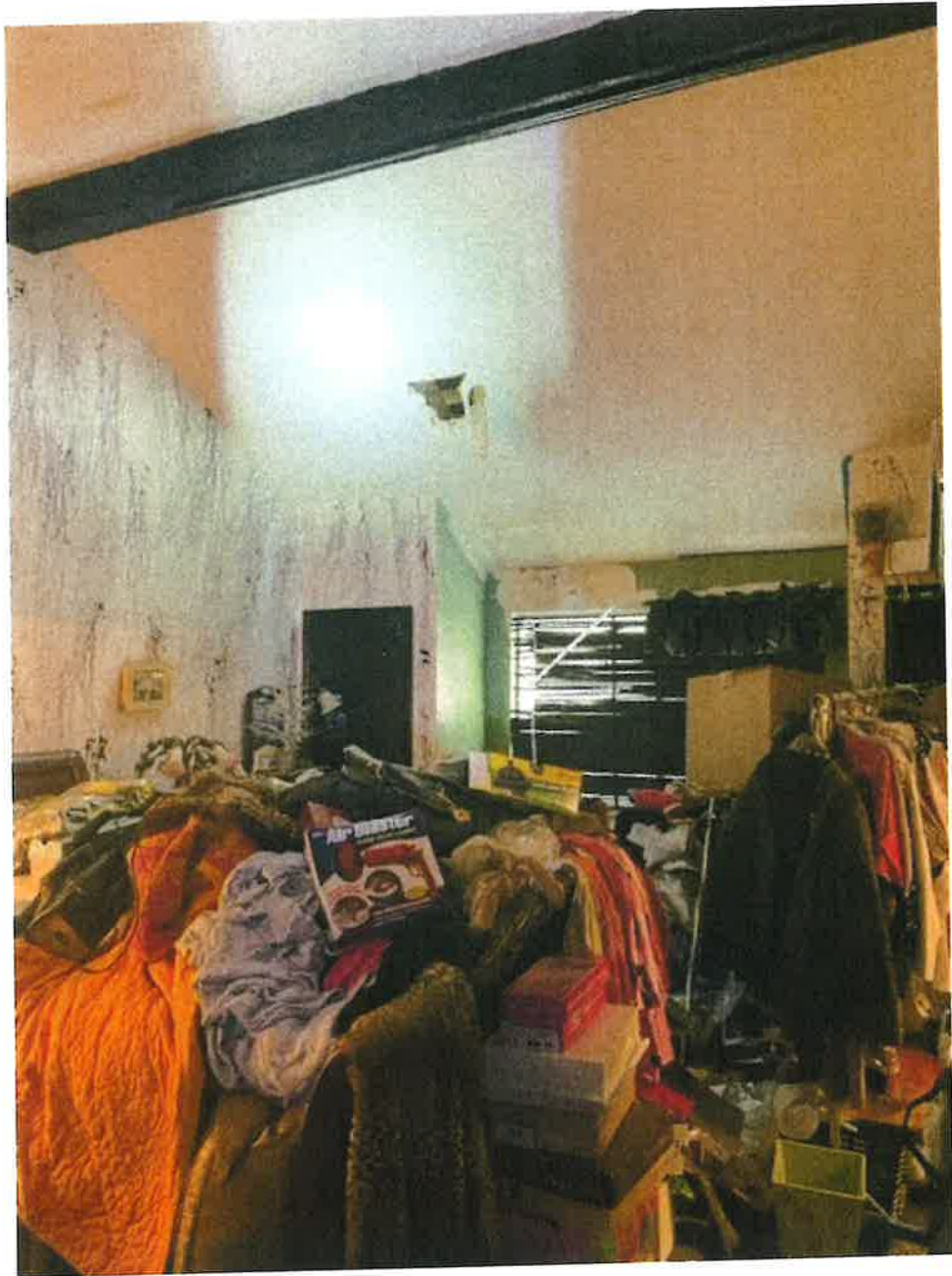


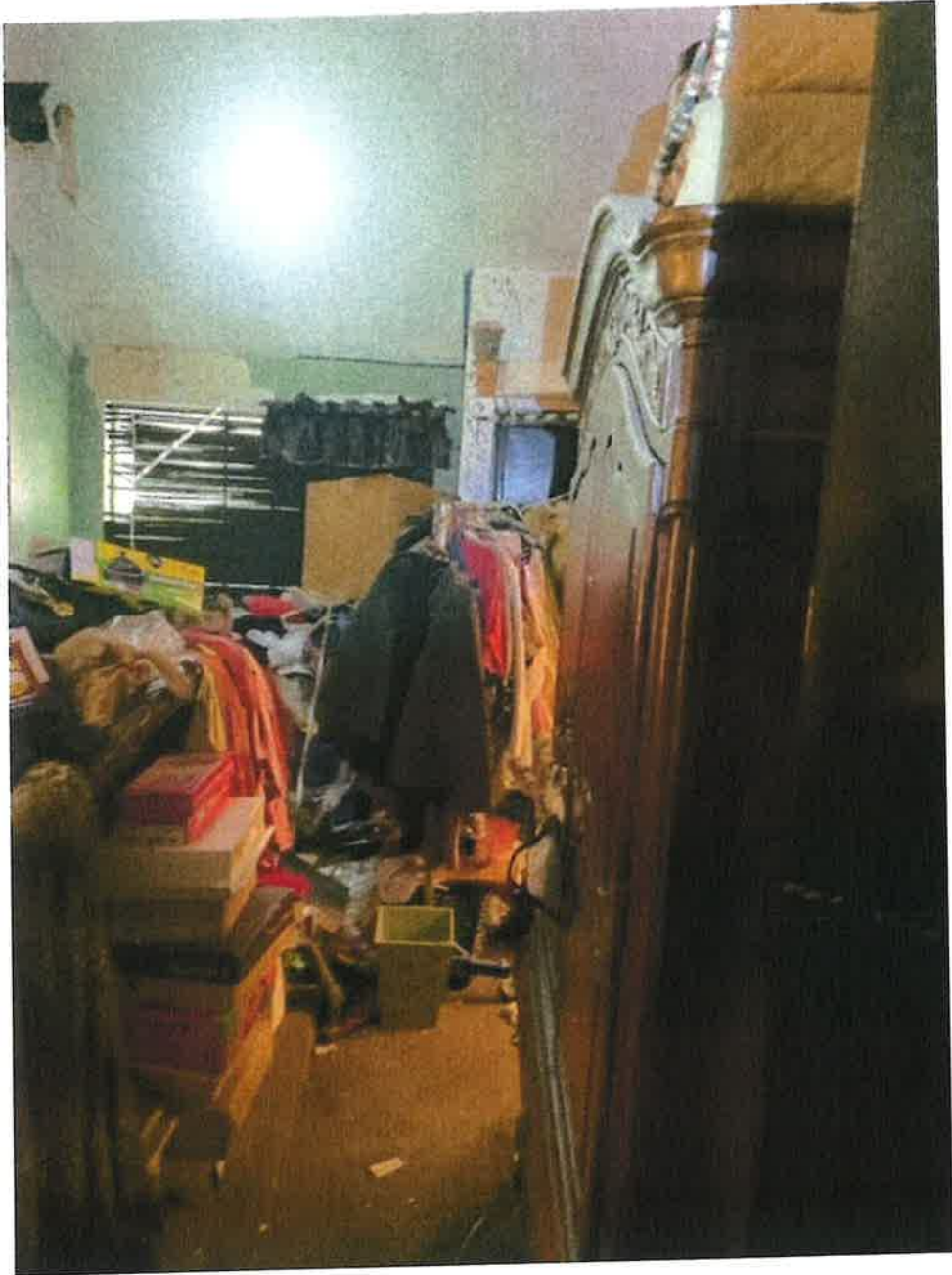


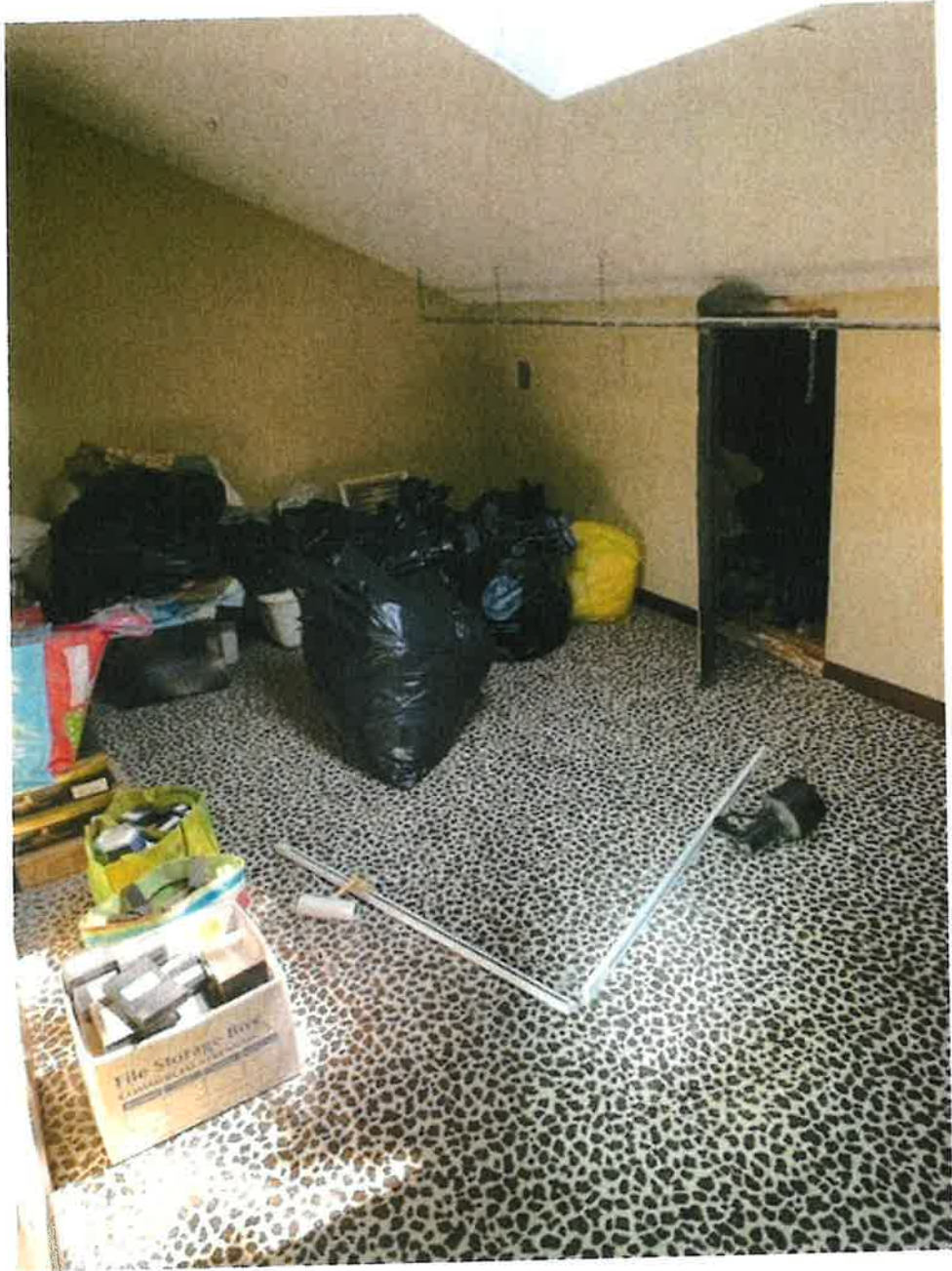


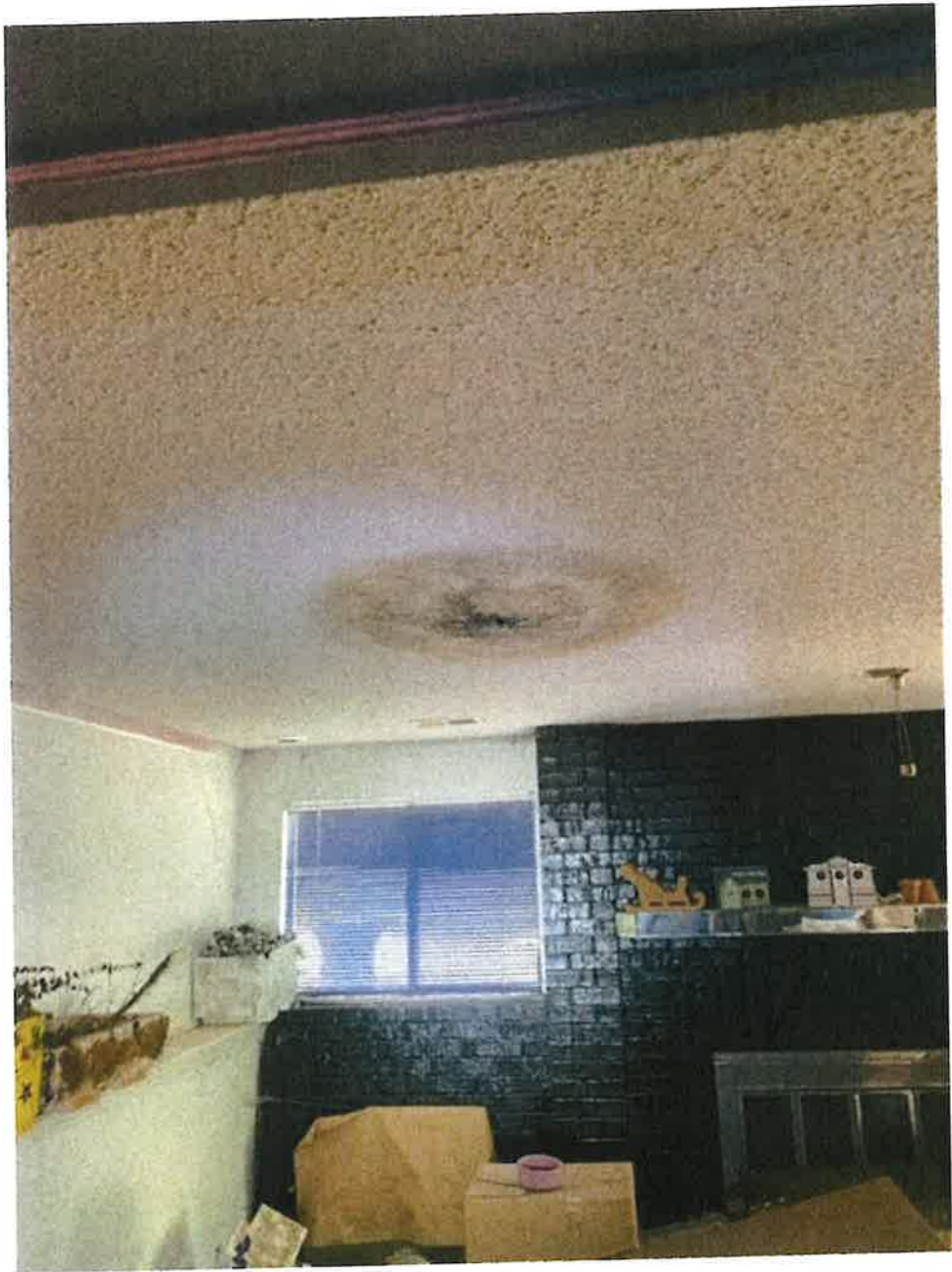
Second Floor
07/15/2022





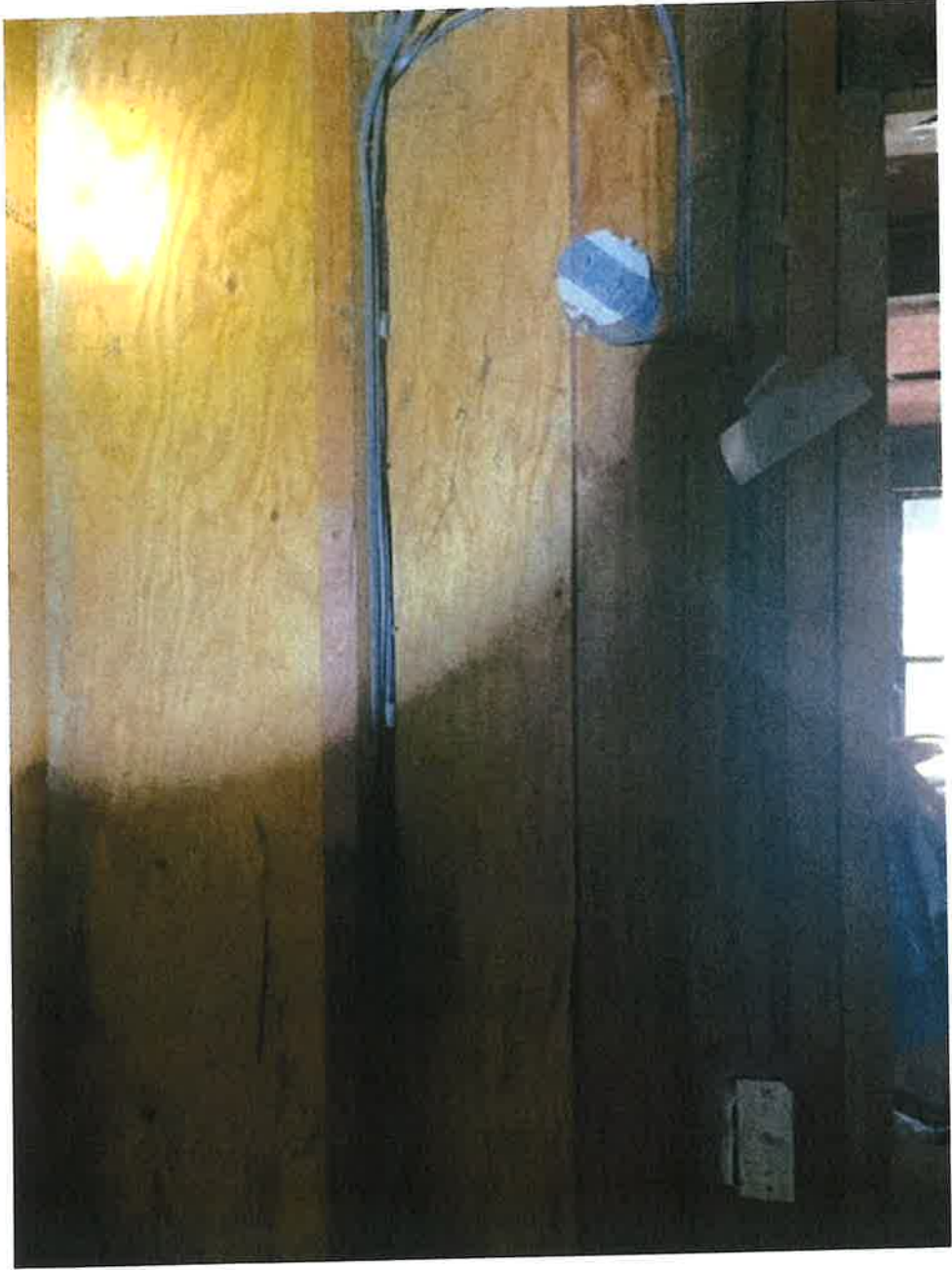




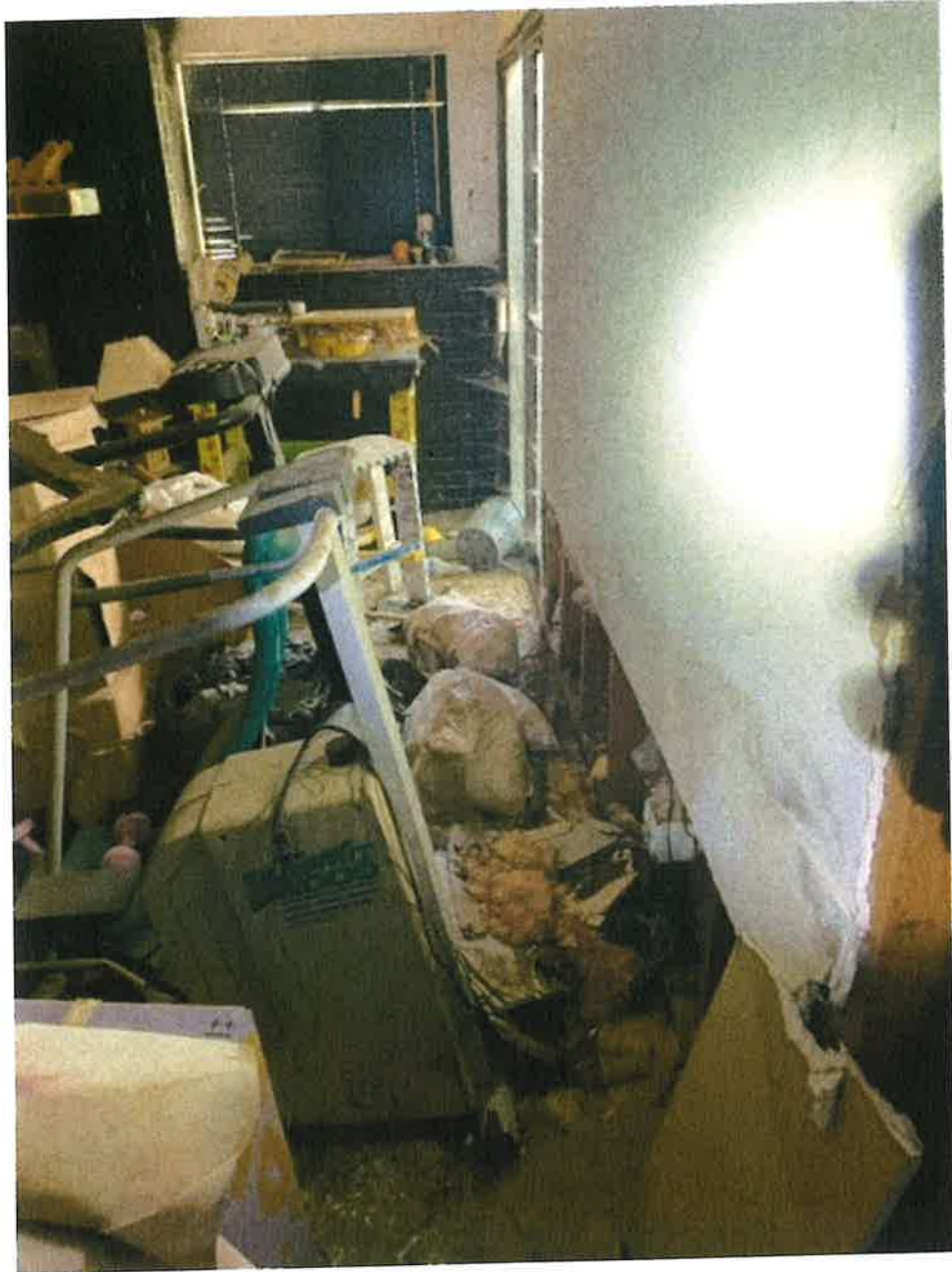


Basement Level
07/15/2022



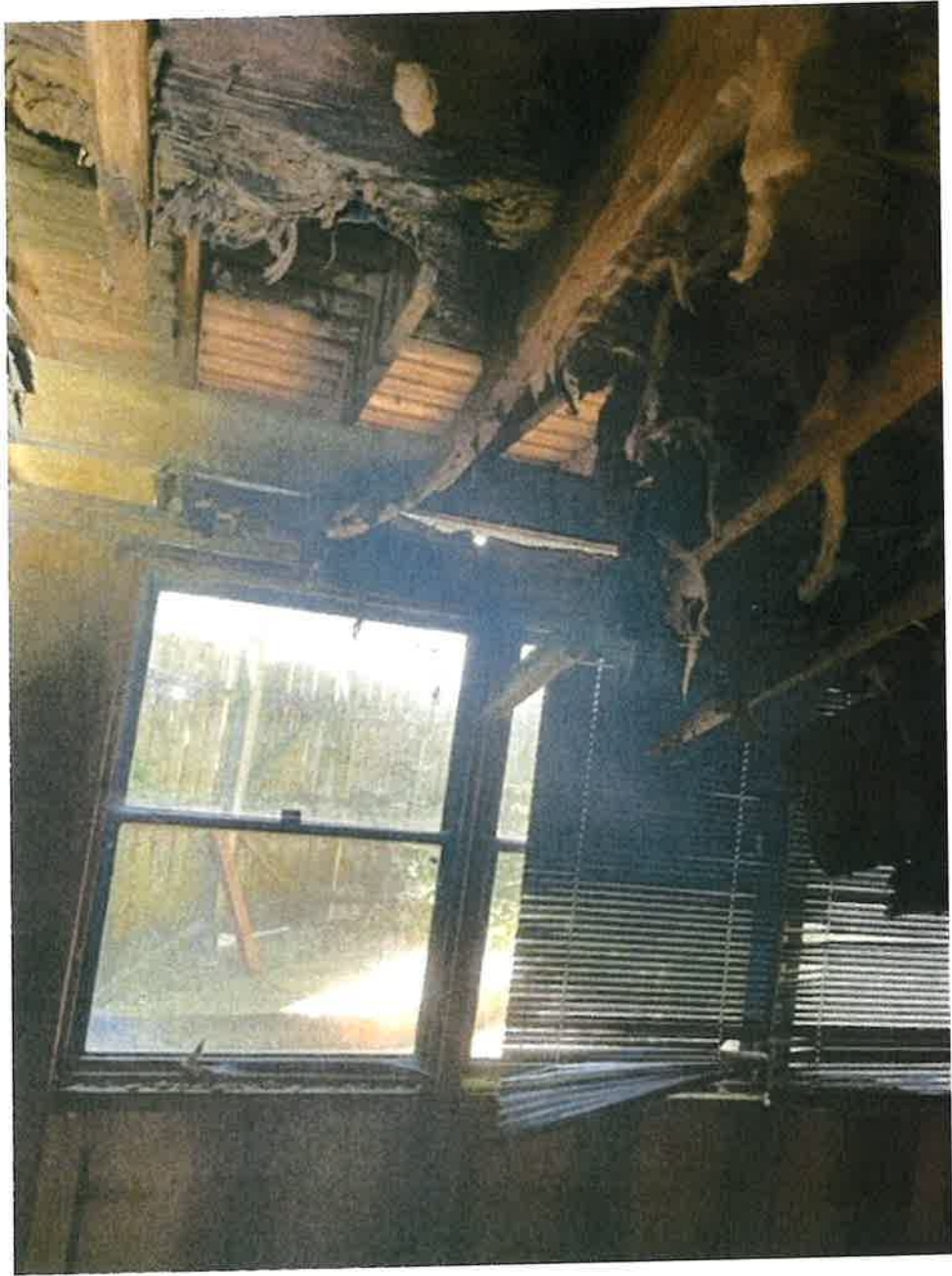






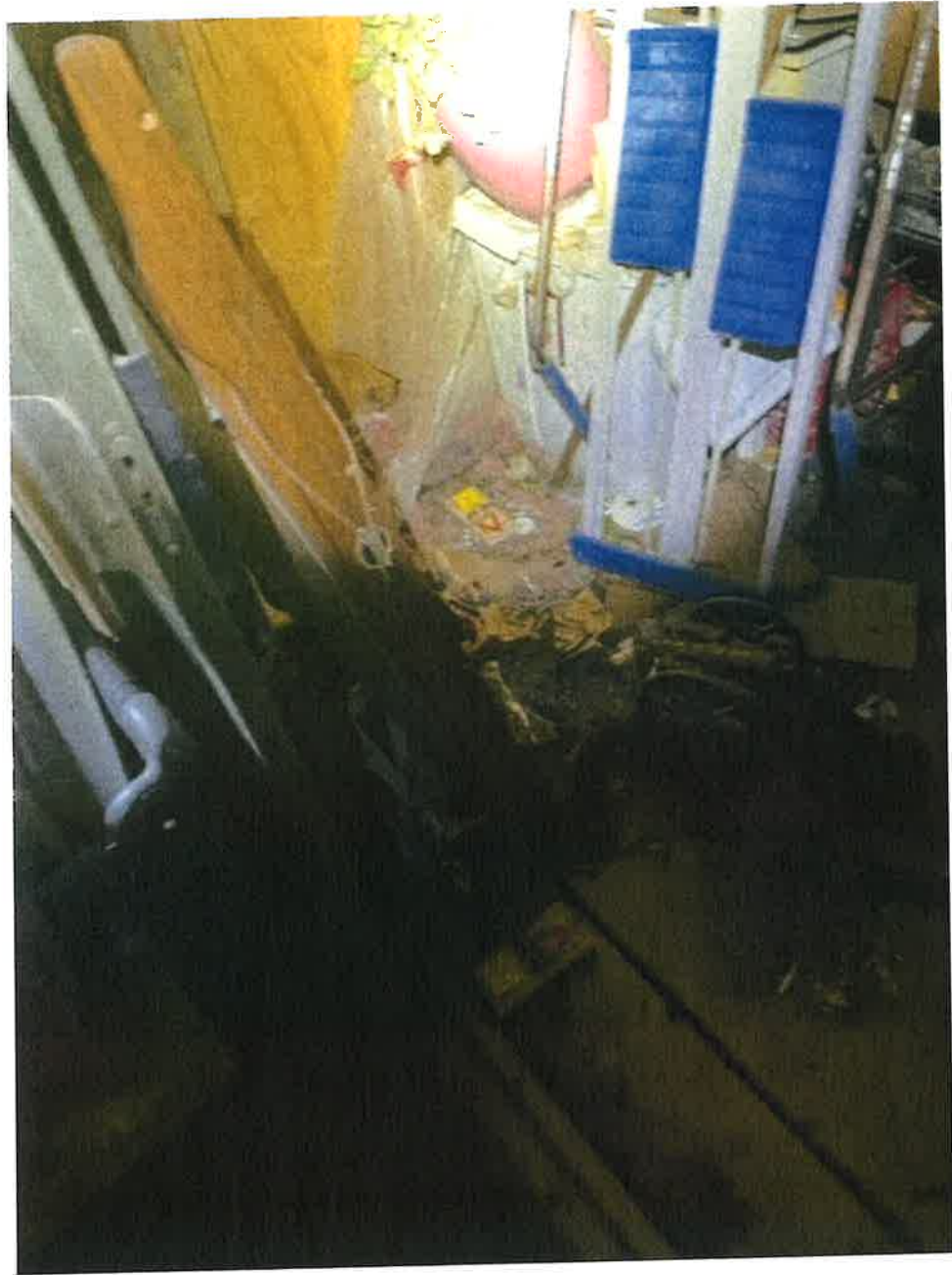














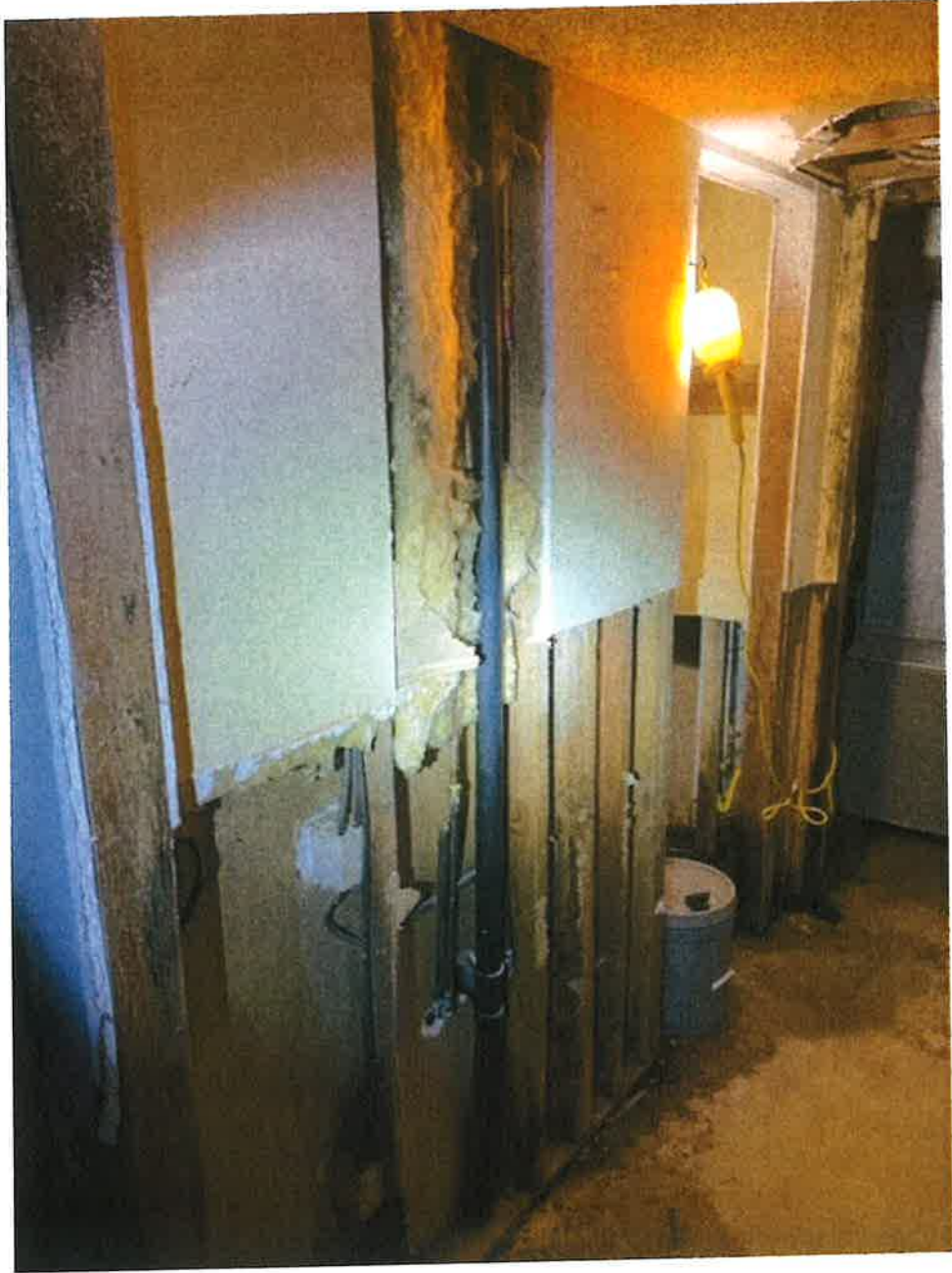


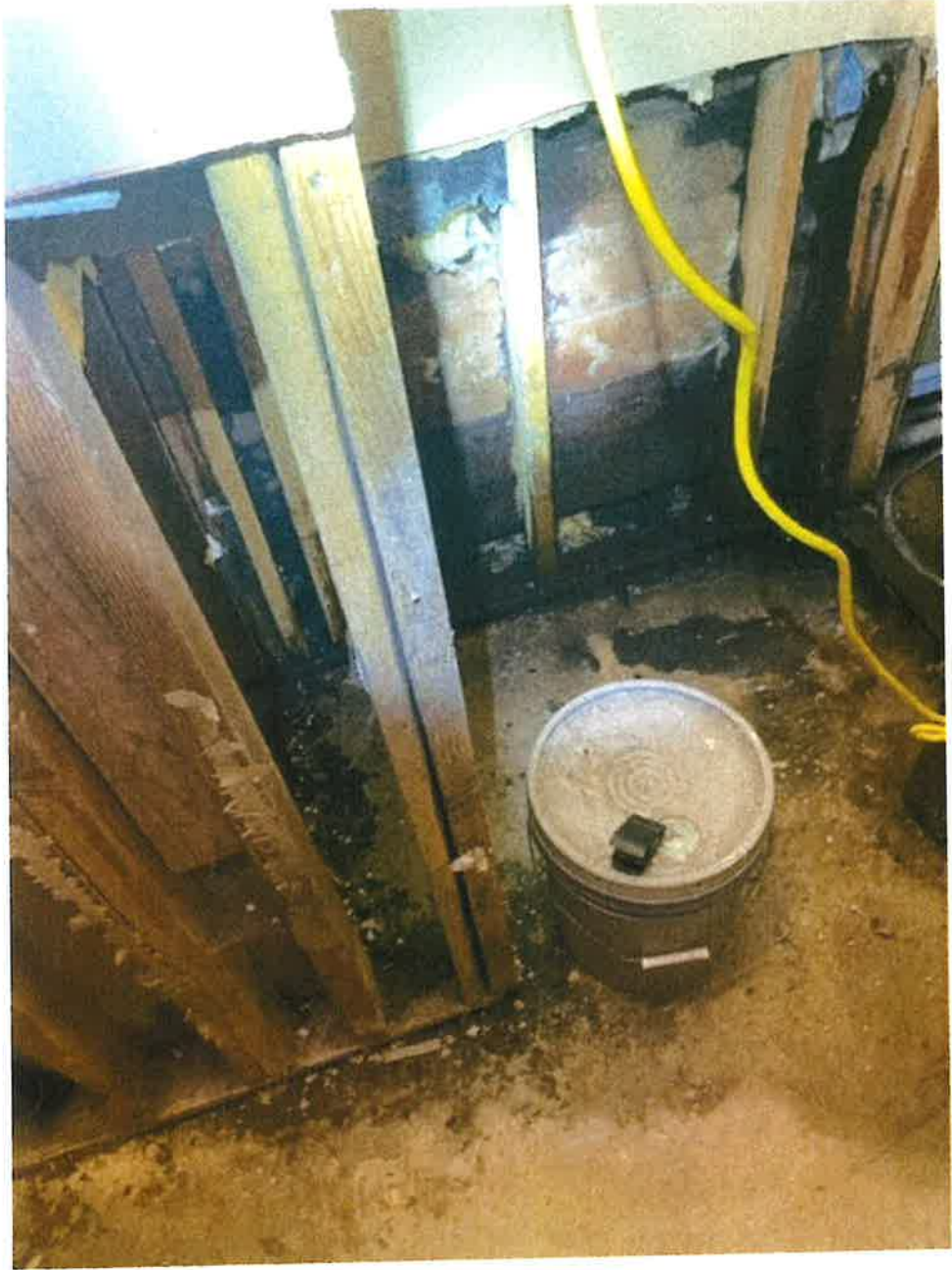










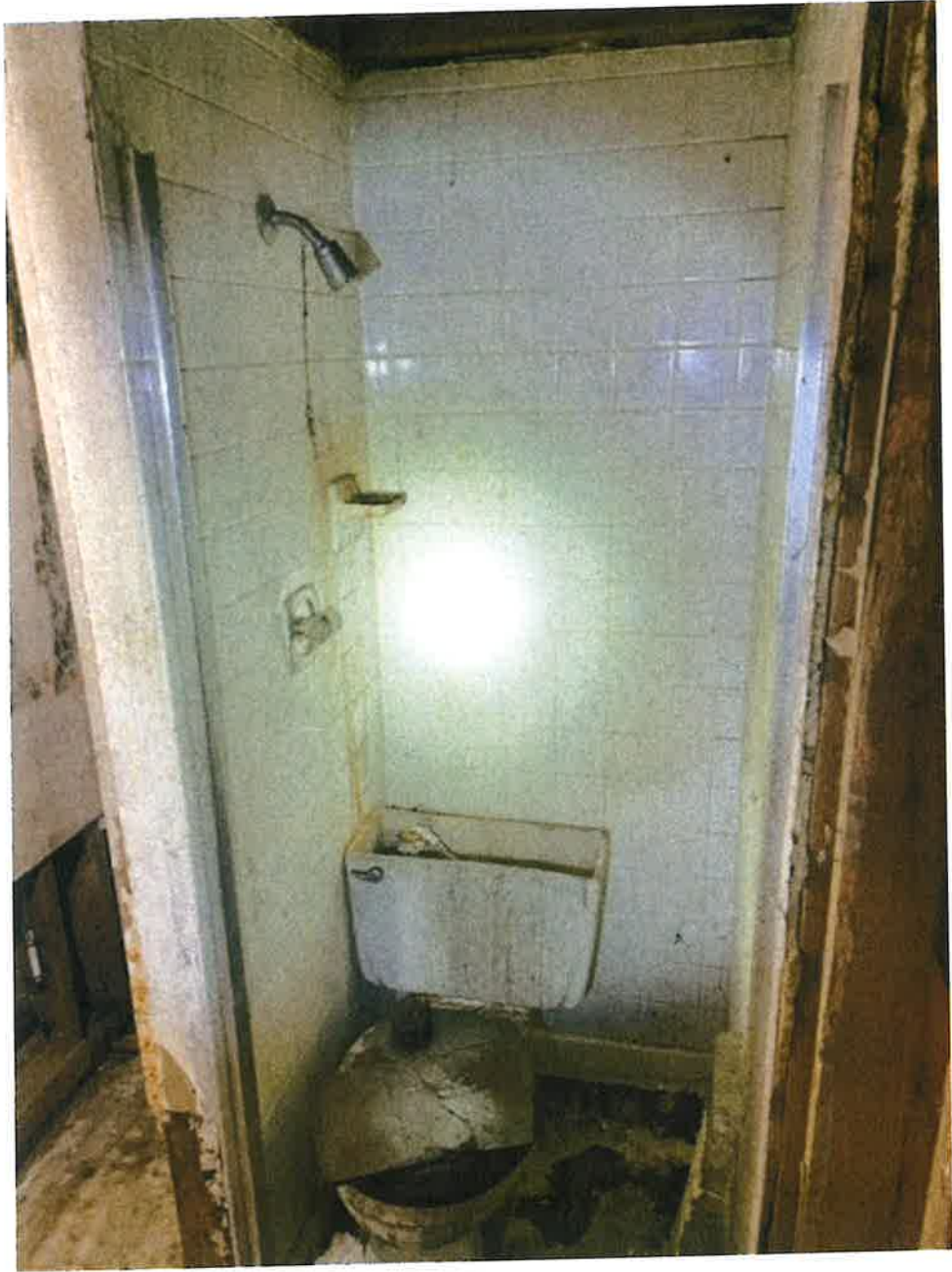












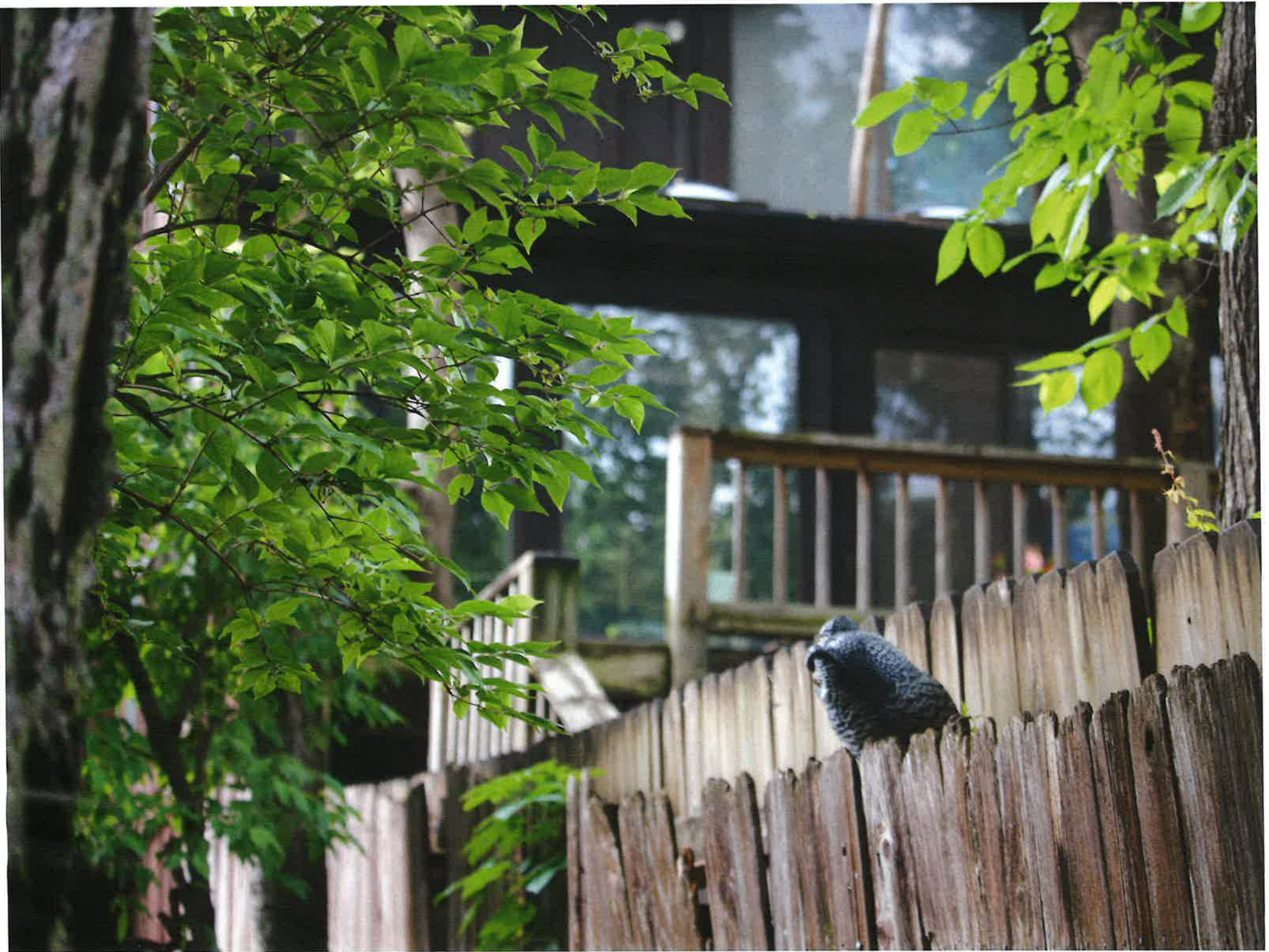


PHOTOGRAPH LEGEND 6.1.22

1. Address
2. Location where exterior stairway serving the upper deck should be attached.
3. Another view depicting where the exterior stairway serving the deck should be attached.
4. Collapsed stairway serving the upper deck.
5. Wall area above windows completely rotted away allowing access for weather, pests, vermin, animals.
6. Bottom of same wall area completely rotted away allowing access for weather, pests, vermin, animals.
7. Exterior patio door which does not exit to a landing and stairway. Barricaded to help prevent a fall hazard.
8. Area where Critter Control is actively trapping Norway sewer rats.
9. Dilapidated condition of the roof.





















Community Development Department

MEMORANDUM

Date: 24 March 2023

To: City Council

From: Jim Brown

RE: 6350 W 49th Street

History/Timeline/Background:

There has been a history of ongoing violations at this address dating back 1.5 to 2 years.

The violations at this address are now directly affecting the adjacent property at 6348 W 49th Street. The construction is that of a typical townhome with a shared common (fire) wall separating the two residences at 6348 W 49th Street and 6350 W 49th Street.

1. The rear deck serving 6350 W 49th Street is in disrepair. This deck is constructed around a large tree. In 2020, a large limb from the tree fell damaging the deck, a portion of the privacy fence, and totally removing the stairway serving the deck. This damage remains, with no effort made toward repair or replacement.
2. 6/27/2021- The neighbor (Jay Meyer) residing at 6348 W 49th Street was contacted by the owner/resident (Susan Minkoff) residing at 6350 W 49th Street requesting that he come over to investigate animals gaining entry in the upstairs bedroom. A hole in the roof was identified during this investigation, large enough to allow entry by unwanted animals or pests. A couple of weeks later a roofer placed a tarp over the hole.
3. 1/10/2022- Mr. Meyers notified Ms. Minkoff that he was hearing scratching and movement within the common (fire) wall separating these two dwelling units.
4. 1/12/2022- Ms. Minkoff called Mr. Meyers @ 6:30 a.m. to state she thought a cat may be in the lower level of her home. Mr. Meyers investigated and saw a cat. He informs Ms. Minkoff and requests permission to look further in the lower level. Mr. Meyers finds a hole in the lower-level exterior wall which could allow entry.
5. 1/18/22- Mr. Meyers contacted Critter Control to discuss options for removing the animals in the common(fire) wall. The scratching/movement also continues within the common (fire) wall making sleep very difficult at night.
6. 1/24/22- Mr. Meyers contacted Critter Control again to provide pictures and discuss options.
7. 2/7/22- Ms. Minkoff allows Mr. Meyers to go upstairs to further access the issues with the animal's gaining entry. Mr. Meyers sets a small trap in the bedroom and notices the hole remains in the roof. When leaving the room Mr. Meyers discovers a dead racoon.
8. 2/9/22- At 3:30 p.m. Two social workers (Johnson County Mental Health co-responders) and the City of Mission Animal Control Officer met on-site to investigate ongoing complaints. Mr. Meyers requested that the co-responders make a top to bottom inspection. Mr. Meyers and the animal control officer were allowed to go upstairs. Mr. Meyers showed the animal control officer the hole in the roof and the area where he discovered the dead racoon.

Upon conclusion of this investigation Mr. Meyers also showed everyone the dead racoon he found.

9. 2/10/22- Mr. Meyers contacted the Neighborhood Services Officer (Rebecca Brown) to discuss results from the meeting 2/9/22.
10. 2/14/22- Mr. Meyers contacted the Neighborhood Services Officer (Rebecca Brown) again for status.
11. 2/15/22- Notice of Violation sent via certified mail to Ms. Minkoff ordering the repair of the holes in the roof.
12. 2/15/22- Mr. Meyers reported that Buck Roofing patched a couple of holes in the roof with metal. Tarp remains on hole as noted 6/27/22.
13. 2/20/22- Mr. Meyers reports the scratching/movement in the common (fire) wall has further migrated to the exterior wall of his bedroom as well. Most of the animal activity is at night making it very difficult to sleep.
14. 2/23/22- Ms. Minkoff contacted Rebecca Brown to state she did not have the money to repair the roof. She further stated she had suffered a stroke and is on a fixed income. The grant program offered by the city as applicable to certain cases was provided to and explained to Ms. Minkoff. An extension to 3/30/21 was provided to Ms. Minkoff to pursue any options provided by the grant program. It was later determined by the grant coordinator that Ms. Minkoff would not be eligible.
15. 2/24/22- Mr. Meyers contacted Critter Control to set traps to catch the animals. Mr. Meyers provided a copy of the invoice (dated 3/8/22) for this service to staff.
16. 2/26/22- Mr. Meyers discovered additional openings in the exterior siding of 6350 W 49th Street under the deck which also can provide entry of animals, pests, etc.
17. 3/2/22- Mr. Meyers informed us that a backup in the main sanitary line at Ms. Minkoff's dwelling was overflowing and entering his lower-level space. Mr. Meyers contacted Ms. Minkoff to gain entry to allow his plumber to resolve the issue before it caused further damage to his dwelling. Mr. Meyers provided a copy of the invoice for this work to staff.
18. 3/16/22- Mr. Meyers discovered additional holes in the exterior siding and along the roofline @ the gutter fascia board of 6350 W 49th Street. Mr. Meyer contacted Critter Control to set more traps for this area.
19. 3/21/22- Mr. Meyers reports that he trapped a squirrel on the porch under the new hole he discovered @ 6350 W 49th Street.
20. 3/22/21- Mr. Meyers stated that Critter Control installed a trap under the new hole in the exterior wall @ 6350 W 49th Street.
21. 3/26/22- Mr. Meyer reports the roof @ 6350 W 49th Street is being repaired.
22. 3/27 & 3/28/22- Noise from scratching and movement has increased and is at its worse between 8 PM and 1AM every night. Mr. Meyers discussed with Critter Control the possibility of removing gutters on his dwelling to allow access to the soffit in order to help catch the animals. Requests that the city gain entry to 6350 W 49th Street to evaluate entry points from that dwelling. Mr. Meyers also reports the exterior siding under the deck remains open to the elements and allowing entry of animals.
23. 3/29/22- Received call form Ms. Minkoff's son (Adam) stating the roof has been repaired. Informed Adam A re-inspection would occur 4/1/22 and that I would need access inside and outside to confirm compliance. Adam stated it is not okay to come inside without violation papers stating we need inside.

24. 3/31/22- (14:20) Called and spoke with Adam (Ms. Minkoff's son) to inform him that I would be on site Friday, April 1, 2022, at 10:00 a.m. to verify if the items noted in the NOV dated February 15, 2022 have been satisfactorily addressed. This NOV also stipulated a deadline for compliance of March 30,2022. Adam acknowledged my request and gave verbal permission to enter the rear yard to perform the applicable follow up inspection. Adam also stated he would try to meet me on-site around 10:00 a.m. Adam reiterated his mother is not well or very mobile, therefore he would inform her that I would be on-site to prevent her from being alarmed if she saw someone walking around outside. Adam further stated he is planning to have his mother moved closer to his residence in Overland Park and that he had a potential buyer meeting with him late morning early afternoon to look at the house. I will also knock on the door upon my arrival to allow for additional notification to Ms. Minkoff.
25. 4/1/22- (1000) Knocked on Ms. Minkoff's door to announce my arrival. Received no response or acknowledgement of my arrival. Proceeded with the follow up inspection to include entering the rear yard to verify if the roof repairs had been completed. This inspection revealed the roof repair was complete, however several significant violations were discovered, which will necessitate a separate NOV.
- 26.4/7/22- Per USPS tracking- NOV left (no authorized recipient available). Also, per USPS tracking, on 4/19/22- NOV delivered front desk/reception area.
27. 4/8/22- Mr. Meyers reported he removed the gutters and fascia board from his dwelling and is still unable to catch all the animals/rats within the vaulter ceiling and walls.
28. 4/18/22- Mr Meyers reported a gas odor coming from the lower-level bedroom with the source apparently coming from 6350 W 49th St. Ms. Minkoff's dwelling. Staff contacted CFD#2 and Kansas Gas to dispatch an emergency response to Mr. Meyer's residence. Received verbal report that Kansas Gas disconnected service to 6350 W 49th St. In addition, Mr Meyers reported that Critter Control had been out an additional 4 times and still have not caught all the rats.
29. 4/22/22- Staff contacted the co-responder with JOCO Mental Health to apprise her of the current events and to request any updates from their perspective. Staff also requested a point of contact for JOCO Department of Aging and Human Services.
30. 4/24/22- Received correspondence from the co-responder with JOCO Mental Health and was advised they had no updates, and that they would reach back out to Ms. Minkoff. Was also provided with a point of contact for JOCO Dept of Aging and Human Services.
31. 4/25/22- Sent an email to the point of contact with JOCO Dept of Aging & Human Services, requesting any assistance they may be able to provide to help resolve the issues. Confirmed with Water One that the water service for Ms Minkoff's residence was still "on and active".
32. 4/26/22- Met with City Prosecutor to discuss next steps.
33. 5/6/22- Received verification from Critter Control they had trapped and identified (4) Norway Sewer Rats in Mr. Meyers soffit area. They confirmed the source of the rat infestation as coming from Ms Minkoff's residence.
34. 5/11/22- Mr. Meyer's provided a letter describing current events addressed to the City Administrator, Deputy City Administrator and Building Official. Staff met with Mr. Meyers to discuss items noted in the letter. Staff witnessed and verified the size of the Norway Sewer Rats Mr Meyers brought to the meeting.
35. 5/19/22- Follow up meeting with City Prosecutor and Detectives to provide updates and finalize a plan of action going forward.
36. 5/24/22-Follow up meeting with City Prosecutor to discuss next steps.

37. 5/25/22- Received a call from Ms. Minkoff's son (Adam) stating he was in process of selling the house and should have a contract by end of the week. Also stated he would begin remediation and reach out to a pest control company to remove all pests. Staff advised Adam to provide written evidence of the pending sale (contract) by close of business Friday, 27 May 2022.
38. 5/27/22- Received voice mail from Adam stating he had a pre-approval agreement and had contacted a pest control company that couldn't arrive until 6 June. Adam did not provide written evidence of said pre-approval purchase agreement.
39. 5/31/22- Called Adam to remind him that we needed written evidence of a pre-approval agreement and name of the pest control company. Adam did not answer the phone and unable to leave message because the voicemail mailbox is full. No evidence of a signed contract provided.
40. 6/1/22- Issued citation/summons to appear in Municipal Court per the City Prosecutor's directive.
41. 6/14/22- Proof of delivery of the citation provided to the court clerk. A dumpster arrived on-site and items are beginning to be discarded. Critter Control allowed to place traps, exterior only. No interior access granted.
42. 6/17/22- At the request of DCF, provided an updated status. In turn, did not receive any updates from DCF.
43. 7/1/22- Received an update from the neighbor, Mr. Meyers, stating an individual (Robert Bledsoe) was apparently interested in purchasing the property and had hired a home inspector to evaluate the property. Mr. Bledsoe was planning to take possession in 10 days pending the result of the home inspection. Dumpster was only filled about half-way and then removed. Critter Control has not been back and still no evidence of a signed contract has been provided.
44. 7/8/22- Follow up meeting with City Prosecutor to discuss next steps.
45. 7/12/22- Staff performed a follow up inspection to verify current conditions and/or compliance in response to Ticket # 252576. Property remains in non-compliance after the investigation.
46. 7/15/22- Mission PD serves a warrant PD explained the details of the warrant and reiterated the court date is 15 July at 6:00PM. Staff is prepared to issue another citation if necessary.
47. 7/19/22- Received signed Real Estate Sale Contract from 207 Properties Inc.(Randall Robb). This contract indicates closing date of 20 August 2022 and possession 30 August 2022.
48. 8/23/ Court ordered Ms. Minkoff to appear at next available court date. (6 September 2022.)- Ms. Minkoff has apparently pushed out the closing date of 30 August an additional 60 days. City Prosecutor informed Ms. Minkoff's attorney that this was unacceptable.
49. 9/6/22- Ms. Minkoff did not show up for court. Her attorney represented her instead. Warrant issued for Ms. Minkoff's arrest. (Failure to appear)
50. 9/7/22- Warrant served. JOCO mental Health Co-responder accompanied officers to serve the warrant. Co-responder determined Ms. Minkoff needed immediate medical attention. Ms Minkoff transported to hospital for treatment.
51. Ms. Minkoff missed a follow up court appearance as well. Was apparently still in hospital. Ms. Minkoff arrived back home the day after the missed court appearance.
52. Case set for trial 27 October @ 6:00 PM.

53. The neighbor, Mr. Meyers contacted me to state he was notified he was informed that he will be a key witness in the trial 27 October. As such, he requested that the City Prosecutor contact him ahead of the trial to discuss.

54. 10/27/22- This case came to trial and Ms. Minkoff was found guilty of counts 1-9 with continuous noncompliance for 149 days, to which a fine of \$100,615.00 was imposed. The case was continued to 15 November 2022 under an appearance bond to allow Ms. Minkoff to appear and subsequently evaluate the defendants ability to pay the imposed fines, explain any hardships, or to provide evidence of a lease or other mechanism proving that she is vacating the property, relinquishing possession and the property is in the process of being sold.

55. 11/15/22- Due to unforeseen circumstances with the Judge, the case was continued to 29 November 2022.

56. 11/29/22- The judge made it abundantly clear to Ms. Minkoff, her son (Kevin), and Ms. Minkoff's attorney (Michael Page) that no further delays or inaction would be tolerated, to which all parties acknowledged and agreed they understood. Ms. Minkoff stated that she and her son (Kevin Minkoff) were in the process of finding her an apartment and anticipated that a lease would be signed soon. They proposed a departure date of the first week of January 2023. The prospective buyer for Ms. Minkoff's property (Randall Robb) stated that he was ready to close within 10 days of it being vacated and taking possession. The Judge directed Ms. Minkoff and her attorney to provide a signed lease agreement to the court clerk no later than 3:00p.m. on 6 December 2022. In the absence of providing a lease agreement Ms. Minkoff was ordered to appear in court again on 13 December 2022.

57. 12/6/22- It was brought to the court's attention that Ms. Minkoff was transported by ambulance to the hospital on 2 December 2022 and was still in the hospital on 6 December 2022. As a result, no lease agreement was provided by the 3P.M. deadline.

58. 12/13/22- Ms. Minkoff did not appear for court. Ms. Minkoff's attorney (Michael Page) was in attendance on her behalf. Mr. Page stated Ms. Minkoff was unable to appear because she had recently been released from the hospital and she requested that Mr. Page convey to the court that she had no control of her bowels, thus a one week continuance was requested. Mr. Page also presented to the court "application information" from Sandstone Creek Apartments, which reflected Ms. Minkoff as being a primary applicant for Apartment # 4001. No signed lease was provided and Mr. Page stated that Ms. Minkoff is apparently having difficulty obtaining a lease because she has not had a valid Kansas ID for approximately 20 years. The Judge again made it abundantly clear no further delay tactics would be tolerated and ordered Ms. Minkoff to personally appear on 20 December 2022. It was emphasized that failure to appear would most likely result in a warrant for her arrest.

59. 12/20/22- Received a letter from a physician stating Ms. Minkoff was under his care and would be unable to attend court on 20 December 2022. Case continued to 27 December 2022.

60. 12/27/22- Order to Appear and Show Cause Hearing. Ms. Minkoff did not appear for court. Ms. Minkoff's attorney (Mr. Page) informed court that Ms. Minkoff was in a skilled nursing facility. The Public Officer and City Prosecutor presented Mr. Page with the City's plan going forward to file a Complaint and Notice of Hearing with District Court. It was determined that Mr. Page is authorized to accept service of papers from the city on behalf of Ms. Minkoff. The court urged Mr. Page to convey to Ms. Minkoff the need to take the next two weeks to work with the potential buyer (Randall Robb) and the City to conclude the sale and transfer of the property as was previously stated would be completed by 1 January 2023. Case continued to 10 January 2023.

61. 12/28/23- The adjacent neighbor notified city staff a water line had burst in the lower level of the Minkoff residence and was flooding his basement area. City staff notified Water One and had the water service disconnected.

62. 1/10/23- Ms. Minkoff, both sons (Kevin and Adam) and her attorney (Mr. Page) appeared for court. Mr. Page informed the Judge that Ms. Minkoff would not be returning to the property and she would be residing with their son (Adam Minkoff) going forward. Mr. Page informed the Judge that a dumpster and a POD would be arriving on site in the next week or so to begin cleanup and removal of personal items. A follow up court date was set for 24 January 2023. The Judge advised Ms. Minkoff that defined actions and evidence toward resolving the ongoing issues must be clearly demonstrated at the follow up court hearing on 24 January 2023.

63. 1/24/23- Case continued to 7 February 2023.

64. 1/25/23- Notice of Complaint and Order for Hearing filed in District Court.

City of Mission, KS
Monday, April 3, 2023

Chapter 510. Unsafe or Dangerous Structures

Article II. Minimum Structures

Section 510.130. General Provisions.

[Code 1974 §11-701; CC 2000 §4-701]

Whereas, the Governing Body has found that there exists in such municipality structures which are unfit for human use or habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or due to other conditions, including those set forth in Section **510.170** hereof, which render such structures unsafe or unsanitary or dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the City and it is hereby deemed necessary by the Governing Body of the City to require or cause the repair, closing or demolition or removal of such structures in the manner hereinafter provided.

Section 510.140. Definitions.

[Code 1974 §11-702; CC 2000 §4-702]

A "*residential structure*" or "*dwelling*" shall mean any building or structure or part thereof used and occupied for human habitation or intended to be so used and includes any appurtenances belonging thereto or usually enjoyed therewith. A "*non-residential structure*" shall mean any structure which is used for other than residential purposes or a part of such structure or a structure a part of which is used for other than non-residential purposes and, where applicable, the premises on which such structures are situated.

Section 510.150. Code Enforcement Officer.

[Code 1974 §11-703; Code 1997; CC 2000 §4-703]

The Code Enforcement Officer of the City is hereby designated and appointed to exercise the powers prescribed by this Article and shall be hereafter referred to as the Code Enforcement Officer in this Article.

Section 510.160. Petitions.

[Code 1974 §11-704; CC 2000 §4-704]

- A. Whenever a petition is filed with the public officer by at least five (5) residents of the municipality charging that any structure is unfit for human use or habitation or whenever it appears to the public officer, on his/her own motion, that any structure is unfit for human use or habitation, he/she shall, if his/her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure (including persons in possession) a complaint stating the charges in that respect. Such complaint shall contain a notice that a hearing will be held before the public officer or his/her designated agent at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of the

- complaint; the owner, mortgagee and parties in interest shall have the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.
- B. If, after such notice and hearings, the public officer determines that the structure under consideration is unfit for human use or habitation, he/she shall state in writing his/her findings of facts in support of such determination and shall issue and cause to be served upon the owner thereof an order which:
1. If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, which shall not exceed fifty percent (50%) of the fair market value of such structure, the owner of the property shall within the time specified in the order repair, alter or improve such structure to render it fit for human use or habitation or shall vacate and close the structure until conformance with this Article is met; or
 2. If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, that is to say, under fifty percent (50%) of such fair market value, which is hereby deemed to be a reasonable cost by the Governing Body, the owner shall within the time specified in the order remove or demolish such structure.
- C. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure within thirty (30) days from the date of such order, the public officer shall file with the Governing Body his/her written report of his/her proceedings and orders which shall be reviewed by the Governing Body at its next regular meeting and, upon approval of the report and proceedings by the Governing Body, the public officer may cause such structure to be repaired, altered or improved or to be vacated and closed.
- D. If the owner fails to comply with an order to remove or demolish the structure within thirty (30) days from the date of such order, the public officer shall file with the Governing Body his/her written report of his/her proceedings and orders which shall be reviewed by the Governing Body at its next regular meeting and, upon approval of the report by the Governing Body, the public officer may cause such structure to be removed or demolished.
- E. The amount of the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance of his/her costs and the necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located. The City Clerk shall, at the time of certifying other City taxes, certify the unpaid portion of the aforesaid costs and shall extend the same on the tax rolls of the County against the lot or parcel of land. If the structure is removed or demolished by the public officer, he/she shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceeding instituted by the public officer after deducting the costs of such judicial proceedings, including his/her necessary attorney's fees incurred therein, as determined by the court.

Section 510.170. Defects and Conditions.

[Code 1974 §11-705; CC 2000 §4-705]

The public officer herein designated may determine that the structure is unfit for human use or habitation if he/she finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such municipality or which have a blighting influence on properties in the area. Such conditions may include the following, without limitations: defects therein increasing the hazards of fire, accident or other calamities; lack of adequate water supply or facilities; lack of adequate ventilation, air pollution, light or sanitary facilities; dilapidation, disrepair, structural

defects; uncleanliness; overcrowding; inadequate ingress and egress; dead and dying trees; limbs or other unsightly natural growth; unsightly appearances that constitute a blight to adjoining property, the neighborhood or the City; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation; inadequate drainage; or any violation of health, fire, building or zoning regulations or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.

Section 510.180. Complaints.

[Code 1974 §11-706; CC 2000 §4-706]

Complaints or orders issued by the public officer pursuant to this Article shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each for two (2) consecutive weeks in the official newspaper of the City. A copy of the complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order and shall also be filed with the Clerk of the District Court of Johnson County, Kansas. Such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

Section 510.190. Appeal.

[Code 1974 §11-707; CC 2000 §4-707]

Any person affected by the order issued by the public officer may petition the District Court of Johnson County, Kansas, pursuant to laws of the State of Kansas, for relief pursuant to K.S.A. Section 17-4759, as amended.

Section 510.200. Powers.

[Code 1974 §11-708; CC 2000 §4-708]

- A. The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Article, including the following powers, in addition to others herein granted:
1. To investigate the structure conditions in the municipality in order to determine which structures therein are unfit for human use or habitation;
 2. To administer oaths, affirmations, examine witnesses and receive evidence;
 3. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;
 4. To appoint and fix the duties of such officers, agents and employees as he/she deems necessary to carry out the purposes of this Article; and
 5. To delegate any of his/her functions and powers under this Article to such officers, agents and employees as he/she may designate.

Section 510.210. Requirements of Owner.

[Code 1974 §11-709; CC 2000 §4-709]

The owner of any structure ordered to be demolished or removed by the public officer shall comply with the pertinent provisions of the Building Code. Upon removing such structure, the owner, wrecker or licensed contractor shall seal the sanitary sewer connection in the manner set forth by the Building Inspector. In addition, the owner or licensed contractor shall fill any basement or other excavation located upon the premises and take such other action necessary to leave the premises in a safe condition.

Section 510.220. Notice.

[Code 1974 §11-710; CC 2000 §4-710]

Upon the issuance of an order by the public officer hereof, the public officer shall place a notice on the particular structure covered by the order as follows:

"This structure has been found unfit for human habitation by the order of the Director of Public Works of the City of Mission, Kansas. This notice shall remain on this structure until it is (use either of the following phrases as applicable) "repaired, altered or improved or vacated and closed as required by said order" or "removed and demolished as required by said order."

Section 510.230. Conflict.

[Code 1974 §11-711; CC 2000 §4-711]

Nothing in this Article shall be construed to abrogate or impair the powers of the City, its courts or departments of the City to enforce any other provisions of its laws or its Charter or regulations nor to prevent or punish violations thereof; and the powers conferred by this Article upon the designated public officer or other public officials shall be in addition and supplemental to the other powers conferred by any other law of the City.

Section 510.240. Unlawful Defects and Conditions.

[Ord. No. 673, 8-28-1985; CC 2000 §4-712]

It shall be unlawful for either an owner or occupant of structures within the City to allow the structure to be unfit for human use or habitation because of conditions which exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of the City or which have a blighting influence on properties in the area. Such conditions include the following, without limitations: defects therein increasing the hazards of fire, accident or other calamities; lack of adequate water supply or facilities; lack of adequate ventilation, air pollution, light or sanitary facilities; dilapidation, disrepair, structure defects; uncleanliness; overcrowding; inadequate ingress and egress; dead and dying trees; limbs or other unsightly natural growth; unsightly appearances that constitute a blight to adjoining property, the neighborhood or the City; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation; inadequate drainage; or any violation of health, fire, building or zoning regulations or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.

Section 510.250. Penalties.

[Ord. No. 673, 8-28-1985; Code 1987; CC 2000 §4-713]

In addition to the penalty provision of Section **100.100** of this Code, the court may, upon conviction, prevent the use or occupancy of any structure which is injurious to the public health, safety, morals or welfare.

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Public Works	From:	Celia Duran

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

RE: Resolution Approving 2024-2028 CARS Project List

RECOMMENDATION: Approve the Resolution adopting the Five-Year City/County Street Improvement Program for the City of Mission for 2024-2028.

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

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

Each City is required to pass a resolution adopting a 5-year plan based on their own unique goals and objectives, and CARS projects are ultimately adopted as part of the County’s annual budget process. The final commitment of funds occurs through the approval of specific interlocal agreements for each project. The recommended 2024-2028 CARS program is similar to the 2023-2027 CARS program although total project costs have increased from last year’s program. Project descriptions and costs for the 2024-2028 program are provided below, as well as a comparison of project costs from last year’s program to this year’s program.

2024	2025	2026	2027	2028
Roe Avenue (Johnson Dr. to 63 rd St.)	63rd Street (Nall Ave. to Roe Ave.)	Johnson Drive (Metcalf Ave. to Lamar Ave.)	Nall Avenue UBAS (Martway St. to 63rd St.)	Martway Street (Woodson Rd. to Roeland Dr.)

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

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Public Works	From:	Celia Duran

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

2024 - Roe Avenue (Johnson Drive to 63rd Street): Proposed improvements include mill and overlay with 2-inch asphaltic concrete surface; traffic signal replacement; pedestrian signals on the east side of the intersection of Roe Ave. and Johnson Dr.; pavement and median repairs; stormwater repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; and pavement markings. Total estimated project cost: \$1,828,000.

Fairway was originally planning to manage and administer this project; however, it was determined this year that Mission would manage the project since our project portion is greater than Fairway's. This is a joint project with Fairway, Roeland Park, and Prairie Village. Mission's funding portion is \$599,445, Fairway's portion is \$209,330, Prairie Village's portion is \$9,515, and Roeland Park's portion is \$133,210.

2025 - 63rd Street (Nall Avenue to Roe Avenue): Proposed improvements include a 3-inch mill and overlay; pavement repairs; replacement of curb and gutter; spot replacement of sidewalks and ADA ramps; and pavement markings. Total estimated project cost: \$875,000, with Mission funding \$369,325 and Prairie Village funding \$98,175.

2026 - Johnson Drive (Metcalf Ave. to Lamar Ave.): Proposed improvements include full depth pavement replacement; traffic signal replacement; HAWK pedestrian signal at Riggs Ave.; spot replacement of curb and gutter, sidewalks, and ADA ramps; streetlights; and pavement markings. Additionally, stormwater infrastructure will be replaced and includes the continuance of the stormwater interceptor completed with the Johnson Dr., Lamar Ave. to Nall Ave. Phase I project. Olsson, the City's on-call design engineer, is currently working on concepts to evaluate right-of-way needs for widening sidewalks, including costs and any potential impact to adjacent businesses.

Mission has been awarded a \$6,000,000 Surface Transportation Grant (STP) for this project. Total estimated project cost: \$14,800,000 (or \$8,800,000 with funds from the STP grant.)

2027 - Nall Avenue (Martway Street to 63rd Street): Proposed improvements include UBAS surface treatment; pavement repairs; spot replacement of curb and gutter; sidewalks, and ADA ramps; and pavement markings. Total estimated project cost: \$380,000.

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

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

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Public Works	From:	Celia Duran

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

2028 – Martway Street (Woodson Road to Roeland Drive): Proposed improvements include a 2-inch mill and overlay; pavement repairs; stormwater repairs; spot replacement of curb and gutter; sidewalks, and ADA ramps; and pavement markings. Total estimated project cost: \$932,000.

**CARS Program
2023-2027 to 2024-2028
Budget Comparison**

Project	2023-2027 Total Project Budget*	2024-2028 Total Project Budget*	Cost Difference (% Increase)	Notes
Roe Ave. (Johnson Dr. to 63 rd St.)	\$1,012,000** (Mission: \$655,480)***	\$1,828,000 (Mission: \$599,445)	\$816,000 (Mission: (-\$56,035; -8.5%)	Fairway originally planned to administer the project. Previous costs based on estimate by Fairway.
63 rd St. (Nall Ave. to Roe Ave.)	\$920,000 (Mission: \$276,250)	\$875,000 (Mission: \$369,325)	-\$45,000 (Mission: \$93,075; +34%)	Total project costs have decreased since Prairie Village has repaired their concrete. Mission's portion increased based on pipe condition and bid tabs.
Johnson Dr. (Metcalf Ave. to Lamar Ave.)	\$12,400,000	\$14,800,000	\$2,400,000 (+19%)	Staff is working with Olsson to refine costs (i.e., ROW, interceptor, etc.).
Nall Ave. (Martway St. to 63 rd St.)	\$ 325,000	\$380,000	\$55,000 (+17%)	Cost increase based on recent bid tabs.
Martway St. (Woodson Rd. To Roeland Dr.)	N/A	\$932,000	N/A	New project for 2028.

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

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Public Works	From:	Celia Duran

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

Notes:

*=Does not include CARS funding

**=Cost includes Mission's estimate for Roe Ave. (Johnson Dr. to 59th St.) plus Fairway's estimate for Roe Ave. (59th St. to 63rd St.).

***=Includes Mission's total estimated cost minus CARS funds

Approval of the attached resolution does not specifically commit the City to any expenditure of funds and its purpose is to communicate to the County the CARS eligible projects the City is considering over the 2024-2028 planning horizon.

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

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

**CITY OF MISSION
RESOLUTION NO. _____**

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

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

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

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

WHEREAS, the 2024-2028 CARS Program is an important budgeting and planning document for both the City of Mission and Johnson County; and

WHEREAS, submission of the 2024-2028 CARS program does not specifically commit any expenditures on behalf of the City of Mission.

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

SECTION 1. That the attached Five-Year City/County Street Improvement Program has been reviewed and approved for submittal to the Johnson County Board of Commissioners as the City's 2024-2028 CARS Program request.

THIS RESOLUTION IS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, THIS 19th DAY OF APRIL 2023.

THIS RESOLUTION IS APPROVED BY THE MAYOR THIS 19th DAY OF APRIL 2023.

Solana Flora, Mayor

ATTEST: (Seal)

Robyn Fulks, City Clerk

County Assistance Road System

2024-2028 Five Year Program

Participating City: Mission

Priority	Project Location	Proposed Start/ Finish	Project Description	CARS Route Classification		CARS Program Funding Request	CARS Participation Eligible		Comprehensive Project Budget Total	Mission Total
				Major	Minor		Yes	No		
2024	Roe Avenue (Johnson Dr. to 63rd St.)	4/24-10/24	The project includes mill and overlay with 2-inch asphaltic concrete surface; traffic signal replacement; pedestrian signals; pavement and median repairs; stormwater repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; and pavement markings. This is a joint project with Fairway, Roeland Park, and Prairie Village.	X		\$876,500	\$1,753,000	\$75,000	\$1,828,000	\$951,500 (Mission:\$599,445; Fairway: \$209,330; P.V.:\$9,515; Roeland Park: \$133,210)
2025	63rd Street (Nall Ave. to Roe Ave.)	4/25-10/25	The project includes a 3" mill and overlay; pavement repairs; replacement of curb and gutter; spot replacement of sidewalks and ADA ramps; and pavement markings.		X	\$407,500	\$815,000	\$60,000	\$875,000	\$467,500 (Mission \$369,325; PV \$98,175)
2026	Johnson Drive (Metcalf Ave. to Lamar Ave.)	3/26-12/26	The project includes full depth pavement replacement; traffic signal replacement; HAWK pedestrian signal at Riggs; streetlights; spot replacement of curb and gutter, sidewalks, and ADA ramps; and pavement markings. Additionally, stormwater infrastructure will be replaced and includes the continuance of the stormwater interceptor completed with the Johnson Dr., Lamar Ave. to Nall Ave., Phase I project.	X		\$2,500,000	\$12,300,000	\$2,500,000	\$14,800,000	\$12,300,000
2027	Nall Avenue (Martway St. to 63rd St.)	5/27-10/27	The project includes a UBAS surface treatment; pavement repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; and new pavement markings.	X		\$175,000	\$350,000	\$30,000	\$380,000	\$205,000
2028	Martway Street (Woodson Rd. to Roeland Dr.)	5/28-10/28	The project includes a mill and overlay; pavement repairs; stormwater repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; and new pavement markings.		X	\$451,000	\$902,000	\$30,000	\$932,000	\$481,000
TOTALS:						\$4,410,000	\$16,120,000	\$2,695,000	\$18,815,000	\$14,405,000
Note: Jo. Dr. CARS amount is an estimate only.										
										951500
										1384500
										12300000
										205000
										481000
										15322000

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Parks + Recreation	From:	Penn Almoney

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

RE: Mission Summer Camp Staff Pay Adjustments

RECOMMENDATION: Increase the starting summer camp staff pay rate to \$14.00 with an estimated budget impact of \$15,840.00.

DETAILS: Mission Parks + Recreation Summer Camp staff are the driving force behind the Mission Summer Camp. Programming staff must recruit and retain qualified and motivated employees to keep our operations running at 100%. The referral and sign-on bonus will help with staffing; however, camp instructor interest is low at this point. As you can see from the Parks + Recreation Summer Camp Staff wage analysis below, Mission is in the mid-range level of the wage scale, with several comparable camps offering a higher starting rate. Other municipal departments paying staff similarly to Mission are either smaller camps or have less activities/inclusions.

Data was pulled from two different resources:

- Kansas City Metro Programming Group (KCMPG) network of professionals
- Network of recreation professionals outside of the KC Metro

Blue Springs	\$12
Grandview	\$12.50
JCPRD	\$12
Lawrence	\$14
Lenexa	* \$14
Liberty	\$13.55
Mission	* \$12
Olathe	* \$13.50
Ottawa	\$11
Jewish CC (The J)	\$13
Raymore	\$12
Shawnee County (Topeka)	\$10
Unified Gov't KCK	* \$15

* **Camps of similar size, activity inclusion and registration cost**

The increase in pay is important to meet the following needs:

- Maintaining a staff to camper ratio per KDHE licensing requirements (Minimum- 1:15; Preferred- 1:10)

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-27-101-02
Available Budget:	\$520,000 (PCC)

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	April 12, 2023
Parks + Recreation	From:	Penn Almoney

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

- Less time spent recruiting and training new hires leading to less turnover in summer staff, higher retention and better culture
- Higher wages generate more interest from applicants and yield a higher caliber worker
- Need enough PT staff coverage so FT team is not needing to fill staffing gaps due to sickness, etc.
- Ability to pick the best candidates for the job rather than choosing anyone who applies regardless of experience or ability

Staff are recommending an increase in the starting wage of Mission Summer Camp Counselors from \$12/hr to \$14/hr. The net increase in personnel expenses is \$1,760 per week (22 camp staff X \$2 increase X 40 hrs) for a total seasonal increase of \$15,840.

In 2023, staff has secured a Child Care Aware grant that will offset the total wage increase. Planning for 2024, staff has reviewed the comparable camp registration fees and will propose raising Mission Summer Camp fees to offset the increased costs in future years. Mission can also increase the number of campers from 150 to 160 next season to help further offset the increased expense.

Mission has a high level of returning campers and offers more activities for the same cost as many other regional camps. For the 2023 season there are currently 20 or more wait list participants for each week which underscores the value others see in Mission's Summer Camp.

CFAA CONSIDERATIONS/IMPACTS: Maintaining a competitive and supportive work environment focused on total compensation and benefits for a wide range of employees helps to ensure services can be delivered consistently to Mission residents and businesses. Family members of all ages and abilities use camp services for health and wellness and the City strives to use employment practices that meet the needs of employees of all ages and abilities.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-27-101-02
Available Budget:	\$520,000 (PCC)

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	April 12, 2023
PARKS + RECREATION	From:	Penn Almoney

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

RE: Park Trail Counter Purchase

RECOMMENDATION: Approve the purchase of five (5) trail counters and posts from Eco Counter in an amount not to exceed \$18,150.00.

DETAILS: Trails are a crucial element that invite and allow guests access to nature and other park amenities. Parks and playgrounds provide social benefits by connecting people and neighborhoods. Residents and visitors alike depend on safe and inviting areas within the community to recreate and recharge.

Staff began consistently measuring park attendance and trail use from 2020-2021 through one-hour visual counting at each park at varying times throughout the year to establish benchmarks. In October 2020, a trail counter and trail distance signage in Mohawk Park was installed as part of an Eagle Scout project. The counter allowed Staff to pull more accurate usage data, helping to support application the Land and Water Conservation Fund and the Kansas Forest Service grant application.

Parks, Recreation + Tree (PRT) Commission members discussed trail counters in 2020 and supported the investment in a waterproof, wifi enabled device that could be attached to a pressure plate or installed in a post which shared the data in a format that didn't need to be manipulated in a spreadsheet. The Mid-America Regional Council (MARC) recommended the Eco Counter, which is why it was chosen in 2020 in connection with the Eagle Scout project, and there have been no maintenance concerns with the current equipment.

Staff would like to continue measuring trail and park activity to gauge the level of use and interest in various parks throughout the community. The data can be used to track peak use days/times, to understand use patterns by mode, to compile total visitor attendance and to properly estimate trail maintenance needs. Ultimately, this information will be used to improve the user experience and properly balance city resources with needs.

Staff is recommending purchasing five trail counters and pre-fabricated wood posts from Eco Counter in an amount not to exceed \$18,150.00. The counters would be placed in the following locations: Rock Creek Trail (2), Broadmoor Park (1), Streamway Park (1), and Waterworks Park (1). The purchase of the counters was approved in the 2023

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	45-90-805-09
Available Budget:	\$20,000.00

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	April 12, 2023
PARKS + RECREATION	From:	Penn Almoney

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

Budget as part of the 2023-2027 Parks + Recreation Capital Improvement Plan with funding from the Parks + Recreation Sales Tax Fund.

CFAA CONSIDERATIONS/IMPACTS: 4-A This work will help ensure that park patrons of all ages and abilities will be able to enjoy the trails for many years to come.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	45-90-805-09
Available Budget:	\$20,000.00

**Eco-Counter**

604-3981 St-Laurent
Montreal, Quebec
H2W1Y5, Canada

Contact : Quentin Leborgne
Email : quentin.leborgne@eco-counter.com
Phone : +1 5147461205

Customer Number : 6507
Quote Number : Q-37597

QUOTE

Customer**Mission Parks & Recreation**

6200 Martway Street
Mission, KS
66202, United States

Contact : Taylor Shaffer

Delivery address if different

Subject Mission Parks & Recreation - Pyro Evo without automatic transmission

Date : 3/27/2023

Code	Description	Unit Price	Qty	Price
PYRO Evo			5	\$ 18,000.00
SYSTEM	PYRO Evo Counter - With Direction - M (Medium range) - No Activated	\$ 3,300.00	5	\$ 16,500.00
2261	Wooden Post for PYRO Evo	\$ 300.00	5	\$ 1,500.00
Shipping			1	\$ 150.00
SH96966666	Shipping	\$ 150.00	1	\$ 150.00

Delivery lead time 4 to 5 weeks
Payment by check or direct deposit, EFT, ACH within 30 days
Please provide tax ID for customs clearance
All prices are in US dollars

Total \$ 18,150.00

Sign and Date for Agreement

