



CITY OF MISSION, KANSAS
FINANCE & ADMINISTRATION COMMITTEE
MEETING AGENDA

WEDNESDAY, SEPTEMBER 6, 2023 at 7:30 p.m.
(or immediately following 6:30 p.m. Community Development Committee)

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. 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

PLANNING COMMISSION ACTION ITEMS

ACTION ITEMS

1. Acceptance of the August 2, 2023 Finance & Administration Committee Minutes - Robyn Fulks ([page 3](#))

Draft minutes of the August 2, 2023 Finance and Administration Committee meeting are included for review and acceptance.

2. Taser Lease/Purchase – Dan Madden ([page 17](#))

Less than lethal force options are an important tool that can keep officers and subjects safe. This expenditure will also provide a virtual reality training platform that will allow for scenario based training to be completed more frequently with far less expense over time. Included in this proposal would be Tasers, holsters, training cartridges, training targets, live cartridges, and a five-year warranty. The costs are paid over five years, with a first year (2023) expense of \$20,000 and subsequent year's expense in the amount of \$25,000 annually.

3. 2023 STO-UPOC Adoption – Dan Madden ([page 25](#))

Annually, the League of Kansas Municipalities publishes a comprehensive public offense code (UPOC) and uniform traffic code (STO) for all Kansas cities. Mission adopts these publications by ordinance, allowing us to maintain uniformity with agencies in the area, the State of Kansas, and the actions of the State Legislature. The City can opt out of certain provisions, and additional ordinances have historically been adopted by Mission to address local issues recommended to remain in place. The changes proposed for 2022 are highlighted in the action item summary and two separate ordinances have been prepared to adopt the recommended changes.

4. Massage Licensing Ordinance Revisions – Dan Madden/Laura Smith

Staff has proposed changes to Mission ordinance governing massage therapy/massage establishments based on recent inquiries. Materials will be updated to the packet prior to the Committee meeting.

DISCUSSION ITEMS

OTHER

5. Department Updates – Laura Smith

Mary Ryherd, Chairperson
Hillary Parker Thomas, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913.676.8350

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	September 6, 2023
Administration	From:	Robyn Fulks

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

RE: August 2, 2023 Finance & Administration Committee Minutes.

RECOMMENDATION: Review and accept the August 2, 2023 minutes of the Finance & Administration Committee.

DETAILS: Minutes of the August 2, 2023 Finance & Administration 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 FINANCE & ADMINISTRATION COMMITTEE

August 2, 2023

The Mission Finance & Administration Committee met at Mission City Hall and virtually via ZOOM on Wednesday, August 2, 2023. The following Committee members were present: Sollie Flora, Trent Boultinghouse, Mary Ryherd, Ken Davis. Councilmember Chociey and Councilmember Inman joined the meeting via Zoom. Councilmember Ryherd called the meeting to order at 7:44 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, Parks and Recreation Director Penn Almoney, Budget and Finance Director Christine Korth and Chief Dan Madden.

Public Comments

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

Kim Donoway of Mission, KS asked for clarity if the request for public comments is for items not on the agenda, she does not like that the word "agenda" does not appear on the face of the document. She also expressed her support of increasing housing in the City as that is needed, however she disagrees with giving incentives to developers. She feels like that is asking residents to carry projects financially while developers walk away with profits. She asked if any developers talk to school districts or other taxing entities to lower or waive their taxes. She believes multi-family housing is the most lucrative form of housing and she does not agree with giving out incentives. She believes all developers will ask for incentives. She also believes residents are suffering and that special assessments in Mission are high, not including the proposed mill levy rate increase. Finally, she would like to have more attention paid to the types of trees being planted.

Joe Donoway of Mission, KS voiced his dislike of the proposed mill levy rate based on sky-rocketing property values. He does not believe the property assessors are providing realistic values. He believes property assessors are assessing properties as-is against properties that have been flipped or remodeled, creating an artificially high property value. He stated that the process to reduce the assessed valuation is flawed at both the County and State levels, and difficult to understand. He believes an increase in the mill levy rate

is an added burden. Mr. Donoway also voiced his request to demand something in return from the property owners of the Residence at Rock Creek in exchange for consideration of their extension request for the project. He would like to see this process in the future as well, as he believes it would stop developers from constantly asking for more things. He would also like the project's TIF status attacked for more extensions. He is hopeful that no additional TIFs are offered to the developers as he believes they are just giving away the City's money.

Public Presentations/Informational Items

There were no public presentations or informational items.

Action Items

Acceptance of the July 5, 2023 Finance & Administration Committee Minutes

Minutes of the July 5, 2023 Finance & Administration Committee were provided to the Committee for review.

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.

First Amendment – Residence on Rock Creek Redevelopment Agreement

City Administrator Laura Smith introduced a first amendment to the Residence on Rock Creek Redevelopment Agreement. She introduced Banks Floodman with Sunflower Development Group, who was also in attendance. The redevelopment agreement, she explained, is similar to a contractual agreement between the Developer and the City related to any incentive request. Council will recall that a Tax Increment Financing (TIF) Plan was approved for this project. She also referenced that the TIF statutes do require, at the time the district is established, that notice be provided to both the school district and the County, and that both entities have the opportunity to veto the creation of the TIF district. Once a district is established (this one was established in 2006), the City then assumes the sole responsibility to review and evaluate

individual project plans within the district. She also explained that, under the TIF statues (which differ from tax abatement), all taxing entities are giving up tax revenues. The preliminary development plan and redevelopment plan for this project were approved by the Council in 2020. Following the fire in 2015 which closed Mission Bowl, insurance issues prolonged any new development on the site. Several complicating site issues, including Johnson County Wastewater facilities and a cell tower slowed work initially, and the Council had granted (May 2021 and February 2022) two previous extensions of project milestones within the Redevelopment Agreement. The first extension was done by Resolution and the second was done by a vote of the Council. With this extension, Staff took the opportunity to formalize the current request along with the previous extensions in one document.

Ms. Smith explained that, as the issues which necessitated the first two amendment requests have been resolved with regards to wastewater line relocation and resolution of issues related to redesigning the project, including better orientation of the pool on the site, since groundbreaking on the site, continuous progress has been seen. The Developers recently approached Staff about an additional extension on the site as the existing redevelopment agreement requires vertical construction completion by November 1, 2023. A letter that outlined factors contributing to the need for the extension was provided in the meeting packet. Those factors include unforeseen site issues including the location of lines, which happens frequently on projects and required a pause in work to consider options and negotiate new easements; weather delays particularly in the spring which resulted in several cancelled concrete pours on the site; supply chain issues, particularly related to transformers and other electrical components for the project; labor shortages and the competitive labor market resulted in smaller crews for contracts which meant that pace was not able to move as quickly as anticipated; and the loss of an HVAC sub-contractor which resulted in a delay while a new one was found. The General Contractor has worked weekends in order to mitigate the delays caused by weather and labor shortages, however the Developer still believes an extension for the construction milestone is needed. The Developer believes that they will begin leasing the project soon after the first of the year, with the goal of moving tenants in as soon as they are able to secure a temporary certificate of occupancy, which they anticipate being prior to the September 1 extension date. Ms. Smith noted that the Developer has watched promises made on other projects and would like to be very judicious in ensuring they can deliver the project.

Ms. Smith then reviewed the amendment provided to the Council that captures and codifies Resolution 1077, adopted in May of 2021, the action taken in February of 2022, and then action taken when the Developer assigned the rights of the development agreement, which the City accepted in May of 2022. This first amendment captures those and extends the construction completion date to September 1, 2024. The TIF clock on this project is already running, so it is to the advantage of the Developer to complete the project as quickly as possible.

Mayor Flora commented that, while she was fairly adamant at the time of the last extension that she was not in favor of any additional extensions, she found the thorough letter from the Developer that outlined the reasons for the extension, which were outside of their control, is a reasonable request. She sees that the Developer is diligently pursuing progress on the project. She will continue to be critical of Developer requests for extensions of time, however she is understanding of these circumstances.

Ms. Smith commented that the Developer has agreed to get the sidewalk in front of the project opened as quickly as possible. This amendment commits to having the sidewalk or a temporary sidewalk open and in operation by March of 2024.

Councilmember Boultinghouse 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.

CFD2 Special Event Permit for Street Solicitation

City Clerk Robyn Fulks presented to the Committee an application from Consolidated Fire District No. 2 for a Special Event Permit for their annual Muscular Dystrophy Association Boot Block fundraiser, where funds are solicited at the corner of Johnson Drive and Broadmoor Street on September 1-3, with a potential rainout date of September 4. Solicitation will occur on September 1 from 3 pm – 7pm, and on September 2, 3 and September 4, if needed, from 11 am – 3 pm. Six to eight people will solicit donations at a time, and the application has been reviewed and approved by both the Police Department and Public Works Department.

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.

DISCUSSION ITEMS

2023 Revised and 2024 Recommended Budgets

City Administrator Laura Smith opened discussion of the 2023 revised and 2024 recommended budgets. Ms. Smith introduced her presentation and mentioned that tonight's discussion is a continuation of previous conversations, with the goal of moving toward budget adoption on September 6. She believes that, at this point in the process, the major issues have been identified, and the goal of tonight's presentation is to recap the information presented to date and to get final direction on how to move a recommend budget forward. Ms. Smith plans to discuss what the budget pays for, what is Staff doing to manage and address budget issues, expense management, General Fund reserves, property tax considerations, things within and outside of Staff control, and remaining the steps in the process.

Ms. Smith began by reviewing what the operating budget pays for – items such as snow plowing, street maintenance, pool operations, parks and recreation and other basic core services. Capital expenditures such as street maintenance, stormwater maintenance, and parks improvements which are priorities for both the Governing Body and the community also require significant resources. Essentially, all these items are competing for a limited and finite set of resources each year. She highlighted that infrastructure maintenance is a very large piece of where funds are allocated, and that General Fund Reserves, or the City's savings account, also are large factors impacting the annual budget.

Ms. Smith first addressed what Staff is doing to manage the budget. Ms. Smith reviewed that, in her thirty years in local government, the prospect of increasing taxes has never one taken lightly by elected officials and that a tremendous amount of consideration that goes into the decision-making. She also explained that the budget is a balancing act, and staff considers many way to reduce expenses including: delaying purchasing or certain projects, privatizing or outsourcing services, discontinuing services are not delivering the intended return on investment. Staff also researches and pursues grant funds that may be available to support projects and priorities. Fees and charges also need to be reviewed and a more sophisticated method for costing City services should be realized. Work to support renewal of the sales tax initiatives in 2021 and 2022 has helped ensure the City can continue to provide services and projects desired

by residents.

Ms. Smith reviewed the expense side of the budget, specifically related to the General Fund. She mentioned that the City's largest expense in the operating budget is personnel, in this year's budget those costs are approximately 62% of the General Fund operating budget. Benchmarks to review if expenses are reasonable suggest that it is, and that personnel costs should be between 60% and 65% of annual expenditures. She also emphasized that Staff has felt pressures over the last year from competitive wages in both the private and public sectors. Conversations have been had about the challenges faced to Staff in hiring and offering competitive wages. Ms. Smith acknowledged the generosity of the Council in approving Staff salaries and raises to remain competitive. If the City is unable to retract and retain quality employees, then the basic services can't be provided. Ms. Smith also noted that personnel increases alone are outpacing annual revenue growth, so thought has to be given to applying all cost-savings tools to get the budget where everyone would like it to be, this includes staff holding positions vacant and reducing, eliminating or combining positions were possible. Ms. Smith noted that the draft of the 2024 Budget includes the recommendation to eliminate one full time position.

Staff is continually looking for opportunities to reduce or eliminate expenses. Ms. Smith also noted that Staff, especially department directors, are incredibly careful and consistent in management of department budgets. With personnel costs being 62% of expenses, there is not a lot left for contractual and commodity expenses, but with careful and consistent management of department budgets in 2022 the City's budget realized savings of over \$500,000.00 from the 2022 Estimated Budget. Ms. Smith reviewed that is can be challenging to balance what is needed for the core service delivery, trying not to sacrifice things like vehicle or technology replacement. When those items are cut, the impact on quality of life is felt by residents. So Staff and Council must continually evaluate the situation and adjust to changes needs.

Ms. Smith next moved to a discussion of General Fund reserves, or the City's savings account. GFOA recommends no less than two months of operating reserves, however City policy requires that 25% of annual general fund revenues be put in reserves. Each year Ms. Smith costs out both to see which amount is greater, and at this point the City policy puts more into the General Fund reserves. Fund balance can be used to balance the budget or fund unique or unanticipated expenses, and each City is different as to what they believe an appropriate fund balance size is. She believes that 25% fund balance has suited

the City well, but noted that some cities carry larger fund balances even in excess of established policy requirements they may have. She thinks the goal in Mission has been to save appropriately but not more than necessary in order for resources to be used to advance and accomplish identified priorities. She highlighted that any increase in revenues in the General Fund actually increases the amount of money taken off the top for the General Fund reserves. She gave the example of \$500,000.00 of additional revenue coming in, which would put \$375,000.00 of that into available spending with \$125,000.00 required to go to reserves. In consideration of that forced-savings policy, which is a good thing, revenue increases don't stretch as far as might be expected. She explained that, in the 2024 budget draft presented to the Council, the 25% fund balance has been retained as a priority of the Council. Staff is working to keep that reserve balance and still accomplish the highest priorities of Staff, Council and the community want to accomplish.

Ms. Smith also shared that one of the most effective ways Staff can support the budget is to pursue outside funding to support and leverage local resources. She shared that since 2020, staff has secured in excess of \$11 million in Federal, State and County grant funding. The large majority of the grant funding, \$9.8 million, has gone to streets including a \$6 million-dollar Federal grant along with CARS funding from the County. Parks has taken in an additional \$628,550.00 from a Childcare Aware grant and Land and Water Conservation Grant funds. Police and Public Safety and Community Development have also taken advantage of grant funding for automatic license plate readers and the Planning Sustainable Places grants. Those grant funds are sometimes forgotten when considering budget conversations, and Ms. Smith believes there is an opportunity to bring in even more funds, around \$4 to \$5 million dollars, from grants in the future. Staff has heard the message loud and clear from the Council that exploring grant opportunities is a high priority.

Ms. Smith reviewed revenues, showing that moderate growth has been projected for sales and use taxes, and the amounts budgeted for seem to be in line with those of neighboring communities. The most significant outstanding piece of the budget that requires discussion and direction relates to property taxes and a proposed mill levy increase. Ms. Smith reviewed that the current mill rate is 16.374 and the anticipated increase in Mission's overall assessed valuation is approximately 7%, which is lower than it has been over the last couple of years. One mill in the 2024 budget is equal to approximately 213,632.00 vs the \$199,770.00 generated by one mill in the current year's budget. Ms. Smith reviewed by holding the mill levy constant from 2022 to 2023

the City realized a revenue gain of about \$318,000.00 in total, not insignificant, but still small in comparison to the overall budget of \$14 million dollars. Taking 25% off the top for reserves, plus a \$150,000.00 dark store theory settlement cases that were outside of the City's control reduces the revenues, as do unanticipated costs for things like limb pick-up and disposal. All factors combined, the revenue growth the City might anticipate can quickly be impacted and reduced, leaving little to address other identified priorities. She acknowledged that unknowns will always exist - in 2022 it use tax refunds, and in 2023 it's been storm dark store refunds and storm recovery. The proposed 18.5 mill levy will allow for more flexibility not only in the current budget year, but also aids in building a stronger foundation for future years' budgets.

Ms. Smith then recapped how the potential mill levy scenarios would impact the average homeowner in Mission. The value of the average home in Mission, is slightly over \$300,000.00. The growth in assessed valuation, if the current mill levy was retained, would result in about a \$3.00 per month increase for the average homeowner, or \$36.00 per year. If the mill levy is increased to 18.5, the average homeowner would pay \$9.00 per month or \$108.00 per year. She believe that Staff has tried to be reasonable when considering a recommendation to increase the mill levy. Ms. Smith also shared considerations from the most recent DirectionFinder survey where residents provided their areas where they would support increased investment. Streets were at the top, followed by parks, public safety, and redevelopment. The maximum amount residents would be willing to pay for those services or improvements were also listed. Most responders were okay with \$6 or more per month which is in line with the proposed increase. Ms. Smith reviewed how the impact of a mill levy increase can be mitigated for residents, especially those most vulnerable. This can include not increasing the amount residents pay for the residential solid waste program, and Staff can also look at changes to the property tax and franchise fee rebate program, which has been in place since 2004. She believes it is important to continue to communicate what Staff has said they were going to do and show that those projects have been completed as promised.

Ms. Smith reviewed numbers of the Community Rebate Program for the Council's information. From 2006-2010, an average of 108 applications per year were received with an average rebate of \$241.00 per household. From 2011-2015 49 applications on average were received with an average rebate of \$268.00, from 2016-2020 approximately 32 applications per year were received with an average rebate of \$480.00, and in 2021-2023, an average of only 21 per year were received with an average rebate of \$585.00 per household. The

rebate program is not only for property taxes, but also for franchise fees assessed by utility companies. As utility rates continue to rise, residents are able to get a portion of those fees back to assist with increasing rates. Conversations are currently on-going about raising the income threshold for the program to allow for more residents to qualify for rebates. Additionally, promotion and communication surrounding the availability of the program will be reviewed. Staff recommends continuing the program, and options to expand its reach will be evaluated and presented back to the Council for review.

Ms. Smith then turned attention to the 2024 supplemental requests. Each year, the list exceeds revenues that may be available to fund them. Supplemental requests are evaluated based on department needs, Council and community priorities, policy goals and objectives and resources available. Ms. Smith also noted that supplemental requests can be funded in any of the City's funds, including the General Fund, Equipment Reserve and Replacement Fund and others. Work continues to evaluate and fund the supplemental requests. The only supplemental included in the General Fund Budget at this time is \$80,000 for computer replacement. The front line police patrol replacement, replacement of 2 Ford F-550s for Public Works, and a floor scrubber for Public Works will continue to be reviewed and evaluated. These items are all important service delivery tools.

Ms. Smith pointed out that an increase to 18.5 mills doesn't solve the problem this year, but it prevents the budget from getting further behind as costs continue to escalate. Ms. Smith provided a handout to the Committee regarding supplemental requests, which showed incorporating some of the items into the budget, including a PR and marketing contract which will be re-bid later this year. Staff is hopeful to see a reduction in those costs at the time of re-bidding. However a recommendation from the Feasibility Study states that 3-5% of the overall operating budget, including personnel costs, should be set aside for effective marketing to achieve the goals. Ms. Smith stated that hopefully those costs could be absorbed by reducing the marketing and PR costs for the City. Operation Greenlight has been applied for along Johnson Drive and at Nall and Martway, which is in the evaluation stages, and would require \$39,000.00 as a City match for the grant. She believes Staff would recommend that, if the grant is secured, those matching funds would come out of the EPC Developer funds that are currently earmarked in the assigned General Fund reserves balance. Electric vehicle charging stations has a grant pending with a City match of approximately \$45,000.00. Staff would recommend using \$20,000.00 of uncommitted sustainability funds that are already set aside to provide a portion

of the grant match for EV charging stations. Johnson Drive landscaping is a high priority, and conversations have started about the initial design. Business support and economic development has been reviewed with accommodations for street banners, an advertising campaign in the MCVB Fund, funded through transient guest tax receipts. A small cost for staffing of social media will be absorbed into the General Fund. Holiday décor is also listed but has not been included in the budget at this time. Ms. Smith also mentioned that the budget includes an increase in Mission Possible grant funding by \$10,000.00 and an increase to the rebate program to \$13,000.00.

Ms. Smith reviewed other expenses within the Council's control such as transfers out, including 41% of annual property tax revenues that go to the Capital Improvement Fund to be combined with street sales tax and gas sales tax revenues to complete street work. That total is approximately \$1.4 million dollars, and has increased over time. Ms. Smith pointed out that allocation of property tax mills is always done at the discretion of the Council. Staff also transfers funds to the Solid Waste Fund to subsidize the residential program, and, because of some fund balance buildup, that transfer will be able to be reduced by about \$35,000.00 without increasing resident rates. She then briefly reviewed the committed and assigned portions of the General Fund fund balance with the committee, including funds earmarked for a dog park in Streamway Park. A grant has been applied for that project, however there is some question about how successful that grant may be. If the grant funding is not secured, staff will bring this back for a more comprehensive review and discussion

Councilmember Boultinghouse for clarification as far as what type of guidance Ms. Smith is asking for at this time. She replied that, in general, feedback on the proposed mill levy rate which would help Staff move forward to make a final recommendation. She did clarify that, in relation to supplemental requests that cannot be funded, Staff will continue to work on timing and feasibility for those items. Staff would also recommend that, if at the end of 2023, additional funding is available, the list can be reviewed for next highest priority.

Councilmember Boultinghouse followed up by asking when a decision may be made for the grant application for Streamway Park. Ms. Smith replied that it keeps changing, most recently it was May and then July 31. Now it appears to be open-ended while discussions are had as the ground is owned by KDOT, rather than the City. KDOT initially signed off on the plans, however the State may be requesting some additional information that puts things in limbo. Councilmember Boultinghouse expressed his support for re-visiting a dog park

as he is concerned about several areas including maintenance. Councilmember Ryherd expressed her agreement with Councilmember Boultinghouse's desire to revisit the idea of a dog park if the grant funding is not allocated as there are many items that are more important including public safety and working equipment for Staff.

Councilmember Loudon thanked Ms. Smith for the easy-to-understand breakdowns and useful information that both the Council and residents can understand, including where money goes, priorities and historical aspects of decisions.

Councilmember Boultinghouse echoed Councilmember Davis's comments during an earlier discussion about the Community Center's legacy programs. If some are going to continue, a hard look at how to complete the program in a way that makes more sense need to be considered. Those considerations could extend to pool services if chemicals are going to continue to increase.

Ms. Smith offered her agreement. She then went on to touch briefly on the issues of development and incentives. The Council has been very careful in the past, rarely granting a developer's full request so that any impacts of the development would potentially be mitigated. She believes that, in continuing to explore incentive requests, the Governing Body has been focused on the return on investment, finding a good balance of other things a developer could provide (like parking spots, cash and others), and sending a strong message that 100% of any incentive request will likely not be granted.

Mayor Flora commented that really honing in on resident priorities, streets especially, has been a large driver of the budget situation with a large portion of property tax revenues from the General Fund going to street maintenance each year. She also believes that flexibility for emergencies and items that drive resident satisfaction also should be considered. The example of the recent curbside debris collection after the July storms illustrates the value of maintaining flexibility in the annual budget to be able assist residents. These kind of services will often offset the cost of increased property taxes for many residents. Ms. Smith agreed and pointed out that, oftentimes, it is easy to focus on the ask for raising taxes while not factoring in those priorities that Staff is trying to meet as the driver for the request.

Councilmember Loudon spoke to legacy programs at the Community Center, and ways to consider partnering with not-for-profits to free up space and staff

resources without sacrificing the benefits provided to local families. Relyin on other people’s resources could be a partnership that would benefit everyone. She also commented that she does see the disconnect between giving incentives and then asking for a mill levy increase and would like to work on the messaging to residents. Residents’ biggest asset is their home, with one of their biggest expenses being property tax. She loves the rebate program and hopes the word can spread further within the City.

Ms. Smith acknowledged her agreement with Councilmember Loudon and emphasized that finding an appropriate balance and messaging can be challenging. The conversation around incentives and development has to continue to evolve based on current circumstances. As an example, Ms. Smith noted that one dramatic change since the pandemic has been a transition of office employees who were previously working in the community but are now working remotely are no longer in Mission everyday shopping and eating. We have to be creative in thinking about how to increase density to help support our local businesses. She believes those tools are important and an investment in economic development, even though it’s easy to refer to incentives as a giveaway or corporate welfare.

Mayor Flora mentioned she looks forward to evaluating projects against the updated tax abatement policy as she likes the cost-benefit analysis and how the project may factor into the overall economic benefits for the City. Ms. Smith agreed, referencing the new policy’s 75% maximum for abatement which will guarantee revenues are immediately available to the City and other taxing jurisdictions.

Ms. Smith reviewed that a Community Dialogue on the 2024 Recommended Budget will be held on August 16 at 6:00 p.m., and the County notices with proposed mill levy increase have gone out to allow residents to see proposed impacts. She also reminded Council that a special meeting will be held on September 6 for the hearing on the intent to exceed revenue neutral and the adoption of the 2023 Revised and 2024 Recommended budgets.

Department Updates

There were no department updates tonight.

OTHER

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 9:10 p.m.

Respectfully submitted,

Robyn L. Fulks, City Clerk

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	September 6, 2023
Administration	From:	Dan Madden

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

RE: Mission Police Department Taser Purchase

RECOMMENDATION: Approve an agreement with Axon Enterprise, Inc. for the purchase of Taser's, Virtual Reality Training Simulator, related training equipment, cartridges, to include a 5-year warranty.

DETAILS: Less than lethal options for uses of force provide important alternatives to police officers. One of the most effective tools officers have is the Taser. Our current inventory of Tasers is at the end of their useful life as well as being technologically outdated.

The proposed Taser the Police Department would acquire offers increased range and increased penetration power that allows the device to be more effective through clothing. In addition, the proposed Taser includes a two-shot cartridge instead of one. What this means is that if a Taser is deployed and only one of the darts connects with the target, the second set of darts can be deployed. If one or both of the darts connects the Taser senses the larger spread and the electrical current travels between those two barbs. This does not increase the intensity or duration of the cycle. The updated Taser also includes a feature that displays an electrical arc as an additional measure to gain compliance before deployment of the darts.

Another significant component to this purchase is the inclusion of a virtual reality training platform. Having the ability to do immersive, scenario-based training is paramount to an officer's success and decision-making skills when deploying a Taser. Scenario-based training prepares officers for a wide range of topics to include de-escalation, officer safety tactics, and use of force decision making skills. Having this equipment in-house will allow for more frequent training than we currently have the resources to support.

The proposed agreement includes 23 Tasers, holsters, virtual reality system, charging dock, licensing, and a five-year warranty. This proposal will be paid over a five-year period with the first-year cost of \$20,000. The following four years will be \$24,996.62 or \$24,996.61 per year with a total contract price of \$119,986.45 over the five-year term.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	NA
Line Item Code/Description:	01-30-404-06 Other Equipment
Available Budget:	\$20,000 (2023)



Axon Enterprise, Inc.
 17800 N 85th St.
 Scottsdale, Arizona 85255
 United States
 VAT: 86-0741227
 Domestic: (800) 978-2737
 International: +1.800.978.2737

Q-498872-45133.613TC

Issued: 07/26/2023

Quote Expiration: 09/30/2023

Estimated Contract Start Date: 11/01/2023

Account Number: 212211

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Business;Delivery;Invoice-6090 Woodson St 6090 Woodson St Mission, KS 66202-3548 USA	Mission Police Dept - KS 6090 Woodson St Mission KS 66202-3548 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Travis Cole Phone: (480) 463-2200 Email: tcole@taser.com Fax: 480-463-2200	Kirk Lane Phone: (913) 676-8332 Email: klane@missionks.org Fax: (913) 722-3011

Quote Summary

Program Length	60 Months
TOTAL COST	\$119,986.45
ESTIMATED TOTAL W/ TAX	\$119,986.45

Discount Summary

Average Savings Per Year	\$6,842.04
TOTAL SAVINGS	\$34,210.20

Payment Summary

Date	Subtotal	Tax	Total
Oct 2023	\$20,000.00	\$0.00	\$20,000.00
Oct 2024	\$24,996.62	\$0.00	\$24,996.62
Oct 2025	\$24,996.61	\$0.00	\$24,996.61
Oct 2026	\$24,996.61	\$0.00	\$24,996.61
Oct 2027	\$24,996.61	\$0.00	\$24,996.61
Total	\$119,986.45	\$0.00	\$119,986.45

Quote Unbundled Price:	\$154,196.65
Quote List Price:	\$132,875.65
Quote Subtotal:	\$119,986.45

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
2022T7CertVR	TASER 7 Cert Bundle W/ VR	23	60	\$107.53	\$92.08	\$82.74	\$114,181.20	\$0.00	\$114,181.20
A la Carte Hardware									
20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	1			\$855.25	\$855.25	\$855.25	\$0.00	\$855.25
A la Carte Services									
20379	VR 1-DAY SERVICE	1			\$4,950.00	\$4,950.00	\$4,950.00	\$0.00	\$4,950.00
Total							\$119,986.45	\$0.00	\$119,986.45

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
TASER 7 Cert Bundle W/ VR	100126	AXON VR TACTICAL BAG	1	10/01/2023
TASER 7 Cert Bundle W/ VR	100833	TASER 7 VR CONTROLLER	1	10/01/2023
TASER 7 Cert Bundle W/ VR	100862	VR - PLACEHOLDER - SIDEARM CONTROLLER	1	10/01/2023
TASER 7 Cert Bundle W/ VR	100919	VR - PLACEHOLDER - HOLSTER T7 CONTROLLER	1	10/01/2023
TASER 7 Cert Bundle W/ VR	100920	VR - PLACEHODLER - SIDEARM CONTROLLER HOLSTER	1	10/01/2023
TASER 7 Cert Bundle W/ VR	20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	23	10/01/2023
TASER 7 Cert Bundle W/ VR	20018	TASER BATTERY PACK, TACTICAL	28	10/01/2023
TASER 7 Cert Bundle W/ VR	20160	TASER 7 HOLSTER - SAFARILAND, RH+CART CARRIER	23	10/01/2023
TASER 7 Cert Bundle W/ VR	20296	VR TABLET	1	10/01/2023
TASER 7 Cert Bundle W/ VR	20297	VR TABLET CASE	1	10/01/2023
TASER 7 Cert Bundle W/ VR	20378	HTC FOCUS 3 VR HEADSET	1	10/01/2023
TASER 7 Cert Bundle W/ VR	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	69	10/01/2023
TASER 7 Cert Bundle W/ VR	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	46	10/01/2023
TASER 7 Cert Bundle W/ VR	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	69	10/01/2023
TASER 7 Cert Bundle W/ VR	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	46	10/01/2023
TASER 7 Cert Bundle W/ VR	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	46	10/01/2023
TASER 7 Cert Bundle W/ VR	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	46	10/01/2023
TASER 7 Cert Bundle W/ VR	22179	TASER 7 INERT CARTRIDGE, STANDOFF (3.5-DEGREE) NS	23	10/01/2023
TASER 7 Cert Bundle W/ VR	22181	TASER 7 INERT CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	23	10/01/2023
TASER 7 Cert Bundle W/ VR	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	1	10/01/2023
TASER 7 Cert Bundle W/ VR	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	1	10/01/2023
TASER 7 Cert Bundle W/ VR	74200	TASER 6-BAY DOCK AND CORE	1	10/01/2023
TASER 7 Cert Bundle W/ VR	80087	TASER TARGET, CONDUCTIVE, PROFESSIONAL (RUGGEDIZED)	1	10/01/2023
TASER 7 Cert Bundle W/ VR	80090	TARGET FRAME, PROFESSIONAL, 27.5 IN. X 75 IN., TASER 7	1	10/01/2023
A la Carte	20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	1	10/01/2023
TASER 7 Cert Bundle W/ VR	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	46	10/01/2024
TASER 7 Cert Bundle W/ VR	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	46	10/01/2024
TASER 7 Cert Bundle W/ VR	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	46	10/01/2025
TASER 7 Cert Bundle W/ VR	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	46	10/01/2025
TASER 7 Cert Bundle W/ VR	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	46	10/01/2025
TASER 7 Cert Bundle W/ VR	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	46	10/01/2025
TASER 7 Cert Bundle W/ VR	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	46	10/01/2026
TASER 7 Cert Bundle W/ VR	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	46	10/01/2026
TASER 7 Cert Bundle W/ VR	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	46	10/01/2027
TASER 7 Cert Bundle W/ VR	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	46	10/01/2027
TASER 7 Cert Bundle W/ VR	100210	VIRTUAL REALITY TABLET REFRESH ONE	1	10/01/2028
TASER 7 Cert Bundle W/ VR	20373	VIRTUAL REALITY HEADSET REFRESH ONE	1	10/01/2028

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
TASER 7 Cert Bundle W/ VR	20248	TASER 7 EVIDENCE.COM LICENSE	23	11/01/2023	10/31/2028
TASER 7 Cert Bundle W/ VR	20248	TASER 7 EVIDENCE.COM LICENSE	1	11/01/2023	10/31/2028
TASER 7 Cert Bundle W/ VR	20370	FULL VR TASER 7 ADD-ON USER ACCESS	23	11/01/2023	10/31/2028

Services

Bundle	Item	Description	QTY
TASER 7 Cert Bundle W/ VR	20246	TASER 7 DUTY CARTRIDGE REPLACEMENT ACCESS PROGRAM	23
A la Carte	20379	VR 1-DAY SERVICE	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
TASER 7 Cert Bundle W/ VR	100197	HTC FOCUS 3 VR HEADSET - WARRANTY	1	10/01/2024	10/31/2028
TASER 7 Cert Bundle W/ VR	100213	VIRTUAL REALITY TABLET - HARDWARE WARRANTY	1	10/01/2024	10/31/2028
TASER 7 Cert Bundle W/ VR	80374	EXT WARRANTY, TASER 7 BATTERY PACK	28	10/01/2024	10/31/2028
TASER 7 Cert Bundle W/ VR	80395	EXT WARRANTY, TASER 7 HANDLE	23	10/01/2024	10/31/2028
TASER 7 Cert Bundle W/ VR	80396	EXT WARRANTY, TASER 7 SIX BAY DOCK	1	10/01/2024	10/31/2028

Payment Details

Oct 2023						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	1	\$142.56	\$0.00	\$142.56
Year 1	2022T7CertVR	TASER 7 Cert Bundle W/ VR	23	\$19,032.35	\$0.00	\$19,032.35
Year 1	20379	VR 1-DAY SERVICE	1	\$825.09	\$0.00	\$825.09
Total				\$20,000.00	\$0.00	\$20,000.00

Oct 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	1	\$178.17	\$0.00	\$178.17
Year 2	2022T7CertVR	TASER 7 Cert Bundle W/ VR	23	\$23,787.22	\$0.00	\$23,787.22
Year 2	20379	VR 1-DAY SERVICE	1	\$1,031.23	\$0.00	\$1,031.23
Total				\$24,996.62	\$0.00	\$24,996.62

Oct 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	1	\$178.17	\$0.00	\$178.17
Year 3	2022T7CertVR	TASER 7 Cert Bundle W/ VR	23	\$23,787.21	\$0.00	\$23,787.21
Year 3	20379	VR 1-DAY SERVICE	1	\$1,031.23	\$0.00	\$1,031.23
Total				\$24,996.61	\$0.00	\$24,996.61

Oct 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	1	\$178.17	\$0.00	\$178.17
Year 4	2022T7CertVR	TASER 7 Cert Bundle W/ VR	23	\$23,787.21	\$0.00	\$23,787.21
Year 4	20379	VR 1-DAY SERVICE	1	\$1,031.23	\$0.00	\$1,031.23
Total				\$24,996.61	\$0.00	\$24,996.61

Oct 2027						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	1	\$178.17	\$0.00	\$178.17
Year 5	2022T7CertVR	TASER 7 Cert Bundle W/ VR	23	\$23,787.21	\$0.00	\$23,787.21
Year 5	20379	VR 1-DAY SERVICE	1	\$1,031.23	\$0.00	\$1,031.23
Total				\$24,996.61	\$0.00	\$24,996.61

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

7/26/2023



City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	September 6, 2023
POLICE	From:	Dan Madden

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

RE: Adoption of the *Standard Traffic Ordinance (STO)* and *Uniform Public Offense Code (UPOC) Code Books for 2023*.

RECOMMENDATION: Approve the ordinances adopting the 2023 editions of the *Standard Traffic Ordinance for Kansas Cities-50th edition (STO)* and the *Uniform Public Offense Code for Kansas Cities-39th edition (UPOC)*, as published by the League of Kansas Municipalities.

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

Currently, the Police Department and Municipal Court are utilizing the 2022 versions of the above referenced codes. The 2023 versions became effective July 1, 2023, but we wait until the updated (printed) versions are available through the League before bringing the action item forward to the City Council. To maintain uniformity with agencies in the area, the State of Kansas, and the actions of the State Legislature, it is recommended that these codes be adopted. The City also can use the ordinances to address local issues which the City may want to handle differently.

A full copy of the 2023 STO can be found [here](#).

A full copy of the 2023 UPOC can be found [here](#).

There were minor changes and additions made to the 2023 version of the STO, which include:

- Section 194, *Driving While License Canceled, Suspended or Revoked; Penalty*
This section was amended to remove mandatory fines previously listed for the first two convictions of this section.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-30-206-03 Publications
Available Budget:	\$1,500

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	September 6, 2023
POLICE	From:	Dan Madden

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

The UPOC also amended several sections in the 2023 version. Most changes made were minor definition updates to match State Statutes. Of particular interest are:

- Section 3.2.3, *Battery Against a Health Care Provider*. A new classification of Battery was added that makes battering a health care provider a Class A person misdemeanor.

The City has historically chosen to not adopt the following sections of the STO and UPOC due to having existing ordinances that better fit Mission’s needs:

In the *Standard Traffic Ordinance* those include:

- Article 7, Section 33 relating to maximum speed limits is deleted. Maximum speed limits are regulated by the Mission Municipal Code Section 310.010
- Article 20, section 204(b) relating to fines in school zones is deleted. School zone fines are regulated by Mission Municipal Code Section 300.035.

In the *Uniform Public Offense Code* those include:

- Article 10, Sections 10.24, 10.25, and 10.26 relating to smoking prohibitions are deleted. Smoking restrictions are regulated by Mission Municipal Code Chapter 225, Article III.
- Article 11, Section 11.11 relating to animal cruelty is deleted. Animal cruelty is regulated by Mission Municipal Code Chapter 210, Section 210.160.
- Article 11, Section 11.15 relating to dangerous animals at large is deleted. Dangerous animals at large are regulated by Mission Code, Chapter 210, Section 210.150.

Along with the printed code books, licenses for electronic versions of the STO and UPOC were purchased so that the information can be placed on the City’s website and on computers in patrol vehicles and workstations used by the Court and Police Department personnel. The cost for updated ordinances was \$979.92.

There are two ordinances that have been prepared for Council action to adopt the 2023 STO and UPOC and fully incorporate them into Mission City Code.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-30-206-03 Publications
Available Budget:	\$1,500

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	September 6, 2023
POLICE	From:	Dan Madden

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

CFAA CONSIDERATIONS/IMPACTS: This Ordinance provides authority to the Police Department to enforce violations of traffic and criminal offenses, which aid in the safety, health, and welfare to both residents and visitors of the City of Mission.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-30-206-03 Publications
Available Budget:	\$1,500

**CITY OF MISSION
ORDINANCE NO. _____**

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE 2023 EDITION
AND AMENDING THE CODE OF THE CITY OF MISSION.

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

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

CHAPTER 300: GENERAL PROVISIONS

§300.010: INCORPORATING STANDARD TRAFFIC ORDINANCE

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Mission, Kansas, that a certain “Standard Traffic Ordinance for Kansas Cities,” 2023 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Standard traffic Ordinance shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Mission” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this Chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked as may be deemed expedient.

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

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

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

PASSED AND APPROVED by the City Council this 20th day of September, 2023.

APPROVED by the Mayor this 20th day of September, 2023.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED AS TO FORM:

PAYNE & JONES, CHARTERED

David K. Martin, City Attorney
11000 King
Overland Park, KS 66210
(913) 469-4100
(913) 469-8182

**CITY OF MISSION
ORDINANCE NO. _____**

AN ORDINANCE ADOPTING THE UNIFORM PUBLIC OFFENSE CODE, 2023 EDITION,
AND AMENDING THE CODE OF THE CITY OF MISSION.

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

SECTION 1: Section 215.010 of the Code of the City of Mission, Kansas is hereby amended by adopting the Uniform Public Offense Code, 2023 edition, as follows:

§215.010: Incorporating Uniform Public Offense Code.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Mission, Kansas, that a certain code known as the “Uniform Public Offense Code,” 2023 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Uniform Public Offense Code shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Mission” with all Sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this Chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied at the cost of the City such number of official copies of such Uniform Public Offense Code similarly marked as may be deemed expedient.

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

SECTION 3: Article 11, Section 11.11 relating to animal cruelty is deleted. Animal cruelty is regulated by Mission Municipal Code Chapter 210, Section 210.160.

SECTION 4: Article 11, Section 11.15 relating to dangerous animals at large is deleted. Dangerous animals at large are regulated by Mission Code, Chapter 210, Section 210.150.

SECTION 5: This Ordinance shall be in full force and effect after publication according to law.

PASSED AND APPROVED by the City Council this 20th day of September, 2023.

APPROVED by the Mayor this 20th day of September, 2023.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED AS TO FORM:

PAYNE & JONES, CHARTERED

David K. Martin, City Attorney

11000 King

Overland Park, KS 66210

(913) 469-4100

(913) 469-8182

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	September 6, 2023
Administration	From:	Dan Madden/Laura Smith

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

RE: Amendment to Chapter 620 of the Mission Municipal Code, Massage Establishments

RECOMMENDATION: Adopt Amendments to Chapter 620 of the Mission Municipal Code, Massage Establishments.

DETAILS: As new forms of body work establishments open or evolve in the City of Mission ordinances governing these establishments are reviewed. During a recent review it was determined that updates to the Mission Municipal Code regulating massage establishments would be warranted.

Currently, Mission Municipal Code regulates massage establishments, as well as the persons who provide massages. Massage establishments, as well as the massage therapists require background checks as well as educational requirements that help to ensure the safety of those who seek their services. In addition to those requirements, massage establishments can be inspected by City staff to make sure they are in compliance with all regulations related to their operations.

Other businesses that provide services similar in nature and are equally intimate are currently not regulated in the same fashion. To rectify this, staff recommends amending Chapter 620 of the Mission Municipal Code, Massage Establishments. The specific articles to be amended include:

620.010 Definitions

Changes to this section include updating the definition of massage to include subspecialties of massage, and other services similar in nature to massage. The definition also specifically excludes certain health care providers.

620.090 Issuance of Business Permit

Changes to this section were made to more clearly define reasons applications for a Massage Establishment Permit can be denied.

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

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	September 6, 2023
Administration	From:	Dan Madden/Laura Smith

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

620.100 Issuance of Massage Therapist Permit

Changes to this section were made to more clearly define reasons applications for a Massage Therapist Permit can be denied.

620.220 Exceptions

Changes to this section were to remove antiquated language and clearly illustrate that healthcare professionals are not subject to other requirements that massage therapists are subject to.

A red-lined copy of the proposed changes as well as a clean copy of the proposed code is included in the packet for your review. If approved, the ordinance changes would become effective on September 27, 2023 following publication in the Legal Record on September 26. The revised ordinance provisions would apply to all existing businesses, whether currently licensed as massage establishments or not, meaning there would be no “grandfathering” under the proposed code changes.

CFAA CONSIDERATIONS/IMPACTS: Massage therapy, along with other services similar in nature provide residents and visitors services that aid in the health of our community. Regulation of these services is vital to the safety and security of the residents and visitors who utilize these services.

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

**CITY OF MISSION
ORDINANCE NO _____**

**AN ORDINANCE AMENDING SECTIONS 620.010, 620.090, 620.100, AND 620.220 OF
CHAPTER 620, RELATED TO EXPANDING AND IDENTIFYING PERMIT/LICENSE
REQUIREMENTS FOR MASSAGE THERAPISTS AND MASSAGE
ESTABLISHMENTS, IN THE MUNICIPAL CODE OF MISSION, KANSAS**

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

SECTION 1: Section 620.010 of Chapter 620 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 620.010 Definitions.

As used in this Chapter, the following terms shall have these prescribed meanings:

BUSINESS PREMISES

Those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes, hotels and motels.

EMPLOYEE

Any person, other than massage therapist who renders any service to a permittee under this Chapter, who receives compensation from the permittee or patron.

IN-OFFICE MASSAGE THERAPY

Massage that is conducted in the business premises of a massage client and is limited to massage therapy applied only while the massage client is fully clothed.

MASSAGE OR MASSAGE THERAPY

Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. The regulation of massage therapy in this Chapter includes, but is not limited to, subspecialties of massage therapy such as acupressure, healing touch, cupping, reiki, reflexology, rolfing and trigger point. Massage therapy does not include the touching in any fashion of a patron's pubic region, human genitals, perineum, anal region, and the

area of the female breast that includes the areola and nipple. Massage therapy does not include a licensed healing arts practitioner performing the services for which they are licensed, only if the services provided are performed directly by the licensed healing arts practitioner. For purposes of this Section, a licensed healing art practitioner is an individual licensed in the State of Kansas to practice any of the following: medicine, chiropractics, athletic training, occupational therapy, physical therapy, midwifery, or advanced practice registered nursing.

MESSAGE ESTABLISHMENT

Any establishment having a place of business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in "Massage" above for compensation but does not include "in-office massage therapy establishments".

MESSAGE THERAPIST

Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PATRON

Any person who utilizes or receives the services of any establishment subject to the provisions of this Chapter and under such circumstances that it is reasonably expected that he/she will pay money or give any other consideration therefor, provided a person under the age of twelve (12) may utilize or receive massage therapy from a licensed massage therapist if accompanied at all times during such service by a parent or legal guardian and, provided further, a person ages twelve (12) through eighteen (18) may also utilize or receive such massage therapy if a parent or legal guardian has authorized such therapy in writing.

SECTION 2: Section 620.090 of Chapter 620 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 620.090 Issuance of Business Permit.

- A. After the filing of an application in the proper form, the City Clerk shall examine the application and after such examination shall issue a permit for a massage establishment unless the City Clerk finds that:
1. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
 2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws including, but not limited to, the City's building, zoning and property maintenance regulations.

3. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; any of the members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business, having been convicted of or diverted on:
 - a. A person felony, as defined by Kansas law;
 - b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
 - c. An offense involving sexual misconduct with children;
 - d. Obscenity;
 - e. Solicitation of a lewd or unlawful act;
 - f. Pandering or other sexually related offenses;
 - g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or
 - h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.
4. The applicant has made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.
5. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business, has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application.
6. The applicant, if an individual, or any of the officers and directors, if the applicant

is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or any members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.

7. The manager or other person principally in charge of the operation of the business would be ineligible to receive a permit under the provisions of this Chapter.
- B. Any massage establishment permit issued under the provisions of this Chapter shall at all times be displayed by the permittee in an open and conspicuous place on the premises where the permitted business is conducted.
- C. The records of the City shall show the action taken on the application.
- D. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.
- E. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

SECTION 3: Section 620.100 of Chapter 620 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 620.100 Issuance of Massage Therapist Permit.

- A. The City Clerk shall issue a massage therapist permit within twenty-one (21) days following application, unless he/she finds that:
 1. The application for the massage therapist permit has been convicted of or diverted on:
 - a. A person felony, as defined by Kansas law;
 - b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
 - c. An offense involving sexual misconduct with children;
 - d. Obscenity;
 - e. Solicitation of a lewd or unlawful act;

- f. Pandering or other sexually related offenses;
 - g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or
 - h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.
- 2. The applicant has made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.
 - 3. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
 - 4. The applicant has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application.
 - 5. The applicant has not attained the age of 18 years.
 - 6. The applicant does not satisfy one or more of the other requirements set forth in this Chapter.
- B. The records of the City shall show the action taken on the application.
 - C. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.
 - D. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

SECTION 4: Section 620.220 of Chapter 620 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 620.220 Exceptions.

The education, CPR and First Aid provisions of Section 620.070 shall not apply to persons holding an unrevoked certificate to practice the healing arts, persons licensed to practice as a registered professional nurse under the laws of this state, or persons licensed to practice as a physical therapist under the laws of this state. All other applicable provisions of this Chapter 620 still apply.

SECTION 5: This Ordinance shall be in force and take effect from after publication according to law.

PASSED AND APPROVED by the City Council this 20th day of September, 2023.

APPROVED by the Mayor this 20th day of September, 2023.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

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

Proposed Amendments to Chapter 620. Massage Establishments

Section 620.010. Definitions.

As used in this Chapter, the following terms shall have these prescribed meanings:

BUSINESS PREMISES

Those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes, hotels and motels.

EMPLOYEE

Any person other than massage therapist who renders any service to a permittee under this Chapter, who receives compensation from the permittee or patron.

IN-OFFICE MESSAGE THERAPY

Massage that is conducted in the business premises of a massage client and is limited to massage therapy applied only while the massage client is fully clothed.

MESSAGE THERAPY OR MESSAGE

Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. The regulation of massage therapy in this Chapter includes, but is not limited to, subspecialties of massage therapy such as acupressure, healing touch, cupping, reiki, reflexology, rolfing and trigger point. Massage therapy does not include the touching in any fashion of a patron's pubic region, human genitals, perineum, anal region, and the area of the female breast that includes the areola and nipple. Massage therapy does not include a licensed healing arts practitioner performing the services for which they are licensed, only if the services provided are performed directly by the licensed healing arts practitioner. For purposes of this Section, a licensed healing art practitioner is an individual licensed in the State of Kansas to practice any of the following: medicine, chiropractics, athletic training, occupational therapy, physical therapy, midwifery, or advanced practice registered nursing. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. Massage as defined herein does not include the touching in any fashion of human genitalia.

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MESSAGE ESTABLISHMENT

Any establishment having a place of business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in "Massage" above for compensation but does not include "in-office massage therapy establishments."

MESSAGE THERAPIST

Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PATRON

Any person who utilizes or receives the services of any establishment subject to the provisions of this Chapter and under such circumstances that it is reasonably expected that he/she will pay money or give any other consideration therefor, provided a person under the age of twelve (12) may utilize or receive massage therapy from a licensed massage therapist if accompanied at all times during such service by a parent or legal guardian and, provided, further, a person ages twelve (12) through eighteen (18) may also utilize or receive such massage therapy if a parent or legal guardian has authorized such therapy in writing.

Section 620.090. Issuance of Business Permit.

A. After the filing of an application in the proper form, the City Clerk shall examine the application and after such examination shall issue a permit for a massage establishment unless the City Clerk finds that:

1. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and property maintenance regulations.
3. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; ~~or~~ any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; and or the manager or other person principally in charge of the operation of the business, having been convicted of or diverted on:
 - a. A person felony, as defined by Kansas law;
 - b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
 - c. An offense involving sexual misconduct with children;
 - d. Obscenity;

e. Solicitation of a lewd or unlawful act;

f. Pandering or other sexually related offense;

g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or

h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.

a. Felony which involves the use, or threat of use, of physical force;

b. Felony not involving the use, or threat of use, of physical force that is less than five (5) years old from date of application;

c. Any offense involving "an unlawful sex act" which shall be defined as: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as each is defined by State Statutes;

d. Obscenity;

e. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction;

f. Solicitation of a lewd or unlawful act;

g. Prostitution;

h. Promoting prostitution; or

i. Other sexually related offenses.

4. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

5. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; and the manager or other person principally in charge of the operation of the business. The applicant has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application. ~~has had a massage establishment, as defined herein, or other similar permit or license denied;~~

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~~revoked or suspended for any of the above causes by the City or any other State or local agency within five (5) years prior to the date of the application.~~

6. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; ~~or any members, if the applicant is a limited liability company; and or~~ the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.

7. The manager or other person principally in charge of the operation of the business would be ineligible to receive a permit under the provisions of this Chapter.

B. Any massage establishment permit issued under the provisions of this Chapter shall at all times be displayed by the permittee in an open and conspicuous place on the premises where the permitted business is conducted.

C. ~~The records of the City shall show the action taken on the application.~~

~~D. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.~~

~~E. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.~~

~~C. If a massage establishment permit is denied, the applicant shall be notified via the contact method(s) as set forth on the application, and the notice shall state the basis for the denial. Any applicant aggrieved by the denial may seek judicial review to the County District Court as provided by law.~~

Section 620.100. Issuance of Massage Therapist Permit.

A. The City Clerk shall issue a massage therapist permit within twenty-one (21) days following application, unless he/she finds that:

1. The application for the massage therapist permit has been convicted of or diverted on:

a. ~~A person felony, as defined by Kansas law; Felony which involves the use, or threat of use, of physical force;~~

b. ~~A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application; Felony not involving the use, or threat of use, of physical force that is less than five (5) years old from date of application;~~

c. ~~An offense involving sexual misconduct with children; Any offense involving an "unlawful sex act" which shall be defined as: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal~~

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~~sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as each is defined by State Statutes;~~

d. Obscenity;

~~e. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction;~~

~~f. e. Solicitation of a lewd or unlawful act;~~

~~g. Prostitution;~~

~~f. h. Pandering or other sexually related offense; Promoting prostitution; or~~

~~g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or~~

~~i. h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application. Other sexually related acts.~~

2. The applicant has ~~knowingly~~ made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

3. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.

4. ~~The applicant has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application. The applicant has not successfully completed a resident course of study or learning as required under the provisions of this Chapter.~~

5. ~~The applicant has not attained the age of 18 years.~~

6. ~~The applicant does not satisfy one or more of the other requirements set forth in this Chapter.~~

B. The records of the City shall show the action taken on the application.

C. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application

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packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.

D. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

Section 620.220. Exceptions.

The education, CPR and First Aid provisions of Section 620.070 shall not apply to persons holding an unrevoked certificate to practice the healing arts, persons licensed to practice as a registered professional nurse under the laws of this state, or persons licensed to practice as a physical therapist under the laws of this state. All other applicable provisions of this Chapter 620 still apply.

The provisions of this Chapter shall not apply to hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts, persons holding an unrevoked license to practice as a registered professional nurse under State law working under the direction and supervision of any licensed healing arts practitioner, persons licensed to practice as a physical therapist under State law, or persons working under the direction and supervision of any licensed healing arts practitioner or such persons or in any such establishment, nor shall this Chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by this State.

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Proposed Amendments to Chapter 620. Massage Establishments

Section 620.010. Definitions.

As used in this Chapter, the following terms shall have these prescribed meanings:

BUSINESS PREMISES

Those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes, hotels and motels.

EMPLOYEE

Any person other than massage therapist who renders any service to a permittee under this Chapter, who receives compensation from the permittee or patron.

IN-OFFICE MASSAGE THERAPY

Massage that is conducted in the business premises of a massage client and is limited to massage therapy applied only while the massage client is fully clothed.

MASSAGE THERAPY OR MASSAGE

Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. The regulation of massage therapy in this Chapter includes, but is not limited to, subspecialties of massage therapy such as acupressure, healing touch, cupping, reiki, reflexology, rolfing and trigger point. Massage therapy does not include the touching in any fashion of a patron's pubic region, human genitals, perineum, anal region, and the area of the female breast that includes the areola and nipple. Massage therapy does not include a licensed healing arts practitioner performing the services for which they are licensed, only if the services provided are performed directly by the licensed healing arts practitioner. For purposes of this Section, a licensed healing art practitioner is an individual licensed in the State of Kansas to practice any of the following: medicine, chiropractics, athletic training, occupational therapy, physical therapy, midwifery, or advanced practice registered nursing.

MASSAGE ESTABLISHMENT

Any establishment having a place of business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in "Massage" above for compensation but does not include "in-office massage therapy establishments."

MESSAGE THERAPIST

Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PATRON

Any person who utilizes or receives the services of any establishment subject to the provisions of this Chapter and under such circumstances that it is reasonably expected that he/she will pay money or give any other consideration therefor, provided a person under the age of twelve (12) may utilize or receive massage therapy from a licensed massage therapist if accompanied at all times during such service by a parent or legal guardian and, provided, further, a person ages twelve (12) through eighteen (18) may also utilize or receive such massage therapy if a parent or legal guardian has authorized such therapy in writing.

Section 620.090. Issuance of Business Permit.

A. After the filing of an application in the proper form, the City Clerk shall examine the application and after such examination shall issue a permit for a massage establishment unless the City Clerk finds that:

1. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and property maintenance regulations.
3. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business, having been convicted of or diverted on:
 - a. A person felony, as defined by Kansas law;
 - b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
 - c. An offense involving sexual misconduct with children;
 - d. Obscenity;
 - e. Solicitation of a lewd or unlawful act;
 - f. Pandering or other sexually related offense;
 - g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as

defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or

h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.

4. The applicant has made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

5. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; and the manager or other person principally in charge of the operation of the business, has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application.

6. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or any members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.

7. The manager or other person principally in charge of the operation of the business would be ineligible to receive a permit under the provisions of this Chapter.

B. Any massage establishment permit issued under the provisions of this Chapter shall at all times be displayed by the permittee in an open and conspicuous place on the premises where the permitted business is conducted.

C. The records of the City shall show the action taken on the application.

D. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.

E. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

Section 620.100. Issuance of Massage Therapist Permit.

A. The City Clerk shall issue a massage therapist permit within twenty-one (21) days following application, unless he/she finds that:

1. The application for the massage therapist permit has been convicted of or diverted on:

- a. A person felony, as defined by Kansas law;
- b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
- c. An offense involving sexual misconduct with children;
- d. Obscenity;
- e. Solicitation of a lewd or unlawful act;
- f. Pandering or other sexually related offense;
- g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or
- h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.

- 2. The applicant has made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.
- 3. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
- 4. The applicant has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application.
- 5. The applicant has not attained the age of 18 years.
- 6. The applicant does not satisfy one or more of the other requirements set forth in this Chapter.

B. The records of the City shall show the action taken on the application.

C. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.

D. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

Section 620.220. Exceptions.

The education, CPR and First Aid provisions of Section 620.070 shall not apply to persons holding an unrevoked certificate to practice the healing arts, persons licensed to practice as a registered professional nurse under the laws of this state, or persons licensed to practice as a physical therapist under the laws of this state. All other applicable provisions of this Chapter 620 still apply.