



## **COMMUNITY DEVELOPMENT COMMITTEE**

**WEDNESDAY, APRIL 3, 2024 at 6:30 p.m.**

**MISSION CITY HALL  
6090 Woodson Street**

### **Meeting In Person and Virtually via Zoom**

*This meeting will be held in person at the time and date shown above. 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**

#### **PLANNING COMMISSION ACTION ITEMS**

*(items will be included on the next legislative agenda for Council action)*

1. Lot Split - 5537/5541 Woodson Street – Brian Scott ([page 4](#))

There are two single-family homes (5537 and 5541 Woodson Street) that currently share the same parcel of property. The parcel itself has a frontage of 120 linear feet along Woodson Street and a depth of 145 linear feet. The owner has submitted an application to have the lots split, each being 60 linear feet wide by 145 linear feet deep. This application was considered by the Planning Commission at their March 25 meeting at which time, the Commission voted 9-0 to recommend approval to the City Council.

### **PUBLIC PRESENTATIONS / INFORMATIONAL ONLY**

#### **ACTION ITEMS**

2. Acceptance of the March 6, 2024 Community Development Committee Minutes – Robyn Fulks ([page 11](#))

Draft minutes of the March 6, 2024 Community Development Committee meeting are included for review and acceptance.

3. Water Works Park Site Furnishings – Penn Almoney ([page 31](#))

The Water Works Park improvements will deliver two restrooms, water fountain/bottle filler, 10-foot-wide trail, a new parking lot and a pavilion/shelter with seating for 50+. Picnic tables and benches are needed to make the shelter and park usable for visitors, rental groups and Mission events. Staff is recommending the purchase of six picnic tables, five benches and 8 bike racks through Wishbone Site Furnishings for an amount not to exceed \$36,621.50 to be paid from the Parks + Recreation Sales Tax Fund. Installation will be completed in July 2024.

4. Mohawk Park Phase II – Penn Almoney ([page 35](#))

The Mohawk Park Phase II project includes completing the 10-ft wide perimeter trail, additional parking, all-abilities playground installation, multi-sport court, grading and native landscaping improvements. Three bids were received on March 21, 2024, with Sands Construction Company submitting the lowest and most responsive bid. Staff recommends approval of a contract with Sands Construction Company in an amount not to exceed \$681,565. Construction is anticipated to begin in June 2024 and be completed by September 2024. The project is funded from the 2024 Park System Improvements budget (Parks + Recreation sales tax) identified in the Parks and Recreation Capital Improvement Plan.

5. 2025-2029 5-Year CARS Program – Stephanie Boyce ([page 39](#))

Using a combination of state gas tax dollars and County General Fund revenues, the CARS program provides funds to cities to construct and maintain eligible streets. Each year, cities submit a 5-year road improvement plan to the County from which projects are selected for funding (up to 50% of the project's construction and construction inspection costs). Projects to be included in the 2025-2029 CARS Program for Mission are detailed in the action item summary.

6. Task Order Design of 2025 CARS Project – Brent Morton ([page 44](#))

63rd Street. (Nall Ave. to Roe Ave.) project is included in the City's 5-Year Capital Improvement Program (CIP) and 5-year CARS Program for construction in 2025 at an estimated cost of \$720,926.42. The scope of work includes a 3-inch mill and overlay, spot sidewalk and curb replacement, spot full depth pavement repairs, stormwater repairs, and pavement markings. The agreement with Olsson includes design services not to exceed \$32,466.

7. Roe Traffic Signal – Brent Morton ([page 53](#))

The Roe Avenue. (63rd St. to Johnson Dr.) Rehabilitation Project is the City's 2024 CARS project and includes 2-inch mill and overlay, sidewalk and retaining walls, stormwater improvements, traffic signal removal and replacement, pavement markings, and associated appurtenances. Given the lead time for the equipment, Olsson suggested the City purchase the equipment ahead of the project construction award to save time and money. Staff recommends the purchase of traffic signal equipment for the Roe Avenue. (63rd St. To Johnson Dr.) Rehabilitation Project from Mid-American Signal, Inc. in the amount of \$151,644.00.

8. 2024 Localized Stormwater Projects – Brent Morton ([page 54](#))

In April 2023, staff presented a methodology to review, rate, and prioritize localized stormwater projects that are not deemed emergencies. This presentation included initial rankings and cost estimates for various stormwater projects that have been identified by Staff or residents. The 2023 CIP Stormwater Program, included approximately \$360,000 earmarked to ensure timely execution of repairs to aging infrastructure for four projects once design was completed. The projects were not ready to bid in 2023, so the project funding carried over to 2024. Bidding for the 2024 Stormwater Nuisance Project occurred in March, with bids opened on March 29, 2024. Among the four bidders, Infrastructure

Solutions LLC. submitted the lowest and most responsive bid. Staff recommends approval of a contract with Infrastructure Solutions LLC. in an amount not to exceed \$209,685.00.

9. Right of Way Use Agreement for a Portion of Martway Street Between Nall and Roeland Drive – Brian Scott ([page 64](#))

The Mission Mart Shopping Center is located at 5301 Johnson Drive. The shopping center is situated between Johnson Drive and Martway Street. The owner of the center recently became aware that a portion of the center's parking lot along Martway Street actually encroaches into the City's right-of-way (ROW) by approximately ten (10) feet. The owner and the City would like to enter into a Right-of-Way Use Agreement that acknowledges this fact and stipulates the City's right of ownership and the owner's responsibility for maintenance of the improvements in right-of-way.

## **DISCUSSION ITEMS**

### **OTHER**

10. Department Updates - Laura Smith

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

<b>City of Mission</b>	Item Number:	1.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Community Development</b>	From:	Brian Scott

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

**RE: Lot Split 5537 and 5541 Woodson Street**

**RECOMMENDATION:** Adopt a Resolution approving a lot split for 5537/5541 Woodson Street.

**DISCUSSION:** There are two single-family homes located at 5537 and 5541 Woodson Street that share the same parcel of property. Both homes were built in 1954 and are identical. The homes share a common driveway that bisects the middle of the parcel. The parcel has a frontage of 120 linear feet along Woodson Street and a depth of 145 linear feet.

The current owner of the property recently contacted the City about having the lot split so that each house can be sold individually. This would result in two, individual lots, each with a width of 60 linear feet and a depth of 145 linear feet.

Section 401.010(I)(2) of the Mission Municipal Code states:

*Any lot may be split to a minimum width of sixty (60) feet and depth of one hundred ten (110) feet if it complements the overall character of the adjacent neighborhood. In considering applications for a lot split to a width of less than seventy (70) feet, the lot width of any newly created lot may not be less than seventy-five percent (75%) of the average front lot width of lots within the subject property's block.*

The block for the subject property is defined as 56th Street on the south, Woodson on the west, 55th Street on the north, and Outlook on the east. There are 17 lots in this block, of which 14 have a lot width of 62 linear feet and the remaining three have a lot width of 120 linear feet. The average lot width is 72 linear feet, which 75% of that would be 54 linear feet. The two proposed lots are both 60 linear feet, so they meet the test.

This item was considered by the Planning Commission at their meeting on March 25th and recommended for approval by the City Council by a vote of 9-0.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Related Statute/City Ordinance:	Section 401.010(I)(2)
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION, KANSAS**  
**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING THE LOT SPLIT OF A PARCEL OF PROPERTY (KP27500000 0241A) ADDRESSED AS 5537 AND 5541 WOODSON STREET IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS.**

**WHEREAS**, the parcel of property known as 5537 and 5541 Woodson Street (Property ID KP27500000 0241A) is located in the city of Mission, Johnson County, Kansas; and

**WHEREAS**, the owner, Centennial Real Estate Services, LLC presented an application to the Community Development Department of the City of Mission for a lot split (PC Case #23-04) for said parcel of property; and

**WHEREAS**, said application was considered by the Planning Commission at their regularly scheduled meeting on March 25, 2024 at which time public comment was taken regarding PC Case #23-18, after which the Planning Commission voted 9-0 to recommend approval of the application to the City Council; and

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

**Section 1. Approval of Lot Split** – Pursuant to Section 440.010(l)(2) of the Mission Municipal Code, approval of a lot split for the following parcel of property:

Parcel Address: 5537 and 5541 Woodson Street  
Parcel ID: KP27500000 0241A  
Legal Description: MISSIONHILL ACRES LT 241 EX E 12' S 30' MIC-5781

and as further depicted in Exhibit A is hereby granted.

**Section 2. Mayor's Signature** - The Mayor shall affix her signature to the survey depicting the lot split attesting to the approval.

**Section 3. Recording of Lot Split** - Said lot split shall be recorded with the Johnson County Register of Deeds within 18 months of the date of this resolution.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS**  
on this 17th day of April 2024.

**APPROVED BY THE MAYOR** on this 17th day of April 2024.

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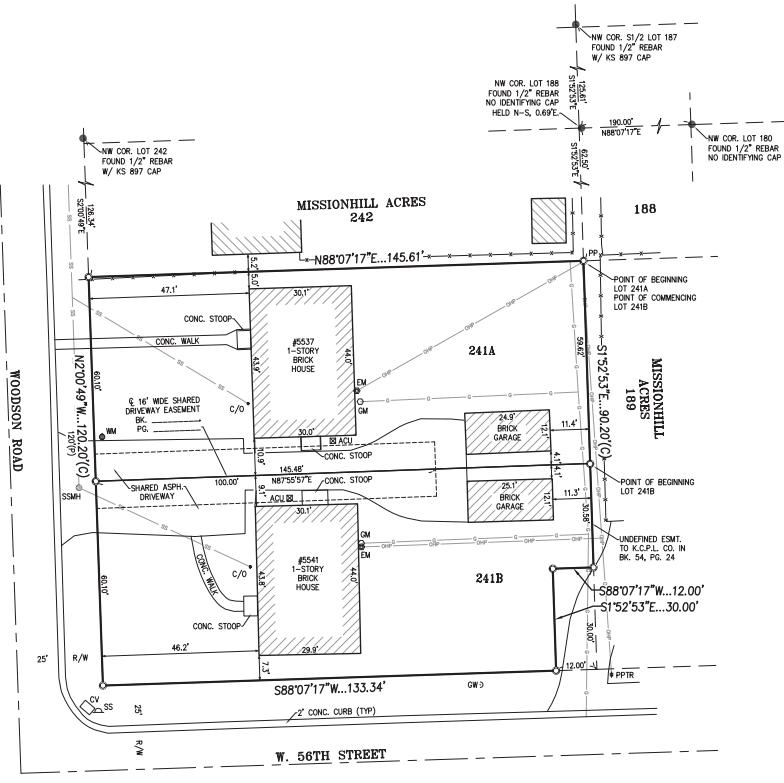
**Solana Flora, Mayor**

ATTEST:

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**Robyn Fulks, City Clerk**

\\PHILIPS-SERVICES\Projects\13329231\Draw\Survey\230927.dwg Layout:1 Mar 20, 2024 - 2:10pm Scott Confer



**PARENT DESCRIPTION:**

ALL OF LOT 241, IN MISSIONHILL ACRES, A SUBDIVISION IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, EXCEPT THE EAST 12 FEET OF THE SOUTH 30 FEET THEREOF, DESCRIBED AS THE SOUTHWEST PART OF LOT NO. 241, MISSION HILLS ACRES, A SUBDIVISION, BEGINNING AT THE SOUTHWEST CORNER AND RUNNING WEST A DISTANCE OF 12 FEET, THEN NORTH ALONG A LINE PARALLEL TO THE EAST PROPERTY LINE A DISTANCE OF 30 FEET, THEN EAST, RUNNING ALONG A LINE PARALLEL TO THE SOUTH PROPERTY LINE, TO THE EAST PROPERTY LINE, A DISTANCE OF 12 FEET, THEN ALONG THE EAST PROPERTY LINE TO THE SOUTHWEST CORNER OF SAID LOT, A DISTANCE OF 30 FEET.

**DESCRIPTION - LOT 241A:**

ALL THAT PART OF LOT 241, MISSIONHILL ACRES, A SUBDIVISION IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS, DESCRIBED BY PHILIPS ENGINEERING, INC. CLS-82 PROJECT NO. 230927 JANUARY 4, 2024, TO WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 241; THENCE S 1°52'53" E, ALONG THE EAST LINE OF SAID LOT 241, A DISTANCE OF 59.62 FEET; THENCE S 87°55'57" W, A DISTANCE OF 145.48 FEET, TO A POINT ON THE WEST LINE OF SAID LOT 241; THENCE N 2°00'49" W, ALONG THE WEST LINE OF SAID LOT 241, A DISTANCE OF 80.10 FEET, TO THE NORTHWEST CORNER THEREOF; THENCE N 88°07'17" E, ALONG THE NORTH LINE OF SAID LOT 241, A DISTANCE OF 145.61 FEET, TO THE POINT OF BEGINNING.

**DESCRIPTION - LOT 241B:**

ALL THAT PART OF LOT 241, MISSIONHILL ACRES, A SUBDIVISION IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS, DESCRIBED BY PHILIPS ENGINEERING, INC. CLS-82 PROJECT NO. 230927 JANUARY 4, 2024, TO WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 241; THENCE S 1°52'53" E, ALONG THE EAST LINE OF SAID LOT 241, A DISTANCE OF 59.62 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUING S 1°52'53" E, ALONG THE EAST LINE OF SAID LOT 241, A DISTANCE OF 30.58 FEET, TO A POINT 30 FEET NORTH OF THE SOUTH LINE THEREOF; THENCE S 88°07'17" W, ALONG A LINE 30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 241, A DISTANCE OF 12.00 FEET; THENCE S 1°52'53" E, ALONG A LINE 12 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 241, A DISTANCE OF 30.00 FEET, TO A POINT ON THE SOUTH LINE THEREOF; THENCE S 88°07'17" W, ALONG THE SOUTH LINE OF SAID LOT 241, A DISTANCE OF 133.34 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE N 2°00'49" W, ALONG THE WEST LINE OF SAID LOT 241, A DISTANCE OF 60.10 FEET; THENCE N 87°55'57" E, A DISTANCE OF 145.48 FEET, TO THE POINT OF BEGINNING.



- LEGEND**
- = FOUND SURVEY MONUMENT
  - = SET 1/2"X24" REBAR WITH PHILIPS CLS-82 PLASTIC CAP
  - ACU ☐ = AIR CONDITIONING UNIT
  - CV ☐ = COMMUNICATION VAULT
  - C/O ☐ = CLEAN OUT
  - EM ☐ = ELECTRIC METER
  - GM ○ = GAS METER
  - GW ☐ = GUY WIRE
  - PPTR ☐ = POWER POLE WITH TRANSFORMER(S)
  - SS △ = STREET SIGN
  - SSMH ○ = SANITARY SEWER MANHOLE
  - WM ○ = WATER METER
  - R/W = RIGHT-OF-WAY
  - (P) = PLATTED
  - (C) = CALCULATED
  - = GAS LINE
  - = OVERHEAD POWER LINE
  - = SANITARY SEWER LINE

**SURVEY NOTES:**

- NO TITLE INFORMATION WAS FURNISHED AND NO ADDITIONAL RESEARCH FOR EASEMENTS OR OTHER ENCUMBRANCES WAS PERFORMED BY P.E.I.
- THE PARENT DESCRIPTION WAS TAKEN FROM THE KANSAS GENERAL WARRANTY DEED RECORDED IN BOOK 222461 AT PAGE 022689, IN THE OFFICE OF THE REGISTER OF DEEDS.

AREAS		
PARTIAL	SQUARE FEET	ACRES
241A	87124	0.20004
241B	84144	0.19324
PARENT BNDY	171272	0.39324



I, SCOTT D. CONFER, HEREBY CERTIFY THAT I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.

BY: SCOTT D. CONFER, K.S. 15-1249

OWNER: CENTENAL REAL ESTATE SERVICES, LLC, a Kansas limited liability company By: CHRIS GRIFE, MEMBER

STATE OF )  
 ) SS  
 COUNTY OF )

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned, a Notary Public in and for said County and State, came Chris Grife, Member of Centennial Real Estate Services, LLC, who is personally known to me to be such person who executed the within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the free act and deed of the same.

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

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_  
 Print Name: \_\_\_\_\_

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MISSION, JOHNSON COUNTY, KANSAS, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

MIKE LEE, PLANNING COMMISSION CHAIR      KIMBERLY STEFFENS, SECRETARY

APPROVED BY THE GOVERNING BODY OF THE CITY OF MISSION, JOHNSON COUNTY, KANSAS, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

SOLANA FLORA, MAYOR      ROBYN FULKS, CITY CLERK

**PHILIPS ENGINEERING, INC.**  
 1301 W. 11th Street  
 Chetopa, Kansas 66424  
 (913) 395-1800  
 Fax: (913) 395-1805  
 www.philipsengineering.com  
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**PLANNING**  
 ENGINEERING  
 SURVEYING

**SURVEY**  
 LOT SPLIT  
 MISSIONHILL ACRES, PART OF LOT 241  
 CITY OF MISSION, JOHNSON COUNTY, KANSAS

PROJECT NO. 230927  
 DRAWING NO. 230-241  
 DATE: 3/20/24  
 DATE OF AUTHORIZATION: 3/20/24  
 AUTHORIZED BY: SCOTT D. CONFER  
 DATE OF AUTHORIZATION: 3/20/24  
 AUTHORIZED BY: SCOTT D. CONFER

**AT A GLANCE**

**Applicant:**  
Scott Confer, Phelps Engineering, Inc.

**Case Number:**  
24-03

**Location:**  
5537 Woodson Road

**Project Name:**  
Mission Hill Acres Lot Split

**Property ID:**  
KP27500000 0241A

**Project Summary:**  
Applicant is requesting a lot split approval for a lot currently addressed 5537 Woodson Road on which two single-family structures with a shared driveway currently exist.

**Current Zoning:**  
R-1

**Proposed Zoning:**  
N/A

**Current Land Use:**  
Single-family Residential

**Staff Contact:**  
Karie Kneller, City Planner

**Proposed Land Use:**  
N/A

**Public Hearing Required**

**Legal Notice:**  
N/A





## PROPERTY BACKGROUND AND INFORMATION

The subject property is located at 5537 Woodson Road, on the corner of 56th Street and Woodson Road. The property is platted as one lot, Lot 241 in the Mission Hill Acres subdivision, and two single-family structures, built in 1954, currently exist with a shared driveway between the two homes. The structure to the south is addressed 5541 Woodson Road, and the structure to the north is addressed 5537 Woodson Road. The lot is 120 linear feet along Woodson Street frontage and the back yard property line, and 134.34 linear feet along 56th Street frontage and the internal property line is 145.62 linear feet. A 30-foot by 12-foot area at the southeast corner of the property is set back to the west to accommodate an adjacent property's circle driveway. Sanitary sewer, electrical, and gas utilities serve both structures. Both homes are one-story with a 1,320 square-foot floor area.

The northernmost structure is setback from the Woodson Street right-of-way by 47 feet. The internal side yard setback is 5 feet. Backyard setback is 66 feet, with a detached garage approximately 300 square feet that is set back by 11 feet from the back property line.

The southernmost structure is setback from the Woodson Street right-of-way by 46 feet. The external side yard setback is 7 feet. Backyard setback is alternatively 66 feet and 54 feet, with a detached garage approximately 300 square feet that is set back by 11 feet from the back property line. The shared drive continues toward the rear lot and detached garage for both homes.

## PROJECT PROPOSAL

The property owner, Centennial Real Estate Services LLC, would like to sell one of the properties and requests a lot split prior to the sale. An easement agreement between the two properties for the shared driveway is pending. The easement will be recorded prior to recording the lot split, which will be noted on the survey prior to recording with the County.

Two new lots, Lot 241A (north) and Lot 241B (south) are proposed, with 60-foot lot widths respectively. No changes to lot depths or dedications are proposed with the lot split proposal. Existing structures are expected to remain. Exterior side yard setbacks will remain unchanged, and the interior side yard setbacks between the two properties will be 11 feet for the northernmost property and 9 feet for southernmost property. Detached garages are expected to remain, with four-foot internal side yard setback for both structures. The lot area for Lot 241A is 8,712± square feet, and the lot area for Lot 241B is 8,414± square feet.

## PLAN REVIEW AND ANALYSIS

### Mission Municipal Code:

Section 410.010 (D-J) "R-1" Single-Family Residential District regulates setbacks for residential structures under the following stipulations:

(D) Front Yards - 30 feet

(E) Side Yards - Minimum five feet

(F) Rear Yards - Minimum 20 feet

(G) Lot Area - Minimum 6,600 square feet

(H) Floor Area and Lot Size - Maximum 35% of total lot area for all structures, including accessory.

(I) Minimum Lot Size - Width not less than 70 linear feet, unless (1) a lot was platted prior to October 8, 2003, and which has a width of 60 feet and depth of 110 feet, and (2) any lot may be split to a minimum width of 60 feet and depth of 110 feet if it complements the overall character of the adjacent neighborhood.

(J) Parking Regulations - Two off-street parking spaces shall be provided for each single-family dwelling, at least one of which shall be in a garage or a carport.

Section 420.010 (B)(d)(3) addresses detached garage setbacks, which stipulates they shall not be closer than three feet to any interior property line.

***Analysis: The lot split as proposed meets the minimum code stipulations set forth in Sections 410.010 (D-J) and Section 420.010 (B)(d)(3). Other nearby properties on the block and within the neighborhood consistently have 60 or 62.5-foot lot widths, which is consistent in this context.***

Regulation governing lot splits is addressed in Section 455.090 of the municipal code, which states that all lot splits must have Planning Commission and City Council approval. New lots so created must conform to current zoning width and depth requirements. Applications for lot splits must be accompanied by a survey showing the new lots to be created along with a legal description of each new lot.

## RECOMMENDATION

Staff recommends that the Planning Commission approve the proposed lot split with the condition that the shared driveway easement is recorded prior to the recording of the lot split survey; the book number of the recorded easement shall be noted on the lot split survey.

## PLANNING COMMISSION ACTION

The Planning Commission will consider this case at its March 25, 2024 meeting.

## CITY COUNCIL ACTION

The City Council will consider this case at its April 17, 2024 meeting.

<b>City of Mission</b>	Item Number:	2.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Administration</b>	From:	Robyn Fulks

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

**RE:** March 6, 2024 Community Development Committee minutes.

**RECOMMENDATION:** Review and accept the March 6, 2024 minutes of the Community Development Committee.

**DETAILS:** Minutes of the March 6, 2024 Community Development Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

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

**CFAA CONSIDERATIONS/IMPACTS:** N/A

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



## MINUTES OF THE MISSION CITY COUNCIL MEETING

March 20, 2024

The Mission City Council met in a regular meeting on Wednesday, March 20, 2024 at 7:00 p.m. at Mission City Hall. The meeting was called to order by Mayor Flora. The following councilmembers were in attendance: Hillary Thomas, Trent Boultinghouse, Lea Loudon, Brian Schmid, Debbie Kring, Ben Chociey and Cheryl Carpenter-Davis. Councilmember Ryherd appeared via Zoom. No councilmembers were absent.

Mayor Flora explained that the meeting was also offered virtually through Zoom, if preferred. The public was invited to participate in the meeting by using the instructions included in the City Calendar item listed on the front page of the website. For those participating virtually, they had the option of utilizing the "chat" feature to voice their comments which would be read aloud. The members of the public in person were encouraged to raise their hand and stay at their seats to be called on. The Mayor requested that anyone commenting please state their name and city of residence as well as to be conscientious of others talking and to speak clearly and slowly.

### **PUBLIC HEARING**

#### **1a. Public Hearing on Mission & Beverly, LLC (Milhaus) Tax Abatement Request**

Mayor Flora welcomed City Administrator Laura Smith to make her presentation and explain the public hearing tonight. Ms. Smith stated that the City has officially called the public hearing for consideration of the Milhaus Mission and Beverly LLC, tax abatement project, multifamily project located, generally at Beverly and Martway in Mission. She then provided a brief recap of the timeline and the project's history. Milhaus approached the city with the concept in the summer of 2022. Through conversations with the Mayor and staff about goals for that area, the developer actually worked to assemble the parcels south of Martway, acquiring the Martway Office Buildings which allowed for some positive changes in the anticipated design of buildings adjacent to single-family residential. Through the summer and early fall, several projects, including Milhaus' went into a holding period, while the Council reviewed and updated the City's tax abatement policy. In October, the Council considered the 58/Nall project and then also reengaged with Milhaus in anticipation of bringing their tax abatement request forward in the first quarter of 2024. In January, Staff reintroduced the Milhaus project to Council, and work with the City's financial advisor and bond

## MINUTES OF THE MISSION CITY COUNCIL MEETING

March 20, 2024

counsel resulted in a recommendation being presented at the February Finance & Administration Committee meeting, eventually leading up to tonight's public hearing. Ms. Smith discussed the information provided by Bruce Kimmel of Ehlers, the City's financial advisor, at the February Committee meeting which spoke to his evaluation of the developer's pro forma assessing whether or not a need exists for the consideration of the incentive request. For example, "but for the use of an incentive, could we reasonably expect a developer to take on a project of the size and scope proposed?" Once that threshold was established the City team could then really begin to negotiate with the developer on how the project might align with the criteria outlined in the tax abatement policy.

One of the things evaluated in the process is the difference between current taxes being generated by the property compared to taxes that are estimated following development, even with the abatement. In the case of the Mission & Beverly, LLC project here is a pretty significant jump. The eight parcels are currently assessed at about \$635,000 in total and generate about \$11,769 in property taxes for Mission annually. After the development, even with a classification and a lower appraisal rate at 11.5% versus a 25% rate with the increased, assessed valuation the property taxes go to almost \$92,000, and 25% of that is \$23,180. Simply put, even with the abatement for the first ten years, the City is doubling the revenues being generated by these properties. Additionally, the City will continue to collect stormwater utility fees. Total estimated tax revenues to Mission over the first ten years were about \$265,000. And then in year 11, the estimated property taxes jumped to about \$125,000. Based on this analysis, that same sort of increase in estimated annual tax revenues could be transferred or extrapolated to any of the other taxing jurisdictions impacted such as the school district, fire district, library, County, etc.

Ms. Smith moved on to discuss the factors that were considered to recommend a tax abatement. As it relates to this project, Milhaus is a local and established developer. They have other successful projects here in the Kansas City metropolitan area on both sides of the state line. With this project, they're looking to have a more than \$75 million dollar of capital investment with proximity to the City's downtown and other amenities such as the Community Center. Staff analysis along with the pro forma that Mr. Kimmel provided demonstrated a gap in the market in terms of if no incentive were to be provided. Milhaus' has demonstrated a willingness and the ability to assemble multiple parcels which are currently vacant or blighted. The City's tax revenues double even during the

## MINUTES OF THE MISSION CITY COUNCIL MEETING

March 20, 2024

abatement period, and the project allows for the development on the south side of Martway to be more sensitive to the neighborhood concerns expressed in connection with previous project. Floodplain limitations on the southern parcels, however, did require the building to be linear, as opposed to more of an L-shaped which Milhaus was initially contemplating. During a preliminary review with Community Development staff it was determined that the City would not have been able to issue the building permit for that L-shaped building, which was what had allowed for the land swap of green space on the south side in exchange for Beverly Park. Staff talked through that with the developer, and they were willing to increase their cash contribution from \$300,000 to \$500,000 to allow for potential expansion and enhancement of park green space elsewhere. They're committed to a sustainable building certification process and addressing other sustainability factors as presented by Devon Coffey during the Committee meeting. Based on those criteria, and application of the policy, staff recommended at the February committee meeting a tax abatement percentage in total at 75%, distributed among the categories listed as follows: baseline of 45% because it meets the policy criteria, capital investment 15%, target area adjustment of 10%, attainable housing criteria 0%, environmental design adjustment of 2.5%, and finally, a community benefit adjustment of 2.5%, which is based on a cash contribution of \$500,000.

Ms. Smith showed the need to extend the building and make it more linear where previously the discussed land swap that was originally anticipated. The new design doesn't allow for comparable sized greenspace acreage to be allocated on the south side of Martway. Staff talked at length and at the Committee meeting in February about how to add or enhance green space as a part of this project and presented an option whereby the Council could designate current City-owned parcels adjacent to the Rock Creek Trail as parks. This would amount to approximately 1.35 acres of park/greenspace. That designation could be accomplished with a Council resolution, which would then make disposal of those parcels in the future subject to certain statutory notice and petition requirements. Additionally, this allows for the designated parkland to more than triple in area when compared to the existing Beverly Park, which is about .43 acres. With the cash contribution, there's an opportunity to potentially jumpstart the recommendations moving forward out of the Rock Creek corridor on these parcels.

Ms. Smith reviewed that it has been important to the Council and others through

## MINUTES OF THE MISSION CITY COUNCIL MEETING

March 20, 2024

this project to be able to add or enhance green space. This project will allow for the potential to get started much sooner on improvements to the Rock Creek corridor. Recommendations from that study will be coming to the Council during a March work session. Ms. Smith previewed the recommendations which include maintaining green space in roughly the same proximity to surrounding residents as Beverley Park just shifted one block east. Coupled with the Milhaus development, this plan to designate additional park/greenspace maximizes investment in the core of Mission through both private and public efforts. Ms. Smith shared that she and Mayor Flora presented this concept to the Parks, Recreation + Tree Commission at their February 12 meeting. Similar to the Council reaction at the Committee meeting, the PRT members were excited about the opportunity and are looking forward to having the opportunity to move this forward. Ms. Smith explained that later in the meeting tonight the Council will have the opportunity to consider a Resolution of Intent for the IRBs. This Resolution provides the Council's commitment to grant the property tax abatement and the sales tax exemption through the IRB process for this project. At the February committee meeting it was discussed that in order to dispose of Beverly Park, the City does have to follow certain statutory requirements. Staff published for two consecutive weeks in The Legal Record the notice of the intent to dispose of of the park land, with the second publication occurring on February 20, 2024. Following the second publication, a 30-day period within which a petition could be filed in opposition to the disposal of that park land officially begins. Milhaus is tentatively scheduled for the April Planning Commission meeting for review of their preliminary development plan. And then over the next several months they would move through the preliminary and final development plan phases and close on the properties. Anticipated construction would start in April of 2025. That would be the same time at which the cash contribution would be made to the City, with construction slated for completion in August of 2027.

Mayor Flora next called for public comments. First to speak was John Arnett of Mission. He stated that he stands in support of the Milhaus Abatement policy before you. He was able to watch the February committee presentation, which was very, very helpful, to him as a resident and, knowing some of the background, found that there was a lot of thoughtful and well-considered comments. He complimented staff for working with the Milhaus group over the years to come to some resolution or conclusion of the properties that can certainly benefit from improvement. The project is apartment dwelling, which, of course, does not bring homeowner residents into the city, but it still brings residents who

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can engage with the city, take part in activities and visit businesses. He sees those things as an overall benefit. He also extended compliments to staff for finding a replacement for the for the green space for Beverly Park. He believes that aspect was important and a thoughtful idea. He believes that in general the abatement appears to be favorable and agrees that it's not a burden to residents. And the overall income is increased over the first ten years. And even after that, there's going to be a real benefit for income opportunities for the city.

Next was an online comment from Nicole Sullivan of Mission. Ms. Sullivan stated that she supports this project and is excited about the City's commitment to designate new green and park space in place of Beverly Park. She was hesitant at first, however it seems like the right move now. She expects the cash contribution to help jumpstart improvements to the trail system and parks. She would love to see a Council Resolution as soon as possible to designate the green space along the Rock Creek corridor.

There were no other comments and Mayor Flora officially closed the public hearing.

### **SPECIAL PRESENTATIONS**

#### **2a. Staff Introductions**

Deputy City Administrator Brian Scott introduced two new staff members in the Community Development Department, noting that the department is now fully staffed. The first was Kalin Bird who has replaced Jim Brown as the City's building official. Mr. Bird has served as a building official for several years and is a Kansas native who has relocated back to Kansas from South Dakota. Mr. Bird and his wife are currently living in Lawrence where she works in the medical field.

Mr. Scott also introduced David Binckley. Mr. Binckley comes to the City from Bloch & Co., however prior to that he served as a police officer and codes enforcement officer in the cities of Leawood and Olathe. He has a wealth of knowledge and experience and both new employees have hit the ground running.



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Mr. Binckley shared that his first week has been great and that the staff has been very welcoming and supportive. He thanked the Council for the opportunity.

### **2b. Championship Tree Presentation**

Parks and Recreation Director Penn Almoney introduced the 2023 Championship Tree award which is chosen by the Parks, Recreation + Tree Commission at the end of each calendar year to aid the City in maintaining the Tree City USA designation. Mr. Almoney invited Mission resident Barry Oppenheimer to the podium to receive the award. Mr. Oppenheimer's tree was nominated because of its majestic presence in the neighborhood, its tree canopy coverage, tree location and the amount of shade and the fact that it beautifies the neighborhood. The tree also has quite a unique origins story and is a red maple. Mr. Oppenheimer received a plaque and a Lowe's gift card to help maintain the tree. Mr. Almoney asked Mr. Oppenheimer to share the story of the tree, to which he shared that when he purchased his home in 2000, the person he purchased the home from was very proud of the fact that the tree had been stolen from what was then a bank on Roe Avenue. He also shared that his son was born in the home and enjoyed rolling in the leaves of the tree for many years. He thanked the Council for the work they do.

### **ISSUANCE OF NOTES AND BONDS**

There were no items related to Issuance of Notes and Bonds.

### **CONSENT AGENDA**

- 4a. Minutes of the January 17, 2023 City Council Meeting
- 4b. Resolution for City Sponsored Festivals and Events
- 4c. Special Events Permit for SMN Class of 1974 Picnic
- 4d. Terminate Fifth Amended Gateway TIF Project Plan
- 4e. Terminate Gateway Community Improvement District (CID)
- 4f. Resolution Updating Bank Signatories
- 4g. MIP Authorization
- 4h. Super Pool Pass Agreement/ Letter of Understanding
- 4i. Safe Streets for All Obligation of Grant Funds

**Moved by Kring, seconded by Loudon** to adopt the Consent Agenda as



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presented. Voting AYE: Boultinghouse, Thomas, Loudon, Chocie, Carpenter-Davis, Schmid, Ryherd, and Kring. **Motion Carried.**

### **PUBLIC COMMENTS**

There were no public comments.

### **PLANNING COMMISSION**

There were no items from the Planning Commission

### **COMMITTEE REPORTS**

#### **Finance and Administration Committee**

Councilmember Thomas reported that the Finance & Administration Committee met on February 7 and considered eight items. The meeting minutes, Resolution for City Sponsored Festivals and Events, Special Events Permit for SMN Class of 1974 Picnic, Ordinance terminating the Fifth Amended Gateway TIF Project Plan, Ordinance terminating the Gateway Community Improvement District (CID), Resolution Updating Bank Signatories, and MIP Authorization were approved under the Consent Agenda. A Resolution Establishing Parks and Park Facilities and a Resolution of Intent to Issue Industrial Revenue Bonds (Mission & Beverly, LLC) both related to the Milhaus Tax Abatement Request will be considered under the Regular Agenda this evening.

#### **7a. Resolution Establishing Parks and Park Facilities**

Councilmember Thomas explained that Section 230, Article III of the City of Mission Municipal Code outlines the rules and regulations for Mission's parks and park facilities. These regulations include things such as hours of operation, noise restrictions, vehicle restrictions, and signage. In addition to clearly defining where park rules, regulations or restrictions apply, the designation of park land solidifies the City's intention for the property to be preserved and maintained as recreational or greenspace. This designation then means that in order to dispose or convert the space to anything else subjects that decision to a public notice and petition process in accordance with K.S.A. 12-1301.

As the conversations with Milhaus regarding their Mission & Beverly multi-family

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development have evolved, their request included incorporating the existing Beverly Park as a part of the project in order to achieve multiple goals and objectives of both the developer and the City. The negotiations with the developer anticipate selling the Beverly Park parcel for \$500,000. These funds could then be used to acquire new greenspace or to begin improving existing greenspace adjacent to the Rock Creek Trail that has been the focus of the Rock Creek Corridor Study.

The existing Beverly Park parcel is approximately 0.43 acres in size. There are eight parcels adjacent to the trail between Woodson and Outlook which, total 1.82 acres. Some of this acreage includes the Rock Creek Channel, but the designation of the parcels as parks or parks facilities would provide approximately 1.35 acres of specifically designated green or recreational space.

At the February 7, 2024 Finance & Administration Committee meeting the Council directed staff to proceed with initiating the statutory notice process for the potential sale of Beverly Park and to prepare the attached Resolution which would designate these parcels as parks and parks facilities. Beverly Park will remain on the list of designated facilities until such time as the property would change ownership.

The Resolution presented outlines the specific parks and parks facilities to be covered by Section 230, Article III as follows: Andersen Park, Mohawk Park, Broadmoor Park, Mission Family Aquatic Center, Beverly Park, Pearl Harbor Park, Birch Park, Streamway Park, Johnson Drive Park (market site), Powell Community Center, Legacy Park, Rock Creek Trail, Waterworks Park and Rock Creek Corridor Park to include the following parcels (5915 Woodson, 5908 Outlook, 5916 Outlook, 5922 Outlook, 5924 Outlook, 5907 Outlook, KP27500000 0162, and KP27500000 0163).

**Moved by Thomas, seconded by Boultinghouse** to approve the Resolution designating parks/park facilities in the City of Mission.

Voting AYE: Boultinghouse, Thomas, Loudon, Schmid, Chociey, Ryherd, Kring and Carpenter-Davis. **Motion Carried.**

### **7b. Resolution of Intent to Issue Industrial Revenue Bonds (Mission & Beverly, LLC)**

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Councilmember Thomas explained that Milhaus has formally applied for consideration of both sales and property tax abatement in connection with the Mission & Beverly, LLC proposed 261-unit multi-family project with structured and surface parking located generally at 5935 Beverly Avenue. Under Kansas law, various economic development incentives are available to assist cities in achieving their economic development goals. In the Economic Development Revenue Bonds Act of 1961 (the "Act"), codified as amended at K.S.A. 12-1740 et seq., the Kansas Legislature created industrial revenue bonds (IRBs) as an economic development tool for cities to stimulate economic prosperity and to promote economic stability, by providing greater employment opportunities and diversification of industry. Cities may consider and issue IRBs when a proposed project furthers the economic goals and objectives of the City. The statutes provide for the use of IRBs to grant a property tax exemption and/or to grant a sales tax exemption on the purchase of materials and taxable labor. Councilmember Thomas then asked City Administrator Laura Smith to provide some additional context on the item before the Council.

Ms. Smith then recapped that following discussion at a January 17, 2024 Work Session, a final staff recommendation was presented to the Finance & Administration Commission on February 7, 2024 advising of a public hearing on February 21, 2024 for Council to take comment and consider granting a property tax abatement for the Mission & Beverly, LLC multi-family project. A detailed memorandum, cost benefit analysis report and other materials outlining the potential financial benefits of the project to the City and other taxing jurisdictions that were originally presented at the Committee meeting were also included in the Council meeting agenda packet for this evening. During the Committee meeting, Councilmember Thomas inquired about what made up the indirect costs outlined in the Cost Benefit Analysis report. Following that meeting, City Administrator Laura Smith reached out to the individual preparing the report and that information was provided in the updated memo included in the packet. Ms. Smith explained that notice of the public hearing was published in The Legal Record on February 13, and the required public hearing on the IRB application was conducted at the outset of the meeting this evening. Now, it is appropriate for the Governing Body to consider a Resolution of Intent authorizing the issuance of the bonds and execution of the Performance Agreement which governs the responsibilities and commitments of both the City and the Developer.



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Upon adoption of the Resolution, the City will request a sales tax exemption certificate for the project from the Department of Revenue. The remaining procedural steps detailed in the February 7, 2024 memorandum will occur following construction of the project to satisfy the requirements outlined in the IRB statutes.

**Moved by Thomas, seconded by Boultinghouse** to approve the Resolution of Intent determining and declaring the intent of the City of Mission, Kansas issue Industrial Revenue Bonds in the amount not to exceed \$77,222,282 to finance the costs of acquiring, constructing, improving, and equipping a commercial multifamily facility for the benefit of Mission & Beverly, LLC and its successors and assigns.

Voting AYE: Boultinghouse, Thomas, Loudon, Schmid, Chociej, Ryherd and Carpenter-Davis. Voting NO: Kring. **Motion Carried.**

### **Community Development Committee**

Councilmember Loudon reported that the Community Development Committee also met on February 7 and considered seven items. The meeting minutes, Super Pool Pass Agreement/Letter of Understanding, and Safe Streets for All Obligation of Grant Funds were approved under the Consent Agenda. Mohawk Playground Phase II, Solar Picnic Table at Water Works Park, Johnson Drive II Design Contract from Metcalf to Lamar, and a Bike Share Program Obligation of Grant Funds will be considered under the Regular Agenda this evening.

### **7c. Mohawk Playground Phase II**

Councilmember Loudon explained that during the conceptual design process, the stakeholder group and the larger public were educated on Mission's Communities for All Ages goals. An important consideration in all future park improvements was making inclusive playgrounds a priority. The existing design of the Mohawk Park playground does not meet the higher standard of 'All Abilities' or inclusive design. Inclusive play areas have far-reaching benefits, not just for users but also for caregivers. They are also a welcome resource for parents with disabilities or aging caregivers who may want to interact with children on the amenities. As the final design of Phase II improvement evolved,

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cost estimates for inclusive playgrounds began at \$600,000 for the play features alone, not including the poured in place rubber surfacing and shade systems. This exceeded initial budget projections and estimates by approximately \$200,000 and caused staff to pursue discussions about addressing this gap through potential fundraising or grant funding opportunities.

Staff discussed the associated costs with Cunningham Recreation representatives along with the need to generate additional funding and was educated about a unique 'grant' program that Game Time runs each fall. City Council saw the value in saving \$216,744 by ordering some of the playground features in October 2023 and storing it at Mission Public Works prior to installation. This allowed the design to proceed as planned. Staff is now ready to order the remaining play features along with the poured in place rubber surface, remaining shade sails and the corresponding installation costs. This will complete the playground order portion of Phase II and engage Cunningham Recreation as the contractor for this work. Mission was able to take advantage of an \$8,936.01 discount for the remaining freestanding amenities. In addition to the Game Time grant savings, staff applied to the Land and Water Conservation Fund (LWCF) for a grant to fund the Phase II improvements at Mohawk Park for \$566,285. A LWCF coordinator was on site the last week of September 2023 to review the layout and improvement locations. The grant decision for Phase II is pending. A grant of approximately \$400,000 was secured from the LWCF for Phase I improvements.

**Moved by Loudon, seconded by Chocieji** to approve a contract with Cunningham Recreation for the Mohawk Park inclusive playground equipment partial order in an amount not to exceed \$583,020.40.

Voting AYE: Boultinghouse, Thomas, Loudon, Schmid, Chocieji, Ryherd, Kring and Carpenter-Davis. **Motion Carried.**

### **7d. Solar Picnic Table (Water Works Park)**

Councilmember Loudon's second item was for the purchase of a solar picnic table for Water Works Park. She explained that the 2024 Water Works Park Improvement Project is officially underway. The purchase of a solar picnic table was carved out from the general contractor's scope of work with the hope of

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eliminating any “middleman markup” and finding the best product for the best price. Staff studied advances in manufacturing and sustainable inputs and considered the following factors to determine the appropriate solution with the best long-term value for Mission's park system: table and panels meet outdoor temperature, weather and use extremes; standard design/style that can easily be made ADA accessible; powder coated steel and pre-wired; sustainable productivity; 25-year warranty; 5-year warranty on electronics/wiring; and rated to 1,000 lbs. Staff solicited bids from the two companies that have regional installations at universities, libraries, and business campuses. Sunbolt and Lumos both submitted bids with Sunbolt determined to be the lowest and most responsive bidder. There may be shipping increases on the horizon due to seasonal demand, so staff recommends increasing the amount budgeted amount for shipping by \$300 if it is needed.

**Moved by Loudon, seconded by Kring** to approve the purchase of one solar picnic table as part of Water Works Park improvements in an amount not to exceed \$20,015.

Voting AYE: Boultinghouse, Thomas, Loudon, Schmid, Chociejj, Ryherd, Kring and Carpenter-Davis. **Motion Carried.**

### **7e. Johnson Drive II Design Contract (Metcalf to Lamar)**

Councilmember Loudon explained that the Johnson Drive Phase II project (Metcalf to Lamar) is included in the City's Capital Improvement Program (CIP) and 5-year CARS Program for construction in 2026 at an estimated cost of \$12,609,901.00. The scope of work includes full depth pavement reconstruction, sidewalk and retaining walls, stormwater improvements, traffic signal buyout and replacement of streetlights, installation of a HAWK pedestrian signal at Riggs and various streetscape improvements. The stormwater and sidewalk improvements will require the City to acquire easements or additional right-of-way. Survey work to determine the necessary easements and right-of-way was authorized under a separate Task Order in 2023. Once the survey work is complete, the acquisition of the additional right-of-way and easements will be handled by an outside appraiser/consultant in 2025 due to the Federal requirements and guidelines associated with this project.

Councilmember Loudon noted that in May 2023, the Mission Johnson Drive

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Rehabilitation project was programmed through MARC-STP for 2026 construction with funds at an 80/20 cost share for construction and construction inspection up to the maximum of \$6,000,000 (six million dollars). Due to the timeline provided through the Kansas Department of Transportation, The City is required to have a design contract executed no later the April 1, 2024, to keep this project on track to advertise for bids in December 2025. The task order with Olsson includes design services for the roadway and stormwater infrastructure. The design services also include utility coordination, project management, public engagement and bid and construction phase services. The construction costs of the project will exceed what the city can cash flow in any given year, and staff will be bringing financing options forward at a later date for Council consideration, including proposals to secure additional outside funding.

**Moved by Loudon, seconded by Boultinghouse** to approve a task order with Olsson for engineering services for design work associated with the Johnson Drive Phase II (Metcalf to Lamar) project in an amount not to exceed \$862,210.00.

Voting AYE: Boultinghouse, Thomas, Loudon, Schmid, Chociejj, Ryherd, Kring and Carpenter-Davis. **Motion Carried.**

### **7f. Bike Share Program Obligation of Grant Funds**

Councilmember Loudon explained that the City of Mission, in collaboration with Roeland Park, has submitted a joint application for the Bike Share Program extension in Northeastern Johnson County.

The Carbon Reduction Program focuses on mitigating carbon dioxide emissions from on-road transportation sources. In mid-2023, the City of Mission and Roeland Park jointly applied for the Bike Share Program extension to introduce 30 e-bikes in Mission and 20 e-bikes in Roeland Park. This initiative aims to enhance mobility options, especially in northeast Johnson County, and integrate electric bikes (e-bikes) into our community. The application covers the cost of e-bikes, batteries, bike racks, wayfinding signage, promotional materials, and operation expenses for a period of five years.

The City of Mission is committed to "leading by example" in reducing carbon



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emissions. By incorporating e-bikes into our transportation infrastructure, we are taking proactive steps towards a sustainable and environmentally friendly future. This is a joint application with Roeland Park and Mission is the lead agency and project sponsor. The total project cost, including equipment, signage, promotional materials, and operations, is \$628,810. The local match required is \$125,760. Operation costs will be paid quarterly over five years. The City of Mission will enter into an interlocal agreement with Roeland Park for project reimbursements and an agreement with RideKC for the maintenance and operations of the e-bikes.

**Moved by Loudon, seconded by Carpenter-Davis** to approve a resolution obligating \$125,760 in local match for the NE Johnson County RideKC Bike Share Project

Voting AYE: Boultinghouse, Thomas, Loudon, Schmid, Chociej, Ryherd, Kring and Carpenter-Davis. **Motion Carried.**

### **UNFINISHED BUSINESS**

Mayor Flora explained that there was no unfinished business tonight.

### **NEW BUSINESS**

#### **9a. Resolution Ratifying the Expenditure of Funds to purchase a Ford F-550 Truck**

Mayor Flora explained that there was one item of new business this evening, a resolution ratifying the expenditure of funds to purchase a Ford F-550 truck for the Public Works Department. She asked Ms. Smith to please provide a report about this item. Ms. Smith explained that supply chain issues continue to affect purchasing, especially of vehicles, and that oftentimes Staff needs to move quickly and make rapid decisions about purchases. In this case, a Ford F-550 truck was budgeted for 2024 for the Public Works Department, however the order window offered by the dealership did not align with Council meeting dates so Ms. Smith authorized the purchase since it was included in the 2024 budget. The truck is now on order, and the Resolution being introduced ratifies that expenditure.

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There were no public comments.

**Moved by Carpenter-Davis, seconded by Schmid** to approve the Resolution ratifying the expenditure with Shawnee Mission Ford for purchase of a Ford F-550 Truck in the amount of \$67,805.00 for the Public Works Department.

Voting AYE: Boultinghouse, Thomas, Loudon, Schmid, Chociej, Ryherd, Kring and Carpenter-Davis. **Motion Carried.**

### **COMMENTS FROM THE CITY COUNCIL**

Councilmember Boultinghouse mentioned that he wants to emphasize how monumental the items passed this evening are. In his five years on the Council he can't recall such big items all coming forward at once. He commends his fellow Councilmembers and finds a lot of pride in the work they are doing.

Councilmember Kring noted that some Councilmembers will be attending the National League of Cities conference in Washington, D.C. March 10 – 13, and will have the opportunity to meet with colleagues across the country and discuss things important to cities. She sits on the Energy and Environment and Natural Resources committee, and she is so proud to present the accomplishments of the Sustainability Commission as part of that assignment.

Mayor Flora added that the National League of Cities (NLC) leadership will visit Mission in honor of their 100<sup>th</sup> year anniversary, which is an honor for our community and reflects Mission's long-standing involvement and support of the NLC.

Councilmember Thomas shared that, with mixed emotions, she and her family will soon be putting their house on the market and making a move out of Mission, so she will be vacating her City Council seat. She anticipates her last Council meeting will be in April. Her family is hoping to stay in Mission, but they need more space than most of the homes in Ward I offer.

Councilmember Chociej referenced an error in the verbal motion given for the item designating land as park space, stating that the motion referenced Article II and should have been Article III. Ms. Smith clarified there was no need for a new motion and that the resolution is correctly written, thanking Councilmember

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ChocieJ for that catch.

### **COUNCIL COMMITTEE LIAISON REPORTS**

#### **Sustainability Commission (Boultinghouse/Loudon)**

Councilmember Loudon stated she attended the most recent meeting where budget was mostly what was discussed.

#### **Parks, Recreation + Tree Commission (Kring/Schmid)**

Councilmember Schmid shared that he sat on the PRT several years ago, and it was good to be back. The Commission talked about Johnson Drive updates and native plantings, positive improvements to Water Works Park and the excitement they are hearing from the public for the parks upgrades and discussed the need for more permanent restroom access at Broadmoor Park. Most of the meeting was spent reviewing the budget.

#### **Mission Magazine Editorial Board (Ryherd/ChocieJ)**

Councilmember ChocieJ noted that the meeting was postponed to February 28, therefore there was nothing to report.

#### **Family Adoption Committee (Carpenter-Davis)**

Councilmember Carpenter-Davis shared that the Family Adoption Committee held a recap meeting on January 23. She explained that the program has been supported by the City's employees and volunteers since 2006, and she hopes that residents recognize that commitment. She explained that the committee works with social workers at the various local schools to identify families for the program. The program began by providing baskets of food. It started with just two families, and now is serving over 100 families each year. They provide a box of food at Thanksgiving and Christmas. In her role as liaison, she is hoping to work with the City Administrator and thinks about all the work that's put into this by the Public Works and Parks + Recreation staff, and hopes to be able to put together some data to reflect the needs and resources allocated to aid in making decisions for the program into the future. Additionally, she noted that this Friday the committee will be holding an appreciation lunch for the City employees that assisted in this wonderful program.

### **MAYOR'S REPORT**

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### Appointments

#### Planning Commission

Mayor Flora recommended Kelsey Brown, Ward II, for appointment to a term ending December 31, 2025 to the Planning Commission. She thanked Ms. Brown for her interest in volunteering her time to the City of Mission.

**Moved by Chociey, seconded by Loudon** to uphold the appointment of Kelsey Brown to the Planning Commission with a term expiring December 31, 2025.

Voting AYE: Boultinghouse, Schmid, Thomas, Loudon, Chociey, Carpenter-Davis, Ryherd, and Kring. **Motion Carried.**

#### Parks, Recreation + Tree Commission

Mayor Flora recommended Dylon Sease, Ward III, for appointment to a term ending December 31, 2025 to the Parks, Recreation + Tree Commission. She thanked Mr. Sease for his interest in volunteering his time to the City of Mission.

**Moved by Schmid, seconded by Kring** to uphold the appointment of Dylon Sease, Ward III to the Parks, Recreation & Tree Commission with a term expiring December 31, 2025.

Voting AYE: Boultinghouse, Schmid, Thomas, Loudon, Chociey, Carpenter-Davis, Ryherd, and Kring. **Motion Carried.**

#### Board of Zoning Appeals (BZA)

Mayor Flora recommended Mike Patterson, Ward IV, for appointment to a term ending February 21, 2027 to the Board of Zoning Appeals (BZA). She thanked Mr. Patterson for his interest in volunteering his time to the City of Mission.

**Moved by Carpenter-Davis, seconded by Loudon** to uphold the appointment of Mike Patterson, Ward IV, to the Board of Zoning Appeals with

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a term expiring February 21, 2027.

Voting AYE: Boultinghouse, Schmid, Thomas, Loudon, ChocieJ, Carpenter-Davis, Ryherd, and Kring. **Motion Carried.**

### **CITY ADMINISTRATOR'S REPORT**

Ms. Smith stated she will have City Clerk Robyn Fulks give business updates, and that Staff continues to work on the 2023 Year End Project Status Update. She is happy to announce that City Hall is fully staffed and that we are all looking forward to new opportunities in 2024.

Ms. Fulks announced the following business updates to the Mayor and Council:

- The Big Biscuit has opened at 7017 Johnson Drive, and that elected officials and staff will attend a ribbon cutting there later in the week.
- Azura Credit Union is getting closer to completion of their new space on Johnson Drive and have a ribbon cutting scheduled for March 21.
- Mission Lean Lifestyle, a healthcare clinic and specialty practice has opened at 5739 Johnson Drive
- Liberty Tax has opened a pop-up shop at 6518 Martway Street for the duration of the tax season.
- Fiorella Schlossmacher, a previous Mission resident, will open Fiorella's Boutique at 5832 Johnson Drive

Ms. Fulks also noted that new banners for spring have been hung along Johnson Drive and encouraged the Council to check them out.

### **EXECUTIVE SESSION**

Mayor Flora explained that there was a need for an executive session tonight and that the Governing Body would adjourn to Executive Session for the allotted time. When that time has expired, the Governing Body will reconvene to do one of the following: Extend the time required for discussion and return to Executive Session or continue with the City Council meeting. She reminded the public that the Governing Body may take no binding action in an Executive Session.

**Moved by Boultinghouse, seconded by ChocieJ** to recess to executive session in accordance with K.S.A. 75-4319 (b)(1) for consultation with an attorney and preliminary discussions relating to the acquisition of real property. Also attending the executive session will be City Attorney Dave Martin and City



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Administrator Laura Smith. The open meeting will resume in the Council Chambers at 8:34 p.m. (30 minutes). **Motion carried.**

The Council returned from the Executive Session at 8:34 p.m. No further action was taken.

### **ADJOURNMENT**

Mayor Flora announced that the public video from tonight's meeting will be available through a link on the City's website - missionks.org.

**Moved by Thomas, seconded by Chociej** to adjourn the meeting at 8:34 p.m. All present voted AYE. **Motion carried.**

Respectfully submitted by Robyn L. Fulks, City Clerk.

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Solana Flora, Mayor

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Robyn L. Fulks, City Clerk

<b>City of Mission</b>	Item Number:	3.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Parks + Recreation</b>	From:	Penn Almoney

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

**RE:** Water Works Park Site Furnishings

**RECOMMENDATION:** Approve the purchase of six picnic tables, five benches and eight bike racks from Wishbone Site Furnishings as part of Water Works Park improvements in an amount not to exceed \$36,621.50.

**DETAILS:** The Water Works Park improvements are well underway and include:

- a shelter to accommodate 50-75
- two ADA accessible restrooms
- 10-foot-wide sidewalk/trail connections from new facilities
- water fountain/bottle filler
- trash and recycling receptacles
- benches and picnic tables
- landscaping
- new parking lot along 53rd Street

Picnic tables are a critical element that helps the pavilion/shelter come to life. It becomes a staging area for events and programs and serves as the gathering place for reunions and rental gatherings. The Water Works Park pavilion/shelter, in particular, will host outdoor classroom instruction for neighboring Rushton Elementary teachers throughout the year. Because of the anticipated uses, it is important to invest in pieces that can withstand the impact of both supervised and unsupervised use.

Park benches can activate a park as a welcoming and relaxing respite when intermittently spaced. Locating benches at key points along the walking trail and near playgrounds allows park users opportunities to rest, plan or supervise activities.

The purchase of picnic tables, benches and bike racks was carved out from the general contractor's scope of work with the hope of eliminating any "middleman markup" and finding the best product for the best price. Staff studied advances in manufacturing and sustainable inputs and considered the following when determining these amenities with the best long-term value for Mission's park system:

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	45-90-805-09
Available Budget:	\$32,500 + \$4,121.60 from project contingency

<b>City of Mission</b>	Item Number:	3.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Parks + Recreation</b>	From:	Penn Almoney

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

- Tables are heavy enough that they do not need to be bolted into place, creating ease of setup for multi-functional uses
- Standard design/style that can easily be made ADA accessible <see attachment>
- Consistent design with other park benches and tables
- 100% recycled slats; no painting or splintering
- 10-year warranty
- Rated to 1,000 lbs

Staff solicited bids for four standard six-foot long tables and two ADA accessible tables, five 6-ft benches with dividing armrests and eight bike racks from Wishbone Site Furnishings. Wishbone’s products were determined to be the best value through previous bids for other parks and in order to maintain consistency among site furnishings in Mission’s outdoor parks, they are now our sole-source manufacturer for benches, racks and picnic tables. This provides aesthetic consistency as well appropriate warranties and allow Mission to receive preferred pricing.

<b>Wishbone Site Furnishings</b>	<b>Cost Each</b>	<b>TOTAL</b>
5- 6ft benches w/ armrests	\$1,805	<b>\$9,025</b>
6 Picnic Tables (2 w/ ADA access)	\$3,138	<b>\$18,830</b>
8 Bike Racks	\$815	<b>\$6,520</b>
Shipping	\$5,000	<b>\$36,621.50</b>

Wishbone’s preferred pricing applied a 10% discount that saved the city \$3,513.50. Engineer estimates from 2023 projected the total cost for these pieces at \$32,500. The true cost, with the discount, exceeded the estimates by \$4,121.50 due to manufacturing and shipping cost increases. The overall Water Works Park budget includes a contingency to cover unforeseen cost increases such as this. Staff remains committed to manage the overall project budget within existing parameters.

Based on the durability and appearance of previously purchased amenities, staff recommends the purchase of six picnic tables, (4 standard and 2 ADA accessible), five

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	45-90-805-09
Available Budget:	\$32,500 + \$4,121.60 from project contingency



<b>City of Mission</b>	Item Number:	3.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Parks + Recreation</b>	From:	Penn Almoney

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

benches and eight bike racks from Wishbone Site Furnishings in an amount not to exceed \$36,621.50 to be paid from the Parks + Recreation Sales Tax Fund.

Manufacturing and delivery takes 10-12 weeks putting an anticipated delivery date in July. The project is slated for completion in August 2024.

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

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	45-90-805-09
Available Budget:	\$32,500 + \$4,121.60 from project contingency

QUOTE					
Account ID	2393	Quote ID	022924-11937	Prepared By	Katie Palmer
Account Name	Stantec (Kansas)	Quote Date	February 29, 2024	Wishbone Phone	604-626-0476
Billing Address	7208 West 80th Street, Suite 201 Overland Park, KS 66204 U.S.		Payment Term	3P	✓
Contact Name	Jake Stodola	Rep Name	Katie Palmer	Rep. I.D.	KP
Phone	913-905-3424	Note	Pricing is valid 60 days from time of quote.		
Email	jake.stodola@stantec.com	Lead Time	Approx. 10 -12 weeks from time of order		

Shipping Information			Project Information			
Consignee	Stantec (Kansas)		Customer PO #	N/A		
Shipping Address	5814 W 53rd Street Mission, KS 66202		Project Name	Water Works Site Furniture Kansas	Territory ID	KS
Shipping Contact	TBD		Timeline Season	Year		
Phone No.	TBD--		Specifier Firm			
Freight Broker	Liberate Logistics	PTG/Hiab Required?	✗	Specifier Contact		
Freight Quote	8294	PR/CNC	✗	Type of Specification	Specified by LA	
Weight (lbs.)	2,493	Outhouse	✗			

Product #	Product Name	Frame Color	Lumber Color	Qty	Unit Price	Amount
BV-6	Bayview Bench 6ft	Textured Silver	Redwood	5	\$1,715	\$8,575
CA-1	Centre Armrest for Contour, Standard, Parker, BayView Benches	Textured Silver	N/A	5	\$190	\$950
RPTFS-6	Rutherford Heavy Duty Picnic Table	Textured Silver	Redwood	4	\$3,025	\$12,100
RPTWCFS-8	Rutherford Heavy Duty Wheelchair Accessible Picnic Table 8ft	Textured Silver	Redwood	2	\$3,365	\$6,730
VBR-36	Vincent Bike Rack - Aluminum	Textured Silver	Redwood	8	\$815	\$6,520
INST-1	Stainless Steel Installation Kit 1" Bolts	N/A	N/A	13	\$20	\$260

Extended Total \$35,135

Discount %	10.00%
Discount Reason	Preferred Client Discount
Product Total	\$31,621.5
Freight	\$5,000
Subtotal	\$36,621.5
Tax GST/PST	0.000
GST	
PST/HST	
Total Tax	\$0
Amount Due	\$36,621.5
Currency:	United States Dollars (USD)

Attachments	
Plaque Proof	
WRO Form	

Remarks Customer is responsible for remitting all Local, State or Other Taxes that may be due

Quotes are valid for 60 days. Pricing is subject to change without notice  
 Products ship assembled unless otherwise noted. Quoted freight costs are estimates only, actual freight cost may vary  
 Please be advised that a late fee charge of 2% per month shall be charged on all overdue accounts  
 Full payment is to be received before any work on orders commences, unless other payment terms apply  
 Orders that are not paid and picked up by their complete by date will be subject to storage fees  
 It is the responsibility of the client to visually inspect all products upon the time of receiving, failure to do so, may impede any damage claim process  
 We do not accept returns, exchanges or cancellations unless the item you purchased is defective. Notwithstanding warranty issues (including damage during freight), we will not accept returned product  
 At its sole discretion, Wishbone may permit returns on a case by case basis, albeit with a restocking fee  
 At the time of delivery, if delivery address or delivery method or any special delivery requirements change, Wishbone reserves the right to bill the client appropriately

<b>City of Mission</b>	Item Number:	4.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Parks + Recreation</b>	From:	Penn Almoney

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

**RE:** Contract Award Mohawk Park Phase II

**RECOMMENDATION:** Approve a contract with Sands Construction Company for Mohawk Park Phase II improvements in an amount not to exceed \$681,565.

**DETAILS:** Mohawk Park is a 7.8-acre neighborhood park located at 6649 Lamar Avenue, which is owned and maintained by the City of Mission. Phase I improvements began in July 2022 with substantial completion in August 2023.

Phase II project improvements include completing the 10-ft wide perimeter trail, adding additional parking, all-abilities playground and shade and surfacing installation, multi-sport court, grading and native landscaping plantings.

In order to take advantage of savings offered by the manufacturer, the City Council approved purchased of the major playground features in October 2023. The remaining playground elements we purchased in February 2024, in order to provide sufficient lead time to ensure equipment was ready for installation once site preparation was complete. The total costs associated with the playground and amenities equals \$809,448.40 which is already encumbered and separate from this contract award.

- Playground Amenities + Shade                      \$383,592.80
- Playground Surfacing                                      \$205,235
- Playground Installation                                      \$220,620.60
- **Playground Total**    **\$809,448.40**

Bids for the remaining Phase II improvements were received on March 21, 2024 with three (3) firms submitting bids as detailed in the table below.

<b>Mohawk Phase II Improvements</b>	<b>Base Bid Amount</b>	<b>Contingency</b>	<b>Total Bid</b>
<b>Engineer's Estimate</b>	<b>\$876,330</b>	<b>\$43,817</b>	<b>\$920,147</b>
Sands Construction	\$649,000	\$32,565	\$681,565

Related Statute/City Ordinance:	NA
Line Item Code/Description:	45-90-805-09
Available Budget:	\$920,147

<b>City of Mission</b>	Item Number:	4.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Parks + Recreation</b>	From:	Penn Almoney

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

Centric Construction	\$690,318	\$32,919	\$723,237
MegaKC Corporation	\$795,143	\$39,757	\$834,900

Based on a review and evaluation of the bids, staff recommends approval of a contract with Sands Construction Company for Mohawk Park Phase II improvements in an amount not to exceed \$681,565. Sands Construction was the contractor for the Phase I improvements.

Sands bid represents a savings of \$238,582 over the engineer's estimate. Staff is also waiting to hear from the Land and Water Conservation Fund (LWCF) committee regarding the \$566,285 grant application request for Mohawk Park Phase II improvements, which would provide additional savings to the overall project.

This portion of the Mohawk Phase II project is approved in the 2024 CIP with funding coming from the Parks + Recreation Sales Tax Fund and 2022A Bond proceeds. Construction is anticipated to begin in June 2024 with completion by September 2024.

**CFAA CONSIDERATIONS/IMPACTS:** The Community for All Ages initiative provides a mechanism for examining important community decisions from the perspective of residents for all ages. A place for residents of all ages to relax and play within a peaceful and natural setting is important component of a healthy and vibrant community.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	45-90-805-09
Available Budget:	\$920,147

**PROBABLE CONSTRUCTION COST OPINION**

**Preliminary**

The amounts stated herein are our best estimate of probable construction costs based on current information. Because costs are influenced by market conditions, changes in project scope, and other factors beyond our control, we cannot ensure that actual construction costs will equal this cost opinion.

**Mohawk Park - Phase II**

Mission, Kansas

23093

9/13/2023

Project Summary		Remarks
Phase 2 - Description	\$ 1,806,754.56	
<b>Total Anticipated Project Cost</b>	<b>\$ 1,806,754.56</b>	

AC = acre (43,560 sf) / ALW = allowance / EA = each / LF = linear foot / LB = pound / LS = lump sum / MSF = 1,000 sf / SF = square foot / SY = square yard / TON = 2,000 pounds

**Site Improvements**

Demolition	Qty	Unit	Unit Cost	Item Total	Remarks
Wood Fence Demolition	370	LF	\$ 1.50	\$ 555.00	
Metal Fence Demolition	1,430	LF	\$ 1.50	\$ 2,145.00	
Vegetation Removal	1	LS	\$ 10,000.00	\$ 10,000.00	
Construction Fence	3,560	LF	\$ 16.00	\$ 56,960.00	
Silt Fence	1,964	LF	\$ 2.00	\$ 3,928.00	
<b>Subtotal</b>				<b>\$ 73,588.00</b>	

Site Amenities	Qty	Unit	Unit Cost	Item Total	Remarks
Grading & Earthwork	1	LS	\$ 75,000.00	\$ 75,000.00	
Concrete Walks	31,510	SF	\$ 7.00	\$ 220,570.00	
Asphalt Paving	248	SY	\$ 45.00	\$ 11,160.00	
Concrete Curb and Gutter	390	LF	\$ 22.00	\$ 8,580.00	
Basketball Court Surfacing	2261	SF	\$ 14.00	\$ 31,654.00	
Playground	1	LS	\$ 600,000.00	\$ 600,000.00	
Playground Surfacing	1	LS	\$ 125,000.00	\$ 125,000.00	
Shade Sails (Over Playground)	1	LS	\$ 100,000.00	\$ 100,000.00	
Benches	8	EA	\$ 1,500.00	\$ 12,000.00	
Trash Cans	1	EA	\$ 1,250.00	\$ 1,250.00	
Signage	1	LS	\$ 10,000.00	\$ 10,000.00	
Paint Striping	1	LS	\$ 5,000.00	\$ 5,000.00	
<b>Subtotal</b>				<b>\$ 1,200,214.00</b>	

Landscape Elements	Qty	Unit	Unit Cost	Item Total	Remarks
Overstory Trees	40	EA	\$ 500.00	\$ 20,000.00	
Understory Trees	18	EA	\$ 300.00	\$ 5,400.00	
Evergreen Trees	26	EA	\$ 300.00	\$ 7,800.00	
Turf Re-Seed	80,000	SF	\$ 0.20	\$ 16,000.00	
Native Grass	1	AC	\$ 13,000.00	\$ 13,000.00	
<b>Subtotal</b>				<b>\$ 59,600.00</b>	

<b>Subtotal - Project Total</b>	<b>\$ 1,333,402.00</b>
General Conditions	8% \$ 106,672.16
Overhead and Profit	10% \$ 133,340.20
Contingency	10% \$ 133,340.20
Design and Engineering Fees	\$ 100,000.00
<b>Total - Project Total</b>	<b>\$ 1,806,754.56</b>

Sands Construction Company  
 1284 Eisenhower Road  
 Leavenworth, KS 66048  
 913.306.4015

BID DUE: March 21, 2024 @ 3PM

Mohawk Park - Phase II  
 Mission, Kansas

23093  
 2/28/2024

AC = acre (43,560 sf)/ ALW = allowance | EA= each | LF = linear foot/ LB = pound /LS= lump sum/ MSF = 1,0CXJ sf | SF = square foot/ SY = square yard/ TON = 2,2CX() pounds

Site Improvements					
Demolition	Qty	Unit	Unit Cost	Item Total	Remarks
Wood Fence Demolition	370	LF	N.A.	\$	All Fence - Chain-Link
Metal Fence Demolition	1,430	LF	3.78	\$ 5,400	
Vegetation Removal	1	L5	\$ 11,068	\$ 11,068	
Construction Fence	3,560	LF	5.50	\$ 19,580	
Silt Fence	1,964	LF	\$ 1.73	\$ 3,400	
Dust Remediation	1	L5	\$ 4,000	\$ 4,000	
				\$ 43,448	

Site Amenities	Qty	Unit	Unit Cost	Item Total	Remarks
Grading & Earthwork	1	LS	\$ 120,784	\$ 120,784	
Concrete Walks	31,510	SF	\$ 7.50	\$ 236,325	
Asphalt Paving	248	SY	\$ 89.03	\$ 22,080	
Concrete Curb and Gutter	390	LF	\$ 38.33	\$ 14,950	
Basketball Court Surfacing	2261	SF	\$ 26.98	\$ 61,000	Vinyl coated fence incl.
Playground Total	N.A.		N.A.	N.A.	Removed - ADD#1
Parking Signage	1	L5	\$ 1,120	\$ 1,120	
Benches	N.A.		N.A.	N.A.	Removed - ADD#1
Trash Cans	N.A.		N.A.	N.A.	Removed - ADD#1
Signage			N.A.	N.A.	Removed - ADD#1
Removavble Lean Bar	6	EA	\$ 1,631.33	\$ 9,788	
Backstop	1	EA	\$ 12,600	\$ 12,600	
Basketball Goal	1	LS	\$ 5,560	\$ 5,560	Pickle Items Removed - ADD#1
Paint Striping	1	L5	\$ 1,770	\$ 1,770	
<b>Subtotal</b>				\$ 485,977	

Landscape Elements	Qty	Unit	Unit Cost	Item Total	Remarks
Overstory Trees	39	EA	\$ 1,073.46	\$ 41,865	
Understory Trees	18	EA	\$ 898.06	\$ 16,165	
Evergreen Trees	34	EA	\$ 1,052.44	\$ 35,783	
Turf Re-Seed	76,000	SF	\$ 0.12	\$ 9,180	
Native Grass	1	AC	\$ 9,820.00	\$ 9,820	Meadow Mix Seed - Add #1
<b>Subtotal</b>				\$ 112,813	

Subtotal - Project Total				\$	642,238
Contingency	5%				32,565
Statutory Bond	5%				Change - ADD#1
Maintenance Bond	5%				Change - ADD#1
Performance Bond	5%				6,762
Payment Bond	5%	\$	6,762.00	\$	Total for All Bonds
<b>Project Total</b>				\$	<b>681,565</b>



*John Sands*

<b>City of Mission</b>	Item Number:	5.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Public Works</b>	From:	Stephanie Boyce

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

**RE:** Resolution Approving 2025-2029 CARS Project List

**RECOMMENDATION:** Approve the Resolution adopting the Five-Year City/County Street Improvement Program for the City of Mission for 2025-2029.

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

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

Each City is required to pass a resolution adopting a 5-year plan based on their own unique goals and objectives, and CARS projects are ultimately adopted as part of the County's annual budget process. The final commitment of funds occurs through the approval of specific interlocal agreements for each project. The recommended 2025-2029 CARS program is similar to the 2024-2028 CARS program although there have been some increases and decreases in estimated costs from last year's program. Project descriptions and costs for the 2025-2029 program are provided below as well as a budget comparison of the projects from last year to this year.

2025	2026	2027	2028	2029
63rd Street (Nall Ave. to Roe Ave.)	Johnson Drive (Metcalf Ave. to Lamar Ave.)	Nall Avenue UBAS (Martway St. to 63rd St.)	Martway Street (Woodson Rd. to Roeland Dr.)	51st Street (Lamar Ave to Eastern City Limits)

**2025 - 63rd Street (Nall Avenue to Roe Avenue):** Proposed improvements include a 3-inch mill and overlay; pavement repairs; replacement of curb and gutter; spot replacement of sidewalks and ADA ramps; and pavement markings. Total estimated project cost: \$760,926.00 with Mission funding \$400,463 and Prairie Village funding \$80,093 after the CARS funding.

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

<b>City of Mission</b>	Item Number:	5.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Public Works</b>	From:	Stephanie Boyce

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

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

Mission has been awarded a \$6,000,000 Surface Transportation Grant (STP) for this project. Total estimated project cost: \$14,781,107 with Mission funding \$5,851,694 after funds from the STP grant and CARS funding.

**2027 - Nall Avenue (Martway Street to 63rd Street):** Proposed improvements include UBAS surface treatment; pavement repairs; spot replacement of curb and gutter; sidewalks, and ADA ramps; and pavement markings. Total estimated project cost: \$373,177 with Mission funding \$204,089 after CARS funding.

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

**2028 – Martway Street (Woodson Road to Roeland Drive):** Proposed improvements include a 2-inch mill and overlay; pavement repairs; stormwater repairs; spot replacement of curb and gutter; sidewalks, and ADA ramps; and pavement markings. Total estimated project cost: \$1,015,895 with Mission funding \$531,948 after CARS funding.

**2029 – 51<sup>st</sup> Street (Lamar Avenue to Eastern City Limits):** Proposed improvements include a full depth reconstruction; stormwater repairs; replacement of curb and gutter; sidewalks, and ADA ramps; and pavement markings. Total estimated project cost: \$2,146,046 with Mission funding \$1,170,523 after CARS funding.

Roeland Park is applying for CARS funds to replace the traffic Signal at Johnson Drive at Ash Drive. Missions portion is estimated to be \$145,000.

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



<b>City of Mission</b>	Item Number:	5.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Public Works</b>	From:	Stephanie Boyce

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

**CARS Program  
2024-2028 to 2025-2029  
Budget Comparison**

<b>Project</b>	<b>2024-2028 Total Project Budget*</b>	<b>2025-2029 Total Project Budget*</b>	<b>Cost Difference (% Increase)</b>	<b>Notes</b>
63 <sup>rd</sup> St. (Nall Ave. to Roe Ave.)	\$875,000	\$760,926	-\$114,074 (-13%)	Total project cost decreased due to the reduction in the scope.
Johnson Dr. (Metcalf Ave. to Lamar Ave.)	\$14,800,000	\$14,781,107	-\$18,893 (-0.128%)	Total project decrease due to reduction of inflation.
Nall Ave. (Martway St. to 63 <sup>rd</sup> St.)	\$380,000	\$373,177	-\$6,823 (-0.0182%)	Total project decrease due reduction of inflation.
Martway St. (Woodson Rd. To Roeland Dr.)	\$932,000	\$1,015,895	\$83,895 (+9%)	Total project costs increase due to increase of inflation.
51st Street (Lamar Ave to Eastern City Limits)	N/A	\$2,146,046	N/A	New Project for 2029.

Notes:

\*=Does not include CARS funding

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

Approval of the Resolution does not specifically commit the City to any expenditure of funds and its purpose is to communicate to the County the CARS eligible projects the City

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

<b>City of Mission</b>	Item Number:	5.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Public Works</b>	From:	Stephanie Boyce

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

is considering over the 2025-2029 planning horizon.

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

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

**CITY OF MISSION  
RESOLUTION NO. \_\_\_\_\_**

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

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

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

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

**WHEREAS**, the 2025-2029 CARS Program is an important budgeting and planning document for both the City of Mission and Johnson County; and

**WHEREAS**, submission of the 2025-2029 CARS program does not specifically commit any expenditures on behalf of the City of Mission.

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

SECTION 1. That the attached Five-Year City/County Street Improvement Program has been reviewed and approved for submittal to the Johnson County Board of Commissioners as the City's 2025-2029 CARS Program request.

**THIS RESOLUTION IS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, THIS 17th DAY OF APRIL 2024.**

**THIS RESOLUTION IS APPROVED BY THE MAYOR THIS 17th DAY OF APRIL 2024.**

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST: (Seal)

\_\_\_\_\_  
Robyn L. Fulks, City Clerk

<b>City of Mission</b>	Item Number:	6.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Public Works</b>	From:	Brent Morton

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

**RE:** 63rd Street (Nall Ave. to Roe Ave.) Engineering Services Agreement

**RECOMMENDATION:** Approve a task order with Olsson for design of the 63rd Street (Nall Ave. to Roe Ave.) project in an amount not to exceed \$32,466.

**DETAILS:** 63rd Street. (Nall Ave. to Roe Ave.) project is included in the City's 5-Year Capital Improvement Program (CIP) and 5-year CARS Program for construction in 2025 at an estimated cost of \$720,926.42. The scope of work includes a 3-inch mill and overlay, spot sidewalk and curb replacement, spot full depth pavement repairs, stormwater repairs, and pavement markings.

The attached design agreement with Olsson includes design services (survey, roadway, stormwater), utility coordination, easement acquisition, project management, and bid and construction phase services in an amount not to exceed \$32,466.

This project will be administered by the City of Mission and is a joint project with the City of Prairie Village. Design costs will be split between Mission and Prairie Village at 50/50 cost share.

**CFAA CONSIDERATIONS/IMPACTS:** The project seeks to improve connectivity by replacing aging sidewalks and roadway to maximize use and safety for all users.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	25-90-805-60
Available Budget:	\$32,466

## Exhibit "A" – Task Order

### TASK ORDER: 63<sup>rd</sup> Street Rehabilitation Project – Nall to Roe

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

This task order is related to scope of services for preparing plans & specs for the mill and overlay, restriping, and rehabilitation of the following roadway.

1. 63<sup>rd</sup> Street from Nall to Roe mill and overlay including the restriping of the pavement markings. In addition, spot full depth street repairs, joint repairs, sidewalk repairs, and curb and gutter repairs will be included in areas identified in the walk thru already performed. Storm sewer identified as in bad condition will be replaced. Topographic survey will be required for this part of the project only where storm sewer is being replaced.

#### Section A. - Scope of Services

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

#### Section B. - Schedule

OLSSON shall perform the Services and deliver the related Documents starting in April 2024 and ending in December 2024.

#### Section C. - Compensation

C.1. In return for the performance of the foregoing obligations, Owner shall pay to OLSSON the estimated amount of \$32,466.00, payable according to the following terms:

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

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

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

**Section E. - Other Provisions**

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

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

City of Mission, Kansas (Owner)

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

OLSSON

By: Paul B. Moore

Name: Paul Moore, PE

Title: Vice President

Date: 3/21/2024



## EXHIBIT C

### SCOPE OF SERVICES: 63<sup>rd</sup> Street Rehabilitation Project – Nall to Roe

Mission, Kansas

#### FURTHER DESCRIPTION OF BASIC ENGINEERING SERVICES:

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

1. 63<sup>rd</sup> Street from the east side of the Nall intersection to Roe including the intersection at Roe.

In addition, spot full depth street repairs, joint repairs, sidewalk repairs, and curb and gutter repairs will be included in areas identified in the walk thru already performed. The road will be restriped after new asphalt is installed. Storm sewer identified as in bad condition will be replaced. Topographic survey will be required for this part of the project only where storm sewer is being replaced.

The project will be one bid package that will be slated for construction in the 2025 construction season.

#### GENERAL DESIGN REQUIREMENTS

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

##### Task I. Data Collection

- 1.01 A. Site visit
- 1.02 B. Create base map from GIS and aerial data
- 1.03 C. Survey for storm sewer replacements, flowlines, and topo including utilities. No boundary included. AIMS right of way linework will be used on this project.

##### Task II. Design

- 2.01 A. Cover sheet.

- B. Standard Detail sheets
- C. General Layout
- D. Plan sheets
- E. Layout spot curb replacement on plans
- F. Layout spot sidewalk replacement on plans
- G. Storm Sewer replacement plan and profiles
- H. Pavement marking plans.
- I. Traffic control standard details
- J. Quantity table on each plan sheet
- K. Cost estimate shall be furnished based on the experience and qualifications of Olsson's judgment as an experienced and qualified design professional, familiar with the construction industry and advise the City if, in its opinion, the amount budgeted for construction is not sufficient to adequately design and construct the improvement as requested.

**2.02** Preparation of Bid Documents including technical specs from City boilerplates.

**2.03** Meetings

- A. Attend pre-design meeting.
- B. Meet with the City for a coordination meeting.

**2.04** Project Management

- A. Monitor scope schedule and fee.

**Task III. Bidding**

**3.01** Prepare written addenda to the bidding documents as required and/or requested.

**3.02** Attend the pre-bid conference.

**3.03** Answer Contractor questions during the bid period.

**3.04** Assist the City in analyzing bids and making recommendation for award of the construction contract.

**3.05** Prepare a bid tabulation in printed and MS Excel Format.



3.06 Attend the bid letting.

**Task IV. Construction period Services Phase**

4.01 Prepare for and attend preconstruction meeting.

4.02 Shop Drawing & Material Submittal Review.

4.03 Answer contractor questions (RFI).

4.04 Plan Revisions (minor).

4.05 Field Visits to resolve issues.

4.06 Compile as built plans.

4.07 Participate in walk through.

**Compensation**

<b>Task I – Data Collection/Survey</b>	<b>\$2,159.00</b>
<b>Task II – Design</b>	<b>\$21,226.00</b>
<b>Task III – Bidding</b>	<b>\$3,132.00</b>
<b>Task IV – Construction Period Services</b>	<b>\$5,449.00</b>
<b>Expenses</b>	<b><u>\$500.00</u></b>
<b>TOTAL</b>	<b>\$32,466.00</b>

***City Responsibilities***

1. The City shall be responsible for providing the GIS linework for the existing curbs and an aerial background.
2. The City shall arrange the pre-bid and bid letting meetings.

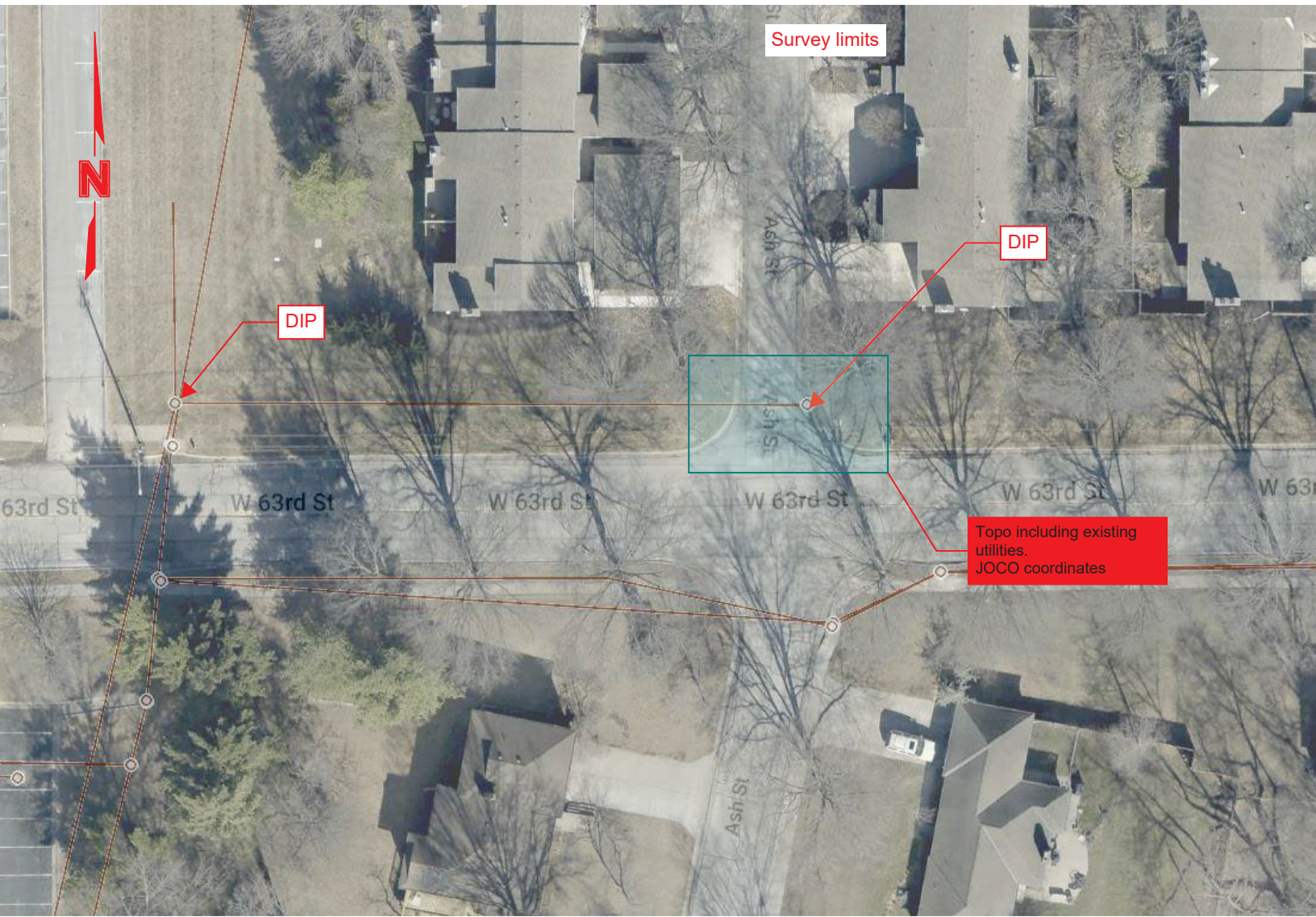
***Assumptions***

1. Traffic control will consist of a flagger operation and will not require plans.
2. Special design drainage inlets and junction structure will not be required.

***Exclusions***

1. Olsson has not included services for a Traffic Impact Study, Level of Service Analysis, or traffic count data.

2. Olsson will not include direct land acquisition or appraisal proceedings.
3. Olsson will not design any utility relocation such as waterline, sanitary sewer line, gas, phone, power, etc.
4. Surveying associated with utility relocations, setting project control for the contractor prior to construction, staking of temporary easements, or construction staking.
5. As built markup will be provided by the city or contractor.
6. Olsson will not include irrigation for the project.
7. No inspections have been identified in association with any correction period that will be included in the construction contract. Those services can be contracted at a later date if requested by the City.
8. No time has been included in this fee estimate for surveying associated with utility relocations, setting project control for the contractor prior to construction, staking of temporary easements, or construction staking.
9. Sanitary sewer and septic system design are not included.
10. Environmental permitting does not include 4f or 6f parkland permits.
11. Waterline design is not included.
12. 3D visualization and graphics are not included.
13. Structural Design other than noted in the scope.
14. Public meetings are not included.



Survey limits

DIP

DIP

Topo including existing utilities.  
JOCO coordinates

N

W 63rd St

W 63rd St

W 63rd St

W 63rd St

W 63rd St

W 63rd St

Ash St

Ash St

Ash St



# ENGINEER'S ESTIMATE - CARS APPLICATION

**Client:** City Of Mission & Prairie Village Kansas  
**Project:** 63rd St. Nall to Roe Rehab (2025 CARS)  
**Project Number:** 018-3593  
**Date:** 3/27/2024

	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST \$	COST \$
<b>CITY OF MISSION</b>					
1	FORCE ACCOUNT (Set)	1	LS	\$30,000.00	\$30,000.00
2	REMOVAL OF EXISTING STRUCTURES	1	LS	\$15,000.00	\$15,000.00
3	HMA COMMERCIAL GRADE CLASS A OVERLAY (3")	798	TON	\$115.00	\$91,748.44
4	MILLING (3")	4728	SY	\$4.00	\$18,912.00
5	ASPHALT PAVEMENT REPAIR (7")	85	SY	\$90.00	\$7,650.00
6	CURB INLET THROAT REPLACEMENT	50	LF	\$80.00	\$4,000.00
7	COMBINED CURB & GUTTER REPLACEMENT, TYPE B	1866	LF	\$55.00	\$102,630.00
8	REMOVE & REPLACE 4" CONCRETE SIDEWALK	835	SF	\$14.00	\$11,690.00
9	REMOVE AND REPLACE SIDEWALK RAMP	169	SF	\$50.00	\$8,450.00
10	SIDEWALK RAMP	9	EA	\$2,500.00	\$22,500.00
11	CONCRETE DRIVEWAY (6")	396	SY	\$90.00	\$35,640.00
12	AGGREGATE BASE (AB-3)(6")	396	SY	\$16.00	\$6,336.00
13	CURB INLET TOP REPLACEMENT	1	EA	\$3,000.00	\$3,000.00
14	6'X4' CURB INLET	1	EA	\$8,500.00	\$8,500.00
15	STORM SEWER (RCP CLASS III) 24"	30	LF	\$220.00	\$6,600.00
16	STORM SEWER (RCP CLASS III) 36"	15	LF	\$400.00	\$6,000.00
17	SOD	1435	SY	\$9.00	\$12,919.20
18	PAVEMENT MARKING	1	LS	\$7,000.00	\$7,000.00
19	PROJECT SIGN (CARS)	1	EA	\$1,000.00	\$1,000.00
20	TRAFFIC CONTROL	1	LS	\$10,000.00	\$10,000.00
21	CONTRACTOR CONSTRUCTION STAKING	1	LS	\$5,000.00	\$5,000.00
22	CONSTRUCTION INSPECTION	1	LS	\$23,000.00	\$23,000.00
<b>MISSION TOTALS</b>					
				<b>SUBTOTAL 2024 DOLLARS</b>	<b>\$437,575.64</b>
				<b>INFLATION TO 2025 DOLLARS</b>	<b>4.5%</b>
				<b>SUBTOTAL 2025 DOLLARS</b>	<b>\$457,266.54</b>
				<b>CONTINGENCY</b>	<b>20%</b>
				<b>OPINION OF PROBABLE COST</b>	<b>\$548,719.85</b>
<b>CITY OF PRAIRIE VILLAGE</b>					
23	FORCE ACCOUNT (Set)	1	LS	\$10,000.00	\$10,000.00
24	HMA COMMERCIAL GRADE CLASS A OVERLAY (3")	749	TON	\$115.00	\$86,081.81
25	MILLING (3")	4436	SY	\$4.00	\$17,744.00
26	PAVEMENT MARKING	1	LS	\$6,000.00	\$6,000.00
27	PROJECT SIGN (CARS)	1	EA	\$1,000.00	\$1,000.00
28	TRAFFIC CONTROL	1	LS	\$7,500.00	\$7,500.00
29	CONTRACTOR CONSTRUCTION STAKING	1	LS	\$2,000.00	\$2,000.00
30	CONSTRUCTION INSPECTION	1	LS	\$7,000.00	\$7,000.00
<b>PRAIRIE VILLAGE TOTALS</b>					
				<b>SUBTOTAL 2024 DOLLARS</b>	<b>\$137,325.81</b>
				<b>INFLATION TO 2025 DOLLARS</b>	<b>4.5%</b>
				<b>SUBTOTAL 2025 DOLLARS</b>	<b>\$143,505.47</b>
				<b>CONTINGENCY</b>	<b>20%</b>
				<b>OPINION OF PROBABLE COST</b>	<b>\$172,206.57</b>

**OPINION OF PROBABLE COST 2025 DOLLARS**

**\$720,926.42**

**NOTES:**

- 1 Quantities based on Aerial image and field measurements by city staff on the Mission side of the road

<b>City of Mission</b>	Item Number:	7.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Public Works</b>	From:	Brent Morton

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

**RE:** Purchase traffic signal equipment for the Roe Avenue. (63rd St. to Johnson Dr.) Rehabilitation Project.

**RECOMMENDATION:** Approve the purchase of traffic signal equipment for the Roe Avenue. (63rd St. To Johnson Dr.) Rehabilitation Project

**DETAILS:** The Roe Avenue. (63rd St. to Johnson Dr.) Rehabilitation Project is the City's 2024 CARS project and includes a 2-inch mill and overlay, sidewalk and retaining walls, stormwater improvements, traffic signal removal and replacement, pavement markings, and associated appurtenances. Design was completed by Olsson in March 2024 and the project is currently under review by KDOT for construction later this Spring.

Olsson's traffic engineer notified City staff that the traffic signal equipment, including the signal poles, cabinet, and radar, currently has a lead time ranging from 16 weeks for the radar to 52 weeks for the cabinet. Based on this information, it was recommended that Mission purchase the equipment outside of the construction contract to minimize project delays. No markup will be charged from the contractor if this equipment is purchased by the City, which will result in savings of approximately 15% percent of the total equipment cost.

Staff solicited two quotes for equipment from Mid American Signal, Inc. and Gades Sales Service Co., Inc. and received one quote. Staff did not receive the other quote prior to the deadline for the meeting but anticipates it will be lower which will result in a significant cost savings for the City. Staff will bring back the cost breakdown and recommendation to the April 17, 2024 council meeting.

If this purchase is approved by City Council, Staff will order the traffic signal equipment and store it at the Public Works facility until it can be installed by the contractor.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	25-90-805-60
Available Budget:	\$151,644

<b>City of Mission</b>	Item Number:	8.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Public Works</b>	From:	Brent Morton

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

**RE:** Contract Award for 2024 Localized Stormwater Projects

**RECOMMENDATION:** Approve a contract with Infrastructure Solutions LLC. for construction of the 2024 Localized Stormwater Projects in an amount not to exceed \$209,685.00

**DETAILS:** During discussion and development of the Stormwater CIP program in 2022, Staff initiated two distinct funding streams to address repair and maintenance projects. The first stream, totaling approximately \$150,000 annually, aims to promptly address urgent issues such as sinkholes or system failures. Additionally, another \$250,000 has been allocated annually beginning in 2023 to proactively tackle repair neighborhood level stormwater maintenance projects. This allocation primarily focuses on planned CMP replacements, some of which are linked with street projects, and offers flexibility to address persistent stormwater challenges in neighborhoods and other areas of the city.

In an April 2023 work session, Staff presented a methodology to review, rate, and prioritize localized stormwater projects that are not deemed emergencies. This presentation included initial rankings and cost estimates for various stormwater projects that have been identified by Staff or residents.

The 2023 CIP Stormwater Program, included approximately \$360,000 earmarked to ensure timely execution of repairs to aging infrastructure once the design phase is completed. Design was not completed in 2023, so the project funding carried over to 2024, where an additional \$250,000 was also budgeted. The locations for the 2024 Localized Stormwater Projects are listed below:

Area	Address	Rank
1	6126 Glenwood Street	2
2	5030 Foxridge Drive	1
3	5230/5234 Riggs Road	7
8	6012 Rosewood Drive	3

The project's scope entails preconstruction surveys, removal of existing structures, and installation and/or repair of new structures. Bidding for the 2024 Stormwater Localized Project occurred in March, with bids opened on March 29, 2024. Among the four bidders, Infrastructure Solutions LLC. submitted the lowest and most responsive bid. Details of the bid results are provided in the table below:

Related Statute/City Ordinance:	NA
Line Item Code/Description:	22-61-407-05 Stormwater Utility Fund
Available Budget:	\$360,000

<b>City of Mission</b>	Item Number:	8.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Public Works</b>	From:	Brent Morton

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

### 2024 Localized Stormwater Projects

<b>Bidder</b>	<b>Base Bid</b>
<b>Engineer's Estimate</b>	<b>\$216,886.30</b>
Infrastructure Solutions LLC.	\$209,685.00
G-B Construction LLC.	\$222,034.25
Kissick Construction Company Inc.	\$283,964.00
VF Anderson Builders	\$268,805.00

Staff recommends approval of a contract with Infrastructure Solutions LLC. in an amount not to exceed \$209,685.00. Construction is anticipated to begin in April/May 2024 and is estimated to be completed in 60 calendar days.

**CFAA CONSIDERATIONS/IMPACTS: N/A**

Related Statute/City Ordinance:	NA
Line Item Code/Description:	22-61-407-05 Stormwater Utility Fund
Available Budget:	\$360,000



**MISSION**  
*Kansas*

**Project Manual**

for

**2024 DRAINAGE MODIFICATION  
PROJECTS**

**Project # SW-2024-01**

Published: March 2024



BID

**2024 DRAINAGE MODIFICATION PROJECTS**

TO: CITY OF MISSION,  
JOHNSON COUNTY, KANSAS

Neither the City nor Consultant shall be responsible for the accuracy, completeness, or sufficiency of any bid documents obtained from any source other than the source indicated in the Notice to Bidders. Obtaining copies of plans, specifications, bid documents and other contract documents from any other source(s) may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed in the Notice to Bidders may also result in failure to receive any addenda, corrections, or other revisions to these documents that may be issued.

The undersigned bidder hereby proposes to mobilize and furnish all materials, supplies, transportation, tools, equipment and plant, perform all necessary labor and construct, install and complete all work stipulated in, required by, and in conformity with the proposed contract documents (including all documents referred to therein) and any and all addenda thereto, for and in consideration of prices as follows:

**BID SHEET 2024 DRAINAGE MODIFICATION PROJECTS**

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST \$	COST \$
1	Force Account (Set)	Lump Sum	1	\$20,000.00	\$20,000.00
2	Clearing and Grubbing	Lump Sum	1	7250 <sup>00</sup>	7250 <sup>00</sup>
3	Removal of Existing Structures	Lump Sum	1	2100 <sup>00</sup>	2100 <sup>00</sup>
4	Preconstruction Survey	Each	2	400 <sup>00</sup>	800 <sup>00</sup>
5	Unclassified Excavation	Cu. Yd.	32	50 <sup>00</sup>	1600 <sup>00</sup>
6	Common Excavation (Contractor Furnished)	Cu. Yd.	7	140 <sup>00</sup>	980 <sup>00</sup>
7	Compaction of Earthwork (all types)	Cu. Yd.	33	100 <sup>00</sup>	3300 <sup>00</sup>
8	AB-3 O.P. Modified (4")	Sq. Yd.	27	180 <sup>00</sup>	4860 <sup>00</sup>
9	Curb & Gutter Replacement, Combined (Type A)	Lin Ft.	205	40 <sup>00</sup>	8200 <sup>00</sup>
10	Concrete Pavement (Uniform)(6")(AE)(Plain)	Sq. Yd.	27	180 <sup>00</sup>	2340 <sup>00</sup>
11	Slotted Drain (15")	Lin Ft.	118	300 <sup>00</sup>	35400 <sup>00</sup>

12	15" CMP	Lin Ft.	13	180 <sup>00</sup>	2340 <sup>00</sup>
13	End section (42" RC)	Each	1	6550 <sup>00</sup>	6550 <sup>00</sup>
14	42" Storm Sewer (HDPE)	Lin Ft.	113	220 <sup>00</sup>	24860 <sup>00</sup>
15	Junction Box (4'x5')	Each	1	8750 <sup>00</sup>	8750 <sup>00</sup>
16	Pipe Collar	Each	1	1800 <sup>00</sup>	1800 <sup>00</sup>
17	Rip Rap (Light 200)	Sq. Yd.	39	170 <sup>00</sup>	6630 <sup>00</sup>
18	Ditch Lining (Aggregate)(4")	Ton	26	160 <sup>00</sup>	4160 <sup>00</sup>
19	Fence (4' CHAIN LINK)	Lin Ft.	65	80 <sup>00</sup>	5200 <sup>00</sup>
20	Sod (Fescue)	Sq. Yd.	372	10 <sup>00</sup>	3720 <sup>00</sup>
21	Topsoil	Cu. Yd.	62	85 <sup>00</sup>	5270 <sup>00</sup>
22	Traffic Control	Lump Sum	1	6750 <sup>00</sup>	6750 <sup>00</sup>
23	Contractor Construction Staking	Lump Sum	1	5500 <sup>00</sup>	5500 <sup>00</sup>
1	Removal of Existing Structures	Lump Sum	1	1650 <sup>00</sup>	1650 <sup>00</sup>
2	Curb & Gutter Replacement, Combined (Type A)	Lin. Ft.	27	140 <sup>00</sup>	3780 <sup>00</sup>
3	Concrete Pavement (Uniform)(6")(AE)(Plain)	Sq. Yd.	19.8	200 <sup>00</sup>	3960 <sup>00</sup>
4	5'x4' Curb Inlet	Each	1	7820 <sup>00</sup>	7820 <sup>00</sup>
5	4'x4' Curb Inlet	Each	2	7650 <sup>00</sup>	15300 <sup>00</sup>
6	Storm Sewer (12")(HDPE)	Lin. Ft.	48	100 <sup>00</sup>	4800 <sup>00</sup>
7	Curb Inlet Protection	Each	3	125 <sup>00</sup>	375 <sup>00</sup>
8	Sod (Fescue)	Lin. Ft.	80	10 <sup>00</sup>	800 <sup>00</sup>

TOTAL BID \$ 209,685<sup>00</sup>

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

A. The Notice to Proceed is anticipated to be May 1, 2024.

The undersigned also declares that it understands that if not preset by the City the time to begin construction and to complete the work will be one factor considered in determining the lowest and best responsible bidder.

2. In submitting this bid, the undersigned declares that it is of lawful age and executed the accompanying bid on behalf of the bidder therein named, and that it had lawful authority so to do. The undersigned further declares that it has not directly or indirectly entered into any agreement, expressed or implied, with any bidder or bidders, having for its object the controlling of the price or amount of such bid or any bids, the limiting of the bid or bidders, the parceling or farming out to any bidder or bidders, or other persons, of any part of the contract or any part of the subject matter of the bid or bids or of the profits thereof, and that it has not and will not divulge the sealed bid to any person whomsoever, except those having a partnership or other financial interest with bidder in said bid or bids, until after sealed bid or bids are opened.
3. The undersigned further declares that it has carefully examined the Notice to Bidders, Instructions to Bidders and other contract documents, and that it has inspected the actual location of the work, together with the local sources of supply, and has satisfied itself as to all conditions and quantities and understands that in signing this Bid it waives all right to plead any misunderstanding regarding the same.
4. The undersigned hereby agrees to furnish the required bonds and insurance certificates and execute an agreement within ten (10) calendar days from and after notice of the award of the contract, and failure of the bidder to do so shall constitute a default, and the City may thereafter take such steps to protect its legal rights as it deems in its best interest, including, but not limited to, enforcement of its rights as to bid security.
5. It is understood that the City will pay in a prompt and timely manner pay estimates when submitted and approved by the Architect/Engineer and further approved by the City staff coordinator for the project, all as provided in the contract documents.
6. Undersigned acknowledges receipt of the Plans and Specifications for the project including the following addenda (complete) 1.
7. The undersigned agrees to sign a contract for the bid price on this bid form up until the date of May 30, 2024.

Enclosed is a certified check, cashier's check or bid bond in the amount of 5% DOLLARS (\$\_\_\_\_\_)

\_\_\_\_\_ which the undersigned agrees is subject to being forfeited to and becoming the property of the City as liquidated damages and not as a penalty, together with other legal remedies the City may choose to invoke, all as set forth in the Instructions to Bidders Section IB-9, should this Bid be accepted and the contract be awarded to this bidder and it should fail to enter into an agreement in the form prescribed and to furnish the required insurance, bonds and other required documents within ten (10) calendar days as above stipulated, otherwise the bid security shall be returned to the undersigned upon signing of the agreement and delivery of the approved bonds and other required documents to the City of Overland Park, Kansas.

DATED in (B) Kansas ~~March~~ this 28 day of March, 2024.

(SEAL)

Infrastructure Solutions llc  
Contractor



Signature

Brad Ikenberry

Printed Name

Estimator

Title

9801 Renner Blvd

Street Address or P.O. Box

Lenexa KS 66219

City, State, Zip

785-213-5282

Telephone Number

bikenberry@I-solutionsllc, Fax Number  
com

CITY OF MISSION, KANSAS

AGREEMENT BETWEEN  
CITY OF MISSION, KANSAS  
AND CONTRACTOR

**2024 Drainage Modification Projects**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by and between the City of Mission, Kansas, hereinafter the "City", and \_\_\_\_\_ hereinafter the "Contractor".

WITNESSETH:

WHEREAS, the City has caused to be prepared, in accordance with the law, Notice to Bidders, Instructions to Bidders, Bid, this Agreement, General Conditions, Project Special Provisions, Plans, Specifications and other Contract Documents, as defined in the General Conditions, for the work herein described, and has approved and adopted these said Contract Documents and has caused to be published, in the manner and for the time required by law, an advertisement inviting sealed Bids for furnishing construction materials, labor, tools, equipment and transportation necessary for, and in connection with, the construction of public improvements in accordance with the terms of this Agreement; and

WHEREAS, the Contractor, in response to the advertisement, has submitted to the City, in the manner and at the time specified, a sealed Bid in accordance with the terms of this Agreement; and

WHEREAS, the City, in the manner prescribed by law, has publicly opened, examined and canvassed the Bids submitted, and as a result of this canvass has, in accordance with the law, determined and declared the Contractor to be the lowest and best responsible bidder for the construction of the public improvements, and has duly awarded to the Contractor a contract therefor upon the terms and conditions set forth in this Agreement and for the sum or sums named in the Bid attached to and made a part of this Agreement.

NOW, THEREFORE, in consideration of the compensation to be paid the Contractor, and of the mutual agreements herein contained, the parties hereto have agreed, and hereby agree, the City for itself and its successors, and the Contractor for itself, himself/herself or themselves, its, his/her or their successors and assigns, or its, his/her or their executors and administrators, as follows:

ARTICLE I. The Contractor will furnish at its own cost and expense all labor, tools, equipment, materials and transportation required to construct and complete the work as designated, described and required by the Contract Documents, to wit: **2024 Drainage Modification Projects**, all in accordance with the Notice to Bidders, Instructions to Bidders, Bid, this Agreement, General Conditions, Project Special Provisions, Plans, Specifications and other Contract Documents as defined in paragraph GC-1 of the General Conditions of the Contract for Construction, on file with the City Clerk of Mission, Kansas, all of which Contract Documents form the Contract, and are as fully a part hereof as if repeated verbatim herein; all work to be done in a good, substantial and workmanlike manner to the entire satisfaction of the City, and in accordance with the laws of the City, the State of Kansas and the United States of America. All terms used herein shall have the meanings ascribed to them in the General Conditions unless otherwise specified.

ARTICLE II. The City shall pay to the Contractor for the performance of the work embraced in this Contract, and the Contractor will accept in full compensation therefor, the sum of \_\_\_\_\_

DOLLARS (\$ \_\_\_\_\_) (subject to adjustment as provided by the Contract Documents) for all work covered by and included in the Contract award and designated in the foregoing Article I, payment thereof to be made in cash or its equivalent and in the manner provided in the Contract Documents.

ARTICLE III. The Contractor shall commence work upon the date stated in the Notice to Proceed, and will complete all work covered by this Contract no later than 120 days subject to the conditions set forth in section 1.18, CONSTRUCTION LIMITATIONS, of the Project Special Provisions. Liquidated damages based on the full bid price of the Contract shall be assessed against Contractor, as stipulated liquidated damages and not as a penalty, in an amount as set forth in paragraph GC-46 of the General Conditions for each and every calendar day the work remains incomplete over the specified completion time(s) stated above.

ARTICLE IV. The Contractor shall not subcontract, sell, transfer, assign or otherwise dispose of the Contract or any portion thereof without previous written consent of the City. In case such consent is given, the Contractor shall be permitted to subcontract a portion thereof, but shall self-perform not less than forty percent (40%) of the total Contract Price based upon the unit prices within the Bid submitted to the City by the Contractor. No subcontracts, or other transfer of Contract, shall release the Contractor of its liability under the Contract and Bonds applicable thereto.

ARTICLE V. Contractor specifically acknowledges and confirms that: (1) it has visited the site, made all inspections it deems appropriate and has read and fully understands the Contract Documents, including all obligations and responsibilities undertaken by it as specified herein and in the other Contract Documents and knowingly accepts same; (2) it has furnished copies of all Contract Documents to its insurance carrier(s) and its surety(ies); and (3) its insurance carrier(s) and surety(ies) agree to be bound as specified herein, in the Contract Documents and in the insurance policy(ies) and bonds as to liability and surety coverage.

ARTICLE VI. It is specifically agreed between the parties executing this Agreement that the Contract Documents are not intended to create any third party beneficiary relationship nor to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement. The duties, obligations and responsibilities of the parties to this Agreement with respect to third parties shall remain as imposed by law.

ARTICLE VII. This Agreement, together with the other Contract Documents, constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except as provided herein or in the other Contract Documents.

ARTICLE VIII. This Agreement is entered into, under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Kansas.

ARTICLE IX. Should any provision of this Agreement or the other Contract Documents be determined to be void, invalid, unenforceable or illegal for whatever reason, such provision(s) shall be null and void; provided, however, that the remaining provisions of this Agreement and/or the other Contract Documents shall be unaffected thereby and shall continue to be valid and enforceable.

IN WITNESS WHEREOF, the City of Mission, Kansas, has caused this Agreement to be executed on its behalf, thereunto duly authorized, and the said Contractor has executed three (3) counterparts of this Contract in the prescribed form and manner, the day and year first above written.

CITY OF MISSION, KANSAS

ATTEST:

By \_\_\_\_\_  
Laura H. Smith  
City Administrator

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David Martin  
City Attorney

\_\_\_\_\_  
Contractor

(SEAL)

By \_\_\_\_\_  
Title \_\_\_\_\_ President \_\_\_\_\_

***(If the Contract is not executed by the president of the corporation or general partner of the partnership, please provide documentation which authorizes the signatory to bind the corporation or partnership. If a corporation, Contractor shall furnish City a current certificate of good standing, dated within ten (10) days of the date of this Contract.)***

<b>City of Mission</b>	Item Number:	9.
<b>ACTION ITEM SUMMARY</b>	Date:	April 3, 2024
<b>Community Development</b>	From:	Brian Scott

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

**RE:** Right of Way Use Agreement for a Portion of Martway Street Between Nall and Roeland Drive

**RECOMMENDATION:** Authorize the Mayor to execute a Right-of-Way Use Agreement on behalf of the City with Ridgeview North Associates, LLC for use of a portion of the right-of-way along the north side of Martway between Nall Avenue and Roeland Drive.

**DETAILS:** Ridgeview North, LLC is the owner of the Mission Mart Shopping Center at 5301 Johnson Drive. The shopping center is situated between Johnson Drive and Martway Street. The owner recently commissioned an Alta Survey of the property. The survey indicates that a portion of the shopping center's parking lot along Martway Street actually encroaches into the City's right-of-way (ROW) by approximately ten (10) feet. The portion of the parking lot that encroaches into the parking lot is indicated in Exhibit B of the Right-of-Way Use Agreement.

The owner approached City Staff about what could be done to correct this situation. Staff is not in favor of vacating that portion of ROW as improvements to Martway are proposed in the next few years that may include the addition of a sidewalk along that portion of Martway. Instead, it was suggested that the owner of the property enter into a Right-of-Way Use Agreement with the City that would simply acknowledge the fact that a portion of the shopping center's improvements are in the ROW and that it is the owner's responsibility to maintain these and that if the City ever wants to use the ROW, then the owner will have to remove the improvements at their cost. The owner has agreed to the terms that are outlined in the Right-of-Way Use Agreement. The City Council is being asked to authorize the Mayor to sign and execute the agreement on behalf of the City.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

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



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*[Space Above Reserved for Recording Information]*

### **RIGHT-OF-WAY USE AGREEMENT**

This Right-of-Way Use Agreement ("Agreement") is made as of \_\_\_\_\_, 2024, by and between the CITY OF MISSION, KANSAS, a Kansas municipal corporation ("City"), and RIDGEVIEW NORTH ASSOCIATES, L.L.C., a Kansas limited liability company ("Owner").

#### **RECITALS**

A. Owner owns certain real property commonly known as the Mission Mart Shopping Center, with a street address of 5301 Johnson Drive, Mission, Johnson County, Kansas, and legally described on **Exhibit A** attached hereto (the "Mission Mart Parcel").

B. The City controls certain public right-of-way commonly known as Martway Street (the "City ROW"), as dedicated by that certain plat of Mission Village Block 5, dated April 11, 1973 and recorded on May 31, 1973 as Document No. 952991 in Book 35, Page 26 in the land records of Johnson County, Kansas. The City ROW abuts the southern boundary of the Mission Mart Parcel.

C. Existing parking lot improvements of the Mission Mart Parcel encroach upon the City ROW (the "Encroaching Parking Improvements").

D. Subject to the terms and conditions of this Agreement, the City is willing to allow Owner to maintain the Encroaching Parking Improvements on such portion of the City ROW on which the Encroaching Parking Improvements are located, as depicted on **Exhibit B** attached hereto (the "Encroachment Area").

#### **AGREEMENT**

NOW THEREFORE, in consideration of the facts recited above which are incorporated herein by this reference, mutual covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Grant of License. Subject to the provisions of this Agreement, the City hereby grants to Owner a revocable, non-exclusive license to use, maintain and/or repair the Encroaching Parking Improvements on the Encroachment Area.

2. Owner Covenants.

(a) Owner shall maintain the Encroaching Parking Improvements in good condition and repair. The location of the Encroaching Parking Improvements shall not obstruct any required sight triangle or jeopardize the public health, safety and welfare. Required maintenance shall include but not be limited to the ongoing upkeep of the pavement and striping, and snow and debris removal. All maintenance shall comply with applicable provisions of the Code of the City of Mission, Kansas (the "Code"), including, but not limited to, Chapters 500 – Model or Standard Code Adoptions; 505 – Building and Construction Regulations; 510 – Unsafe or Dangerous Structures; 515 – Streets, Sidewalks and Other Public Places; and 520 – Public Rights-of-Way and Private Utility Easements (each as may be amended).

(b) In the event the condition of the Encroaching Parking Improvements creates a situation that threatens the public health, safety or welfare, Owner shall immediately take whatever measures are reasonably necessary to restore the Encroaching Parking Improvements to a safe condition, or if necessary, to remove the Encroaching Parking Improvements (the "Emergency Restoration Work").

(c) Owner shall notify the Public Works Director as soon as possible after first learning of the need for Emergency Restoration Work that involves a threat to the public health, safety or welfare.

(d) In the event Owner fails in its duty and obligation to perform Emergency Restoration Work, the City has the right (but not the obligation) to take any necessary action to remove the threat to the public health, safety or welfare. Due to the threat to the public health, safety or welfare, the City is not required to provide advance notice, but should notify Owner as soon as reasonably possible. Owner shall reimburse the City for its actual costs for any Emergency Restoration Work within 30 days of invoice by the City. If Owner fails to reimburse the City, Owner agrees the City may take any action permitted by law, including but not limited to, levying assessments or placing a lien on the Mission Mart Parcel.

(e) In the event Owner fails in its duty and obligation to properly operate, maintain or repair the Encroaching Parking Improvements, and such failure is not a threat to the public health, safety or welfare, the City may provide notice to Owner of the deficiency in operation, maintenance or repair of the Encroaching Parking Improvements. If after 30 days' notice, Owner fails to remedy the deficiency, the City has the right (but not the obligation) to perform any necessary work to bring the Encroaching Parking Improvements into the proper operation, maintenance or repair, or alternatively, to remove the Encroaching Parking Improvements. Owner shall reimburse the City for its actual costs for any such work within 30 days of invoice by the City. If Owner fails to reimburse the City, Owner agrees the City may take any action permitted by law, including but not limited to, levying assessments or placing a lien on the Mission Mart Parcel.

(f) If the City, in its sole discretion, determines that the Encroaching Parking Improvements are endangering the public health, safety or welfare, or have become unsightly or a nuisance, or unreasonably interfere with the City's use of the City ROW, then upon request of the City, Owner will remove or cause to be removed the Encroaching Parking Improvements from the City ROW and Owner shall repair any damage caused thereby at Owner's expense. If Owner fails to comply with the City's request, the City may remove the Encroaching Parking Improvements, and Owner shall reimburse the City for the actual cost of the removal and repair of the City ROW within 30 days of invoice from the City. If Owner fails to reimburse the City, Owner agrees the City may take any action permitted by law, including but not limited to, levying assessments or

placing a lien on the Mission Mart Parcel.

(g) Owner shall release the City, its Governing Body members, directors, officers, employees and agents from any and all past, present or future liability for any damage that may be caused at any time by the City permitting the Encroaching Parking Improvements to be located within the City ROW, except with respect to any gross negligence or willful misconduct of the City, its Governing Body members, directors, officers, employees and/or agents.

(h) Owner shall indemnify and hold harmless the City, its Governing Body members, directors, officers, employees and agents from and against all claims, demands, losses, damages or costs and expenses (including reasonable attorneys' fees) incurred or suffered by any person or to any real or personal property as a result of or in connection with the City permitting the Encroaching Parking Improvements to be located within the City ROW or from any alleged negligent acts or omissions or intentional misconduct of Owner relative to its obligations under this Agreement.

(i) Owner shall carry commercial general liability insurance provided on an occurrence basis with limits of no less than \$1,000,000 per occurrence and \$2,000,000 aggregate annually, provided on a standard form, to include without limitation: (x) insured contract coverage encompassing the defense and indemnity obligations of Section 2(h) arising from bodily injury and property damage; (y) coverage to the City as an "additional insured" for damages arising out of the location of the Encroaching Parking Improvements in the City ROW or the failure to properly repair or maintain the Encroaching Parking Improvements as required herein, such "additional insured" coverage to be on a primary and noncontributory basis with respect to the City's own coverage and (notwithstanding the general limits of insurance described above and elsewhere) provide limits to the City of no more (and no less) than \$500,000 per occurrence; and (z) contain a "severability of interests" or "separation of insureds" feature. Such insurance shall also:

(1) Remain in effect for the duration of this Agreement;

(2) Provide for a waiver of the insurer's rights of subrogation against the City, and a waiver of any right to assert any lien with respect to such waived subrogation rights, to the extent allowed by law;

(3) Be provided by insurers that shall have and maintain an A.M. Best financial strength rating of no less favorable than "A-" and that shall have and remain within an A.M. Best financial size category of no less than "VIII", or otherwise as is acceptable to the City; and

(4) Not be canceled except upon 30 days' prior written notice from the insurer and Owner to the City, or 10 days' prior written notice for non-payment of premium.

The City may at any time request a copy of the Owner's then current certificate of insurance. Any failure by Owner to comply with any of these insurance requirements at any time shall constitute a material breach of this Agreement. Owner's compliance with these insurance requirements shall not limit Owner's indemnification obligations under this Agreement.

(j) Owner shall comply with all applicable law in the performance of this Agreement, including but not limited to, the requirement of obtaining a right-of-way work permit (when required) for any installation, maintenance, replacement or repairs of the Encroaching Parking Improvements.

(k) Owner shall in a timely manner restore the Encroachment Area to a condition meeting all applicable Code requirements, specifications and standards after any installation, maintenance, repair, replacement or removal of the Encroaching Parking Improvements.

3. Owner Acknowledgments. Owner acknowledges and agrees that:

(a) Subject to the provisions of this Agreement, the maintenance, repair, replacement or removal of the Encroaching Parking Improvements is the sole responsibility of Owner, and Owner is solely responsible for all costs of any such actions. The City may terminate this Agreement if Owner, or Owner's successors or assigns, fails to perform its obligations under this Agreement.

(b) The City is under no past, present or future obligation to expend any public funds or to take any other action to maintain or improve the Encroaching Parking Improvements.

(c) Owner's use of the Encroachment Area under this Agreement is subject to and subordinate to the City's right to use the City ROW, and Owner's use may be (temporarily or permanently) revoked in the future, in the sole discretion of the City, in the event the City ever undergoes or undertakes a public improvement project in the City ROW at or near the location of the Encroaching Parking Improvements. In such event, Owner agrees that, as necessary, it will timely remove the Encroaching Parking Improvements at Owner's expense, and without compensation for the loss of the use of the Encroachment Area; and Owner further acknowledges that if Owner fails to time remove the Encroaching Parking Improvements, the City may remove the Encroaching Parking Improvements and assess the costs to Owner as set forth in Section 1(f).

(d) This Agreement in no way constitutes a waiver or restriction of the City's regulatory authority over the City ROW pursuant to applicable law, or the City's ability to issue permits to other authorized users of the City ROW, including but not limited to, utilities and other service providers.

4. City Acknowledgments. The City acknowledges and agrees that:

(a) The Encroaching Parking Improvements may be maintained, repaired and replaced in the Encroachment Area, subject to the terms and conditions of this Agreement, Owner obtaining any right-of-way permit required by the Code, and Owner's compliance with other applicable laws.

(b) Upon written request of Owner, and subject to any applicable Code, minor changes to the Encroaching Parking Improvements may be approved in writing by the Public Works Director.

5. Miscellaneous.

(a) This Agreement shall be binding upon the parties and their respective successors and assigns. It is the intention of the parties hereto that this Agreement shall be a covenant running with the land and shall bind all successive owners of any interest in the Mission Mart Parcel.

(b) At Owner's expense, this Agreement shall be filed of record with the Johnson County, Kansas Register of Deeds.

(c) The City's execution of this Agreement shall not be construed to be a waiver or approval of any condition that violates any federal, state or city law or regulation or a waiver of

any applicable City code, regulation, permit requirement or the City's regulatory authority.

(d) This Agreement shall be governed by and construed in accordance with the laws of Kansas.

(e) This Agreement may only be altered or amended by written, mutual agreement of the parties. Such amendment shall be filed of record with the Johnson County, Kansas Register of Deeds and may include a change in the type or location of the Encroaching Parking Improvements.

*[Remainder of page intentionally left blank; signature pages and exhibits follow.]*

IN WITNESS WHEREOF, the City and Owner have caused this Agreement to be executed as of the day and year first above written.

**CITY:**

**CITY OF MISSION, KANSAS**, a Kansas municipal corporation

By: \_\_\_\_\_  
Solana Flora, Mayor

STATE OF KANSAS            )  
  ) SS.  
COUNTY OF JOHNSON        )

This record was acknowledged before me on \_\_\_\_\_, 2024, by Solana Flora as Mayor of the City of Mission, Kansas.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public in and for said State  
Commissioned in Johnson County

My commission expires:  
\_\_\_\_\_



**EXHIBIT A**

**MISSION MART PARCEL**

Lot 1, Mission Mart, a subdivision in the City of Mission, Johnson County, Kansas.



## EXHIBIT B

### ENCROACHMENT AREA

