



FINANCE & ADMINISTRATION COMMITTEE AGENDA

WEDNESDAY, OCTOBER 9, 2024 at 7:30 p.m.

(or immediately following 6:30 p.m. Community Development Committee)

**MISSION CITY HALL
6090 Woodson Street**

Meeting In Person and Virtually via Zoom

This meeting will be held in person at the time and date shown above. This meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>. Please contact the Administrative Offices, 913.676.8350, with any questions or concerns.

PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

PLANNING COMMISSION ACTION ITEMS

ACTION ITEMS

1. Resolution Calling for a Public Hearing to Consider a TIF Redevelopment Project Plan for Property Located at 5665 Foxridge – Laura Smith ([page 3](#))

The Silvercrest Redevelopment Tax Increment Finance (TIF) District was established in 2017 for a redevelopment project at 5665 Foxridge that never materialized. Block Real Estate Services, LLC has purchased the property and is proposing the construction of an approximately four-story, multi-family development with 300+ units built over podium parking on the site. They have submitted a TIF Redevelopment Project Plan to the City seeking TIF incentives for the project. Two public hearings will be required in connection with this request. One to consider a substantial revision to the TIF District Plan, and a second to consider adoption of the TIF Redevelopment Project Plan. The Resolution calls the public hearing for November 20, 2024.

2. 2025 Contract for Legislative Advocacy Services Contract - Laura Smith ([page 33](#))

Since 2020, Mission has contracted with Little Government Relations (LGR), LLC for government affairs and advocacy services. Weekly updates, assistance with crafting testimony and timely information regarding relevant legislative issues have proved to be valuable to staff and Council. Staff recommends renewal of an agreement with LGR in an

annual amount not to exceed \$12,500 for government affairs and advocacy services for 2025.

3. Acceptance of the September 4, 2024 Finance & Administration Committee Minutes - Robyn Fulks ([page 38](#))

Draft minutes of the September 4, 2024 Finance and Administration Committee meeting are included for review and acceptance

4. 2024 STO-UPOC Adoption – Dan Madden ([page 44](#))

Annually, the League of Kansas Municipalities publishes a comprehensive Uniform Public Offense Code (UPOC) and Standard Traffic Ordinance (STO) for all Kansas cities. Mission adopts these publications by ordinance, allowing us to maintain uniformity with agencies in the area, the State of Kansas, and the actions of the State Legislature. The City can opt out of certain provisions, and additional ordinances have historically been adopted by Mission to address local issues recommended to remain in place. The changes proposed for 2024 are highlighted in the action item summary and two separate ordinances have been prepared to adopt the recommended changes.

5. Memorandum of Understanding (MOU) with Johnson County Government for EV Charging Stations – Justin Carroll ([page 56](#))

This MOU is a county-wide effort for a pilot project in numerous jurisdictions for sharing resources and expenses to fund the installation of thirty-two (32) EV charging stations. The primary funding for this program is through a grant from the Kansas Department of Transportation (KDOT) with a local match required for each participating entity. The City of Mission previously agreed to fund the local match requirement for two (2) EV stations as part of this pilot project. Johnson County Government will act as the primary grant recipient and be the primary point of contact for KDOT.

6. Declaration of Surplus Equipment – Justin Carroll ([page 68](#))

City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101. The City Council will be asked to consider a resolution identifying items to be declared as surplus which the sale of a forfeiture vehicle from the Police Department and miscellaneous computer and electronic equipment from the Parks and Recreation Department, Public Works, Community Development, Police Department, and Administration Department.

DISCUSSION ITEMS

OTHER

7. Department Updates – Laura Smith

Brian Schmid, Chairperson
Ben Chociej, Vice-Chairperson

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	October 9, 2024
Administration	From:	Laura Smith

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

RE: A Resolution setting a date for a Public Hearing to consider a substantial change to an existing Tax Increment Financing Redevelopment District Plan and the adoption of a new Tax Increment Financing Redevelopment Project Plan (5665 Foxridge)

RECOMMENDATION: Adopt the Resolution setting a public hearing for 7:00 p.m., November 20, 2024 to consider a substantial change to the Silvercrest Redevelopment Tax Increment Financing District and adopt a Tax Increment Financing Redevelopment Project Plan.

DETAILS: The Silvercrest Redevelopment Tax Increment Financing (TIF) District is comprised of one parcel of property located at the southeast corner of 56th Street and Foxridge, addressed as 5665 Foxridge. This property has a one-story office building, approximately 40,000 square feet, that was built in 1970. Formerly the J.C. Penny Call Center, this building has been vacant for nearly two decades.

In 2016, Dial Properties of Omaha, Nebraska submitted plans to demolish the existing structure and build an assisted living and memory care facility. With the plans, Dial also submitted a Tax Increment Finance application based on the extraordinary costs associated with redevelopment of the site. This application led to the establishment of the Silvercrest Redevelopment TIF District in May of 2017. Dial ultimately decided not to pursue their proposed project, so although the underlying TIF District was created, no Redevelopment Project Plan was submitted or approved.

Block Real Estate Services, LLC submitted plans to the City in 2022 for the construction of a 300+-unit, multi-family development on the site. The preliminary development was considered and approved by the City Council in September of 2022. A final development plan was considered and approved by the Planning Commission the following spring.

The approved development plans provide for a four to five story, multi-family building constructed on top of a concrete podium, parking structure. The development will have a mix of studio, one-bedroom, two-bedroom, and three-bedroom apartments totaling 307 units in all. There will be an outdoor patio area with a pool, grill, game area, and seating. Indoor amenities will include a lounge, workout facility, leasing offices and a

Related Statute/City Ordinance:	K.S.A. 12-1770 et seq.
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	1.
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Administration	From:	Laura Smith

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

multi-purpose room. The development will take up the entire parcel with parking being located underneath the building. The development has been designed in such a manner as to provide connectivity with the streets around it and connections to Broadmoor Park to the west, and shopping on Johnson Drive to the south. The development project will not only address a blighted parcel of property but should serve as a catalyst for future redevelopment in the west of Mission.

NE Norner Perspective - 56th Street and Broadmoor



Block Real Estate Services, LLC has made a formal requested to the City for Tax Increment Financing (TIF) to assist with the redevelopment costs of this site, primarily site work including infrastructure, storm water, and the podium parking structure.

Because the underlying TIF District already exists, the remaining steps for Council consideration are shorter than if the TIF District was being established initially. Staff will

Related Statute/City Ordinance:	K.S.A. 12-1770 et seq.
Line Item Code/Description:	NA
Available Budget:	NA

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

outline the process in more detail during the October 9, 2024 Committee meeting. The only item for Council consideration at this time is a Resolution whose sole purpose is to set a public hearing for the November 20th City Council meeting to take public input on the requested use of TIF. Approval of any incentives would not be considered until the public hearing has been conducted, and the Council has reviewed and analyzed information from the City's financial advisor, bond counsel and staff.

In accordance with state statutes, the Council may not call the public hearing until after the Planning Commission has found the TIF Redevelopment Project Plan in conformance with the comprehensive plan. The Planning Commission did review the redevelopment project plan at their September 23, 2024 meeting and found the plan to be in conformance with the Tomorrow Together 2040 Mission Comprehensive Plan. Planning Commission Resolution 24-02 conferring this conformance is included in the packet.

Staff and the City's consultant team is reviewing the project's proforma and other details and will bring forward a recommendation for any potential incentives in connection with the redevelopment project. A work session on October 30 to review the analysis and a proposed redevelopment agreement prior to the item moving forward for the public hearing at the November 20, 2024 City Council meeting.

CFAA CONSIDERATIONS/IMPACTS: The thoughtful and deliberate use of public incentives to achieve Council and community goals including providing housing alternatives and building in a sustainable manner helps to ensure quality of life for residents of all ages and abilities in Mission.

Related Statute/City Ordinance:	K.S.A. 12-1770 et seq.
Line Item Code/Description:	NA
Available Budget:	NA

(Published in *The Legal Record* on November 12, 2024)

RESOLUTION NO. ____

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING A SUBSTANTIAL CHANGE TO AN EXISTING REDEVELOPMENT DISTRICT PLAN AND THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 ET SEQ.

WHEREAS, the City of Mission, Kansas (the “City”), is a city of the second class organized and existing under the constitution and laws of the State of Kansas; and

WHEREAS, the City established a redevelopment district approved by the City on March 15, 2017 (the “Redevelopment District”) by the City Council’s (the “Governing Body”) passage of Ordinance No. 1455; and

WHEREAS, the City is considering a “substantial change” (as defined in the Act) to the district plan for the Redevelopment District (the “District Plan”) to accommodate uses within the Redevelopment District that differ from the original District Plan adopted pursuant to Ordinance No. 1455; and

WHEREAS, the City is considering the adoption of a redevelopment project plan (the “Project Plan”) for the single project area within the Redevelopment District (the “Project Area”) in accordance with K.S.A. 12-1770 *et. seq.*, as amended (the “TIF Act”); and

WHEREAS, on September 23, 2024, the City’s Planning Commission found that the Project Plan is consistent with the intent of the City’s comprehensive plan for development; and

WHEREAS, a copy of the Project Plan was delivered by the City to the Board of County Commissioners of Johnson County and to the Board of Education of Unified School District No. 512.

WHEREAS, the Governing Body desires to establish November 20, 2024 as the date for the public hearing to consider the substantial change to the District Plan and the adoption of the Project Plan.

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

Section 1. Notice is hereby given that a public hearing will be held by the Governing Body to consider a “substantial change” to the District Plan and the adoption of the Project Plan commencing at 7:00 p.m., or as soon thereafter as may be heard, on November 20, 2024, at Mission City Hall, 6090 Woodson Street, Mission, Kansas 66202.

Section 2. A map of the Redevelopment District and Project Area is attached hereto as *Exhibit A*. The legal description of the Redevelopment District and Project Area is attached hereto as *Exhibit B*.

Section 3. The proposed District Plan for the Redevelopment District is described as follows:

A redevelopment district containing one (1) project area consisting of some or all of the following uses: Construction of one (1) Class A multi-family residential building encompassing five (5) stories and containing approximately three hundred and seven (307) units, amenities and all associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities and other items allowable under the TIF Act.

Section 4. Copies of the Project Plan, including a summary of the feasibility study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped or developed, are available for inspection in the offices of the City Clerk, City Hall, 6090 Woodson, Mission, Kansas, Monday through Friday (other than holidays) between 8:00 a.m. and 5:00 p.m. or by email to rfulks@missionks.org.

Section 5. The City Clerk is hereby authorized and directed to publish this Resolution once in the official City newspaper not less than one week or more than two weeks preceding November 20, 2024, the date set for the public hearing. The City Clerk is also authorized to mail a copy of this Resolution via certified mail, return receipt requested, to the Board of Johnson County Commissioners, the Board of Education of any school district levying taxes on the property within the Redevelopment District, and to each owner and occupant of land within the Redevelopment District, not more than 10 days following the date of the adoption of this Resolution.

Section 6. This Resolution shall become effective upon its adoption by the Governing Body.

ADOPTED October 16, 2024.

CITY OF MISSION, KANSAS

Solana Flora, Mayor

[SEAL]

ATTEST:

Robyn L. Fulks, City Clerk

**EXHIBIT A
MAP OF REDEVELOPMENT DISTRICT AND PROJECT AREA**



EXHIBIT B
LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT AND PROJECT AREA

The following property located in Johnson County, City of Mission, Kansas:

Lot 1, 5665 FOXRIDGE, a subdivision in the City of Mission, Johnson County, Kansas.

**TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT PLAN FOR
SILVERCREST TIF DISTRICT
(5665 FOXRIDGE)**

The Tax Increment Financing Act, K.S.A. 12-1770, et seq., as amended (the “**TIF Act**”), requires that any Redevelopment Project Plan within the City of Mission, Kansas (the “**City**”) be created in consultation with the City. As part of that consultation, the Planning Commission is required by the TIF Act to determine whether the development components of the Redevelopment Project Plan (“**Project Plan**”) are consistent with the intent of the City’s Comprehensive Plan.

SUBMITTED PURSUANT TO
KS.A. 12-1770 *et seq.*, as amended
SUBMITTED BY
FOXRIDGE MISSION, LLC

Submitted: September 13, 2024

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Exhibit C – Feasibility Study

Exhibit D – Ordinance Nos. 1455 & _____

Exhibit E – Redevelopment Project Budget

Exhibit F – TIF Revenue Projections

Exhibit G – Meeting Minutes

Exhibit H – Site Plan

I. INTRODUCTION

Pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770 et seq., as amended (the “**TIF Act**”), Kansas municipalities are authorized to establish redevelopment districts and redevelopment project plans for property within their jurisdiction. Redevelopment districts may be created based upon certain findings by the municipality, including, that property within a proposed district meets the requirements of a “conservation area” as defined by the TIF Act.

On March 15, 2017, the City of Mission, Kansas (the “**City**”), after conducting a duly noticed public hearing, found that a conservation area exists on the property generally located at the southeast corner of 56th Street and Foxridge Drive within the City. Based in part upon said finding, the City adopted Ordinance No. 1455, attached hereto as **Exhibit D**, creating a redevelopment district encompassing the subject property (the “**TIF District**”) and approving a plan for redevelopment of the TIF District established under K.S.A. 12-1771 and amendments thereto (the “**District Plan**” as further amended as described herein).

This redevelopment project plan (the “**Project Plan**”) for the redevelopment project area (the “**Project Area**”), the boundaries of which are identical to the boundaries of the TIF District, is presented to the City for its consideration and approval, with the maximum twenty (20) year term of the Project Plan to commence on the requested effective date of such approval. As more fully described at Section II herein, the Project Plan envisions the remediation of certain factors that make the TIF District a conservation area.

II. THE PROJECT PLAN

A. Description of the TIF District and Project Area

The property comprising the TIF District consists of approximately 4.967± acres generally located at the southeast corner of 56th Street and Foxridge Drive within the City. A legal description and boundary map of the TIF District and Project Area are attached hereto as **Exhibits A and B**, respectively. The boundaries of the Project Area are identical to the TIF District’s boundaries.

B. Established TIF District

The Property is within an established TIF District approved by the City on March 15, 2017 pursuant to Ordinance No. 1455. The approved District Plan contained within the Ordinance, as amended by Ordinance No. ___, provides for one redevelopment project area within the TIF District. This Project Plan proposes the use of tax increment financing revenues generated by the Project Area to pay for or reimburse the costs of the following redevelopment project generally described in the District Plan (the “**Redevelopment Project**”):

Construction of one (1) Class A multi-family residential building encompassing five (5) stories and containing approximately three hundred and seven (307) units, amenities and all associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities and other items allowable under the TIF Act..

C. Redevelopment Project and Description of Buildings and Facilities

Consistent with the District Plan and the Site Plan attached as **Exhibit H**, the following Project Plan for the Redevelopment Project is anticipated to include:

- Removal of the deteriorated structure and infrastructure within the TIF District and other conditions that have created economic obsolescence.
- Construction of one (1) Class A multifamily residential building encompassing five (5) stories and containing approximately three hundred and seven (307) units.
- Construction of various amenities, such as a clubhouse facility, a fitness center and an outdoor swimming pool.
- Below grade parking structure, surface parking, outdoor courtyards and patios, landscaping, and all supporting infrastructure.
- Implementing a range of environmentally friendly practices and features in sustainable building design and construction.

When completed, the Redevelopment Project is expected to fulfill a demand for additional housing within the city and northeast Johnson County. It will provide housing opportunities for individuals of all ages who are seeking maintenance free and secure rental opportunities with proximity to retail, restaurants and other amenities. The multi-family residential development will serve as an anchor on the west-end of the City's Johnson corridor, and aligns with previous master plans, including the West Gateway Project Plan. These proposed uses are consistent with the District Plan, as approved by the City.

This Project Plan fulfills many of the longstanding components of Smart Growth, and mirrors recommendations from the recently created Climate Action KC, Climate Action Playbook (2019) including:

- Prioritizing infill development to revitalize core areas and reduce adverse impacts on natural resources and infrastructure.
- Promoting walkability by promoting higher density development within core urbanized or sub-urbanized areas. The Redevelopment Project will connect where people live with where they work, play, and relax through sidewalks, streets and placement of land uses that encourage alternative forms of transportation such as walking and bicycling.

Implementation of the Project Plan is proposed through a combination of public and private financing as described herein and generally described in **Exhibit E**. In addition to private equity and financing, Foxridge Mission, LLC, or its assigns or successors (the "**Developer**"), anticipates that the required public financing will include Tax Increment Financing ("**TIF**"). The Developer is requesting reimbursement with tax increment financing revenue as provided in the TIF Act ("**TIF Revenue**") on a pay-as-you-go basis, with the option to request the City's issuance of TIF

bonds later in the sole discretion of the City, for certain eligible costs associated with the Redevelopment Project generally described above.

D. Summary of Feasibility Study

As required by the TIF Act, a Feasibility Study has been prepared by Ehlers, the City's financial advisor (the “**Financial Advisor**”) to determine whether the Redevelopment Project’s TIF Revenues are expected to exceed or be sufficient to pay for the Redevelopment Project’s estimated costs. The Feasibility Study is attached hereto as **Exhibit C**. The Financial Advisor has significant experience and expertise in the financing of projects of similar scope and nature. In addition, outside resources were consulted to compare and verify cost and revenue projections including outside industry sources and actual taxing jurisdiction data where available. The Financial Advisor concluded that the TIF Revenues when supplemented with private debt and equity are sufficient to pay the requested reimbursable Redevelopment Project Costs. The findings of the Feasibility Study are summarized below. The Financial Advisor also concluded that no special obligation bonds have been issued by the City that are payable from the TIF Revenues generated by the Redevelopment Project.

1. Project Costs. The estimated total cost of the Redevelopment Project is \$108,391,511. A budget for the Redevelopment Project is attached hereto as **Exhibit E**.

2. Eligible Costs. Only “redevelopment project costs” (as defined in the TIF Act) (referred to herein as “**Reimbursable Project Costs**”) are eligible for financing and reimbursement with TIF Revenues. Of the total costs listed in **Exhibit E**, Developer estimates approximately \$28,188,674 (plus related interest and financing costs) will qualify under the TIF Act as Reimbursable Project Costs, meaning that only those costs may be financed using TIF Revenues. The estimated Reimbursable Project Costs are set forth by type and amount on **Exhibit E** attached hereto.

3. TIF Revenues. Based on the projected property values within the TIF District over the term of the Project Plan, Developer anticipates that the TIF District will generate TIF Revenues of approximately \$18,425,323 over 20 years. TIF Revenue projections are set forth in **Exhibit F** hereto.

Pursuant to the TIF Act and this Project Plan, TIF Revenues will be generated from up to 100% of the eligible ad valorem property tax revenues generated during the term of this Project Plan from that portion of the assessed valuation of Property in excess of the assessed valuation of such Property as of the date the TIF District was established (excluding ad valorem taxes not allowed to be captured pursuant to the TIF Act). The assessed value of property within the TIF District as of the date the District was established was \$312,265.

No sales taxes will be captured by the TIF District.

4. Significant Contribution to Economic Development of the City. The development contemplated in this Project Plan will provide significant economic

development for the City, including by, among other things, providing increased future tax revenues to the City, redeveloping the TIF District into a much higher and better use and remedying blight, and increasing housing opportunities for area residents.

5. Sufficiency of TIF Revenues compared to Project Costs. The total of the Reimbursable Project Costs that can be financed under the TIF Act is limited by the amount of TIF Revenues generated within the TIF District. Thus, by operation, the TIF Revenues will always equal or exceed the amount of the Reimbursable Project Costs. Based on this Project Plan's projected (1) Reimbursable Project Costs and (2) TIF Revenues, the TIF Revenues, when supplemented by Developer private debt and equity, are expected to be sufficient to finance the Redevelopment Project.

6. Effect on Outstanding Special Obligation Bonds. It is anticipated that any TIF Revenues will be disbursed on a pay-as-you-go basis and no special obligation bonds repayable from the TIF Revenues have been issued. Thus, the costs of the Redevelopment Project are not anticipated to have any effect on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto.

7. Meeting Minutes. Following approval of this Project Plan, the clerk of the City shall attach, as **Exhibit G** hereto, a copy of the minutes of all City meetings where the Redevelopment Project and/or this Project Plan was discussed.

E. Relocation Plan

It is not anticipated, but in the event the City acquires any real property within the Project Area in carrying out the provisions of the TIF Act, and that, as a result, any persons, families and businesses move from real property located in the Project Area or move personal property from real property located in the Project Area, the Developer shall make a \$500 payment to such persons, families and businesses. No persons or families residing in the District shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents within their ability to pay. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwelling. Developer shall provide for payment of any damages sustained by a retailer, as defined in K.S.A. 79-3702, by reason of liquidation of inventories necessitated by relocation from the redevelopment district.

III. CONCLUSION

Based on the foregoing, this Project Plan proposes to utilize TIF Revenues from the District to finance Reimbursable Project Costs. Details concerning the amount of TIF Revenues available to the Project, the terms and term of reimbursement, Project costs eligible for reimbursement, City costs eligible for reimbursement and other matters will be set forth in the Redevelopment Agreement. The Developer hereby submits this Project Plan for public hearing and due consideration in accordance with the TIF Act.

EXHIBIT A
TIF DISTRICT AND PROJECT AREA
LEGAL DESCRIPTION

Lot 1, 5665 FOXRIDGE, a subdivision in the City of Mission, Johnson County, Kansas.

EXHIBIT B
TIF DISTRICT AND PROJECT AREA
BOUNDARY MAP



EXHIBIT C
FEASIBILITY STUDY

[INSERT]

EXHIBIT D

ORDINANCE NOS. 1455 & _____

ORDINANCE NO. 1455

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT IN THE CITY OF MISSION, KANSAS AND ESTABLISHING A REDEVELOPMENT DISTRICT (SILVERCREST AT BROADMOOR).

WHEREAS, the City of Mission, Kansas (the “City”), has conducted a public hearing to consider the establishment of a redevelopment district in the City pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), and Resolution No. 975 of the City adopted on February 1, 2017 (the “Resolution”); and

WHEREAS, the Act provides that upon the conclusion of the public hearing the Governing Body of the City may pass an ordinance making such findings as are required by the Act and establishing a redevelopment district; and

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

Section 1. The Governing Body of the City hereby finds and determines that the area proposed to be included as a redevelopment district is as follows:

A parcel within the City of Mission, Kansas, depicted on the attached Exhibit A and legally described on Exhibit B.

Section 2. The Governing Body of the City hereby finds and determines that (a) the area described in Section 1 of this Ordinance is a “conservation area” because the area comprises less than 15% of the land area within the City, has 50% or more of the structures of an age of 35 years or more, and meets at least two of the statutory factors described in K.S.A. 12-1770a(d), making it an “eligible area” under the Act, and (b) the conservation, development and redevelopment of such area is necessary to promote the general and economic welfare of the City.

Section 3. In accordance with the Act and the Resolution, a redevelopment district is hereby established in the City encompassing the area described in Section 1 of this Ordinance. The redevelopment district does not contain any property not referenced in the Resolution which provided notice of the public hearing. The district plan is attached hereto as Exhibit C.

Section 4. No privately owned property subject to ad valorem taxation within the redevelopment district shall be acquired and redeveloped pursuant to the Act, if the Board of County Commissioners of Johnson County or the Board of Education of Unified School District No. 512 determines by resolution adopted within thirty days following the public hearing held by the City on this date, that the redevelopment district will have an adverse effect on Johnson County or Unified School District No. 512, respectively.

Section 5. The Act authorizes the issuance by the City of bonds to finance all or a portion of the costs of implementing the district plan. Said bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of passage of this Resolution, pursuant to Treasury Regulation §1.150-2 in the maximum principal amount of \$1,000,000.

Section 6. The Mayor, City Administrator, Finance Director, City Clerk and other officials and employees of the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.


Section 7. This Ordinance shall be in full force and effect from and after its passage by the Governing Body of the City and publication once in the official City newspaper.

ADOPTED by the City Council of the City of Mission, Kansas on March 15, 2017.



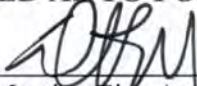
Steve Schowengerdt, Mayor

ATTEST:



Martha Sumrall, City Clerk

APPROVED AS TO FORM ONLY:



David K. Martin, City Attorney

EXHIBIT A
DEPICTION



EXHIBIT B

LEGAL DESCRIPTION

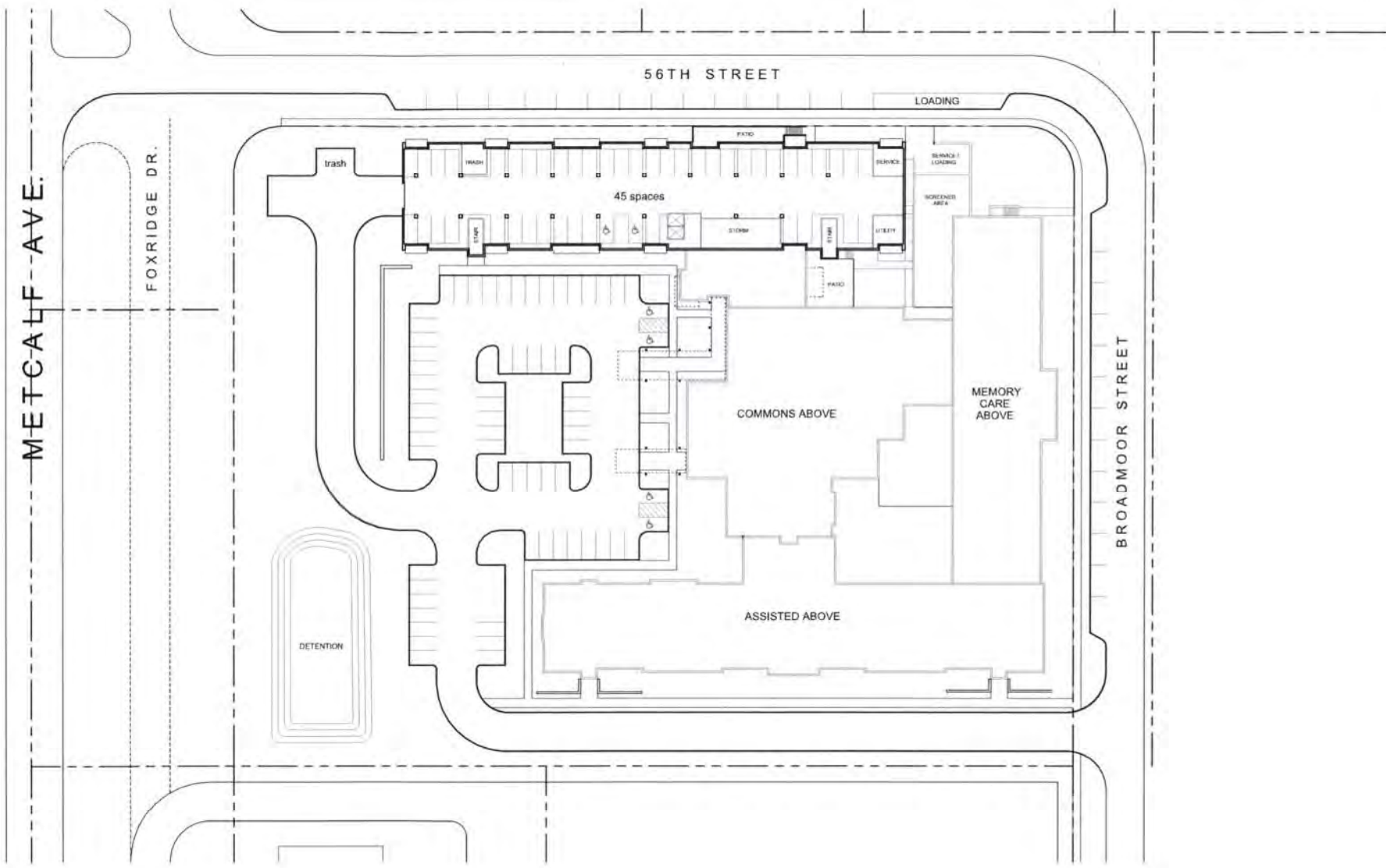
All that part of the Northwest $\frac{1}{4}$ of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, more particularly described as follows:

Beginning at a point 1355 feet North of the South line and 127.35 feet East of the West line of the Northwest $\frac{1}{4}$ of said Section 8, said point also being on the Easterly right-of-way line of U.S. Highway No. 69 (Metcalf Avenue) as now established; thence South 89 degrees, 47 minutes, 38 seconds East, along a line 1355 feet North of and parallel to the South line of the Northwest $\frac{1}{4}$ of said Section 8, a distance of 533.59 feet, to a point on the Westerly right-of-way line of Broadmoor, as now established; thence North 00 degrees, 15 minutes, 50 seconds West, along the Westerly right-of-way line of said Broadmoor, a distance of 377.45 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, along a curve to the left, having a radius of 30 feet, a distance of 46.98 feet, to a point of tangency, said point also being on the Southerly right-of-way line of 56th Street, as now established; thence North 89 degrees, 59 minutes, 12 seconds West, along the Southerly right-of-way line of said 56th Street, a distance of 473.33 feet, to a point of curvature; thence Westerly, Southwesterly and Southerly, along a curve to the left, having a radius of 30 feet, a distance of 47.28 feet, to a point of tangency, said point also being on the Easterly right-of-way line of said U.S. Highway No. 69; thence South 00 degrees, 16 minutes, 48 seconds East, along the Easterly right-of-way line of said U.S. Highway No. 69, a distance of 84.85 feet; thence South 00 degrees, 12 minutes, 37 seconds East, along the Easterly right-of-way line of said U.S. Highway No. 69, a distance of 290.51 feet, to a point of beginning, subject to the part in streets or highways.

Including all adjacent right of way.

EXHIBIT C

**DISTRICT PLAN
(see attached)**

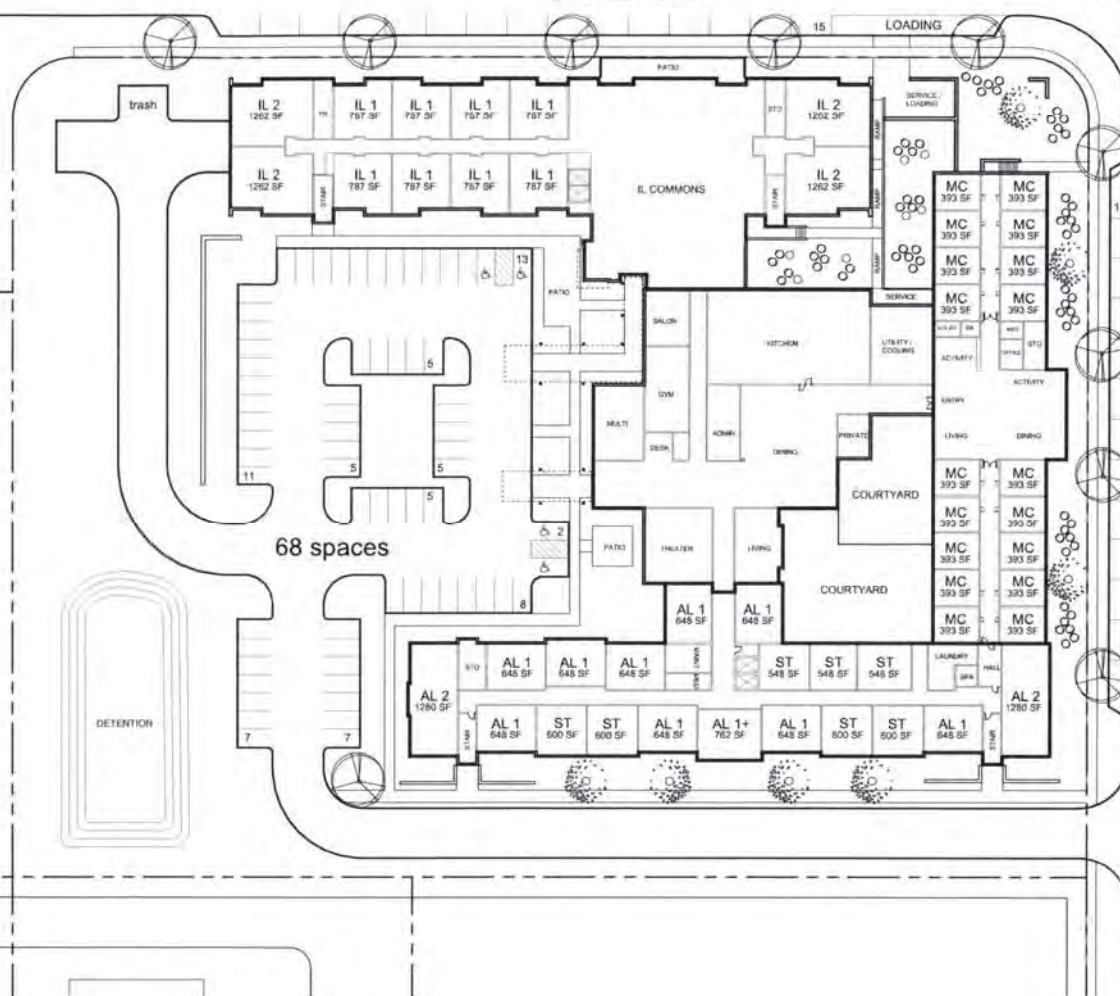


METCALF AVE.

FOX RIDGE DR.

56TH STREET

BROADMOOR STREET



68 spaces

DETENTION

DEVELOPMENT SUMMARY

BUILDING 1 (MC)	TOTAL UNITS			
	MC	AL	IND	
1ST LEVEL	13,800 SF	18	0	0
TOTAL	13,800 SF	18	0	0

BUILDING 2 (A)	TOTAL UNITS			
	MC	AL	IND	
1ST LEVEL	17,740 SF	0	0	0
TOTAL	17,740 SF	0	0	0

BUILDING 3 (AL)	TOTAL UNITS			
	MC	AL	IND	
1ST LEVEL	19,850 SF	0	18	0
2ND LEVEL	19,850 SF	0	19	0
3RD LEVEL	19,850 SF	0	19	0
TOTAL	59,550 SF	0	57	0

BUILDING 4 (IL)	TOTAL UNITS			
	MC	AL	IND	
GARAGE LEVEL	21,450 SF			
1ST LEVEL	24,150 SF	0	0	12
2ND LEVEL	21,450 SF	0	0	18
3RD LEVEL	21,450 SF	0	0	18
4TH LEVEL	21,450 SF	0	0	18
TOTAL	88,530 SF*	0	0	66

* DOES NOT INCLUDE GARAGE

TOTAL	TOTAL UNITS			
	MC	AL	IND	
TOTAL	179,620 SF*	18	57	66

* DOES NOT INCLUDE GARAGE

PARKING SUMMARY		TOTAL
GARAGE LEVEL		45 SPACES
SURFACE PARKING		81 SPACES
STREET PARKING		28 SPACES
TOTAL		134 SPACES

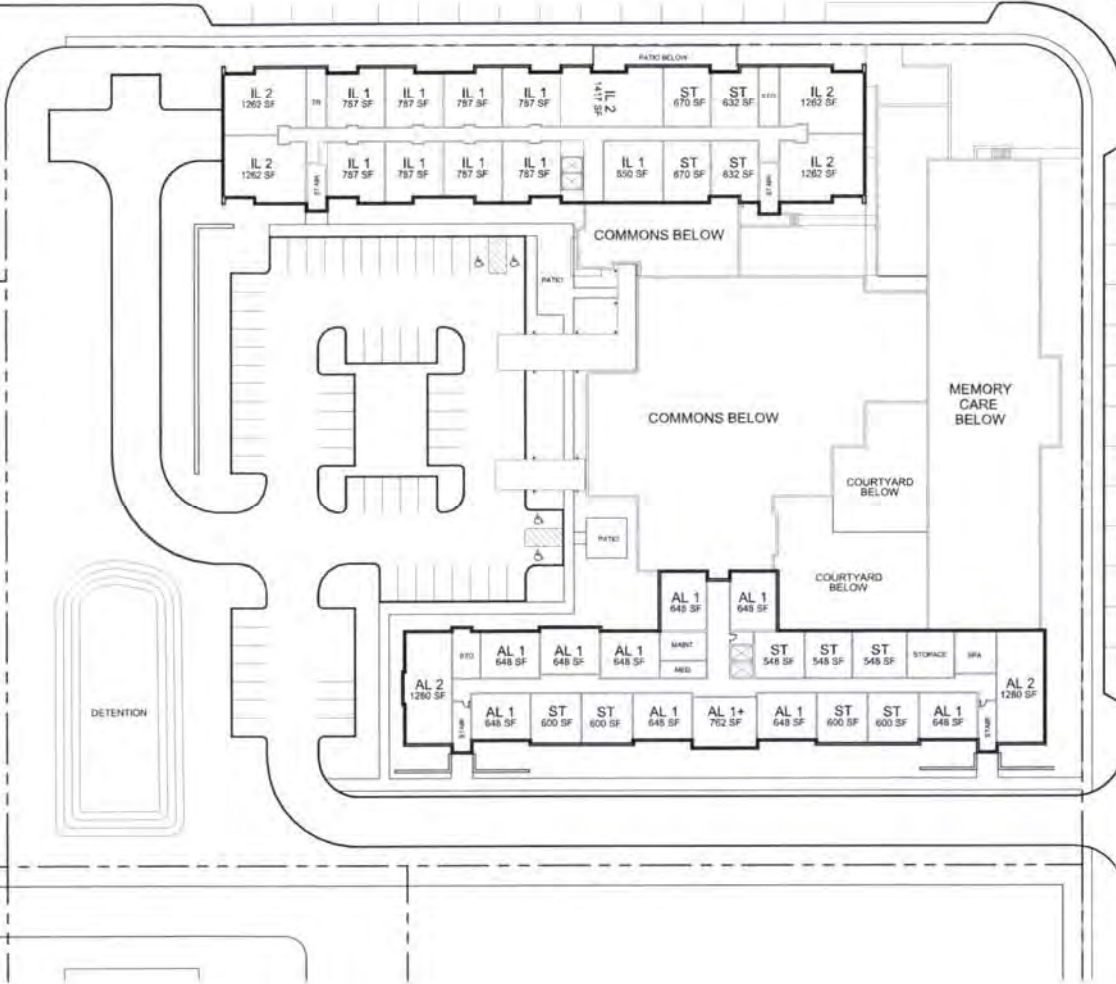


METCALF AVE.

FOX RIDGE DR.

56TH STREET

BROADMOOR STREET



UNIT SUMMARY

	BUILDING 1 (MC)		UNITS			
	GSF	NRSF	ST	1BR	2BR	TOTAL
1ST LEVEL	13,800 SF	7,074 SF	18	0	0	18
TOTAL	13,800 SF	7,074 SF	18	0	0	18

	BUILDING 3 (AL)		UNITS			
	GSF	NRSF	ST	1BR	2BR	TOTAL
1ST LEVEL	19,850 SF	13,198 SF	7	10	2	19
2ND LEVEL	19,850 SF	13,198 SF	7	10	2	19
3RD LEVEL	19,850 SF	13,198 SF	7	10	2	19
TOTAL	59,550 SF	43,663 SF	21	30	6	57

	BUILDING 4 (IL)		UNITS			
	GSF	NRSF	ST	1BR	2BR	TOTAL
GARAGE LEVEL	21,460 SF	0 SF				
1ST LEVEL	24,180 SF	11,344 SF	0	8	4	12
2ND LEVEL	21,450 SF	16,215 SF	4	9	5	18
3RD LEVEL	21,450 SF	16,215 SF	4	9	5	18
4TH LEVEL	21,450 SF	16,215 SF	4	9	5	18
TOTAL	88,530 SF*	59,989 SF*	12	35	18	66

* DOES NOT INCLUDE GARAGE



EXHIBIT E

REDEVELOPMENT PROJECT BUDGET*

	A	B	C
1	Line Item	Redevelopment Project Cost	Reimbursable Project Cost
2	Acquisition Costs		
3	Site Purchase	\$ 5,750,000.00	\$ 5,750,000.00
4	Community Engagement Funding (To City of N	\$ 250,000.00	\$ 250,000.00
5	Subtotal - Acquisition	\$ 6,000,000.00	\$ 6,000,000.00
6	Hard Constuction Costs		
7	Demo and Remediation of Current Structure	\$ 50,000.00	\$ 50,000.00
8	Infrastructure and Sitework	\$ 3,768,220.00	\$ 3,768,220.00
9	Construction Budget	\$ 72,740,013.79	\$ 13,332,000.00
10	Sales Tax Exemption on Construction Material	\$ (3,665,013.79)	\$ -
11	Contractor Contingency	\$ 1,531,164.68	\$ 1,531,164.68
12	Contractor Fee	\$ 3,062,329.35	\$ -
13	Builders Risk Insurance During Construction	\$ 156,550.00	\$ -
14	Low Voltage / Security / Access Control / Sma	\$ 189,200.00	\$ -
15	Owner Contingency	\$ 1,625,872.67	\$ 1,625,872.67
16	Building Permits	\$ 678,360.00	\$ -
17	Sewer Taps and Irrigation	\$ 365,270.00	\$ 365,270.00
18	Subtotal - Hard	\$ 80,501,966.70	\$ 20,672,527.34
19	Soft Construction Costs		
20	Geotechnical Testing and Services	\$ 35,000.00	\$ 35,000.00
21	Civil Engineering	\$ 265,805.00	\$ 265,805.00
22	Architect (Building, MEP, Structrual, Landscap	\$ 2,298,000.00	\$ -
23	Testing and Special Inspections	\$ 190,000.00	\$ -
24	Interior and FF&E Designer	\$ 281,945.23	\$ -
25	Appraisal & Market Study	\$ 15,000.00	\$ -
26	Traffic Study	\$ 5,000.00	\$ -
27	Environmental Reports	\$ 7,000.00	\$ -
28	Title, Recording and Closing Costs	\$ 116,618.50	\$ 116,618.50
29	Closing Costs - Construction Loan	\$ 336,678.66	\$ -
30	Interest During Construction	\$ 5,549,106.16	\$ 1,098,723.00
31	Construction Inspections	\$ 57,900.00	\$ -
32	Legal - Partnership/Project	\$ 550,000.00	\$ -
33	Accounting and Investor Doc Fees	\$ 27,000.00	\$ -
34	Soft Cost Contingency	\$ 1,083,915.11	\$ -
35	Consulting Fee	\$ 832,689.64	\$ -
36	Developer Fee	\$ 3,980,136.29	\$ -
37	Construction Management Fee	\$ 325,000.00	\$ -
38	Real Estate Taxes during Construction	\$ 863,749.96	\$ -
39	FF&E Common Areas	\$ 1,364,000.00	\$ -
40	Branding & Marketing Expense	\$ 325,000.00	\$ -
41	Owner Carried Insurance	\$ 2,775,000.00	\$ -
42	Miscellaneous Owner Carried Costs	\$ 10,000.00	\$ -
43	Pre-Opening Working Capital	\$ 100,000.00	\$ -
44	Lease-Up Operating Reserves	\$ 255,000.00	\$ -
45	Subtotal - Soft	\$ 21,889,544.54	\$ 1,516,146.50
46	Totals	\$ 108,151,511.24	\$ 28,188,673.84

*Financing and soft costs maybe be eligible as Reimbursable Project Costs to the extent tied to a cost that is otherwise a Reimbursable Project Cost.

EXHIBIT F
TIF REVENUE PROJECTIONS

	A	B	C	D	E
	TIF YEAR		TOTAL BASE ASSESSED VALUE	TOTAL PROJECTED ASSESSED VALUE	PROJECTED REAL ESTATE TAX INCREMENT
1					
2	1	2026	\$312,265	\$9,146,437	\$811,127
3	2	2027	\$312,265	\$9,146,437	\$811,127
4	3	2028	\$312,265	\$9,146,437	\$811,127
5	4	2029	\$312,265	\$9,420,830	\$836,321
6	5	2030	\$312,265	\$9,420,830	\$836,321
7	6	2031	\$312,265	\$9,703,455	\$862,271
8	7	2032	\$312,265	\$9,703,455	\$862,271
9	8	2033	\$312,265	\$9,994,559	\$888,999
10	9	2034	\$312,265	\$9,994,559	\$888,999
11	10	2035	\$312,265	\$10,294,396	\$916,529
12	11	2036	\$312,265	\$10,294,396	\$916,529
13	12	2037	\$312,265	\$10,603,227	\$944,885
14	13	2038	\$312,265	\$10,603,227	\$944,885
15	14	2039	\$312,265	\$10,921,324	\$974,092
16	15	2040	\$312,265	\$10,921,324	\$974,092
17	16	2041	\$312,265	\$11,248,964	\$1,004,175
18	17	2042	\$312,265	\$11,248,964	\$1,004,175
19	18	2043	\$312,265	\$11,586,433	\$1,035,160
20	19	2044	\$312,265	\$11,586,433	\$1,035,160
21	20	2045	\$312,265	\$11,934,026	\$1,067,075
22	TOTALS				\$18,425,323
23	NET PRESENT VALUE @	6.00%			\$10,271,033
27					
28	Notes:				
29	(1) Of the total real estate mill levy, the total captured by TIF is:				91.817
30	(2) The base assessed value is based upon Johnson County records reflecting 2017 real property tax valuation.				
31	(3) The projected appraised value is assumed to increase biannually at the following rate:				3.00%
32	(4) Interest Rate/NPV Rate:				6.00%

EXHIBIT G
MEETING MINUTES

EXHIBIT H
SITE PLAN

Overall Site Plan



AMENITIES

- 1 CLUBHOUSE - SEE ARCHITECTURE
- 2 SCULPTURE
- 3 LANDSCAPE HEDGE
- 4 8' TRAIL
- 5 SIGN WALL
- 6 ENTRY PLAZA
- 7 DOG RUN
- 8 RETAINING WALL
- 9 TRASH
- 10 EXISTING STREET LIGHT
- 11 GARAGE ENTRY
- 12 UNIT PATIOS
- 13 SPECIAL PAVING
- 14 BENCH, TYP.
- 15 PLANTER, TYP.
- 16 BKE RACKS
- 17 PET WASTE STATION
- 18 CROSSWALK TO PARK
- 19 LOADING
- 20 AMENITY COURTYARD
- 21 DOG SPA ENTRANCE

SITE PLAN
1/2009



BLOCK

REAL ESTATE SERVICES, LLC REAL ESTATE. REAL STRATEGIES. REAL SUCCESS®

5665 Foxridge Drive - 13

**CITY OF MISSION, KANSAS
PLANNING COMMISSION**

RESOLUTION NO. PC 24-02

A RESOLUTION FINDING THAT THE SILVERCREST TIF DISTRICT TAX INCREMENT FINANCING PROJECT PLAN SUBMITTED SEPTEMBER 13, 2024 IS CONSISTENT WITH THE COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF THE CITY OF MISSION, KANSAS.

BE IT RESOLVED by the City of Mission, Kansas Planning Commission that The Silvercrest Tax Increment Financing Project Plan, submitted to the City and reviewed by the Planning Commission at its regularly scheduled meeting on September 23, 2024, is consistent with the Comprehensive Plan for the development of the City of Mission, Kansas all in accordance with K.S.A. 12-1772(b).

BE IT FURTHER RESOLVED that the Planning Commission hereby directs staff for the Planning Commission to prepare and forward to the City Council a copy of this Resolution.

ADOPTED by the Planning Commission September 23, 2024.



Mike Lee, Chair

ATTEST:



Kimberly Steffens,
Planning Commission Secretary

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	October 9, 2024
ADMINISTRATION	From:	Laura Smith

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

RE: LGR Legislative and Advocacy Services 2025

RECOMMENDATION: Approve the 2025 agreement for legislative advocacy services with Little Government Relations, LLC., in an amount not to exceed \$12,500.00.

DETAILS: For several years, Mission, along with other cities in northeast Johnson County have contracted with Stuart Little of Little Government Relations, LLC (LGR) to provide legislative information and advocacy services. Mission, and other cities work both independently and collaboratively with LGR to provide legislative affairs and advocacy services.

LGR provides weekly updates during the session and monthly outside of the session. They craft or assist staff in crafting testimony, and the overall education and information provided about relevant legislative issues and the legislative climate helps to support and inform staff and Council on a timely basis. Additionally, LGR has been available to participate in ongoing conferences, education and information sessions related to various federal pass-through funding, and other State and federal grant programs to keep the City apprised of important updates and changes

Staff recommends renewing the agreement for 2025 to help support and inform both the staff and Council of important or relevant legislation on a timely basis. Annual fees had not been increased since the original contract approval in 2020. In 2024, LGR requested, and Council approved, a modest increase from \$10,000 to \$12,500 annually. The proposed contract for 2025 does not include any price increase. The contract is paid in four quarterly installments.

We anticipate introducing draft legislative priorities in November, with Council approval at the December 2024 Council meeting.

CFAA CONSIDERATIONS/IMPACTS: Timely and effective monitoring and review of legislative action helps the City stay abreast and educated about various issues impacting our community. We strongly advocate each year for the maintenance of our home rule authority in order to allow the greatest degree of flexibility in meeting the needs of residents and visitors of all ages and abilities in our community.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-09-206-05
Available Budget:	\$12,500

Memorandum of Agreement

1. Parties to Agreement

This agreement for government relations and lobbying services is entered into between “LGR Government Relations, LLC” hereinafter referred to as “LGR” and the “City of Mission” hereinafter referred to as “Mission.”

2. Services to be Provided

A. LGR shall provide pro-active lobbying, monitoring, and reporting services for Mission before Kansas legislative and administrative branches of government on matters related to city government. Little shall analyze and report on legislative bills and policy issues of interest and communicate such analysis to Mission on a regular and timely basis.

B. Little shall communicate and meet with the Governing Body, administration, and staff to discuss policy, budget, legislative activity, and administrative issues related to State public policy and budget activities, and LGR shall provide weekly reports during the legislative session, at least monthly during the interim period, and be available for meetings as requested.

D. LGR shall testify before legislative committees as directed by Mission and shall provide assistance to Mission in the production and presentation of legislative testimony.

E. LGR will be available to represent Mission before relevant policy organizations; League of Kansas Municipalities’ meetings and activities; collective Northeast Johnson County cities events, local and regional chambers, and city activities related to shared public policy issues.

F. LGR will facilitate meetings with the legislators and key stakeholders upon request.

G. LGR may perform other government affairs services for Mission as requested. Extraordinary expansion of duties may be subject to additional or other terms as agreed by the parties.

H. LGR shall provide advice and consultation with appropriate Mission elected officials and staff as requested.

3. Coalition.

Mission and other cities in Northeast Johnson County may join together in a voluntary coalition to accomplish shared public policy goals and objectives. The coalition may collectively and collaboratively receive the services articulated in Sec. 1. The coalition will be governed by the following terms and conditions.

- A. Each coalition city will designate one representative to represent and articulate city position, serve as primary point of contact, and serve as the voting member on any non-consensus decisions in the event of required vote.
- B. Coalition will communicate at least on a weekly basis during the legislative session and more often as necessary, including but not exclusively in written reports and conference calls or in person.
- C. LGR will be available to represent the coalition before relevant policy organizations; League of Kansas Municipalities' meetings and activities; collective Northeast Johnson County cities events, local and regional chambers, and city activities related to shared public policy issues.
- D. LGR will be available for city governing board meetings and city staff upon request.
- E. During non-session period, LGR will provide monthly written reports, represent the members at relevant meetings, and be available for governing body meetings upon request.
- F. Participation in the coalition of Northeast Johnson County cities does not supersede or preclude the right of a coalition member to express or advocate individually and independently for a position different from the coalition position. Coalition city members are not obligated to support a majority coalition position and may oppose, without prejudice.

3. Independent Contractor

It is understood by both parties that LGR is an independent contractor and its services are not exclusive to Mission. LGR is specifically allowed to represent other cities by mutual consent in a coalition of Northeast Johnson County cities and additional clients in non-competing areas.

4. Compliance with Applicable Statutes and Rules and Regulations

It is understood by both parties that LGR will register with the office of the Kansas Secretary of State as a lobbyist for Mission. Furthermore, LGR will comply with both the spirit and the intent of all reporting requirements as well as all statutes and rules and regulations pertaining to lobbying. Copies of any reports filed by or on behalf of LGR with various reporting agencies will be available for review by Mission upon request.

5. Terms of Agreement

This contract shall be in effect for the period beginning January 1, 2025 and ending December 31, 2025.

6. Compensation

LGR shall receive the sum of twelve thousand five hundred dollars (\$12,500.00) for services provided under this agreement, payable in four quarterly payments in the amount of three thousand one hundred and twenty-five dollars (\$3,125.00), due after January 1, April 1, July 1 and October 1 upon receipt of an invoice from LGR. LGR may be reimbursed for documented expenses approved by the administrator or chief elected member in advance.

7. Liability Insurance

LGR shall possess professional liability and workers compensation insurance and shall make documentation of coverage available upon request.

8. Termination.

Either party may terminate this agreement upon thirty (30) days written notice.

This contract encompasses all written and oral agreements of the parties and is entered into this _____ day of October 2024.

Stuart J. Little, Ph.D.

Little Government Relations, LLC
800 SW Jackson, Suite 1000
Topeka, Kansas 66612-2205

Laura Smith

City of Mission
6090 Woodson St.
Mission, Kansas 66202

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	October 9, 2024
Administration	From:	Robyn Fulks

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

RE: September 4, 2024 Finance & Administration Committee Minutes.

RECOMMENDATION: Review and accept the September 4, 2024 minutes of the Finance & Administration Committee.

DETAILS: Minutes of the September 4, 2024 Finance & Administration Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

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

CFAA CONSIDERATIONS/IMPACTS: N/A

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



MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE

September 4, 2024

The Mission Finance & Administration Committee met at Mission City Hall and virtually via ZOOM on Wednesday, September 4, 2024. The following Committee members were present: Lea Loudon, Brian Schmid, Trent Boultinghouse, Debbie Kring, Josepha Haden Chomphosy, and Mary Ryherd. Councilmember Chociej and Councilmember Carpenter Davis appeared via Zoom. Councilmember Schmid called the meeting to order at 7:07 p.m.

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

Public Comments

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

There were no public comments.

Public Presentations/Informational Items

There were no public presentations.

Acceptance of the August 7, 2024 Finance & Administration Committee Minutes

Minutes of the August 7, 2024 Finance & Administration Committee were provided to the Committee for review.

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

Ordinance Establishing TIF District 3C, Approving a Redevelopment Project Plan for the Same and Approving Execution of a Redevelopment Agreement with Mission Bowl Apartments, LLC

City Administrator Laura Smith presented the second action item of the evening. She explained these items were originally presented as part of the August 21 City Council Meeting when the public hearing was opened. This item is for Phase II of The Lanes at Mission Bowl. The public hearing was continued to the September City Council meeting where it will be reopened for additional comment or questions and then closed. Later in that meeting this Ordinance and a Resolution will be action items for Council consideration. Bruce Kimmel, the City's financial advisor and Kevin Wempe bond counsel with Gilmore & Bell, P.C. were online via Zoom to answer questions and Mark Hallier from Sunflower Development was at the meeting as well. Ms. Smith explained that this Phase II TIF request is very similar to the Phase I TIF request approved in 2020. Phase II would add 96 units immediately to the east of Phase I. Both Tax Increment Financing and IRBs were requested by the Developer to establish the public/private partnership terms similar terms to those approved for Phase I. That includes 20% of the units designated as attainable housing for the 20-year TIF term and achieving at least a LEED silver certification for the building. The ordinance for consideration will accomplish several things including carving out the new TIF district 3C, approving the redevelopment project plan (TIF Project Plan), and approving execution of the redevelopment agreement. The redevelopment agreement is essentially the contract between the Developer and the City and includes specific negotiated provisions, project milestones, estimated completion, events of default, and remedies to cure default.

Councilmember Kring asked about current projects and historical projects where TIF has been issued. Ms. Smith noted that IRBs for the purpose of exempting construction materials and certain furnishings and fixtures from sales tax have been included in all the previous TIF projects, as well as the two projects recently approved for tax abatement. She also noted that Staff have used, in a few very limited cases many years ago, just IRBs for the sales tax exemption without combining them with other incentives. A variety of tools have been used on previous projects, including TIF, CID, and IRBs.

This item will be on the regular agenda along with the public hearing.

**Resolution of Intent to Issue Industrial Revenue Bonds for The Lanes
at Mission Bowl – Phase II Project**

Ms. Smith's next action item was for consideration of a resolution of intent to issue Industrial Revenue Bonds for The Lanes at Mission Bowl – Phase II Project. Ms. Smith explained that the IRBs are not issued until the conclusion of the

project. At the outset, the Council signals its intent to issue the bonds to provide the Developer with a certificate to secure the sales tax exemption. She also noted that Mr. Kimmel identified a total savings of approximately \$675,000 for this project after the sales tax exemption. That was factored into the estimated rate of return in his evaluation of the project's pro forma. At the conclusion of construction of Phase I, the Council will consider an ordinance to formally authorize issuance of the bonds.

This item will be on the regular agenda.

Ordinance Authorizing Issuance of IRBs – Phase I Mission Bowl Apartments

Ms. Smith's final item of the evening was for the approval of an Ordinance authorizing the issuance of IRBs for Phase I of The Lanes at Mission Bowl. She asked the City's bond counsel Kevin Wempe of Gilmore & Bell, P.C. to make his presentation. Mr. Wempe explained that the IRBs are an incentive granting vehicle, and not a financing mechanism to provide upfront capital to the Developer. The IRBs either allow for property tax abatement for up to ten years or sales tax abatement for furniture, fixtures, construction materials, and certain equipment. Phase I on the project is using TIF for a property tax incentive, therefore IRBs are being used only for the sales tax exemption.

The issuance is a two-step process. Tonight, we had both steps to talk about, one for each phase of the project. Step one is the adoption of a Resolution of Intent. The Phase I resolution was adopted in 2020 and signaled the City's intent to issue the IRBs. The legal intent of the Resolution is that it provides access to a sales tax exemption certificate that the Developer can use to forego sales tax on materials during construction. The issuance of the IRBs occur at the end of construction once costs are known. The ordinance authorizes the issuance of bonds which are short-term in nature. The issuance of the bonds completes the statutory requirements to replace the construction costs with bond proceeds. This mechanism does not provide upfront capital, and there is no City liability or credit impact to the City for repayment of the bonds.

Councilmember Boultinghouse asked Staff to confirm that IRBs are not used often in Mission, and he was wondering if there was a theory of why they are popular now. Ms. Smith explained that the IRB used for the sales tax exemption, not for property tax abatement has been used on almost every development project during her tenure in Mission. She explained that the 58/Nall project (now

the Mission 77 project) and the Milhaus project were the first tax abatements granted using the IRB mechanism.

Councilmember Kring asked for clarification that both the 10-year tax abatement and sales tax abatement can be used. Ms. Smith and Mr. Wempe confirmed that both can be used via IRBs on the same project. He explained that, for projects using TIF financing, TIF and property tax abatement cannot be used together.

This item will be on the regular agenda.

DISCUSSION ITEMS

There were no discussion items.

Department Updates

Ms. Smith offered her congratulations to Mayor Flora and her husband on the birth of their daughter on August 31. She also asked Chief Madden to update the Committee on their "Cone With A Cop" event held earlier in the evening, along with the Citizen's Academy that begins the following evening.

Chief Madden announced that a large crowd attended the "Cone With A Cop" event at Baskin Robbins in Mission and thanked those who were in attendance. He also announced that the Citizens Academy would begin the following evening with 14 participants who will meet weekly for ten weeks.

Councilmember Kring asked about Halloween impaired driving enforcement and Chief Madden noted that in this age of social media, departments no longer conduct sobriety checkpoints, but now rely on saturation patrols.

Ms. Smith gave kudos to Kate Deacon and the Mission Market coordinators who did a fantastic job for the 10th season of the Mission Market.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 7:27 p.m.

Respectfully submitted,



Robyn L. Fulks, City Clerk

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	October 9, 2024
POLICE	From:	Dan Madden

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

RE: Adoption of the *Standard Traffic Ordinance (STO)* and *Uniform Public Offense Code (UPOC) Code Books for 2024*.

RECOMMENDATION: Approve the ordinances adopting the 2024 editions of the *Standard Traffic Ordinance for Kansas Cities-51st edition (STO)* and the *Uniform Public Offense Code for Kansas Cities-40th edition (UPOC)*, as published by the League of Kansas Municipalities.

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

Currently, the Police Department and Municipal Court are utilizing the 2023 versions of the above referenced codes. The 2024 versions became effective July 1, 2024, but we wait until the updated (printed) versions are available through the League before bringing the action item forward to the City Council. To maintain uniformity with agencies in the area, the State of Kansas, and the actions of the State Legislature, it is recommended that these codes be adopted. The City also can use the ordinances to address local issues which the City may want to handle differently.

A full copy of the 2024 STO can be found [here](#).

A full copy of the 2024 UPOC can be found [here](#).

There were minor changes and additions made to the 2024 STO, which include:

- Section 201.2, *Failure to Comply with a Traffic Citation* This section was amended to remove several traffic violations eligible to suspend someone's driver's license for not complying with issued traffic citations. **This section does not go into effect until January 1, 2025.**

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

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	October 9, 2024
POLICE	From:	Dan Madden

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

The UPOC also amended few sections in the 2024 version. Of particular interest are:

- Section 9.1, *Disorderly Conduct*. A Kansas Supreme Court ruled that the “noisy conduct” provisions of the prior Disorderly Conduct section were overbroad. The 2024 version was amended to comply with that ruling.
- Section 9.9.1, *Unlawful Possession of Marijuana and Tetrahydrocannabinoids as well as 9.9.2, Possession of Drug Paraphernalia and Certain Drug Precursors, and 9.9.4, Unlawful Possession of Controlled Substances* This section was amended to include verbiage that a law enforcement officer shall not take a person into custody for violating these sections if they are seeking medical assistance as a result of using/possessing illegal substances and request medical assistance for themselves or another.

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

In the *Standard Traffic Ordinance* those include:

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

In the *Uniform Public Offense Code* those include:

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

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

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	October 9, 2024
POLICE	From:	Dan Madden

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

Along with the printed code books, licenses for electronic versions of the STO and UPOC were purchased so that the information can be placed on the City's website and on computers in patrol vehicles and workstations used by the Court and Police Department personnel.

There are two ordinances that have been prepared for Council action to adopt the 2024 STO and UPOC which will fully incorporate them into Mission City Code.

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

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

CITY OF MISSION, KANSAS
ORDINANCE _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MISSION BY ADOPTING THE 2024 STANDARD TRAFFIC ORDINANCE 51ST EDITION.

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

SECTION 1: The City Code of the City of Mission, Chapter 300, Section 300.010 is hereby amended by deleting Section 300.010 in its entirety and replacing it with as follows:

§300.010: INCORPORATING STANDARD TRAFFIC ORDINANCE

- A. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Mission, Kansas, that a certain “2024 Standard Traffic Ordinance for Kansas Cities,” 51st Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Mission” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this Chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked as may be deemed expedient.
- B. Article 7, Section 33 of said Standard Traffic Ordinance relating to maximum speed limits is deleted. Maximum speed limits are regulated by the Mission Municipal Code Section 310.010.
- C. Article 20, Section 204(b) of said Standard Traffic Ordinance relating to fines in school zones is hereby deleted. School zone fines are regulated by Mission Municipal Code Section 300.035.

SECTION 2: This Ordinance shall take effect and be in full force from and after January 1, 2025.

PASSED AND APPROVED by the City Council this 16 day of October 2024.

APPROVED by the Mayor this 16 day of October 2024.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED BY:

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

CITY OF MISSION, KANSAS
ORDINANCE _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MISSION BY ADOPTING
THE 2024 UNIFORM PUBLIC OFFENSE CODE, 40TH EDITION

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

SECTION 1: The City Code of the City of Mission, Chapter 215, Section 215.010 is hereby amended by deleting Section 215.010 in its entirety and replacing it with as follows:

§215.010: Incorporating Uniform Public Offense Code.

- A. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Mission, Kansas, that a certain code known as the “2024 Uniform Public Offense Code,” 40th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Uniform Public Offense Code shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Mission” with all Sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this Chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied at the cost of the City such number of official copies of such Uniform Public Offense Code similarly marked as may be deemed expedient.
- B. Article 10, Sections 10.24, 10.25, and 10.26 of said Uniform Public Offense Code relating to smoking prohibitions are deleted. Smoking restrictions are regulated by Mission Municipal Code Chapter 225, Article III.
- C. Article 11, Section 11.11 of said Uniform Public Offense Code relating to animal cruelty is deleted. Animal cruelty is regulated by Mission Municipal Code Chapter 210, Section 210.160.

D. Article 11, Section 11.15 of said Uniform Public Offense Code relating to dangerous animals at large is deleted. Dangerous animals at large are regulated by Mission Code, Chapter 210, Section 210.150.

SECTION 2: This Ordinance shall be in full force and effect beginning on January 1, 2025.

PASSED AND APPROVED by the City Council this 16 day of October 2024.

APPROVED by the Mayor this 16 day of October 2024.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

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

Updates to the 2024 Standard Traffic Ordinance and the Uniform Public Offense Code

By: Nicole Proulx Aiken, Communications & Education Counsel, League of Kansas Municipalities



It is that time of year when the League updates the *Standard Traffic Ordinance (STO)* and the *Uniform Public Offense Code (UPOC)* with the changes made by the Kansas Legislature. This year also includes a change based off the Kansas Supreme Court decision, *City of Wichita v. Griffie*, 318 Kan. 510 (2024). This article describes those changes.

Changes to the STO

Sec. 23. Accident Involving Death or Personal Injuries; Duties of Drivers, Reports; Penalties.

Previously, drivers involved in an accident with more than \$1,000 of property damage that did not remain at the scene of an accident were subject to a penalty of up to one year of imprisonment and/or a fine up to \$2,500. HB 2665 amended the property damage amount to clarify the penalty applies to any property damage of \$1,000 or more.

Sec. 114.5. Unlawful Operation of a Work-Site Utility Vehicle.

The League discovered the references to all-terrain vehicles in subsection (c) were incorrect and updated the section with the correct references to work-site utility vehicles.

Sec. 201.1. Failure to Comply with a Traffic Citation.

This section has been updated to sunset at 11:59 p.m., on December 31, 2024. Upon its sunset, new section 20.1.2 will take effect.

Sec. 201.2. Failure to Comply with a Traffic Citation.

This section takes effect on January 1, 2025, and reflects changes made by SB 500 regarding the failure to comply with a traffic citation. Previously, an individual violated this provision if they did not appear before municipal court and pay their fine and court costs in full. Now, a violation occurs when an individual does not appear in municipal court and pay their fine and court costs as ordered by the court.

In addition, municipal courts can no longer seek the suspension of an individual's license for failing to comply with the following traffic citations:

- Sec. 18. Interference with Official Traffic-Control Devices or Railroad Signs or Signals;
- Sec. 63. Pedestrians; Obedience to Traffic-Control Devices and Regulations;
- Sec. 65. Crossing at Other Than Crosswalks; Jaywalking;
- Sec. 67. Pedestrians to Use Right Half of Crosswalks;
- Sec. 68. Pedestrians on Highways;
- Sec. 69. Pedestrians Soliciting Rides or Business;
- Sec. 74. Pedestrian Under Influence of Alcohol or Drugs;

- Sec. 83. Stopping, Standing or Parking Outside Business or Residence Districts;
- Sec. 85. Stopping, Standing or Parking Prohibited in Specified Places;
- Sec. 86. Stopping or Parking on Roadways;
- Sec. 107. Unattended Motor Vehicle; Ignition; Key and Brakes;
- Sec. 112. Putting Glass, Etc. on Highway Prohibited;
- Sec. 112.1. Littering from a Motor Vehicle;
- Sec. 114. Snowmobile Operation Limited;
- Sec. 114.4. Unlawful Operation of a Golf Cart;
- Sec. 115. Unlawful Riding on Vehicles; Persons 14 Years of Age and Older;
- Sec. 124. Riding in House Trailer or Mobile or Manufactured Home Prohibited;
- Sec. 127. Effect of Regulations;
- Sec. 129. Riding on Bicycles; Seats; Riders Limited
- Sec. 130. Clinging to Vehicles;
- Sec. 131. Riding on Roadways and Bicycle Paths;
- Sec. 132. Carrying Articles;
- Sec. 133. Lamps and Other Equipment on Bicycles;
- Sec. 135.1. Electric Assisted Scooters, Traffic Law Application; and
- Sec. 182.2. Unlawful Riding on Vehicles; Persons Under Age 14.

SB 500 mandates that the Kansas Department of Revenue Division of Vehicles restrict, rather than suspend, an individual's license if they meet specific eligibility criteria. SB 500 also requires municipal courts:

1. assess a license reinstatement fee of \$100 instead of \$100 for each charge;
2. provide a form for any individual seeking to petition the court to waive fines or fees; and
3. consider waivers and alternatives to restricting or suspending a license.




Changes to the UPOC

Section 9.1. Disorderly Conduct.

In March, the Kansas Supreme Court determined that “. . . Wichita’s Municipal Code of Ordinances (W.M.O.) §5.24.010(c) criminalizing ‘noisy conduct tending to reasonably arouse alarm, anger or resentment in others’ [was] unconstitutionally overbroad under the First Amendment.” *City of Wichita v. Griffie*, 318 Kan. 510, 511 (2024) The same language found unconstitutional in the W.M.O. was present in this section. Consequently, the League removed that language from this section.

Section 9.9.1. Unlawful Possession of Marijuana and Tetrahydrocannabinols, Section 9.9.2 Possession of Drug Paraphernalia and Certain Drug Precursors, and Section 9.9.4 Unlawful Possession of Controlled Substances.

The League amended these sections to add provisions from Sub for SB 41. This bill provides that a law enforcement officer shall not take an individual into custody for violations of section 9.9.1, 9.9.2(a), and 9.9.4 when the individual seeks medical assistance for themselves or others because of the use of a controlled substance. Individuals are also immune from prosecution unless the quantity of controlled substances found is sufficient to create a rebuttable presumption that there is an intent to distribute. Immunity does not apply if medical assistance is sought during the execution of an arrest or search warrant, or if prosecution is based on evidence from an independent source. The bill also provides that a person cannot initiate or maintain legal action against a law enforcement officer or their employee because of the officer’s compliance or failure to comply with this section. The bill also protects officers from liability for arresting individuals who are later found to be immune from prosecution, unless the officer’s actions involved reckless or intentional misconduct.

 **Nicole Proulx Aiken** is the Communications & Education Counsel for the League of Kansas Municipalities. She can be reached at nproulxaiken@lkm.org.



STO / UPOC

Standard Traffic Ordinance

UNIFORM PUBLIC OFFENSE CODE

The *Standard Traffic Ordinance* (STO) is an efficient, economical way to regulate traffic in Kansas cities. The *Uniform Public Offense Code* (UPOC) contains approximately 100 public offenses that can be adjudicated in municipal court.



GO TO THE LEAGUE WEBSITE SERVICES—PUBLICATIONS—SEARCH STO OR UPOC TO ORDER THE MOST UP-TO-DATE STANDARD TRAFFIC ORDINANCE AND UNIFORM PUBLIC OFFENSE CODE.

ORDER TODAY!

MEMORANDUM

TO: City of Mission Police Department and Court Personnel

FROM: Jacob Turner

DATE: September 23, 2024

RE: Updates in 2024 Editions of UPOC and STO

The League of Kansas Municipalities has issued a new Standard Traffic Ordinances (“STO”) and a new Uniform Public Offense Code (“UPOC”). The 2024 STO, when adopted by the City of Mission, sets out ordinances regulating any traffic offenses that occur within the City of Mission. The UPOC, when adopted by the City of Mission, sets out ordinances regulating any nontraffic public offenses within the City of Mission. These are in addition to the other ordinances contained within Mission City Code. Until adoption by the Governing Body, the updated 2024 STO and UPOC are not in effect and the 2023 versions still govern any tickets or court proceedings within the City of Mission.

In the 2024 STO and 2024 UPOC, the League of Municipalities has made slight changes of which Mission employees should be aware:

UPOC

1. Section 9.1. Disorderly Conduct. Under the current UPOC, the UPOC criminalizes “noisy conduct tending to reasonably arouse alarm, anger or resentment in others.” In March, the Kansas Supreme Court found that criminalizing that activity was unconstitutionally overbroad under the First Amendment. As such, that language was removed from the UPOC. Now, the language reads as follows under Section 9.1: “Disorderly conduct is one or more of the following acts that the person knows or should know will alarm, anger or disturb others or provoke an assault or other breach of the peace: (1) Brawling or fighting; (2) Disturbing an assembly, meeting or procession, not unlawful in its character; or (3) Using fighting words.” As such, Disorderly Conduct should no longer be charged solely for noisy conduct.

2. Section 9.9.1. Unlawful Possession of Marijuana and Tetrahydrocannabinols, Section 9.9.2. Possession of Drug Paraphernalia and Certain Drug Precursors, and Section 9.9.4. Unlawful Possession of Controlled Substances. In accordance with new Kansas law, a law enforcement officer is not permitted to take an individual into custody for violation of Section 9.9.1 (Unlawful Possession of Marijuana and Tetrahydrocannabinols), Section 9.9.2 (Possession of Drug Paraphernalia and Certain Drug Precursors) and Section 9.9.4 (Unlawful Possession of Controlled Substances) if the individual was seeking medical assistance for themselves or others due to use of a controlled substance if the individual cooperates with law enforcement and EMS to provide medical assistance. Individuals who seek medical assistance are immune from prosecution unless the quantity of controlled substances found is sufficient to create a rebuttable

presumption that there is an intent to distribute. This new exemption from custody and prosecution does not apply if (1) medical assistance is sought during the execution of an arrest or search warrant; or (2) if prosecution is based on evidence from an independent source. An individual cannot initiate or maintain legal action against a law enforcement officer or their employees because of the officer's compliance or failure to comply with these new sections unless the officer's actions were reckless or intentional misconduct.

STO

1. Section 23. Accident Involving Death or Personal Injuries; Duties of Drivers, Reports; Penalties. This is a minor change to the provisions that require an individual to stay on the scene if the individual was the driver of a vehicle involved in an accident resulting in injury, great bodily harm or death or damage to an unattended vehicle. In the previous iteration of this section, for a property damage case only, a driver only had to stay if the property damage was more than \$1,000 total. Under the new specific change, if the property damage is \$1,000 or more, then the driver of the vehicle must stay on the scene or will be liable under Section 23 of the STO. **In practicality, this provision is just a dollar difference and therefore would likely be inconsequential to each officer's day-to-day duties.**

2. Section 114.5. Unlawful Operation of a Work-Site Utility Vehicle. The only minor change to this section is an incorrect reference to an all-terrain vehicle which has been updated. **This is a minor change and should not affect any of the officer's day-to-day duties.**

3. Section 201.1. Failure to Comply with a Traffic Citation. This section represents the bulk of the change to the STO and mostly affects municipal court staff. Prior to January 1, 2025, the failure-to-comply provisions and reinstatement provisions will still remain in effect as they currently are. However, beginning on January 1, 2025, new state laws (as incorporated by the STO) are in effect:

(a) Failure to Comply. Under current law, failure to appear in a court in response to a traffic citation and pay fines and court costs constitutes a failure to comply. Upon such failure, the individual has 30 days to appear and pay fines, court costs and penalties before the driving privilege of the individual must be suspended. The new law provides that a failure to comply suspension for non-payment is only effective if an individual does not make a payment as "ordered by the court."

(b) Reinstatement Fee. Beginning on January 1, 2025, a court may only issue one reinstatement fee of \$100 for each ticket, replacing the requirement that imposes a separate \$100 fee for each charge associated with the citation with which the individual does not comply, regardless of the disposition of the charge. In practicality, this will not affect the City of Mission, as the current policy is to impose one suspension for the entire ticket.

(c) Waiving or Reducing Payment of Court Costs or Fines. Any person who is assessed a fine or court cost for a traffic citation may petition the court to waive payment or any portion thereof. New state law requires the clerks of municipal courts

make forms available to a person seeking to make such a motion. As such, the City will need to provide standard motion forms for a person seeking to make such a motion. The City should reach out to other bigger cities in our area to see how the other cities are handling this requirement and adopt a similar form.

(d) Suspension. Beginning January 1, 2025, municipal courts can no longer seek suspension of an individual's license for failure to comply with the following traffic citations:

- (i) Section 18. Interference with Official Traffic-Control Devices or Railroad Signs or Signals;
- (ii) Section 63. Pedestrians; Obedience to Traffic-Control Devices and Regulations;
- (iii) Section 65. Crossing at Other Than Crosswalks; Jaywalking;
- (iv) Section 67. Pedestrians to Use Right Half of Crosswalks;
- (v) Section 68. Pedestrians on Highways;
- (vi) Section 69. Pedestrians Soliciting Rides or Business;
- (vii) Section 74. Pedestrian Under Influence of Alcohol or Drugs;
- (viii) Section 83. Stopping, Standing or Parking Outside Business or Residence Districts;
- (ix) Section 85. Stopping, Standing or Parking Prohibited in Specified Places;
- (x) Section 86. Stopping or Parking on Roadways;
- (xi) Section 107. Unattended Motor Vehicle; Ignition; Key and Brakes;
- (xii) Section 112. Putting Glass, Etc. on Highway Prohibited;
- (xiii) Section 112.1. Littering from a Motor Vehicle;
- (xiv) Section 114. Snowmobile Operation Limited;
- (xv) Section 114.4. Unlawful Operation of a Golf Cart;
- (xvi) Section 115. Unlawful Riding on Vehicles; Persons 14 Years of Age and Older;
- (xvii) Section 124. Riding in House Trailer of Mobile or Manufactured Home Prohibited;
- (xviii) Section 127. Effect of Regulations;
- (xix) Section 129. Riding on Bicycles; Seats; Riders Limited;
- (xx) Section 130. Clinging to Vehicles;
- (xxi) Section 131. Riding on Roadways and Bicycle Paths;
- (xxii) Section 132. Carrying Articles;
- (xxiii) Section 133. Lamps and Other Equipment on Bicycles;
- (xxiv) Section 135.1. Electric Assisted Scooters, Traffic Law Application; and
- (xxv) Section 182.2. Unlawful Riding on Vehicles; Persons Under Age 14.

(e) Consideration of Waivers. Finally, the new provisions require the court to consider waivers and alternatives to restricting or suspending a license. There need to be

no written findings or payment plan orders, but the court is directed to consider waivers and alternatives.

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	October 9, 2024
Administration	From:	Justin Carroll

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

RE: Memorandum of Understanding (MOU) with Johnson County Government to fund the local match required for two electric vehicle (EV) charging stations in the City of Mission as part of a county-wide pilot project through a grant from the Kansas Department of Transportation.

RECOMMENDATION: Approve the MOU with Johnson County Government to fund two EV charging stations in the City of Mission for cost of \$47,529.

DETAILS: In 2023, the City of Mission worked collaboratively with Johnson County, Climate Action KC, and other local communities to pursue a carbon reduction grant funding opportunity for a regional pilot project to install electric vehicle (EV) charging stations throughout the county. The funding for the project would come from the Kansas Department of Transportation (KDOT) with Johnson County Government acting as the primary grant recipient and the Mid-America Regional Council administering the grant itself.

The [grant application](#) was successful, and the Governing Body agreed during the 2024 Budget Process to participate in the project and allow for two EV charging stations to be installed. One would be installed at Broadmoor Park and the other at the Powell Community Center. The total estimated cost for the two charging stations is \$228,503 with 80% of the cost, or \$182,803, being covered by grant funding. The City's remaining estimated portion is \$47,529 which includes the 1% fee from MARC to administer the grant. The City's portion would be split between the General Fund and the Special Parks and Recreation Sales Tax Fund.

Once a vendor has been selected, construction is scheduled to begin in 2025. In total, the pilot project is seeking to install 32 EV charging stations throughout the county. Additional participating entities include Johnson County Parks and Recreation, the City of Overland Park, the City of Prairie Village, and the City of Roeland Park.

CFAA CONSIDERATIONS/IMPACTS: Installing EV charging stations potentially reduces carbon emissions while providing residents an additional charging option for their personal transportation. Addressing transportation options is a main tenant of Communities for all Ages.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	01-07-214-14 and 10-90-807-05
Available Budget:	\$45,000

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is a collaboration among the Johnson County Board of County Commissioners by and through the Department of Health and Environment, a body corporate and political subdivision of the State of Kansas (the “County”) and the Johnson County Facilities Management Department, Johnson County Parks and Recreation District, the City of Mission, the City of Overland Park, the City of Prairie Village, and the City of Roeland Park (“Partners”) to coordinate efforts for The Connecting JoCo – A Coordinated Public Electric Vehicle Infrastructure Pilot project in our jurisdictions by sharing resources and expenses to fund installation of 32 electric vehicle (EV) charging stations (“Project”). The MOU is entered the date of last signature below (the “Effective Date”).

Recitals

- A. Johnson County will enter into the grant agreement with the Kansas Department of Transportation (“KDOT”) to serve as the grant recipient and primary point of contact for all grant activities. The County will manage the solicitation and selection for design services and organize construction bidding and execution activities with KDOT. The County agrees to communicate all relevant activities to Partners. The County will incur the upfront costs of any local match and fees.
- B. Partners will participate in necessary meetings and activities and provide timely information to project contractors to maintain an appropriate project schedule including access to necessary personnel for information purposes. Each Partner will reimburse Johnson County for their site share of local match and fee requirements of grant activities.
- C. The County and Partners are coordinating efforts and resources to install 32 electric vehicle charging stations at public locations throughout the Johnson County community.
- D. Pursuant to K.S.A. 12-2908, the Parties are municipalities and wish to enter this agreement to perform a governmental activity, or undertaking which each is authorized by law to perform. Pursuant to K.S.A. 12-2908, this agreement is authorized by the governing body of each of the Parties.

ARTICLE I

Scope of Understanding

1.0. Scope of Understanding

1.1. Parties.

1.1.1. Johnson County Board of County Commissioners by and through the Department of Health and Environment (the “County”).

1.1.2. The Johnson County Facilities Management Department (“Facilities”),

1.1.3. Johnson County Parks and Recreation District (“JCPRD”),

1.1.4. The City of Mission (“Mission”),

1.1.5. The City of Overland Park (“Overland Park”),

1.1.6. The City of Prairie Village (“Prairie Village”), and

1.1.7. The City of Roeland Park (“Roeland Park”)

1.1.8. The Facilities, JCPRD, Mission, Overland Park, Prairie Village, and Roeland Park shall collectively be referred to as the “Partners”.

1.1.9. The County and Partners shall collectively be referred to as the “Parties”.

1.2. Statement of Understanding. The Parties have a joint desire to install 32 new electric vehicle charging stations at 16 partner locations under The Connecting JoCo – A Coordinated Public Electric Vehicle Infrastructure Pilot project, which was awarded \$1,433,000 in federal fiscal year 2022-2025 Carbon Reduction Program (“CRP”) funds. As part of that desire, the Parties hereby agree, subject to the terms and conditions listed below, to share the local match and costs of installing 32 new charging stations at 16 site locations (“Sites”) throughout the County (the “Project”).

1.3. Duration and Termination of Agreement. The Parties agree that this agreement shall remain in full force and effect until the completion of the Project or for three years, whichever is shorter. The Project shall be deemed completed upon written certification to each of the Parties by the Project Administrator at KDOT that the Project has been accepted as constructed. This term may be extended by written agreement of the Parties.

ARTICLE II **Project Costs**

2.0. Project Costs.

2.1. Project Cost. KDOT and Mid-America Regional Council (“MARC”) approved the County’s revised budget for the Project (the “Budget”). A true and correct copy of the Budget, which includes 3 pages, is attached as **Exhibit A**.

2.1.1. Electric Vehicle Station Funding. CRP grant funding will provide 80% of the cost for each EV station. Local Partners will provide the required 20% match of their total site location costs. Partner organizations will assume all future costs associated with the stations.

2.1.2. MARC Fee. MARC is charging a 1% administration fee. Each Partner is responsible for providing its 1% MARC fee.

2.1.3. Payment Terms. The total capital costs from the Budget shall be paid to KDOT.

2.1.3.1. The County is responsible for paying KDOT the total required match for the project and for paying the MARC fee.

2.1.3.2. Each Partner is responsible for reimbursing the County for the 20% match portion of its individual site costs and its prorated portion of the 1% MARC fee. The Partners' reimbursement will become due to the County after Project closeout as approved by KDOT.

ARTICLE III **Project Terms**

3.0. Project Terms.

3.1. The County will coordinate with KDOT for selection of contractors to perform Project work. KDOT is responsible for hiring and paying contractors.

3.2. The County and its design and construction consultants will oversee the day-to-day activities of Project construction.

3.3. The current Site locations are included in the Budget. See **Exhibit A**. Each Partner has authority to determine each Site location. Therefore, the Site locations are subject to change as needed for design and individual Partner considerations.

3.4. Once installed, chargers and required maintenance are the responsibility of the Partner.

ARTICLE IV **General Terms**

4.0. General Terms

4.1. Amendments. This Agreement may be amended by supplemental writing signed by all Parties.

4.2. Approval. By approving this MOU, the Parties express their intent to cooperate and to work in good faith to take the actions described in this MOU.

4.3. Choice of Law. This Agreement shall be interpreted under and governed by the laws of the State of Kansas. The Parties agree that any dispute or cause of action arising in connection with this Agreement will be brought in the district court of Johnson County, Kansas.

4.4. Counterparts and Electronic Delivery. This Agreement may be executed in one or more counterparts, each of which will for all purposes be deemed an original and all of which will constitute the same agreement. All such counterparts shall be deemed an original, shall be construed together, and shall constitute one and the same instrument. Signatures to this Agreement transmitted by any electronic means intended to preserve the original graphic and pictorial appearance of this Agreement shall have the same effect as physical delivery of the paper document bearing original signature.

4.5. Entire Agreement. This Agreement, which consists of this seven-page Agreement and three-page Exhibit A, totaling ten pages, express the complete understanding of the Parties with respect to the subject matter and supersedes all prior proposals, agreements, representations, and understandings.

4.6. Funding. This Agreement and any renewal thereof, is subject to the provisions of the Kansas Cash Basis Law, K.S.A. 10-1101 et seq., and amendments thereto (the "Act"). By virtue of this Act, the Parties are obligated only to pay periodic payments as contemplated herein as may lawfully be made from funds budgeted and appropriated for that purpose during each Parties' current budget year (i.e., January 1 to December 31) or from funds made available from any lawfully operated revenue producing source.

4.7. No Assignment. The Partners shall not assign, convey, sublet, transfer, or otherwise dispose of this Agreement or any of its rights and obligations hereunder, without the prior written consent of the County. In no event shall such consent relieve a Partner from its obligations under the terms of this Agreement. The Partners shall not use this Agreement, or any portion thereof, for collateral for any financial obligation, without the prior written permission of the County. The County may withhold consent if it deems the assignment will negatively impact its business and may terminate this Agreement for convenience.

4.8. Notice. All notices arising out of, or from, the provisions of this Agreement shall be in writing and given to the Parties at the address provided under this Agreement, either by regular mail, facsimile, e-mail, or delivery in person.

If to the County:	Sustainability Program Manager Department of Health and Environment 11811 S. Sunset Drive, Ste 2700 Olathe, KS 66061
If to Facilities:	Johnson County, Kansas c/o Tony Barron, Director of Facilities 111 S. Cherry Street Olathe, Kansas 66061
If to JCPRD:	
If to Mission:	Justin Carroll Deputy City Administrator City of Mission 6090 Woodson Street, Mission, KS 66202 jcarroll@missionks.org
If to Overland Park:	Lara Isch, Sustainability Manager Overland Park City Hall 8500 Santa Fe Overland Park, Kansas 66212 <i>With a copy to:</i> Michael Koss, Chief Counsel Overland Park City Hall 8500 Santa Fe Overland Park, Kansas 66212
If to Prairie Village:	The City of Prairie Village 7700 Mission Road Prairie Village, Kansas 66208 Attn: City Clerk ageffert@pvkansas.com <i>With a copy to:</i> Alexander Aggen 1900 W. 75th Street, Suite 120 Prairie Village, Kansas 66208 alex@hunterlawgroup.com
If to Roeland Park:	Kelley Nielsen, City Clerk City of Roeland Park 4600 W. 51 st Street Roeland Park, Kansas 66205 knielsen@roelandpark.org

4.9. Open Records. The terms, conditions, requirements, and obligations set forth in this Agreement shall be subject to the Kansas Open Records Act, K.S.A. 45-215 et seq., any applicable federal or state laws, or court order.

4.10. Third Party Beneficiary. The Parties do not intend to create in any other individual or entity the status of third-party beneficiary, and this Agreement shall not be construed to create such status. The rights, duties, and obligations contained in this Agreement shall operate only between the Parties to this Agreement and shall inure solely to the benefit of the Parties to this Agreement. The provisions of this Agreement are intended only to assist the Parties in determining and performing their obligations under this Agreement.

4.11. Waiver. The waiver by any party hereto of a breach of any of the provisions of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party. Further, no provision of this Agreement will be given effect that attempts to require the Parties to waive any statutory defense or rights regarding this Agreement, including, but not limited to, statute of limitations or the Kansas Tort Claims Act.

4.12. Signatures. The Parties have caused this Agreement to be signed by their respective authorized representatives.

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**JOHNSON COUNTY BOARD OF COUNTY
COMMISSIONERS BY AND THROUGH THE
DEPARTMENT OF HEALTH AND ENVIRONMENT**

D. Charles Hunt, Director

Date: _____

APPROVED AS TO FORM

Assistant County Counselor

JOHNSON COUNTY FACILITIES

Printed Name:

Title:

Date: _____

JOHNSON COUNTY PARKS AND RECREATION

Printed Name:

Title:

Date: _____

THE CITY OF MISSION

Sollie Flora, Mayor

Date: _____

THE CITY OF OVERLAND PARK

Curt Skoog, Mayor

Date: _____

Elizabeth Kelley,
City Clerk

Approved as to Form:

Susan Alig, Assistant City Attorney

THE CITY OF PRAIRIE VILLAGE

Eric Mikkelson, Mayor
Title:

Date: _____

THE CITY OF ROELAND PARK

Michael Poppa, Mayor

Date: _____

EXHIBIT A - BUDGET

Internal Site ID	Site Name	Materials & Construction	Engineering Design Fees	Total Capital Cost			
	Partner: Johnson County Facilities						
EV-01	Johnson County Courthouse	\$ 51,514	\$ 12,230	\$ 63,744			
EV-03	Monticello Library	\$ 69,981	\$ 16,614	\$ 86,595			
EV-04	Library Location TBD	\$ 77,264	\$ 18,343	\$ 95,607			
EV-05	Library Location TBD	\$ 85,216	\$ 20,231	\$ 105,447			
EV-06	Central Resource Library Expansion	\$ 80,000	\$ 18,993	\$ 98,993			
EV-07	Library Location TBD	\$ 80,000	\$ 18,993	\$ 98,993			
					Subtotal Johnson County	\$ 549,378	
					80% (CRP Funds)	\$ 439,502	
					20% (Required Local Match)	\$ 109,876	Total JoCo Facilities match + fee
					1% MARC fee	\$ 510	\$ 13,259
EV-02	Partner: Johnson County Parks & Recreation (JCPRD) Mid-America Sports Complex	\$ 51,514	\$ 12,230	\$ 63,744	Subtotal Johnson County Parks & Recreation	\$ 63,744	
					80% (CRP Funds)	\$ 50,995	
					20% (Required Local Match)	\$ 12,749	Total JCPRD match + fee
					1% MARC fee	\$ 510	\$ 13,259
EV-08	Partner: TBD TBD	\$ 107,000	\$ 25,403	\$ 132,403			

					Subtotal City of Lenexa 80% (CRP Funds)	\$ 132,403 \$ 105,922	
					20% (Required Local Match)	\$ 26,481	Lenexa match + fee
					1% MARC fee	\$ 1,059	\$ 27,540
	Partner: City of Mission						
EV-09	Powell Community Center	\$ 102,794	\$ 24,404	\$ 127,198			
EV-10	Broadmoor Park	\$ 81,869	\$ 19,436	\$ 101,305			
					Subtotal City of Mission 80% (CRP Funds)	\$ 228,503 \$ 182,803	
					20% (Required Local Match)	\$ 45,701	Mission match + fee
					1% MARC fee	\$ 1,828	\$ 47,529
	Partner: City of Overland Park						
EV-11	Youngs Pool / Park	\$ 130,000	\$ 30,863	\$ 160,863			
EV-12	Hickory Hills Park	\$ 130,000	\$ 30,863	\$ 160,863			
EV-13	Myron Scafe Building	\$ 100,000	\$ 23,741	\$ 123,741			
EV-14	Roe Park	\$ 130,000	\$ 30,863	\$ 160,863			
					Subtotal City of Overland Park 80% (CRP Funds)	\$ 606,330 \$ 485,064	
					20% (Required Local Match)	\$ 121,266	Overland Park match + fee
					1% MARC fee	\$ 4,851	\$ 126,117
	Partner: City of Prairie Village						
EV-15	Wassmer Park	\$ 91,075	\$ 21,622	\$ 112,697	Subtotal City of Prairie Village	\$ 112,697	

					80% (CRP Funds)	\$ 90,158	
					20% (Required Local Match)	\$ 22,539	Prairie Village match + fee
					1% MARC fee	\$ 902	\$ 23,441
EV-16	Partner: City of Roeland Park Roeland Park Community Center	\$ 79,356	\$ 18,840	\$ 98,196	Subtotal City of Roeland Park	\$ 98,196	
					80% (CRP Funds)	\$ 78,557	
					20% (Required Local Match)	\$ 19,639	Roeland Park match + fee
					1% MARC fee	\$ 786	\$ 20,425
	Subtotal	\$ 1,447,583	\$ 343,667	\$ 1,791,250	Total (All Sites)	\$ 1,791,250	
					80% (CRP Funds)	\$ 1,433,000	
					20% (local match)	\$ 358,250	
					1% MARC fee	\$ 14,330	

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	October 9, 2024
Administration	From:	Justin Carroll

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

RE: Declaration of Surplus Equipment

RECOMMENDATION: Approve the resolution providing for the sale/disposal of surplus equipment from various Departments.

DETAILS: City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101. Property and equipment identified for surplus has been included as Attachment A to the Resolution.

Each Department, in consultation with the Deputy City Administrator, will be responsible for determining the best method for disposal in accordance with Council Policy and State law.

Items to be declared as surplus include a police forfeiture vehicle and miscellaneous computer equipment from the Parks and Recreation Department, Police Department, Community Development, Public Works, and Administration Department.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	K.S.A. 12-101, City Council Policy 111
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION, KANSAS
RESOLUTION NO. _____**

A RESOLUTION DECLARING SURPLUS PROPERTY FOR SALE OR DISPOSAL

WHEREAS, City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101; and

WHEREAS, the City, has identified those items listed on Attachment A as “Surplus Property;”

NOW, THEREFORE, be it resolved by the Governing Body of the City of Mission:

Section 1. The items included on Attachment A are hereby declared as surplus.

Section 2. The Deputy City Administrator, in consultation with each Department, will be responsible for determining the best method for disposal or sale of the items declared as surplus.

Section 3. In accordance with Council Policy 111, all City Officials and employees, both elected and appointed, are prohibited from participating in the purchase of real and personal property from the City.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION on this 16th day of October 2024.

APPROVED BY THE MAYOR on this 16th day of October 2024.

Sollie Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

Attachment A
Surplus Items - 10/9/2024

Item	Description	Serial Number/Asset Tag	Department	Quantity	Potential Re-Sale Value
<u>Vehicles / Equipment</u>					
2010 Lexus IS 250	Forfeiture Vehicle		Police	1	\$ 4,600
<u>Other Equipment</u>					
Watchguard Body Camera	Vista Model Body Camera	Various	Police	40	N/A
Body Camera Dock Stations	Camera Charging Stations	Various	Police	4	N/A
Body Camera Mount	Mounts	N/A	Police	60	N/A
Portable Radio	Motorola XTS 1500 Portable Radio	3024514	Police	1	N/A
Portable Radio	Motorola XTS 1500 Portable Radio	304515	Police	1	N/A
<u>Computer Equipment</u>					
Laptop Computer	Dell Latitude 5500 Laptop Computer	Various	Various	34	N/A
Laptop Computer	Dell Latitude 5590 Laptop Computer	Various	Various	2	N/A
Laptop Computer	Dell Latitude 5510 Laptop Computer	Various	Various	1	N/A
Desktop Computer	Dell OptiPlex 3060 Desktop Computer	Various	Various	15	N/A
PowerEdge server	Power Edge Server	36CRHL2	Police	1	N/A
PowerEdge server	Power Edge Server	36COHL2	Admin	1	N/A
Battery Back Up	APC Battery Back Up	SMX300LV	Police	1	N/A
Battery Back Up	APC Battery Back Up	SUA2200XL	Admin	1	N/A

CITY OF MISSION
CITY COUNCIL POLICY MANUAL

POLICY NO. 111

SALE OF REAL PROPERTY & EQUIPMENT

- 1.01 This policy describes the process and procedure for the sale of real and personal property by the City which is also outlined in KSA 12-101.
- 1.02 All City Officials and employees both elected and appointed are prohibited from participating in the purchase of real and personal property from the City.
- 1.03 All real property of the City of Mission will be sold in accordance with applicable state law and requires the approval of the City Council.
- 1.04 The City will, on an as needed basis, establish a listing of unclaimed or obsolete personal property to be declared surplus. It will be the responsibility of the Department Head and Finance Director to determine the best means for disposing of or selling obsolete personal property, including the method of advertising.
- 1.05 The sale or disposal of real property will be determined on a case by case basis by the City Council.

APPROVED BY THE GOVERNING BODY ON DECEMBER 8, 2004

**REVISED AND APPROVED BY THE CITY COUNCIL ON APRIL 17,
2019**