



The City of Lee's Summit
Action Letter
City Council - Regular Session

Tuesday, August 17, 2021

6:00 PM

City Council Chambers

and

Via Video Conference

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 40

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, August 17, 2021 at 6:00 pm in person and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172.

Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Monday, August 16, 2021, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

The meeting may be viewed on the City website at www.WatchLS.net, and various cable providers (Spectrum channel 2, Google TV channel 143, AT&T U-Verse channel 99 and Comcast channel 7) for those whose cable providers carry the City of Lee's Summit meetings.

Preliminaries:

- A. Invocation
- B. Pledge of Allegiance
- C. Call to Order

D. Rollcall

Present: 9 - Mayor Bill Baird
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Andrew Felker
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez
Councilmember Hillary Shields

1. Approval of Agenda

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, to approve the agenda as published. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Felker, to approve the Consent Agenda (Items A, B & C.). The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

A. [2021-4297](#) Approval of City Council Action Letter from August 3, 2021.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Felker, that the Action Letter from August 3, 2021 be approved. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

**B. [BILL NO. 21-153](#) An Ordinance Approving the Amended Petition for the Southside Plaza Community Improvement District and the Amended and Restated Cooperative Agreement for the Southside Plaza Redevelopment Project.
(Note: First reading by Council on August 3, 2021. Passed by unanimous vote.)**

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Felker, that Bill No. 21-153 be adopted and numbered Ord. No. 9213 as part of the Consent Agenda. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

- C. [BILL NO. 21-154](#) An Ordinance approving a special use permit renewal for a tow lot in district PI on land located at 451 SE Oldham Pkwy, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

(Note: First reading by Council on August 3, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Felker, that Bill No. 21-154 be adopted and numbered Ord. No. 9214 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

3. Council Roundtable

Councilmember Forte noted Missouri's Bicentennial celebration was last week and several members of Council were present for the Ice Cream Social even though it was very hot.

Councilmember Shields said the ice cream was really good that evening.

4. Public Hearings:

- A. [2021-4260](#) Public Hearing: Application #PL2021-175 - Rezoning from AG to RDR - 2340 SE Ranson Road; Steve Hardin, applicant.

Mr. Josh Johnson, Assistant Director of Plan Services, entered Exhibit A, 1-16 into the record.

Council discussion included:

Protest Petition

Houses surrounding property

Set back

Sloping of property and roadway

Width of this property and surrounding properties

Water Run Off

Flood Plains

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Ranson Road
What is allowed in RDR

Ms. Julie Mabry, a neighbor of this property who provided the protest petition, spoke in opposition to this application stating this would devalue her property and cause water issues.

- 1) [BILL NO. 21-161](#) An Ordinance approving a rezoning from District AG to District RDR for approximately 4 acres located at 2340 SE Ranson Road in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.
(Note: First read by Council on August 17, 2021.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 21-161 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Nay: 1 - Councilmember Forte

- B. [2021-4271](#) Public Hearing: Application #PL2021-181 - Preliminary Development Plan - Chipotle, 1103 SW Oldham Parkway; RED Architecture + Planning, applicant.
Mr. Josh Johnson, Assistant Director of Plan Services, entered Exhibit A, 1-21 into the record.

Council discussion included:
New Concept / No interior seating
Drive Thru vs. Drive Up
Tax Incentives
Other Locations
Incentive Reimbursements
Tax Redistribution

No one from the public spoke in favor or in opposition to this application.

- 1) [BILL NO. 21-162](#) An Ordinance approving a Preliminary Development Plan located at 1103 SW Oldham Parkway, proposed Chipotle, in District CP-2, in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.
(Note: First read by Council on August 17, 2021.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 21-162 be advanced to second reading. The motion carried by the

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following vote:

- Aye:** 6 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Lopez
Councilmember Shields
- Nay:** 3 - Councilmember Felker
Councilmember Forte
Councilmember Johnson

- C. [2021-4267](#) Public Hearing: Application #PL2021-182 - Rezoning from CP-2 to PMIX and Conceptual Development Plan - Ranson Landing, 1401 SE Oldham Parkway; Engineering Solutions, LLC, applicant.

(Note: this item was continued from August 3, 2021 per Council's request.)

Councilmember Felker stated he would be recusing himself on this application as the applicants are clients of his law firm. He stated he will not participate in the Public Hearing or follow up Ordinance.

Mr. Josh Johnson, Assistant Director of Plan Services, entered Exhibit A, 1-21 into the record.

Council discussion included:

Detention Basin
Landscaping
Sidewalks
Current Owners
Dimensions
For Sale / For Rent
Connection to Princeton Heights
Look of garage spaces
Office Spaces

Mr. Will Jennings spoke in opposition to this application stating he is opposed to gas station being so close to the neighborhood and cited several statistics on potential health issues related to the fumes. He provided documents to the Council that have been added to this packet as an attachment "Public Comments" for future reference.

Mr. Greg Cook urged developer to build a pool and create an HOA, aesthetics of buildings and set backs between houses and buildings, traffic control measures, buffer to housing, saving trees and wildlife, and water run off considerations.

- 1) [BILL NO. 21-155](#) An Ordinance approving a rezoning from CP-2 to district PMIX and conceptual development plan for approximately 25.7 acres, proposed Ranson Landing, 1401 SE Oldham Pkwy, in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

(Note: First read by Council on August 17, 2021.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Lopez, that Bill No. 21-155 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Recused: 1 - Councilmember Felker

5. Public Comments:

One Public Comment card had been turned in, however it was from Mr. Will Jennings that spoke during the Public Hearing for Ranson Landing. He did not have any further Public Comments and no other comments were received by the City Clerk.

6. Presentations:

- A. [2021-4306](#) Overview of the proposed funding process for the American Recovery Plan Act (ARPA)

Council Discussion Included:

How Much
Previous Costs / Expenses
More Education
Future Plans / Needs
Accounts
Accountability
Infrastructure
Strategic Plan

- 1) [BILL NO. 21-163](#) An Ordinance approving the execution of a grant agreement by and between the U.S. Department of the Treasury and the City of Lee's Summit, Missouri for the American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery Funds Program.

(Note: First read by Council on August 17, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 21-163 be advanced to second reading. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

7. Resolutions:

- A. [RES. NO. 21-19](#) A Resolution approving the appointment of an successor directors to the board of directors of the New Longview Community Improvement District.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Resolution No. 21-19 be adopted. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Shields

8. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 21-164](#) An Ordinance awarding the bid for Project No. 324-21/22 (Crack Seal) for the Crack Seal 21/22 Program to Vance Brothers, Inc. in the amount of \$348,000, and authorizing the City Manager to execute an agreement for the same. (PWC 8/9/21)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 21-164 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 21-164 be adopted and numbered Ord. No. 9215. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

- B.** [BILL NO. 21-165](#) An Ordinance approving Modification No. 4 to an Agreement for Professional Engineering Services for Stormwater Improvements - Phase 2 (RFQ No. 543-32272), between the City of Lee's Summit, Missouri, and Lamp Rynearson, for an increase of \$39,700 for the amended basic services, with an amended not to exceed amount of \$355,400, and authorizing the City Manager to execute an agreement for the same. (PWC 8/9/21)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Carlyle, that Bill No. 21-165 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-165 be adopted and numbered Ord. No. 9216. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

- C.** [BILL NO. 21-166](#) An Ordinance approving Modification No. 3 to an Agreement for Professional Engineering Services for Stormwater - SE Hackamore Drive & SE Secretariat Drive (RFQ No. 543-32272B) between the City of Lee's Summit, Missouri, and Intuition & Logic Inc., for an increase of \$58,714.50 for the amended services, with an amended not to exceed amount of \$383,048.80, and authorizing the City Manager to execute an agreement for the same. (PWC 8/9/21)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Edson, that Bill No. 21-166 be second read. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Felker, that Bill No. 21-166 be adopted and numbered Ord. No. 9217. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

- D.** [BILL NO. 21-167](#) An Ordinance approving Change Order No. 2 to the contract with Turner Construction Company for the renovation of the Police and Courts building, an increase of \$112,764.00 for a revised Guaranteed Maximum Price of \$5,075,298.00. (PWC 8/9/21)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Forte, that Bill No. 21-167 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Forte, that Bill No. 21-167 be adopted and numbered Ord. No. 9218. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

- E.** [BILL NO. 21-168](#) An Ordinance clarifying mowing standards by amending Chapter 16, Lee's Summit Property Maintenance Code of the Code of Ordinances of the City of

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Lee's Summit, Missouri. (CEDC 8/11/21)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember DeMoro, that Bill No. 21-168 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember DeMoro, that Bill No. 21-168 be adopted and numbered Ord. No. 9219. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

9. Proposed Ordinances - First Reading:

- A. [BILL NO. 21-169](#) An Ordinance Approving a Transferee Agreement Among Ritter Plaza, LLC, Benevento Properties, LLC, and the City of Lee's Summit, Missouri, for the Transfer of Property in the Ritter Plaza Tax Increment Financing Redevelopment Area.

(Note: First read by Council on August 17, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, that Bill No. 21-169 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

- B. [BILL NO. 21-170](#) An Ordinance approving Amendment No. 1 to the Budget for the Fiscal Year ending June 30, 2022, as adopted by Ordinance No. 9184 and Ordinance No. 9187, by revising the authorized expenditures in the Police Department for the City of Lee's Summit, Missouri.

(Note: First read by Council on August 17, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, that Bill No. 21-170 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

10. Committee Reports

There were no Committee Reports.

11. Council Comments:

Councilmember Forte said she has had several citizens reach out to her that are not in favor the mask mandate and want to know why Lee's Summit is still under the regulation of Jackson County. She said she worries this will cause many citizens to go to Independence or Cass County that do not have to follow the mask mandate and did not implement one themselves. She stated she is also worried about the loss to businesses because of this mandate would like Council to discuss the City having their own health department.

Councilmember Edson also asked how the City can get their own health department so we are no longer under the jurisdiction of the County.

Councilmember Edson also noted the Public Works Committee was held last week and Mr. Mike Anderson and Mr. Shawn Graff introduced several members of the Public Works Department team that the Committee and Council do not see on a normal basis. She thoroughly enjoyed being introduced to them.

Councilmember DeMoro agreed with both Councilmember Forte and Edson and said he feels it is time for the City to control our own destiny and not be forced to follow the guidelines of the County.

Councilmember Shields said she has heard from several citizens that are in favor of the mask mandate and that it makes them feel safer for their kids as well. She also stated she would like to have Closed Sessions in person and feels they are more productive.

Councilmember Felker agreed the City should start the health department conversation as we move forward. He would also like to have Closed Sessions in person.

Councilmember Felker asked when the Council would start discussing the census and timeline on redistricting. Mayor Baird asked staff to provide an update during Staff Roundtable.

Councilmember Johnson stated he is not opposed to the idea of having a health department for the City but he want to know what the cost would be and recognize the cost would be an annual cost and not a one time cost.

Mayor Baird agreed to having more in person Closed Sessions but wanted Council to realize that means later nights at Council meetings or more nights having meetings in person. He stated he still feels Zoom is a very viable option and will continue using that platform as well.

Mayor Baird also stated that staff is working on requirements, costs and needs of having a health department. He does not want occupancy restrictions implemented again but prefers to look into options to not go against state regulations or give anyone cause for legal ramifications.

12. Staff Roundtable

Assistant Fire Chief Dan Manley provided an update on COVID and the current issues with the Delta variant.

Police Chief Travis Forbes provided a brief update on the remodeling of the Police and Municipal Court building. He said the new look is very different and he feels it's a very impressive and positive change. Many departments have already moved back in. Police Operations will be moving back in by the end of the month and Municipal Courts will be moving back in soon after Operations.

Mr. Ryan Elam, Director of Development Services, stated the Census information was received last week. They are currently working on getting the GIS connections and mapping done. He said this should be complete by the end of next week and then he can provide a better estimate of dates and times for the redistricting process to Council.

13. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 40 at 10:21pm.

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"