



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

Tuesday, November 16, 2021

6:00 PM

**City Council Chambers
and Via Video Conference
220 SE Green Street
Lee's Summit, MO 64063**

REGULAR SESSION NO. 50

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, November 16, 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, November 15, 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

Mayor Baird called Regular Session No. 50 to order at 6:00 p.m.

- D. Roll Call

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 Edson, seconded by Councilmember DeMoro, to approved 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 DeMoro, seconded by Councilmember Shields, to adopt 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

A. [2021-4466](#) Approval of City Council Action Letter from November 9, 2021.

A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, to approve the November 9, 2021 Action Letter 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 said she is really proud of the Chiefs after last week's win. She went on to say Councilmember Johnson and herself spoke to children at a church and she really loved it. They asked a lot of questions and even told the Councilmembers they were wrong.

Councilmember Johnson added it was a Cub Scout group and they asked great questions.

Councilmember Shields announced the Mayor's Christmas Tree lighting ceremony is coming up this Friday, November 19, 2021 by the train depot.

Mayor Baird added the Christmas Tree lighting ceremony will be by the train depot, there will be great music, and the theme is Rockin Around Downtown after the Brenda Lee song. City Hall will be lit up twice as much as last year. There will be a 21 foot tree that is synchronized to music. The tree lighting is at 6:30.

4. Proclamations:

- A. [2021-4511](#) Lee's Summit West Girls Softball Team - Winning State Title

This Proclamation was presented.

5. Public Hearings:

- A. [2021-4342](#) Public Hearing: Application #PL2021-262 - Rezoning from CP-2 to RP-4 and Preliminary Development Plan - Douglas Station Apartments, 3 NE Sycamore Street and 1141 NW Sloan Street; Cave State Development.

Exhibit A, List of exhibits 1-24 were entered into the record.

City Council discussions included:

- Target rent
- Would reduction of units, or amenities, change the rent
- Income ranges (AMI)
- MHDC application process, incentives
- If tax credit were not awarded, how would that effect the project
- Why a dog park instead of additional parking
- What would happen if the Planning Commission denied the comprehensive plan amendment
- Does the site already have infrastructure
- UDO requirements for parking spaces
- Explanation of hardy board material
- Reasons the Planning Commission denied the second time
- Timing of incentive request and the ability to proceed with construction
- Alternate parking plans
- Timing of incentive requests
- Applicants conversations with school district leadership
- City staff discussions with school district leadership
- Explanation of the eighteen acceptable reasons allowed to deny
- Authority to approve land use
- MHDC credits in 18 months
- Finishes/materials
- Unit types
- Are sidewalks available to nearby parks
- Restructuring of Main Street and the effect on this project
- Number of parking spaces if dog park is converted to parking
- Construction material for breezeways
- Applicants experience with this incentive type

- Location of existing dog park
- What street would be the main access for this development

There were no speakers in favor of, or opposed to, this application.

1) [BILL NO. 21-235](#)

An Ordinance approving a rezoning from CP-2 (Planned Community Commercial) to District RP-4 (Planned Apartment Residential) and preliminary development plan for Douglas Station Apartments, located at 3 NE Sycamore St and 1141 NW Sloan St., 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.

(First read by Council on November 16, 2021.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 21-135 be advanced to second reading.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-235 be amended to remove the dog park and replace with additional parking. 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 Shields, that Bill No. 21-235 be advanced to second reading as amended. The motion carried by the following vote:

- Aye:** 7 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

- Nay:** 2 - Councilmember Felker
Councilmember Forte

B. [2021-4512](#)

Public Hearing: EPA Brownfields Grant Application for the Downtown Market Plaza Project

City Council discussions included:

- Contract with previous owner to remediate
- Core samples were taken and there were expert reports on the contaminations
- Was there insurance on the expert advise
- Estimated amounts for remediation
- Grant reimbursement process

There were no speakers in favor of, or opposed to, this application.

6. Public Comments:

There were no Public Comments

7. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 21-236](#) An Ordinance approving the award of Bid No. 2022-004 to JBT Lektro Inc. for the purchase of one (1) new 2021 Lektro AP8750CX-AL Aircraft Tug for the Lee's Summit Municipal Airport in the amount of \$95,240.00, and authorizing the City Manager to enter into an agreement in the form of a purchase order for the same. (PWC 11/08/21)

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember Shields, that Bill No. 21-236 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 Felker, seconded by Councilmember Edson, that Bill No. 21-236 be adopted and numbered Ordinance No. 9287. 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. 21-237](#) An Ordinance awarding the bid for Project No. 714 for the NW Main Street Improvements - Chipman Road to Commerce Drive Project to VF Anderson Builders LLC in the amount of \$1,673,755.80 and authorizing the City Manager to execute an agreement for the same. (PWC 11/08/21)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Edson, that Bill No. 21-237 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 Edson, that Bill No. 21-237 be adopted and numbered Ordinance No. 9288. 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. 21-238](#) An Ordinance approving Amendment No. 1 to Addendum No. 6 to an On-Call Agreement for professional engineering services between the City of Lee's Summit, Missouri and Olsson Associates, Inc. for services related to site remediation and high service pump station fuel tank design at the old water operations facility for an amount of \$7,868.00 and a total not to exceed amount of \$68,188.00 and authorizing the City Manager to enter into an agreement for the same. (PWC 11/08/21)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 21-238 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 Johnson, seconded by Councilmember Edson, that Bill No. 21-238 be adopted and numbered Ordinance No. 9289. 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. 21-239](#) An Ordinance Amending Chapter 4, Alcoholic Beverages, Article II. Administration and Enforcement Section 4-52 and Article III. Licenses, Division 1 of the Code of Ordinances of the City of Lee's Summit, Missouri to Revise The Provisions Relating to the Administration of Liquor Licenses by the City. (CEDC 11/10/21)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte,

that Bill No. 21-239 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 Carlyle, seconded by Councilmember Shields, that Bill No. 21-239 be adopted and numbered Ordinance No. 9290. 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

8. Emergency Ordinances:

- A. [BILL NO. 21-240](#) An Ordinance approving a First Amendment to a License Agreement between the City of Lee's Summit and the Lee's Summit R-7 School District for the installation and upsizing of a public sanitary sewer main on City property and easements for the Bailey Road Middle School regarding the railroad encroachment and approving the related Railroad Encroachment Agreement between the City of Lee's Summit and the Union Pacific Railroad Company and authorizing the execution of agreements for the same and containing an emergency clause.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember DeMoro, that Bill No. 21-240 be second read. 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

Abstain: 1 - Councilmember Felker

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-240 be adopted and numbered Ordinance No. 9291. The motion carried by the following vote:

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

Abstain: 1 - Councilmember Felker

9. Proposed Ordinances - First Reading:

- A. [BILL NO. 21-241](#) An Ordinance amending Chapter 26, Streets, Sidewalks and Other Public Places, and Chapter 29, Traffic and Motor Vehicles, of the City Code of the City of Lee's Summit, Missouri, to provide for various devices and vehicles, certain user regulations and applicable service provider operations within the rights-of-ways and to amend the Schedule of Fees and Charges for the City of Lee's Summit to establish associated fees and charges for right of way use or infrastructure use related thereto. (PWC 11/08/21)

(First read by Council on November 16, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 21-241 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. 21-242](#) An Ordinance vacating a certain easement located at 2030 NW O'Brien Road in the City of Lee's Summit, Missouri.

(First read by Council on November 16, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Shields, that Bill No. 21-242 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. Proposed Ordinances - Second Reading:

- A. [BILL NO. 21-228](#) An Ordinance approving a Rezoning from AG (Agricultural) to District RP-1 (Planned Single-Family Residential), RP-4 (Planned Apartment Residential District) & CP-2 (Planned Community Commercial District) and Preliminary

Development Plan for Blue Parkway Mixed-Density Residential Development, located at 2840 SE Blue Parkway, 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 November 9, 2021.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 21-228 be adopted and numbered Ordinance No. 9292. 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

11. Committee Reports

Councilmember Carlyle announced there will be a Legislative and Intergovernmental Relations Committing meeting this Thursday at 11:30 am via zoom.

Councilmember Forte commended Mr. Mark Dunning, Assistant City Manager, and Mr. Ryan Elam, Director of Development Services, for the CEDC (Community and Economic Development Committee) meeting last week. They introduced their staff and had a celebration for Mr. Elam's 5 years with the City.

12. Council Comments:

Councilmember Johnson stated the City Council had received an e-mail from a Citizen regarding the lack of affordable housing in Lee's Summit. He thought it was a very nice e-mail and he is looking for the answer too. Three years ago he proposed some ideas on how to get a higher level of affordable housing, single family detached housing and not rental properties. He asked the Council to discuss affordable 1,500 square foot single family detached housing and 50 foot wide lots. He would like to make it simpler. Now smaller lots have to go through R3 or R4 zoning which costs the developer more and requires more engineering time. He would like them to fall under R1 zoning which now has a 70 foot minimum. Mayor Baird asked Mayor Pro Tem Lopez to assign this topic to a committee.

Councilmember DeMoro asked staff for information regarding the new federal Infrastructure Bill.

Councilmember Forte expressed concern about the December 14, 2021 meeting with the Lee's Summit R7 school district at MIC (Missouri Innovation Campus) with an update from the Diversity & Inclusion Commission and a possible

Closed Session after. She did not believe City Council business should be done off-site and asked to have the meeting with the school district postponed. Mayor Baird declined her request stating the Diversity and Inclusion Commission is providing a 6 month update report only, no action is required by the Council, and Closed Sessions are not open to the public.

Councilmember Shields said she hopes the CEDC (Community and Economic Development Committee) will discuss garage and parking requirements as part of the affordable housing discussions.

Councilmember Johnson reminded residents that real estate and personal property taxes can be paid at City Hall. A portion of the taxes paid at City Hall remains with the city to help fund services.

13. Staff Roundtable

Mr. Steve Arbo, City Manager, said as we enter into this season of Thanksgiving, he reminds himself of how fortunate we are to have this community and the type of dialogue where we resolve problems together, especially when looking back at our strategic planning and our comprehensive plan process. He is grateful for the staff and the elected body to help us in creating the community that we have. He then added a word of thanks to everyone as we enter into that period of Thanksgiving.

14. Adjournment

There being no further business, Mayor Baird adjourned Regular Session No. 50 at 9:07 p.m.

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"