



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

Tuesday, May 21, 2024

6:00 PM

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

REGULAR SESSION NO. 4 **AMENDED**

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, May 21, 2024 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, May 20, 2024, 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's website at WatchLS.net, and on various cable providers (Spectrum Channel 2, AT&T U-Verse Channel 99 and Comcast Channel 7).

Preliminaries:

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

Mayor Baird called Regular Session No. 4 to order at 6:05 pm.

Present: 8 - Mayor Bill Baird
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Faith Hodges
Councilmember Beto Lopez
Councilmember Mia Prier
Councilmember Cynda Rader
Councilmember Hillary Shields

Absent: 1 - Councilmember John Lovell

1. Approval of Agenda

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

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Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Lopez, to approve the Consent Agenda, Item 2.A. - 2.D. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

A. [2024-6236](#) Approval of City Council Action Letter for May 14, 2024.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Lopez, to approve the City Council Action Letter from May 14, 2024 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

**B. [2024-6294](#) Mayor's Appointment (simple majority vote):
Planning Commission: Reappoint Donnie Funk, term to expire 4-15-28.**

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Lopez, to approve Mayor's Appointments as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

- C. [2024-6301](#) Mayor's Appointments (simple majority vote):
Park Board: Appoint Nate Zier (to replace Tyler Morehead), and reappoint Jim Huser and Kathy Campbell, terms to expire 5-31-25.

Wellness Commission: Reappoint Carmen Nolke and Matthew Silvers, for one-year terms to expire 5-2-25.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Lopez, to approve Mayor's Appointments as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

- D. [2024-6220](#) Mayor Pro Tempore City Council Committee and Liaison Appointments

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Lopez, to approve Mayor Pro Tempore's City Council Committee and Liaison Appointments as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

3. Council Roundtable

Mayor Baird advised the Lee's Summit Economic Development Council did sign and return the Letter of Agreement previously sent by the City. They also did provide a copy of their new bylaws. He stated they were supposed to meet today but had to cancel. Their next meeting is scheduled for June 4, 2024 and they do have plans to meet monthly with a very aggressive timeline.

Councilmember Shields stated Downtown Days will be June 7th - 9th this year. She also noted that Memorial Day is this weekend and reminded everyone that Summit Waves will be opening over the weekend as well.

4. Public Hearings:

A. [2024-6254](#) Public Hearing: Tax Increment Financing Five (5) Year Update

Mr. Ryan A. Elam, P.E., Assistant City Manager, provided a brief overview of current TIF plans.

Council discussion included:

- Village at View High TIF - current status - Inactive
- Can those types of TIF's change ownership? - Yes, with approval by Council
- New TIF would have to be created if activity begins close to expiration date of a TIF

No one was present to speak in support of or in opposition to this public hearing.

This Public Hearing - Sworn was presented.

- B. [2023-5932](#) Public Hearing: Application #PL2022-357 - Rezoning from RP-2 to CP-2 and Preliminary Development Plan - Take 5 Oil Change, 400 NE M-291 Highway; Driven Assets, LLC, applicant.

(Note: This application was continued from November 21, 2023 and May 7, 2021 per the applicant's request.)

Mr. Shannon McGuire, Senior Planner entered Exhibits 1 - 19 into the record.

Council discussion included:

- Existing trees and vegetation being kept - streamway corridor
- Concerns with drainage? None
- Connection to next retail center parking lot
- No access to other properties beside the retail center to the south

Mr. Lester Massood, stated an incorrect address was used for notification, inadequate signage and feels applicant did not follow the correct policy and procedure. He did not agree with the zoning change as it opens it up to several different kinds of business that is not desired in that area.

Mr. Michael Massood spoke in opposition to the project and did not feel the notification was done correctly. He would like to see this area stay with residential area to keep the peace for his residents of Summit East.

Mr. Theron Denson, resident of Summit East Plaza and he is worried about the traffic and noise pollution from this application.

Mr. Thomas Zammar spoke in opposition to this project due to concerns of drainage and water flow and retention and the safety of residents at Summit East Plaza.

Ms. Kathy Boas, resident of Summit East Plaza, spoke in opposition to the application as this apartment complex is very close to this project and feels the water drainage is an issue as well as the possibility of other businesses going in this location if it rezoned.

Mr. Michael Nelson, resident of Summit East Plaza, stated he was concerned with not being notified of this public hearing by the applicant. He shares the concerns regarding the water drainage and additional noise pollution in the area.

Ms. Lisa Baldwin, resident Summit East Plaza, also spoke in opposition of this application and feels this project is better suited to an area that is not currently zoned as residential and in an area that is more complimentary than this location. She also stated there would be 4 oil change businesses within a mile of each other if this business went in this location.

Ms. Rebecca Shepard-Brimager stated part of her property abuts hat butts up to the vegetation area. She is worried about the possible effect on her property value and

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Mr. Carnmer stated he is opposed to this application because he feels this will cause traffic issues including congestion and parking issues in this area.

Ms. Jeanine Micheals advised someone stated this was a “much needed service” but she did not feel that this is true as there are similar to several other businesses in the area that does the same thing. She shared concerns about the noise from the business being disruptive as well.

Ms. Teresa Vollenweider asked to see signed, sealed and dated plans with a table of revisions to protect the public from changes being made without their knowledge.

No one was present to speak in favor of this application.

Additional Council discussion included:

- Noise pollution
- Other businesses in the area - similar businesses in the area
- Concerns regarding noticing process - all state and City processes were met
- Geotechnical issues - Water runoff and detention
- Nearby creek / erosion controls
- Drainage flow
- Future building expansion
- Likelihood of fast food being approved for this area very slim due traffic impact
- Future Comp Use Plan - Commercial along 291 Highway

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 24-086](#) An Ordinance approving rezoning from District RP-2 (Planned Two-Family Residential District) to District CP-2 (Planned Community Commercial District) and a Preliminary Development Plan for Take 5 Oil Change on approximately 1.73 acres of land located at 400 NE M-291 Highway, all in accordance with the provisions of Chapter 33, Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.
(Note: First read by Council on May 21, 2024.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 24-086 be advanced to second reading. The motion carried by the following vote:

Aye: 5 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Lopez
Councilmember Shields

Nay: 1 - Councilmember Hodges

Absent: 2 - Councilmember Lovell
Councilmember Prier

Recused: 1 - Councilmember Rader

5. Public Comments:

Ms. Teresa Fick spoke regarding damage to her property and to her trees due to her neighbors' pool drainage.

Ms. Teresa Vollenweider continued to provide information from previous meetings as to the discrepancies on her property lines.

6. Presentations:

- A. [2024-6255](#) Presentation: Jackson County Public Health Community Health Assessment Presentation

Council Discussion Included:

- Share with Wellness Commission
- What can Lee's Summit government do to help with poverty levels, housing, etc.
- Partnerships with local churches and other businesses
- Action steps moving forward
- Economic Stability / Mental Health

This Presentation was presented.

- B. [2024-6257](#) Presentation: 2024 Citizen Survey Presentation

Council Discussion Included:

- Parks Safety
- Solid waste
- Rate of response
- Cable / Government Access Channel
- Where do people get their information
- Social media

This Presentation was presented.

7. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 24-087](#) An Ordinance approving the City of Lee's Summit Entitlement Community Development Block Grant (CDBG) 2024-25 Annual Action Plan. (CEDC 3/13/24)

ACTION: A motion was made by Councilmember Rader, seconded by Councilmember DeMoro, that Bill No. 24-087 be second read. The motion carried by the following vote:

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Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

ACTION: A motion was made by Councilmember Rader, seconded by Councilmember Prier, that Bill No. 24-087 be adopted and numbered Ord. No. 9911. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

- B. [BILL NO. 24-088](#)** An Ordinance authorizing the execution of an agreement (RFP 2024-034) by and between the City of Lee's Summit, Missouri and HBK Engineering, LLC. for the Lead Service line Inventory in the amount of \$235,092.00 and authorizing the City Manager to execute the same. (PWC 5/13/24)

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Hodges, that Bill No. 24-088 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Hodges, that Bill No. 24-088 be adopted and numbered Ord. No. 9912. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

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- C. [BILL NO. 24-089](#) An Ordinance approving Change Order No. 1 to the Agreement for the construction of the Water Main Replacement FY23, Project No. 721-1, between the City of Lee's Summit, Missouri, and Wiedenmann, Inc., for an increase of \$856,396.00 for a revised agreement amount of \$4,454,998.00 and to increase the project timeline by 90 days and authorizing the City Manager to execute the same. (PWC 5/13/24)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Carlyle, that Bill No. 24-089 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Hodges, that Bill No. 24-089 be adopted and numbered Ord. No. 9913. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

- D. [BILL NO. 24-090](#) An Ordinance approving an Intergovernmental Agreement regarding maintenance of sidewalks by and between the City of Lee's Summit, Missouri, and the Missouri Highways and Transportation Commission for North Outer Road 50 W (also known as Blue Parkway) located east of Blackwell Road, and authorizing the Mayor to execute an agreement for the same. (PWC 5/13/24)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember DeMoro, that Bill No. 24-090 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

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ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember DeMoro, that Bill No. 24-090 be adopted and numbered Ord. No. 9914. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

- E. [BILL NO. 24-091](#) An Ordinance approving a Professional Services Agreement with TUSA Consulting Services for the Joint Operations Facility and PD/Courts Phase 2 Renovations Project in the amount of \$170,280.00, and authorizing the City Manager to execute an agreement for the same. (PWC 5/13/24)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Hodges, that Bill No. 24-091 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Lopez, that Bill No. 24-091 be adopted and numbered Ord. No. 9915. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

- F. [BILL NO. 24-092](#) An Ordinance approving Change Order No. 4 to the agreement for the McClendon Ditch Sewer Improvements Project, Project No. 425, between the City of Lee's Summit, Missouri and Infrastructure Solutions, LLC., to increase the project timeline by 103 calendar days, and authorizing the City Manager to execute an agreement for the same. (PWC 5/13/24)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Rader, that Bill No. 24-092 be second read. The motion carried by the following vote:

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Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Rader, that Bill No. 24-092 be adopted and numbered Ord. No. 9916. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

- G. [BILL NO. 24-093](#)** An Ordinance approving the first amendment to the Cooperative Service Agreement by and between the City of Lee's Summit, Missouri (Lee's Summit Municipal Airport), and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS), to cooperate in a wildlife damage management project and authorizing the Mayor to execute the same. (PWC 5/13/24)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember DeMoro, that Bill No. 24-093 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Prier, that Bill No. 24-093 be adopted and numbered Ord. No. 9917. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

8. Proposed Ordinances - First Reading:

- A. [BILL NO. 24-094](#) An Ordinance authorizing the execution of an Intergovernmental Agreement between the City of Lee's Summit and the Junior College District of Metropolitan Kansas City, Missouri a/k/a Metropolitan Community College for use of its Precision Driving Track/Course.

(Note: First read by Council on May 21, 2024. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Hodges, that Bill No. 24-094 be advance to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

9. Proposed Ordinances - Second Reading:

- A. [BILL NO. 24-025](#) An Ordinance approving a Preliminary Development Plan for land located at 3100 NE Carnegie Drive, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by Council on February 27, 2024. On April 9, 2024, this Bill was postponed to a date certain of May 21, 2024. The applicant has requested this Bill be postponed to a date certain of June 18, 2024.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 24-025 be postponed to a date certain of June 18, 2024. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

- B. [BILL NO. 24-056](#) An Ordinance granting a Special Use Permit for motorcycle sales, rental or service with outdoor display in District CP-2 on land located at 3100 NE Carnegie Drive, for a period of twenty (20) years, all in accordance with Article 6 of the Unified Development Ordinance for the City of Lee's Summit, Missouri. (Note: First read by Council on March 26, 2024. On April 9, 2024, this Bill was postponed to a date certain of May 21, 2024. The applicant has requested this Bill be postponed to a date certain of June 18, 2024.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 24-056 be postponed to a date certain of June 18, 2024. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Hodges
Councilmember Lopez
Councilmember Prier
Councilmember Rader
Councilmember Shields

Absent: 1 - Councilmember Lovell

10. Committee Reports

Councilmember Shields advised the Finance and Budget Committee will meet on Monday, June 3, 2024 at 4:00pm.

11. Council Comments:

There were no Council Comments.

12. Staff Roundtable

Mr. Mark Dunning, City Manager, asked Police Chief Forbes provide an update on the SNAP (Secure Neighborhoods and Property) Program.

Chief Forbes advised since implementing the SNAP plan and raising public awareness and alerting citizens and neighborhoods to issues property crimes have significantly decreased throughout the City.

13. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 4 at 9:10 pm.

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"