



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

Tuesday, May 16, 2023

6:00 PM

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

REGULAR SESSION NO. 39-AMENDED

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, May 16, 2023 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 15, 2023, 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

Mayor Baird called Regular Session No. 39 to order at 6:04 p.m.

- D. Roll Call

Present: 9 - Mayor Bill Baird
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Andrew Felker
Councilmember Faith Hodges
Councilmember Beto Lopez
Councilmember John Lovell
Councilmember Mia Prier
Councilmember Hillary Shields

1. Approval of Agenda

Mayor Baird amended the Agenda to remove item 9A (Bill No. 23-103), to add Committee Reports as item 11, and to make note Public Comments were moved up on the agenda due to a technical difficulty.

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, to approve the Agenda as amended by Mayor Baird. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Hodges, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

A. [2023-5582](#) Approval of City Council Action Letter from May 9, 2023.

A motion was made by Councilmember Edson, seconded by Councilmember Hodges, to approve the May 9, 2023 Action Letter as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

B. [2023-5633](#) Mayor's Appointments:

Land Clearance Redevelopment Authority: Appoint Drew Reynolds, term to expire 9-1-25.

Parks and Recreation Board: Reappoint Samantha Shepard, term to expire 5-31-26.

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

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Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

C. [2023-5576](#) Mayor Pro Tempore City Council Committee and Liaison Appointments

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

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

3. Council Roundtable

Councilmember Prier thanked all of the police officers that were in attendance.

4. Proclamations:

A. [2023-5574](#) Proclamation: National Police Week - May 14 to May 20, 2023

This Proclamation was presented.

B. [2023-5648](#) A Proclamation/Resolution from the Jackson County Legislature recognizing National Police Week 2023 and honoring the service and sacrifice of law enforcement officers in our community.

This Proclamation was presented.

C. [2023-5575](#) Proclamation: National Public Works Week - May 21 to May 27, 2023

This Proclamation was presented.

5. Public Hearings:

A. [2023-5385](#) Continued Public Hearing: Application #PL2022-394 - Rezoning from PMIX and PI to PI and Preliminary Development Plan - Summit 470 Logistics Center, 1451 NW Main Street; Ryan Companies US, Inc., applicant.
(Note: This item was continued from April 4, 2023. This has application has been withdrawn by the applicant.)

This Public Hearing was withdrawn by the applicant.

7. Public Comments:

Mr. Dale Coy spoke regarding the Tree Board and the Diversity and Inclusion Commission. He also provided his comments in writing which can be found at

the end of this Action Letter.

6. Presentations:

- A. [2023-5563](#) Presentation: Diversity and Inclusion Commission Status Update

City Council discussions included:

- Budget
- Current deadline
- Consultant budget amendment
- Neurodivergent
- Cause of delay

This Presentation was presented.

- 1) [RES. NO. 23-13](#) A Resolution amending Resolutions 21-01 and 21-17 to amend dates and time frames in order to extend the time of the Lee's Summit Commission for Diversity and Inclusion to September 30, 2023.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Lopez, that Resolution 23-13 be adopted. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Nay: 1 - Councilmember Hodges

- B. [2023-5649](#) Paragon Star project status update

City Council discussions included:

- Consequences for non-compliance
- What was non-compliant
- Violation of the terms of the agreement
- Effect on the incentives they requested
- Developer disrespectful of the City Council's good will
- Long lifespan of the project - 10 years

This Presentation was presented.

- C. [2023-5533](#) Presentation: Critical Success Factor (CSF) - City Services and Infrastructure

City Council discussions included:

- Current staffing levels
- Communication to public on updates to objectives
- Timeline for the 291 interchange
- Utility relocations

This Presentation was presented.

8. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 23-094](#) An Ordinance awarding the bid for Project No. 791-SS for the Surface Seal FY24 Program to Vance Brothers, Inc. in the amount of \$1,304,006.51 and authorizing the City Manager to execute an agreement for the same. (PWC 5/8/23)

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Edson, that Bill No. 23-094 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Felker, that Bill No. 23-094 be adopted and numbered Ordinance No. 9666. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- B. [BILL NO. 23-095](#) An Ordinance approving Modification No. 4 to the On-Call Agreement for Environmental Professional Engineering Services Yearly Contract (Original RFQ No. 2020-061)(Renewal 2020-061/R3) between the City of Lee's Summit, Missouri, and Stearns, Conrad and Schmidt, Consulting Engineers, Inc. dba SCS Engineers, for an amount not to exceed \$153,760.00, for annual tasks associated with the Resource Recovery Park for FY2024, and authorizing the City Manager to execute the same. (PWC 5/8/23)

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember DeMoro, that Bill No. 23-095 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Hodges, that Bill No. 23-095 be adopted and numbered Ordinance No. 9667. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- C. [BILL NO. 23-096](#) An Ordinance awarding the bid for Project No. 73 for the Chipman Road Improvements from View High Drive to Bent Tree Drive to Emery Sapp & Sons, Inc. in the amount of \$11,053,857.60, and authorizing the City Manager to execute an agreement for the same. (PWC 5/8/23)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Felker, that Bill No. 23-096 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Prier, that Bill No. 23-096 be adopted and numbered Ordinance No. 9668. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- D. [BILL NO. 23-097](#) An Ordinance authorizing the execution of the second amendment to Cooperative Agreement for payment of funds from Jackson County, Missouri to the City of Lee's Summit, Missouri for the construction of a new pedestrian bridge to accommodate the shared use pathway over Chipman Road, and authorizing the Mayor to execute an agreement for the same. (PWC 5/8/23)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Hodges, that Bill No. 23-097 be second read. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 23-097 be adopted and numbered Ordinance No. 9669. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- E. [BILL NO. 23-098](#) An Ordinance approving Change Order No. 5 to the Agreement for the construction of the Water Main Replacement FY22 - First Phase Project, Project No. 496-1, between the City of Lee's Summit, Missouri, and Wiedenmann, Inc., for an increase of \$61,305.99 for a revised agreement amount of \$4,191,289.56 and to increase the project timeline by 18 days and authorizing the City Manager to execute the same. (PWC 5/8/23)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 23-098 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Prier, that Bill No. 23-098 be adopted and numbered Ordinance No. 9670. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- F. [BILL NO. 23-099](#) An Ordinance approving Change Order No. 8 to the agreement with Amino Bros. Co., Inc. for the Browning Street Extension - Browning St. to Hamblen Rd. Project No. 568-323-78, for an increase of \$76,579.01 for a revised agreement amount of \$3,642,897.88 and to increase the project timeline by 5 days, and authorizing the City Manager to execute an agreement for the same. (PWC 5/8/23)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Lovell, that Bill No. 23-099 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Hodges, that Bill No. 23-099 be adopted and numbered Ordinance No. 9671. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- G. [BILL NO. 23-100](#) An Ordinance approving a modification to the emergency purchase between Wiedenmann, Inc. and the City of Lee's Summit, Missouri, to repair the Scruggs Road Pump Station Force Mains for an increase of \$55,912.63 for a modified amount of \$314,112.63 and authorizing the City Manager to execute the same. (PWC 5/8/23)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Hodges, that Bill No. 23-100 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Shields, that Bill No. 23-100 be adopted and numbered Ordinance No. 9672. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- H.** [BILL NO. 23-101](#) An Ordinance approving an agreement between the City of Lee's Summit and WHP L.L.C. and utilizing the Sourcewell Co-operative Contract to purchase and construct a live fire training facility for the Fire Department in the amount of \$1,700,000.00 and authorizing the City Manager to execute an agreement for the same. (PWC 5/8/23)

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember Prier, that Bill No. 23-101 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember Hodges, that Bill No. 23-101 be adopted and numbered Ordinance No. 9673. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- I.** [BILL NO. 23-102](#) An Ordinance approving the second amendment to the Master Services Agreement between OPG-3 Inc, a Minnesota corporation, and the City of Lee's Summit to modify the Laserfiche license types and counts available to the City under the agreement, and authorizing the City Manager to execute the same by and on behalf of the City. (F&BC 5/15/23)

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember DeMoro, that Bill No. 23-102 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Shields, that Bill No. 23-102 be adopted and numbered Ordinance No. 9674. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

9. Proposed Ordinances - First Reading:

- A. TMP-2701** An Ordinance determining and declaring the necessity of acquiring for public use certain right of way, permanent easements and temporary construction easements for road, water, storm water and additional pedestrian amenities associated with the proposed 3rd Street Improvements from Blue Parkway to Jefferson Street Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

This item was removed from the agenda by Mayor Baird during Agenda Management.

- B. [BILL NO. 23-104](#)** An Ordinance approving the Real Estate Sale Agreement between Southwestern Bell Telephone Company and the City of Lee's Summit, Missouri, for acquisition of property for the Downtown Market Plaza Project.
(Note: First read by Council on May 16, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember DeMoro, that Bill No. 23-104 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

10. Proposed Ordinances - Second Reading:

- A. [BILL NO. 23-093](#) An Ordinance approving the Second Amendment to the agreement for professional architectural services for the Downtown Market Plaza Project between GLMV Architecture, Inc., and the City of Lee's Summit, Missouri.

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Shields, that Bill No. 23-093 be adopted and numbered Ordinance No. 9675. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

11. Committee Reports

Councilmember Shields announced the Finance & Budget Committee will meet June 4, 2023 at 4:00 p.m. She reported the budget will be presented to City Council on June 13, 2023.

Mayor Pro Tem Lopez remarked the new committee assignments take effect June 1, 2023. He thanked everyone that served as committee chairs and members.

12. Council Comments:

City Council had a brief discussion about requiring utilities to bury their power lines. It was ultimately agreed on to ask Mayor Pro Tem Lopez to assign the topic to committee. Some of the concerns were:

- To bury utilities, especially in the gateways, for the aesthetics and safety
- The above ground lines in downtown cause the power to go out about every other week
- Bury utilities for just the project on 3rd Street or all projects going forward
- The wooden poles left standing after utilities are relocated underground
- Costs and safety
- Proactive design standards

Mr. Mark Dunning, City Manager, was asked to supply City Council with a written response to Mr. Dale Coy's comments regarding the Tree Board.

13. Staff Roundtable

Mr. Mark Dunning, City Manager, reported building has started on the Process Facility with an anticipated completion date in July or August. Building has also started on Fire Stations 4 and 5. Fire Station 5 has an anticipated completion date by the end of this year and Fire Station 4 is anticipated to be completed in the first quarter of 2024.

14. Adjournment

Seeing no further business, Mayor Baird adjourned Regular Session No. 39 at 8:56 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"

For the last 2 years, I have been frequently observing the zoom meetings of the Commission and its Committees.

I believe that the Diversity and Inclusion Commission is doing **great** work - with at least one exception, which I have tried in the past to point out.

The commission has ignored the wide range of DIVERSITY in NeuroDIVERSITY.

So, what is Neurodiversity? There is a reason for “diversity” in the word.

Neurodiversity is an approach that supports the fact that various neurological conditions are the effect of normal changes and variations in the human genome.

ADHD, Autism, Dyspraxia, and Dyslexia all fall within the spectrum of “Neurodiversity” and are all neurodiverse conditions, as are conditions noted as Giftedness and Talented.

Neuro-differences are recognised and appreciated as a social category similar to differences in ethnicity, sexual orientation, gender, or ability.

There is, as far as I can ascertain, no overall assessment of the current state of neurodiversity. Therefore the desire of the Mayor and City Council to understand where that stands within the city government and the community -- may not be fulfilled.

Although a few aspects (e.g, autism) have been studied by the Commission, neurodiversity also includes a wide range of other aspects. Some simple examples of the extent of the range: Elon Musk is neurodivergent. Simone Biles is neurodivergent. Albert Einstein, Greta Thunberg, Bill Gates,.....

The range is well understood by LSR7. I have, in previous public comments to the Commission, pointed out various illustrations, and recommended some professional papers regarding the advantages of such inclusion. As far as I can tell, those comments have been disregarded.

Please include the range of NeuroDIVERSITY in your continuing work. Thanks.

Tree Board

For many years, Lee's Summit was designated a Tree City USA. We lost that designation a couple of years ago.

When the City did **NOT** have an Arbor Day Proclamation and observation on April 28th, I recalled that the Council had re-established the Tree Board last December.

My research was made a bit difficult because the publicly-accessible Code of Ordinances has not been updated since last October.

But I found the Bill, passed December 20th last year. It says the Tree Board has the duty to maintain the City's designation as a Tree City.

To find out more, I looked on the City website's Boards and Commissions page. The Tree Board is not there.

I asked the City Manager's office and was told "It is an operational committee of internal staff, not a citizen advisory committee." And "Their meetings don't require public posting." I wonder why a Board, established by the Council, isn't public.

I asked who the members are, and was told to consult the ordinance. It says: "the Manager of Public Works Operations, the City Engineer, an Assistant City Manager, the Manager of Codes, and the City Arborist". I tracked down which Assistant City Manager (just by asking all 3 of them).

But I searched the City website for the Manager of Public Works Operations, the City Engineer, the Manager of Codes, and the City Arborist. I couldn't find any of those positions listed. So I don't know who they are.

One of the Tree Board's first responsibilities is to develop the Public Tree Plan. I asked where I can find that plan, and was told "they plan to complete the research and necessary work over the next two years." That long???

So, why is this the **Secret Tree Board**?

And when will Lee's Summit regain it's Tree City USA designation?