



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

Tuesday, July 21, 2020

6:00 PM

City Council Chambers AND Via Video Conference (Zoom)

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

*****AMENDED*** REGULAR SESSION NO. 3**

Notice is hereby given that the City Council of the City of Lee's Summit will meet in regular session on Tuesday, July 21, 2020, at 6:00 pm, in person and via video conference as provided by Section 610.015 of the Revised Statutes of the State of Missouri due to the ongoing COVID-19 pandemic.

The public is invited to attend by viewing the meeting 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. The public to can attend via the Zoom software platform at www.Zoom.com; you may request the specific link to attend the City Council meeting. The meeting is also being held in the Council Chambers, a limited number of people will be allowed in the meeting room and it is therefore recommended that you attend by watching the meeting as described in this paragraph.

Additionally, persons wishing to comment on any item of business on the agenda may do so in writing prior to 5:00 pm on Monday, July 20, 2020, either by e-mail to: clerk@cityofls.net, by leaving a voicemail at 816-969-1005 or by leaving written printed comments in the utility payments drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063. Written comments submitted by these methods will be presented at the City Council meeting. Persons wishing to speak at a public hearing on this agenda may do so by contacting the City Clerk prior to 5:00 p.m. on Monday, July 20, 2020 by e-mail at clerk@cityofls.net, and they will be provided with instructions regarding how to provide their live testimony via video conference during the public hearing

Any persons wishing to attend the Council Meeting in person should abide by the County's mask requirement at all times while within City Hall, including the Council Chambers.

Preliminaries:

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

Mayor Baird called Regular Session No. 3 to order at 6:20 pm.

- 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 DeMoro, seconded by Councilmember Forte, to approve the Amended 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 Mayor Pro Tem Lopez, to approve the Consent Agenda as amended by removing Mayor's Appointments to be reconsidered on August 4, 2020. The motion carried by the following vote:

- A. [BILL NO. 20-122](#) An Ordinance approving the use of a Cooperative Contract between Metropolitan Community College of Kansas City (MCC) and G&C Restoration, LLC, DBA SERVPRO of Lee's Summit, to purchase disaster recovery services as needed and authorizing the City Manager to execute the same for and on behalf of the City.
(Note: First reading done by City Council was done on July 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Mayor Pro Tem Lopez, that Bill No. 20-122 be adopted and numbered Ord. No. 8911 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

- B.** [BILL NO. 20-123](#) An Ordinance approving the use of a Cooperative Contract between Sourcewell and John Deere Construction Retail Sales to purchase heavy equipment and accessories as needed and authorizing the City Manager to execute the same for and on behalf of the City.

(Note: First reading done by City Council was done on July 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Mayor Pro Tem Lopez, that Bill No. 20-123 be adopted and numbered Ord. No. 8912 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

- C.** [BILL NO. 20-124](#) An Ordinance approving the use of a Cooperative Contract between Jackson County, Missouri and Kenton Brothers, Inc., to purchase Locksmith and Security System services and supplies as needed and authorizing the City Manager to execute the same for and on behalf of the City.

(Note: First reading done by City Council was done on July 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Mayor Pro Tem Lopez, that Bill No. 20-124 be adopted and numbered Ord. No. 8913 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

- D.** [2020-3566](#) Approval of Liquor Licenses G3 and S for the new owners of Big Whiskey's Lee's Summit, 860 NW Blue Pkwy Ste. W, Lee's Summit, MO 64086

ACTION: A motion was made by Councilmember Forte, seconded by Mayor Pro Tem Lopez, that this Liquor License be approved 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

- E. [2020-3578](#) Mayor's appointments: Planning Commission: Appoint Matt Sanning to replace Jason Norbury, terms to expire 4-15-22.

ACTION: Due to a possible conflict of interest, a motion was made by Councilmember Forte, seconded by Mayor Pro Tem Lopez, that this Appointment be continued to the August 4, 2020 City Council - Regular and was removed from the Consent Agenda as an amendment. 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 recognized a post from the City of Lee's Summit regarding the new parking lot at 4th and Main. It included 37 parking spaces with two of them ADA compliant. She said that it looks great.

Councilmember Edson noted that several leaders from Jackson County and Lee's Summit would be handing out free masks from 9am-11am tomorrow morning at the Wood's Chapel Methodist Church.

Councilmember Edson also reminded everyone that Lee's Summit High School, Lee's Summit North and Lee's Summit East would all be holding their graduation ceremonies on Sunday, July 26th at the Children's Mercy Park.

Mayor Pro Tem Lopez stated the Blue Springs South High School, which his daughter attended as a senior this year, held their graduation ceremony last Saturday and it went well and had no issues.

Mayor Baird stated the School District is still working to figure out what the new school year will look like. He stated if citizens had questions or concerns they needed to contact the schools representatives directly as the City Council did not have any involvement in their process.

4. Public Comments:

Ms. Trisha Fowler Arcuri, City Clerk, noted there was only one Public Comment submitted to the Clerk's office. An email from Mr. Dale Coy dated July 20th 2:30pm regarding his observations of Urban Forest Care Performance. This item is added to the end of the Action Letter as an attachment.

[2020-3589](#) Public Comments

This Discussion Item was read into the record.

5. Presentations:

A. [2019-3047](#) Conceptual Plan for Downtown Farmer's Market and Conservatory

This presentation was done by Mayor Baird and Mr. Steve Arbo, City Manager. They provided information on the conceptual plan and possible financing options.

Council Discussion Included:

- Costs
- Architect
- RFQ (Request for Qualifications)
- Partnerships (Public / Private)
- Conceptual planning
- History of Project
- Future planning of downtown
- Hotel
- Farmers Market
- Parking

6. Proposed Ordinances - First Reading:

A. [BILL NO. 20-125](#) An Ordinance authorizing the execution of an intergovernmental contract for transit services by and between the City of Lee's Summit, Missouri and the Kansas City Area Transportation Authority (KCATA) and commitment of Federal Transit Administration Section 5307 Formula Funds to the KCATA for transit service and capital expenses.

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Edson, that Bill No. 20-125 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. 20-126](#) An Ordinance authorizing the execution of an Intergovernmental Agreement for confinement of prisoners by and between the City of Lee's Summit, Missouri and Andrew County, Missouri by and through the Andrew County Sheriff's Office.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Edson, that Bill No. 20-126 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

7. Proposed Ordinances - Second Reading:

- A. [BILL NO. 20-121](#) An Ordinance approving an amendment to the Community Development Block Grant (CDBG) 2020-21 Annual Action Plan. (Note: First reading done by City Council was done on July 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Lopez, that Bill No. 20-121 be adopted and numbered Ord. No. 8914. 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

Abstain: 1 - Councilmember Shields

8. Committee Reports

Councilmember DeMoro stated the Public Works Committee would meet on August 3 at 5pm via hybrid meeting.

Councilmember Shields note the Parks Board was meeting this Thursday, July 23 via video conference.

9. Council Comments:

Mayor Baird thanked everyone for all their efforts in making these hybrid meetings work especially the ITS Department and the guys in the back room making it all happen.

10. Staff Roundtable

Mr. Steve Arbo, City Manager, advised the Boards and Commissions would start meeting again via video conference.

11. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 3 into Closed Session at 8:48 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"

From: Dale E. Coy
To: [Clerk](#)
Subject: Public Comment for entry July 21, 2020
Date: Monday, July 20, 2020 2:26:20 PM
Attachments: [Observations about Urban Forest Care performance.docx](#)

*** This email is from an external source, use caution before clicking on links or opening attachments.
***Comment for acknowledgement at the Council meeting July 21st, and
incorporation into the Action Letter.

I do not intend to present it in person or by telephone.

Please let me know that you received it, and if there are questions.

Dale E. Coy
1420 NE Valley Forge Dr.

At the City Council meeting on July 14th 2020, I presented Public Comment on Lee's Summit commitment to Environmental Stewardship and City Aesthetics. That Public Comment was presented by telephone and was brief, being limited by policy to 3 minutes or less.

I present here some related background and detail.

Dale E. Coy, 1420 NE Valley Forge Dr., Lee's Summit 64086, Ph: 524-3697

Observations about Urban Forest Care performance and City commitment:

My interest in Lee's Summit's Urban Forest management began several years ago, when I noticed several trees being cut down in city right-of-way along Todd George Parkway. This happened several times, with trees that were not doing well – and the trees were not being replaced. It seemed clear that trees along that parkway were not being cared for.

I then began noticing that trees on right-of-way of other major streets and parkways had been similarly disappearing.

I inquired about this from the Public Works Department. I was told (reliably, by several people) that trees along streets and parkways are “too much trouble”, and that – “if it dies, it dies, is cut down and not replaced”. (As far as I can determine, there is no official policy. However, there is rather clear evidence of the “if it dies, it dies” practice.)

Doing some research in the City Ordinances, I found: (Section 19-200) “The Beautification Commission shall coordinate and promote projects for the beautification of the City. The Commission will also serve as the City Tree Board for the City of Lee's Summit, Missouri.”

So, several years ago, I started regularly attending (as an observer) the monthly meetings of the Beautification Commission. At one such meeting, I asked a question about dead trees along city parkways. I did not receive much of a response, although I was assured that the Beautification Commission was somewhat concerned about trees in the city. And I am well aware that the

Beautification Commission had been annually conducting an Arbor Day Tree Planting (always at a school), and that they were happy that Lee's Summit has been a "Tree City USA" for a number of years.

I contacted the chairperson by email (July 2017), quoting the City Ordinance. I was answered "Thank you for sending this information to me. I find it VERY interesting in that I've been on the commission for about 15 years and have never seen this. No one ran it by us during the time I've been on the commission, and I didn't know that it existed."

The City Ordinances also state (Section 19-204 – Duties and Responsibilities) "It shall be the responsibility of the Commission to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and, upon its acceptance and approval, shall constitute the official comprehensive City tree plan for the City of Lee's Summit."

Neither the Beautification Commission chairperson, nor any other member, was aware of these duties and responsibilities.

Subsequently, I was told by the Beautification Commission that they are the City's Tree Board, but as volunteers, they have no authority, personnel, or budget to perform the duties of Tree Board, nor to fulfill the requirements of Ordinance Section 19-204.

Additional research indicates that the city has never had a "Tree Plan", and no such plan has ever been presented to or approved by the City Council. Note: I communicated concerns about these issues to various city officials, including the Mayor, during July-September 2017. As far as I know, there has been no official resolution.

The City Ordinances also state (Section 19-211 -- Tree Species) "The Administrator will maintain an extensive list of recommended trees for planting. The purpose of this listing will be to maintain diversity in the total tree population. This list shall be available to residents of the City upon request to aid in the selection of trees for private and public properties. The list of recommended trees may be updated

periodically by the Administrator to reflect new developments or species that will affect the community urban forest.” This list is not available for the City of Lee’s Summit.

I was told “LSPR utilizes the Missouri Department of Conservation Urban Trees Booklet”. Having obtained a copy of this May 2009 booklet, I find that for instance it actually recommends planting Elm trees (which are no longer considered desirable anywhere).

I appeared before the City Council (May 21st, 2019) and presented Public Comment about the issues with the Comprehensive Tree Plan, the List of Recommended Trees, and other issues.

OTHER OBSERVATIONS:

The Beautification Commission has a longstanding tradition of planting an Arbor Day tree at a school in Lee’s Summit. I have been informed (by Mark Dunning) that this practice is now being questioned (“preference would be to place the tree in one of the parks”) – amid concerns about liability, supporting equipment, etc.

In late 2017, the Tri County Water Authority installed a new water line on the East side of Ranson Road, and in the process removed many trees. The Princeton Heights HOA was paid for 14 trees (as large as 30-inch trunk diameter). Princeton Heights was not required to restore the appearance of Ranson Road by replanting trees, and did not do so.

The same project resulted in Lee’s Summit Parks & Recreation being paid for 10 trees (as large as 12 inches) and 38 bushes at Happy Tails Park. It was not required that those trees be replaced.

Regarding the Arbor Day Foundation’s Tree City awards: I obtained a copy of the last application form submitted (2018 Application for Certification). The application states that the Community has a Tree Board (technically true). The Tree Board Chair is listed as Brooke Chestnut (she is a Parks Dept. employee, and not a member of the Beautification Commission Tree Board). The application is signed (Mayor or Equivalent Signature) by the Parks Administrator. I’m puzzled by how the Parks Administrator is equivalent to the Mayor.

Since its beginning (before 1988), the Beautification Commission has been administratively and financially supported by the Parks and Recreation Department. In 2019, City administration moved the Beautification Commission to the Cultural Arts Division for support. There has been no associated change to City Ordinances – and technically the Beautification Commission remains the Tree Board and responsible for the City Tree Ordinance.

Note: Cultural Arts Division does not have trucks and other equipment, nor personnel, to support the Commission's activities in tree planting, downtown planters, etc.

I have focused this comment on management of the urban forest. But I should also note that environmental stewardship is an important element. A great way to fight climate change is to increase the number of trees – and care for existing and new trees. In the process, aesthetics and livability are also improved.