



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

Tuesday, September 6, 2022

6:00 PM

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

REGULAR SESSION NO. 13-AMENDED

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, September 6, 2022 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, September 5, 2022, 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. 13 to order at 6:07pm.

D. Roll Call

Present: 8 - Mayor Bill Baird
Councilmember Fred DeMoro
Councilmember Andrew Felker
Councilmember Faith Hodges
Councilmember Beto Lopez
Councilmember John Lovell
Councilmember Mia Prier
Councilmember Hillary Shields

Absent: 1 - Councilmember Phyllis Edson

1. Approval of Agenda

ACTION:

Mayor Baird advised that due to further discussions with the Lee's Summit School District, Item 5.A. (Public Hearing: Application #PL2021-318 - Vacation of Right of Way - a segment of SE 15th Street located east of SE Dalton Drive (adjacent to 1501 SE Dalton Drive); Lee's Summit R-7 School District, applicant) has been withdrawn by the applicant. The area will remain as right-of-way, and a sidewalk will be installed connecting to East Trails Middle School.

A motion was made by Councilmember DeMoro, seconded by Councilmember Felker, to approve the published amended agenda as additionally amended by Mayor Baird.

The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, to approve the Consent Agenda, Items 2.A. – 2.F. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

A. [2022-5055](#) Approval of City Council Action Letter from August 23, 2022.

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, to approve the City Council Action Letter from August 23, 2022 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

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- B. [BILL NO. 22-170](#) An Ordinance vacating dedicated right-of-way along the east side of SW McClendon Drive adjacent to 1100 SW 3rd Street in the City of Lee's Summit, Missouri.
(Note: First read by Council on August 23, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-170 be adopted and numbered Ord. No. 9490 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

- C. [BILL NO. 22-171](#) An Ordinance approving a Preliminary Development Plan for Diventures on land located at 2951 NE Independence Avenue, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.
(Note: First read by Council on August 23, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-171 be adopted and numbered Ord. No. 9491 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

- D. [BILL NO. 22-174](#) An Ordinance accepting Final Plat entitled, "Napa Valley, 5TH Plat, Lots 166-196 and Tract O", as a subdivision to the City of Lee's Summit, Missouri.
(Note: First read by Council on August 23, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-174 be adopted and numbered Ord. No. 9492 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

3. Council Roundtable

Councilmember Prier reminded everyone to attend the Fall Open House in downtown Lee's Summit on September 9th and 10th. She also noted Oktoberfest would be held in downtown Lee's Summit September 23 - 25th.

Councilmember Felker noted Velli Park was vandalized in May 2020. The repairs have been made to this park and it is being rededicated on Saturday, September 10, 2022.

4. Proclamations:

- A. [2022-5122](#) Proclamation: Constitution Week - September 17 - 23, 2022

This Proclamation was presented.

5. Public Hearings:

- A. [2022-5037](#) Public Hearing: Application #PL2021-318 - Vacation of Right of Way - a segment of SE 15th Street located east of SE Dalton Drive (adjacent to 1501 SE Dalton Drive); Lee's Summit R-7 School District, applicant.

This application was withdrawn prior the Council meeting.

This Public Hearing - Sworn was withdrawn.

- 1) [BILL NO. 22-175](#) An Ordinance vacating dedicated Right-of-Way for a segment of SE 15th Street located east of SE Dalton Drive, adjacent to 1501 SE Dalton Drive, in the City of Lee's Summit, Missouri.

Bill No. 22-175 was withdrawn as the Public Hearing was withdrawn prior to the Council meeting.

This Ordinance - Public Hearing was withdrawn.

- B. [2022-5095](#) Public Hearing: Application #PL2022-185 - Rezoning from AG to RDR and R-1 - proposed Orchard Woods, 1204 NE Woods Chapel Road; Entres Development, LLC, applicant.

Mr. Josh Johnson, Assistant Director of Plan Services, entered Exhibits A 1 - 17 into the record.

Council discussion included:

- Drainage
- Tree Line
- Public Concerns been addressed
- RDR vs. PDP
- Collector Road

No one was present to speak in support of, or in opposition to this application.

- 1) [BILL NO. 22-176](#) An Ordinance approving a rezoning from District AG to District RDR and R-1 for approximately 19 acres located at 1204 NE Woods Chapel Road in accordance with the provisions of Chapter 33 of 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 September 6, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Felker, that Bill No. 22-176 be advanced to second reading. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

C. [2022-5139](#) Public Hearing for the Chapter 353 Redevelopment Plan for the Lee's Summit Downtown Market Plaza Redevelopment Area

Mr. David Bushek, Chief Counsel for Economic Development and Planning, entered Exhibits A 1 - 10 into the record.

Council discussion included:

- Schedule of events - demolishing, evaluation of soil
- Future development of "Red Racks Parcel"
- City study on blight determination / Blight Finding
- Definition of blight for this project - facts and findings

Mr. Donnie Rogers, Executive Director of the Downtown Lee's Summit Main Street, note the Board of Directors of the Downtown Lee's Summit Main Street supports the Chapter 353 Redevelopment Plan for the Lee's Summit Downtown Market Plaza Redevelopment Area and feels it will be very successful.

1) [BILL NO. 22-177](#) An Ordinance Approving the Chapter 353 Redevelopment Plan for the Lee's Summit Downtown Market Plaza Redevelopment Area, and Approving a Cooperative Agreement between the City of Lee's Summit, Missouri and the Lee's Summit Downtown Market Plaza Redevelopment Corporation to Implement the Redevelopment Plan.
(Note: First read by Council on September 6, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Lopez, that Bill No. 22-177 be advanced to second reading. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

2) [BILL NO. 22-178](#) An Ordinance Approving the Development Services Agreement between the City of Lee's Summit, Missouri and Lane4 Property Group, Inc., for the Downtown Market Plaza Project
(Note: First read by Council on September 6, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-178 be advanced to second reading. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

- 3) [BILL NO. 22-179](#) An Ordinance approving Amendment No. 2 to the Budget for the Fiscal Year ending June 30, 2023, as adopted by Ordinance No. 9441, Ordinance No. 9442, Ordinance No. 9449, Ordinance No. 9450 and Ordinance No. 9451, by allocating funds to the Green Street Improvements Fund for the City of Lee's Summit, Missouri.

(Note: First read by Council on September 6, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember DeMoro, that Bill No. 22-179 be advanced to second reading. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

D. [2022-5142](#) Public Hearing Regarding the Ice House for the Downtown Market Plaza Redevelopment Area

Council discussion included:

- \$3.4M - 1.5% per month inflation / Renewable Energy Certificate's
- Rehabilitation Scope
- Historic Tax Credits / Contingent on remediation
- White Box Ready
- Renovate/Preserve vs. Abate and Demolition costs
- What is like property worth in this area / Commercial Rates
- Costs to obtain historical tax credits - materials needed / national register costs
- Why it took so long to be brought to Council (April - September)
- Water / Sewer / Infrastructure / Stormwater costs
- Previous attempts to preserve this property
- How to honor the Ice House if demolished and new construction

Ms. Kathy Smith spoke in opposition to the demolition of the Ice House and hopes to see the preservation of the history of this building.

Mr. Gary Keshner, stated he feels the front of the building could be saved and preserved to honor this building.

Mr. Julie Maybree stated the Ice House brought a lot of value and revenue to the City. She hopes to see this house preserved.

Mr. Dave Eames asked the Council to consider honoring the building if it is demolished and reconstructed. He feels keeping the history is very important.

Mr. Michel Seignette de Kerobert spoke in opposition to the demolition of this building. He believes there are additional costs not presented for consideration in keeping or demolishing the building.

1) [2022-5143](#) Motion Regarding Disposition of the Ice House for the Downtown Market Plaza Redevelopment Area

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember DeMoro, to direct staff to proceed with demolition of the Ice House along with demolition of the other structures which are owned by the City within the Downtown Market Plaza Redevelopment Area while preserving key elements of the Ice House structure.

The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

6. Public Comments:

There were no Public Comments that were not addressed during the Public Hearing.

7. Resolutions:

- A. [RES. NO. 22-16](#) A Resolution adopting the City Council schedule of meetings for 2023.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Lovell, that Res. No. 22-16 be adopted. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

8. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 22-180](#) An Ordinance repealing Section 2-254 of the Code of Ordinances of the City of Lee's Summit, Missouri and enacting a new Section 2-254. Application for appointment and process for reappointment to boards, committees and commissions - content., providing generally for the information required for a appointment or reappointment to any city boards, committees, and commissions. (Rules Committee 9/22/22)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember DeMoro, that Bill No. 22-177 be advanced to second reading.

(After discussion, no vote taken)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember DeMoro, that Bill No. 22-180 be remanded back to the Rules Committee. The motion carried by the following vote:

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Aye: 7 - Mayor Baird
Councilmember DeMoro
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier

Absent: 2 - Councilmember Edson
Councilmember Shields

- B.** [BILL NO. 22-181](#) An Ordinance amending the Code of Ordinances for the City of Lee's Summit, Missouri by amending Rule 6. Voting. and Motion 12. To reconsider of Rule 9. Procedural Motions Section 2-49. -Rules of Order of the Code of Ordinances of the City of Lee's Summit, Missouri providing generally for corrections to the Rules of Order related to the Use of the Motion for reconsideration and the method of voting for City Council and City Council Committees. (Rules Committee 8/18/22)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Prier, that Bill No. 22-181 be second read. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Hodges, that Bill No. 22-181 be adopted and numbered Ord. No. 9493. The motion carried by the following vote:

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

Absent: 1 - Councilmember Edson

9. Committee Reports

Councilmember DeMoro stated there will be a Finance and Budget Committee meeting tomorrow, Wednesday, September 7, 2022 at 5:00pm.

Councilmember Felker noted there will be a Public Works Committee meeting on Monday, September 12, 2022 at 5:00pm.

10. Council Comments:

Mayor Baird stated he and Councilmember DeMoro will be attending MML next week but will be present at the September 13th Council meeting.

Councilmember Prier said she is excited for the State of the City tomorrow. She also said the vote for the Ice House was a really hard one.

11. Staff Roundtable

Mr. Mark Dunning, Assistant City Manager, noted a few milestone dates: Fire Chief Snider has been with the City for 3 years this week; Chief Forbes has been with the City for 8 years this week and Ms. Christal Weber has been with the City for 9 years this week. Mr. Dunning also stated that Mr. Steve Arbo, City Manager, celebrated his 60th birthday yesterday, September 5, 2022.

12. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 13 into Closed Session at 8:55pm.