



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

Tuesday, July 20, 2021

6:00 PM

City Council Chambers
and Via Video Conference
220 SE Green Street
Lee's Summit, MO 64063
(816) 969-1000

REGULAR SESSION NO. 38 *AMENDED*****

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, July 20, 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, July 19, 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. 38 to order at 6:04pm.

- D. Roll Call

Present: 7 - Mayor Bill Baird
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez
Councilmember Hillary Shields

Absent: 2 - Councilmember Trish Carlyle
Councilmember Andrew Felker

1. Approval of Agenda

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

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that this be adopted.[EN_NR] The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

- A. [SUBSTITUT
E BILL NO.
21-139](#) 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, stormwater and sewer improvements associated with the proposed Chipman Road Improvements from View High Drive to Bent Tree Drive 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.

(Note: First read by Council on July 13, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. Substitute Bill No. 21-139 be adopted and numbered Ord. No. 9192 as part of the Consent Agenda. The motion carried by the following vote:

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

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Absent: 2 - Councilmember Carlyle
Councilmember Felker

- B.** [BILL NO. 21-140](#) An Ordinance renewing the City of Lee's Summit's procedure for disclosure of potential conflicts of interest and substantial interests for certain municipal officials, pursuant to Sec. 2-75 of the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by Council on July 13, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-140 be adopted and numbered Ord. No. 9193 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

- C.** [BILL NO. 21-141](#) An Ordinance terminating Project 4 of the East U.S. 50 Corridor Improvement Tax Increment Financing Plan and terminating the collection of Tax Increment Financing Revenues within the Project 4 Area.

(Note: First read by Council on July 13, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-141 be adopted and numbered Ord. No. 9194 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

- D.** [BILL NO. 21-142](#) An Ordinance terminating and dissolving the I-470 Business and Technology Tax Increment Financing Plan, Special Allocation Fund, Redevelopment Area and terminating the collection of Tax Increment Financing Revenues for such plan.

(Note: First read by Council on July 13, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-142 be adopted and numbered Ord. No. 9195 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

3. Council Roundtable

There was no Council Roundtable.

4. Presentations:

- A. [2021-4259](#) End of 2021 Session report from Mr. Jim Durham, the City's Lobbyist.
Mr. Durham provided a brief update on the 2021 Session.

Council Discussion Included:

- * Gasoline Tax / Referendum to go to the voters
- * St. Louis closing businesses during COVID
- * Concentration of presumed authority in Jefferson City
- * Local Police and federal gun laws
- * 2nd Amendment Preservation Act
- * Efforts to diminish local zoning laws
- * Task Force participation

5. Public Hearings:

- A. [2021-4218](#) Public Hearing: Application #PL2021-134 - Rezoning from AG to RP-3 and Preliminary Development Plan- Osage, 3rd Plat, 2151 SW M-150 Hwy; Clayton Properties Group, Inc. d/b/a Summit Homes, applicant.

Mr. Josh Johnson entered Exhibits 1- 19 into the record.

Council discussion included:

- * Price Range (approximately \$300K)
- * Sidewalks on both sides of the road

- 1) [AMENDED BILL NO. 21-143](#) An Ordinance approving a rezoning from AG (Agricultural) to district RP-3 (Planned Residential Mixed Use) and preliminary development plan for Osage 3rd plat, located at 2151 SW M-150 Hwy, 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 reading by Council on July 20, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Edson, that Bill No. 21-142 be advanced to second reading.

A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 21-142 be amended by changing any reference to the date of April 4, 2021 to May 21,

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2021 within the Ordinance. The motion carried by the following vote:

Aye:

Councilmember Johnson
Councilmember DeMoro
Councilmember Forte
Councilmember Edson
Councilmember Shields
Mayor Pro Tem Lopez
Mayor Baird

Absent:

Councilmember Carlyle
Councilmember Felker

On the original motion by Councilmember Johnson, seconded by Councilmember Edson, that Bill No. 21-142 be advanced to second reading (as amended). The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

- B. [2021-4214](#) Public Hearing: Application #PL2021-145 - Preliminary Development Plan - Chapel Ridge Business Park out-building, 3680 NE Akin Drive; VAAP Chapel Ridge, LLC, applicant.

Mr. Josh Johnson entered Exhibits 1-18 into the record.

Council discussion included:

- * Planned tenant?
- * Great Addition to Lee's Summit and this area

- 1) [BILL NO. 21-144](#) An Ordinance approving a preliminary development plan for the proposed Chapel Ridge Business Park outbuilding, 3680 NE Akin Dr, 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 reading by Council on July 20, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Shields, that Bill No. 21-144 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Shields

Away FT: 1 - Councilmember Lopez

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Absent: 2 - Councilmember Carlyle
Councilmember Felker

- C. [2021-4240](#) Public Hearing: Master Plan for Industrial Development Project (Chapter 100) for the Stag's Field Apartments

Council Discussion Included:

- * \$1.8M in sales tax / use tax figures
- * Real Estate Tax (\$91- 2021 to \$699,450 - 2024)
- * Project Dates
- * Additional Amendments / Request (none)

- 1) [BILL NO. 21-145](#) An Ordinance Approving a Plan For an Industrial Development Project for Stag's Field Apartments.
(Note: First reading by Council on July 20, 2021.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that this Ordinance be advanced to second reading. The motion carried by the following vote:

Aye: 5 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson

Nay: 2 - Councilmember Lopez
Councilmember Shields

Absent: 2 - Councilmember Carlyle
Councilmember Felker

6. Public Comments:

There were no Public Comments.

7. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 21-146](#) An Ordinance awarding the bid for Project No. 78831883-C for the South Terminal Water Tank Rehabilitation Project to DN Tanks, LLC in the amount of \$162,375, and authorizing the City Manager to execute an agreement for the same. (PWC 7/12/21)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-146 be second read. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember DeMoro, that Bill No. 21-146 be adopted and numbered Ord. No. 9196. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

- B.** [BILL NO. 21-147](#) An Ordinance awarding the bid for Project No. 57831683-21 for the Cathodic Protection Program FY21 to Kantex Industries, Inc. in the amount of \$397,883 and authorizing the City Manager to execute an agreement of the same. (PWC 7/12/21)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 21-147 be second read. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 21-147 be adopted and numbered Ord. No. 9197. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

- C.** [BILL NO. 21-148](#) An Ordinance approving Change Order No. 3 to the contract with MegaKC Corporation for the Jefferson Street Improvements project, an increase of \$121,503.68 for a revised contract price of \$2,779,713.41. (PWC 7/12/21)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 21-148 be second read. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Edson, that Bill No. 21-148 be adopted and numbered Ord. No. 9198. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

8. Emergency Ordinances:

- A. [BILL NO. 21-152](#) An Ordinance authorizing the execution of a Memorandum of Agreement between the City of Lee's Summit, Missouri, the Federal Highway Administration, the Missouri State Historic Preservation Officer, and the Unity School of Christianity, related to the mitigation of adverse effects of the public improvement project designated as Federal Project Number STP-3301(527), Colbern Road, within the City limits of Lee's Summit, Missouri, and containing an emergency clause.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-152 be second read. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember DeMoro, that Bill No. 21-152 be adopted and numbered Ord. No. 919. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

9. Proposed Ordinances - First Reading:

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- A. [BILL NO. 21-149](#) An Ordinance awarding the bid for Project No. 324-21/22 (Curb) for the Curb Repair 21/22 Program to Phoenix Concrete & Underground, LLC in the amount of \$1,811,323.88, and authorizing the City Manager to execute an agreement for the same. (PWC 7/12/21 - 2 to 1 vote.)
(Note: First reading by Council on July 20, 2021.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 21-149 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Lopez
Councilmember Shields

Nay: 1 - Councilmember Johnson

Absent: 2 - Councilmember Carlyle
Councilmember Felker

- B. [BILL NO. 21-150](#) An Ordinance Authorizing the City of Lee's Summit, Missouri to Issue Taxable Industrial Development Revenue Bonds in a Principal Amount not to Exceed \$36,500,000 in Connection with the Streets of West Pryor Apartment Development; and Authorizing Certain Documents and Actions in Connection Therewith.
(Note: First reading by Council on July 20, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Edson, that Bill No. 21-150 be advanced to second reading. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

- C. [BILL NO. 21-151](#) An Ordinance Approving a Transferee Agreement Among Red Summit Fair, LLC, Sahara Pavilion South SC, LLC, Win, LLC, and the City of Lee's Summit, Missouri, for the Transfer of Property in the Lee's Summit East (Summit Fair) Tax Increment Financing Redevelopment Area.
(Note: First read by Council on July 20, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, that Bill No. 21-151 be advanced to second reading. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Felker

10. Proposed Ordinances - Second Reading:

- A. [BILL NO. 21-138](#) An Ordinance approving the first amendment to the Redevelopment Agreement among the City of Lee's Summit, Missouri, the Cedar Creek Community Improvement District and Enterprises Cedar Creek, LLC, and approving the First Amendment to the Cedar Creek Land Clearance for Redevelopment Authority Redevelopment Plan, to implement the incentives for the Cedar Creek Shopping Center Redevelopment Project.

(Note: First read by Council on July 13, 2021.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 21-138 be adopted and numbered Ord. No. 9200. The motion carried by the following vote:

Aye: 5 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Lopez

Nay: 1 - Councilmember Johnson

Absent: 2 - Councilmember Carlyle
Councilmember Felker

Recused: 1 - Councilmember Shields

11. Committee Reports

Councilmember Forte noted the CEDC met last Wednesday and there are a lot of good things happening in this committee right now including: small lot development, sidewalks and parking.

12. Council Comments:

Councilmember Edson asked if staff would be able to provide an update on the housing and apartment studies.

13. Staff Roundtable

Ms. Christal Weber, Acting City Manager, stated there would be a public meeting tomorrow regarding the construction and changes from Longview Road to Hook Road.

She also noted this Friday will be the first Fourth Friday Art Walk that is has not rained and invited everyone to attend.

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Ms. Weber also advised there would be a discussion soon regarding the ARPA funds but wanted to advise council that some of those funds were already going to the National Endowment for the Arts.

A. [2021-4244](#) Update on Downtown Market Plaza Project

Ms. Christal Weber, Acting City Manager, stated the City Council was provided a written report on this project and updates and staff was available for any questions.

14. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 38 at 8:07pm.

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"