

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

Thursday, July 12, 2018

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**\*\*\*AMENDED\*\*\* REGULAR SESSION NO. 6**

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**Preliminaries:**

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

Mayor Baird called Regular Session No. 6 to order at 6:30 p.m.

- D. Roll Call

**Present:** 8 - Mayor Bill Baird  
Councilmember Rob Binney  
Councilmember Trish Carlyle  
Councilmember Fred DeMoro  
Councilmember Phyllis Edson  
Councilmember Diane Forte  
Councilmember Bob Johnson  
Councilmember Beto Lopez

**Absent:** 1 - Councilmember Craig Faith

- E. Approval of Agenda

Mayor Baird moved Council Comments to agenda item eleven and moved Council Roundtable to agenda item two.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, to approve the published amended agenda as further amended by Mayor Baird. The motion carried by the following vote:**

**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Absent:** 1 - Councilmember Faith

**1. Public Comments:**

Ms. Geraldine Amoto again shared her opinions that the Republic does not exist and the United States operates under a private commercial jurisdiction. She also made comments on the Supreme Court, State Militia, Jurys, atrocities at the border, Pro Choice and Pro Life initiatives, among other topics. She then shared, with Mayor Baird, an article titled "U.S. Troops are Told to Ignore Afghan Allies Abuse of Boys" that was published by the New York Times on September 21, 2015.

Ms. Megan Tripses, President of the Newberry Home Owners Association, asked the City Council to vote to not to build a trash Transfer Station which, in her opinion, is not in the interest of Lee's Summit residents. Some of her concerns were the loss of two recycling centers, vertical expansion of the landfill, no residency requirements to use the landfill, no oversight on pricing and litigation due to a leachate leak. She believes the project is cost prohibitive and there will be a funding shortfall. She said that the residents of the Newberry Subdivision have seen an increase in traffic, noise, smell and waste pollution and that Summit Waste Systems has extended the hours of operation.

Ms. Deb Calhoun, Newberry Home Owners Association Board Member, expressed her opposition to the building of a trash Transfer Station. Among the items she cited were the cost of design, permitting and construction of the proposed Transfer Station, large trucks hauling trash through their neighborhoods, and she believes it is not necessary for the residents of Lee's Summit. In her opinion, the project would not be compatible with the community and it is not good for the health, safety and wellbeing of the residents of Newberry or the community. She also asked the City Council to vote no to building a trash Transfer Station.

Ms. Diane Youngmeyers, Resident of Council District Four, encouraged the City Council to vote "None of the above" for the proposed trash Transfer Station. She believes that the project was approved without knowing the exact costs, exact scope and no vetting of the current managing company. She does not believe it would have any benefits for the residents of Lee's Summit and it will only be a liability, at a substantial cost to the City. She was also concerned that it would add thirty-two large trucks going through already congested intersections and she does not believe it is an acceptable location. She asked that the landfill be capped and the City leave the trash business.

Ms. Charman Saylor and her daughter Mia, Residents of the Newberry subdivision, also expressed their opposition to the proposed trash Transfer Station. Ms. Saylor stated that it will not bring revenue to the City but will cost the City a lot of money. Mia shared that sometimes, while on the playground at her school, there is a horrible smell that the kids attribute to the near by horse

barn but Mia believes it is actually due to the landfill. Mia's mom shared that recently the smell was so bad that she called the Fire Department because she thought there might be a fire at the Landfill.

### 11. Council Roundtable

(Note: This item was moved to Item 2 by Mayor Baird prior to the approval of the agenda.)

Councilmember Edson reported that the Lee's Summit Housing Authority recently received a second award for their Strategic Plan and Needs Assessment that they recently completed. This award was presented to them from the Southwest Regional Council National Association of Housing and Redevelopment.

Councilmember Forte spoke about the ribbon cutting ceremony for the solar panels that have been installed at the Lee's Summit Animal Shelter. She thanked Zachary Burton, a local Lee's Summit High School student; MC Power, a local solar business in Lee's Summit; and City Staff for their collaboration and efforts to get this project completed.

Councilmember Binney announced that Downtown Main Street is showing Back to the Future in the court yard in front of City Hall beginning at 9:00 p.m., that night.

Mayor Baird added that the ribbon cutting at the Animal Shelter was a huge success. It was about solar power being a viable and fiscally responsible course of action with the return on investment being greater and faster than ever before. The city will be saving hundreds of thousands of dollars over the next few decades but the savings starts immediately based on the financing. He also thanked Zachary Burton, MC Power, City Staff and the City Council.

### 3. Approval of Consent Agenda:

Councilmember Binney noted that the June 7, 2018 and June 28, 2018 Action Letters did not reflect the Mayor's agenda management, moving Council Comments and Council Roundtable.

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

**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Absent:** 1 - Councilmember Faith

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- A. [2018-2118](#) Approval of Action Letters from June 7, June 14 and June 28, 2018.

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that the June 7, June 14 and June 28 Action Letters be approved, as corrected, as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Absent:** 1 - Councilmember Faith

- B. [2018-2150](#) Change in liquor license from a Type "G1" and "S" to a Type "I" for Pinot's Palette, 970 NW Blue Parkway, Ste. B.

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, to approve this Liquor License as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Absent:** 1 - Councilmember Faith

- C. [BILL NO. 18-103](#) An ordinance authorizing the execution of an agreement by and between the City of Lee's Summit, Missouri, and Emery Sapp & Sons, Inc., in the amount of \$1,566,276.75 for the construction of NW Ward Road from NW Tudor Road to NW Blue Parkway. (RFQ No. 49832272-DB).

(Note: First reading by Council on June 28, 2018. Passed by unanimous vote.)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 18-103 be adopted and numbered Ordinance No. 8421 as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Absent:** 1 - Councilmember Faith

**4. Proposed Ordinances Forwarded from Committee:**

- A. [BILL NO. 18-105](#) An ordinance authorizing the award of RFP No. 2018-091 for custodial services to J & R Investments, Inc. d/b/a Woodley Building Maintenance as the vendor under Agreement No. 2018-091 and authorizing the City Manager to enter into and execute said agreement for the same by and on behalf of the City. (F&BC 7/2/18)

**ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Forte, that Bill No. 18-105 be second read. The motion carried by the following vote:**

**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Absent:** 1 - Councilmember Faith

**ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Carlyle, that Bill No. 18-105 be adopted and numbered Ordinance No. 8422. The motion carried by the following vote:**

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

**Nay:** 1 - Councilmember Binney

**Absent:** 1 - Councilmember Faith

**5. Resolutions:**

- A. [RES NO. 18-10](#) A Resolution authorizing the City of Lee's Summit, Missouri to participate in Cooperative-Piggyback Purchasing Programs - contracts for Fiscal Year 2019. (F&BC 7-2-18)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Resolution 18-10 be adopted. The motion carried by the following vote:**

**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Absent:** 1 - Councilmember Faith

**6. Presentations:**

- A. [2018-1963](#) Conceptual Economic Development Incentive Request Presentation - Bloom Living Senior Independent Living, SW corner of Shenandoah Dr. and Battery Drive.

The Bloom Living Independent Senior Community Conceptual Economic Incentive Request includes a proposed 12% sales tax exemption for construction materials and a fixed PILOT (Payment in Lieu of Taxes). The Preliminary Development Plan has already been approved by Council for this project.

Council questions and concerns:

- Are the building materials going to be purchased in the Lee's Summit or metro area?
- Is the request to have the state portion of the sales tax exempt also and does the City have the legal authority to do that?
- Project costs will be near \$10 million dollars (over \$9.3 million) about 40% of which would be actual materials costs considered for the exemption, labor costs would not be exempt. The current sales tax rate is 7.875.
- What is the intent of the Developer, construct and move on or construct and hold?
- These aptments would be at market or below market rate.
- No incentives granted to two other senior living projects in the area.
- Expressed a desire to see the financials or ROI.
- How will the request for a PILOT be handled.
- Willing to work with the Housing Authority with their voucher system?
- What other projects has the developer done that are closest to the demographics in Lee's Summit?
- Are Housing Authority vouchers used in the project in Olathe?
- What assurances does the City have that rent will stay at \$900 or less a month? Affordable housing is a big need in this community. The location is convenient.
- Are the gross rates, from the presentation, what will be charged? These are not designed to be subsidised housing.
- Is this the 6th project brought before the City Council asking for this PILOT?
- Does this meet the City's current incentive policy, have any permits been pulled?
- Concern about losing sales tax revenue on some of these projects.
- Need to see all the numbers to see what the City would be giving up but there are not a lot of options in Lee's Summit for senior living in this price range.
- Meeting a need but at what cost.

- B. [2018-2093](#) Conceptual Economic Development Incentive Request Presentation - CityScope Residential - Redevelopment of 114 SE Douglas Street (Summit Church)

Council questions and concerns:

- Would the TIF (Tax Increment Financing) be on the entire project?
- What would the increase of value be from when purchased to when the project is complete?
- Would the full 23 years be needed on the TIF?
- Would there be retail spaces in this project?
- What is the average income for the jobs created by this project and would at least 50% of their health insurance be provided?
- Would the developer consider a PILOT to help the other taxing units in the city.
- If this project doesn't go through, the property value won't be \$49 Million.
- The church has been there for 95 years and the City has not received any taxes on it.
- Is there an historic aspect of the church?
- How many parking spaces would be included in this project? That is personal property tax on 400 cars.
- Might want to look into prorating for school age children.
- How tall would this structure be?
- Consider working with the City to come up with a more fair tax amount than \$35 thousand.
- Have any studies come up with a number of new residents that this project would attract?
- Is there any discussion about traffic improvements or other roadways that might come along later?
- Could sewer capacity change what your asking for?
- There are concerns regarding the impact to the school district and increases to safety services.
- What demographics do you expect to see in this project?
- The amenities and art are attractive.
- Downtown needs multi-family residencies but it needs to be fiscally responsible for the City.

C. [2018-2112](#) Discussion on Transfer Station construction at the Resource Recovery Park. (PWC 6-19-18)

Council questions and concerns:

- Will there be a gap in services?
- Will the trash companies raise their rates when there is a gap in services.
- Where are we right now with closure?
- When will the landfill be full?
- Worst case, when will the closure be complete?
- What are the reasons for the proposed relocation of the Transfer Station?
- What would be the purpose for enlarging the building?
- Confirm that trash won't be left in the Transfer Station overnight.
- What items are proposed to be eliminated? Will that become a safety concern?
- If Summit Waste Systems walks away today, do we have enough money for

closure and post closure?

-What is the benefit of having a transfer station to the citizens?

-How much do residents use the landfill?

-Is the amount set aside for closure and post closure sufficient considering the expansion?

-If the Transfer Station site was moved to the east, would that be closer to the homes and school?

-Will a traffic study be done?

-Were the hours of operation changed?

-Has there been a change in the number of noise or odor complaints received?

-At what point in the contract would the City have to pay a \$200 thousand fee?

-Would the Transfer Station be used by commercial haulers and the public disposal area still be used by residents?

-Would controlling traffic volume and routing be done with restrictions during permitting?

-Is Bailey Road a through street, a collector, a residential street, etc.? There has been a lot of contributors to the traffic issue in the last two years; a new trucking company, the new water department headquarters, the horse barn is now industrial space.

-Is leachate considered toxic?

-When did the landfill open and when was the Newberry subdivision built?

-A citizen taskforce studied this and said that the city should continue to provide landfill services. A Transfer Station would provide a local option and it gets carried out of our community everyday.

-Can the public disposal area be used for local residents without a Transfer Station being built?

-Does the contract stipulate that the City has to pay for the design of the Transfer Station?

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, to direct staff to pursue option two with the understanding to not spend additional money. The motion carried by the following vote:**

**Aye:** 6 - Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Nay:** 2 - Mayor Baird  
Councilmember Edson

**Absent:** 1 - Councilmember Faith

## 7. Public Hearings:

- A. [2018-2115](#) Public Hearing - Appl. #PL2018-050 - Rezoning from AG to PMIX & Preliminary Development Plan - Cobey Creek, approximately 97.28 acres located at 500 SE M-150 Highway; JCM Development LLC, applicant.



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- 1) [BILL NO. 18-106](#) An ordinance approving a rezoning from District AG to District PMIX and Preliminary Development Plan located at 500 SE M-150 Highway, proposed Cobey Creek Development in accordance with the provisions of Unified Development Ordinance, No. 5209, for the City of Lee's Summit, Missouri.  
(Note: First Reading by Council on July 12, 2018, passed by unanimous vote.)
- ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Binney, that Bill No. 18-106 be advanced to second reading. The motion carried by the following vote:**
- Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez
- Absent:** 1 - Councilmember Faith
- B. [2018-2131](#) Public Hearing - Appl. #PL2018-093 - Preliminary Development Plan - Hearne's Addition, Lots 18A, 18B, and 18C, located at the SW corner of NE Main Street and NW Orchard Street; Dymon Wood, applicant.
- 1) [BILL NO. 18-107](#) An ordinance approving a Preliminary Development Plan located on Lot 18, Hearne's Addition in District RP-2, proposed Hearne's Addition, Lots 18A, 18B, and 18C in accordance with the provisions of Unified Development Ordinance, No. 5209, for the City of Lee's Summit, Missouri.  
(Note: First Reading by Council on July 12, 2018, passed by unanimous vote.)
- ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 18-107 be advanced to second reading. The motion carried by the following vote:**
- Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez
- Absent:** 1 - Councilmember Faith
- C. [2018-2126](#) Public Hearing - Appl. #PL2018-080 - Preliminary Development Plan - Spira Care - 760 NW Blue Parkway; Drake Development, LLC, applicant.
- 1) [BILL NO. 18-108](#) An ordinance approving a Preliminary Development Plan on land located at 760 NW Blue Parkway in District CP-2, proposed Spira Care in accordance with the provisions of the Unified Development Ordinance, No. 5209, for the City of Lee's Summit, Missouri.  
(Note: First Reading by Council on July 12, 2018, passed by unanimous vote.)
- ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Lopez, that Bill No. 18-108 be advanced to second reading. The motion carried by the following vote:**

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**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Absent:** 1 - Councilmember Faith

**8. Proposed Ordinances - First Reading:**

**ACTION:** A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, to waive the Council Rule regarding items being considered and continue on with business after 11:00 p.m. The motion carried by the following vote:

**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Absent:** 1 - Councilmember Faith

- A. [BILL NO. 18-109](#) An ordinance approving a tax increment financing funding agreement between the City of Lee's Summit, Missouri and Cityscape Residential or associated special purpose entity and authorizing the City Manager to execute said agreement on behalf of the City.  
(Note: First Reading by Council on July 12, 2018.)

**ACTION:** A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 18-109 be advanced to second reading. The motion carried by the following vote:

**Aye:** 7 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Nay:** 1 - Councilmember Edson

**Absent:** 1 - Councilmember Faith

- B. [AMENDED BILL NO. 18-104](#) An ordinance approving a public service agreement by and between Velocity Lee's Summit, Inc. and the City of Lee's Summit, Missouri for services to be provided to the City and authorizing the City Manager to execute the same by and on behalf of the City. (CEDC 6/13/18)  
(Note: First Reading - and amended - by Council on July 12, 2018.)

**ACTION:** A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, to amend Bill No. 18-104, sixth paragraph, by deleting the term "general" and adding in lieu thereof "business and industry". The motion carried by the following vote:

**Aye:** 7 - Mayor Baird  
Councilmember Binney

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Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Johnson  
Councilmember Lopez

**Nay:** 1 - Councilmember Forte

**Absent:** 1 - Councilmember Faith

**ACTION:** A motion was made by Councilmember Binney, to amend the Public Service Agreement to remove the blue lined version of paragraph two "the term of this agreement shall be to June 30, 2021" and to remove the blue lined version in section three "to go to \$70,000.00 on July 1, 2019 and \$65,000.00 on July 1, 2020". The motion died for lack of a second.

**ACTION:** A motion was made by Councilmember Forte, seconded by Councilmember Lopez, to amend the Public Service Agreement with Velocity by amending paragraph two, Term and Time of Performance, such that instead of 2019 it would read the year 2020 and section three would read to provide an amount in year one of \$75,000.00 and in year two of \$70,000.00. The motion carried by the following vote:

**Aye:** 5 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember Forte  
Councilmember Lopez

**Nay:** 3 - Councilmember DeMoro  
Councilmember Edson  
Councilmember Johnson

**Absent:** 1 - Councilmember Faith

**ACTION:** A motion was made by Councilmember Lopez, seconded by Councilmember Forte, that Bill No. 18-104 be advanced to second reading as amended. The motion carried by the following vote:

**Aye:** 5 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember Forte  
Councilmember Lopez

**Nay:** 3 - Councilmember DeMoro  
Councilmember Edson  
Councilmember Johnson

**Absent:** 1 - Councilmember Faith

**9. Proposed Ordinances - Second Reading:**

- A. [BILL NO. 18-102](#)** An ordinance approving the Contract for Purchase of Real Estate for property generally described as Tract XI, Lots 27, 28 and 29, Block 2, original town of Lee's Summit (fka Town of Strother), a subdivision of Lee's Summit, Jackson County, Missouri, by and between Harris Investments Inc. and the City of Lee's Summit, Missouri, and authorizing the Mayor to execute the same.  
(Note: First reading by Council on June 28, 2018.)

**ACTION:** A motion was made by Councilmember Edson, seconded by Councilmember Binney,

that Bill No. 18-102 be adopted and numbered Ordinance No. 8420. The motion carried by the following vote:

**Aye:** 7 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**Nay:** 1 - Councilmember DeMoro

**Absent:** 1 - Councilmember Faith

## 10. Committee Reports

Councilmember Binney announced that the Public Works Committee will be meeting Tuesday at 5:00 p.m.

Councilmember Carlyle reported that the Rules Committee will be meeting Monday at 6:00 p.m.

Councilmember DeMoro said that he attended an Arts Council meeting on Tuesday and they have two vacancies. They are in dire need of a full committee.

Mayor Pro Tem Lopez stated that CEDC has moved some UDO amendments forward to city council.

## 2. Council Comments:

(Note: This item was moved to Item 11 by Mayor Baird prior to the approval of the agenda.)

Councilmember Johnson reported that the Finance and Budget Committee voted to have a full council discussion on other city agencies that may have a need for weather forecasting services.

Mayor Baird reported that the Lee's Summit Economic Development Council has made it clear they are excited to work with all community organizations and citizens. They have reached out to Velocity.

## 12. Staff Roundtable

There was no staff roundtable.

## 13. Adjournment

There being no further business, Mayor Baird adjourned Regular Session No. 6 at 11:55 p.m.

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

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