

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

Tuesday, February 19, 2019

6:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 22

Preliminaries:

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

Mayor Baird called Regular Session No. 22 to order at 7:01 p.m.

- D. Roll Call

Present: 9 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez

1. Approval of Agenda

Mayor Baird moved agenda item No. 6, Public Comments, before agenda item No. 4, Resolutions.

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

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

2. Council Roundtable

Councilmember Binney apologized to the Journalism Advisors in town. He stated this is National Journalism in School Week and he had been working with them to get a Proclamation on tonight's agenda. A Proclamation would talk about the importance of journalism in high schools and the start it gives some students to go into the field.

3. Approval of Consent Agenda:

A. [2019-2585](#) City Council Liaison Appointments

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, to approve the City Council Liaison Appointments as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

B. [BILL NO. 19-17](#) An Ordinance approving Application #PL2018-194 Unified Development Ordinance (UDO) Amendment #3 Article 6 Use Standards - Accessory Uses and Structures - Table 6.IV-1. Accessory Structures - amending detached garage size limitations and setbacks in all residential districts; City of Lee's Summit Applicant.

(First Reading by Council on February 5, 2019. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 19-17 be adopted and numbered Ordinance No. 8556 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

C. [BILL NO. 19-18](#) An Ordinance approving the petition for establishment of the New Longview Community Improvement District.

(First Reading by Council on February 5, 2019. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 19-18 be adopted and numbered Ordinance No. 8557 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- D.** [BILL NO. 19-25](#) An Ordinance determining and declaring the necessity of acquiring for public use certain Permanent Easements and Temporary Construction Easements for streambank stabilization improvements associated with the Streambank Stabilization Projects in Lee's Summit, Missouri; authorizing the City Manager and his designees to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designees to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

(First Reading by Council on February 5, 2019. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 19-25 be adopted and numbered Ordinance No. 8558 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

6. Public Comments:

Mr. Loren Williamson, MC Power Companies, spoke regarding his permit for an increase of their current solar facility on their headquarters building in Lee's Summit. It is located in a four building condominium office park on Lakewood Way. All of the parking and grounds are shared ownership. They submitted a request for a rooftop expansion and a ground mounted installation which would be a small, discrete tracking system; it would be one of the first in state of it's kind. When it was submitted for plan review a couple of revisions were requested. One of the requested revisions required the ground mounted installation be placed in the rear yard and he asked for clarification on where that would be as most of the buildings have entrances on both sides.

Ms. Geraldine Amato spoke regarding worship of the federal flag, the BAR Association, Black History month, international banks cartel and the Federal Government. She asked for permission to read the federal constitution at a later meeting.

4. Resolutions:

- A. [RES. NO. 19-04](#) A Resolution in support of the Lee's Summit Police Department's application for grant funding from the Missouri Highway Safety Program for Traffic Enforcement.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, to adopt Resolution No. 19-04. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

5. Public Hearings:

A. [2019-2544](#) Public Hearing - Summit Orchard Community Improvement District

Exhibit A, List of Exhibits 1-5 were entered into the record.

Council Discussions:

- Brief summary of CID Board Members
- Do the Directors have the ability to do sub-contractor work for the CID
- Are the Directors meetings open to the public
- Have the CID (Community Improvement District) boundaries changed
- Donovan and Ward Roads would be the city's responsibility to maintain
- The entrance from Chipman Road would be a right in and right out
- When will the traffic signals be installed at Donovan and Chipman Road, Donovan and Ward Road, and Tudor and Ward Road
- With a CID the sales tax is applied only to the retail businesses and property owners inside the stated boundaries. No one outside of the boundaries will be paying for these items.
- If there is an ownership change in the future, what happens to the CID Board and who manages the maintenance fund
- One building had previously been carved out of the CID boundaries but they have recently agreed to become part of the CID
- Entrances will be constructed using concrete
- Storm water detention
- The proposed public art display was chosen because the site had previously been an apple orchard

Ms. Geraldine Amato spoke in favor of this application. Her comments included a private commercial jurisdiction, the international banks cartel, her beliefs that the public is being set up for collapse, bank owned media and school curriculums.

1) [BILL NO. 19-26](#) An Ordinance approving the Petition for establishment of the Summit Orchards Community Improvement District, and approving a Cooperative Agreement to implement the District.

(First Reading by Council on February 19, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 19-26 be advanced to second reading. The motion carried by the following vote:

- Aye:** 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B. [2018-2324](#) Public Hearing - Appl. #PL2018-079 - REZONING from AG to RP-4 and PRELIMINARY DEVELOPMENT PLAN - Artisan Point Apartments, approximately 17.28 acres generally located at the northeast corner of SE Blackwell Rd and SE Blue Pkwy; Case Development, LLC, applicant.

Exhibit A, list of exhibits 1-29 were entered into the record.

Council discussions included:

- The expected absorption rate of multi family units in Lee's Summit
- Sanitary sewer agreement and capacity
- Voiced appreciation to the developer for wanting to come into the community
- Quality of materials
- How lease rates were determined
- Amenities
- Attached and detached garages
- How many buildings would be on the site
- Exterior materials
- Land ownership and how long it has been listed for sale
- Impact on school age children
- Zoning and future development potential of surrounding lots
- History of lease rates
- Downsized the development and agreed to put in a million dollars of infrastructure without any tax incentives
- Thoroughfare master plan
- Is the Developer planning to build and hold or build and sell

Ms. Geraldine Amato spoke in favor of this application. Her comments included building over agricultural land, industrial farms providing food for the masses and her opinion that smaller houses should be built with larger plots of land.

Ms. Marlene Hayley spoke in opposition of this application. Her comments included that over 2,000 petitions were submitted to Planning and Zoning, social media posts, the quality of the proposed apartments, the credibility of the developer, sanitary sewer easement won't be granted by the Summit Mill HOA, and UDO variances. She did not believe the staff letter could be used as part of the legal documentation because it included a reference to the thoroughfare master plan which she stated is not where the future land use maps are located.

Mr. Mark Wood spoke in opposition of this application. His comments included the quality of materials to be used means these are not luxury apartments, small pool so it will be very crowded, they will use out of town workers and it would be preferred to use local workers, RP4 62.72 density is too high, no detention basin for stormwater run-off, and over crowding of schools with several new developments planned for the area.

Mr. Matthew Fuller spoke in opposition of this application. He commented he does not believe this would be a walkable and sustainable community and it is too close in proximity to the school.

Ms. Erin Miller spoke in opposition of this application. Her comments included the possibility of the developer expanding into the 10 acres next to the elementary school in a few years, to be billed as luxury apartments there should be elevators, enclosed parking and breezeways, and there is no plan for ongoing maintenance.

Ms. Jean Owensby, spoke in opposition of this application. Her comments included the density is way too high, over 2,000 residents have voiced their concerns but it seems like they have not been heard, and there is no fence so the kids will be on the school's play ground and in the Summit Mill pool. She stated she would like to have long term residents in the community and added her concern regarding the number of children it would add to the school district.

Mr. Bill Haley spoke in opposition of this application. His comments included questioning the quality of the luxury apartments with few amenities. He stated this development doesn't fit with what the community wants and deserves.

Ms. Shelly Givins spoke in opposition of this application. Her comments included the lack of transparency with the developer, stated occupancy rates, the developers ratings with the Better Business Bureau, Google and Glass Door and police response times.

Ms. Marsha Wood spoke in opposition of this application. Her comments centered on the fact that this development is being advertised as high end apartments and she does not believe they will be high end.

Ms. Teri Preg spoke in opposition of this application. She commented three story apartment buildings will be a huge eye sore when she walks out her back door.

1) [BILL NO. 19-27](#)

An Ordinance approving a rezoning from district AG to district RP-4 and Preliminary Development Plan generally located at the northeast corner of SE Blackwell RD and SE Blue PKWY, proposed Artisan Point Apartments 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

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, that Bill No. 19-27 be advanced to second reading. The motion failed by the following vote:

Nay: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

7. Proposed Ordinances Forwarded from Committee:

- A.** [BILL NO. 19-28](#) An Ordinance authorizing the waiver of the Lee's Summit Housing Authority's payment in lieu of taxes for the Authority's fiscal year ended September 30, 2018 in the amount of \$33,874.16. (F&BC 2-11-19)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 19-28 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that Bill No. 19-28 be adopted and numbered Ordinance No. 8559. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B.** [BILL NO. 19-29](#) An Ordinance approving the 2019 Jackson County Board of Election Commissioners Poll Contracts and authorizing the Mayor to execute the same by and on behalf of the City. (F&BC 2-11-19)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 19-29 be second read. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, that Bill No. 19-29 be adopted and numbered Ordinance No. 8560. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- C. [BILL NO. 19-30](#)** An Ordinance authorizing the Mayor to execute an Intergovernmental Agreement by and between the City of Lee's Summit, Missouri, by and through the Lee's Summit Parks and Recreation Board, and Jackson County, Missouri Parks and Recreation for parking area use and improvements. (F&BC 2-11-19)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Faith, that Bill NO. 19-30 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 19-30 be adopted and numbered Ordinance No. 8561. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

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- D. [BILL NO. 19-31](#) An Ordinance approving the award of Bid No. 2019-014 for Concrete Flat Work, Curb Installation, and Street Repair services on an as-needed basis for a one-year term with up to four, one-year renewals to Quality Custom Concepts, Inc. and authorizing the City Manager to execute the same by and on behalf of the City. (F&BC 2-11-19)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 19-31 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 19-31 be adopted and numbered Ordinance NO. 8562. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- E. [BILL NO. 19-32](#) An Ordinance approving Amendment No. 7 to the budget for the Fiscal Year ending June 30, 2019, as adopted by Ordinance No. 8405, by revising the Authorized Expenditures to Projected Year End Amounts for the City of Lee's Summit. (F&BC 2-11-19)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, that Bill No. 19-32 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Forte, that Bill No. 19-32 be adopted and numbered Ordinance No. 8563. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

8. Proposed Ordinances - First Reading:

- A. [BILL NO. 19-33](#)** An Ordinance accepting the final plat entitled "Hawthorne Ridge, 1st Plat, Lots 1-100 & Tracts A-E" (formally known as Arborwalk North, 1st Plat, Lots 1-100 & Tracts A-E), a subdivision to The City Of Lee's Summit, Missouri.
(First Reading by Council on February 19, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Forte, that Bill No. 19-33 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B. [BILL NO. 19-34](#)** An Ordinance accepting final plat entitled "Monticello, 3rd Plat, Lots 68-108 and Tracts G thru J", as a subdivision to the City of Lee's Summit, Missouri.
(First Reading by Council on February 19, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 19-34 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- C. [BILL NO. 19-35](#)** An Ordinance awarding Bid No. 40252086-1 for the Phase 3 Landfill Gas Collection System Construction to Joe Coleman & Son Environmental Services, Inc. in the amount of \$636,731.73 and authorizing the City Manager to enter into an agreement for the same.
(First Reading by Council on February 19, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 19-35 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

9. Proposed Ordinances - Second Reading:

- A.** [BILL NO. 19-22](#) An Ordinance authorizing the City of Lee's Summit, Missouri to issue Taxable Industrial Development Revenue Bonds in a principal amount not to exceed \$60,000,000 in connection with the Streets of West Pryor Commercial Project; and authorizing certain documents and actions in connection therewith.
(First Reading by Council on February 5, 2019.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 19-22 be adopted and numbered Ordinance No. 8564. The motion carried by the following vote:

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

Nay: 1 - Councilmember Johnson

- B.** [BILL NO. 19-23](#) An Ordinance authorizing the City of Lee's Summit, Missouri to issue Taxable Industrial Development Revenue Bonds in a principal amount not to exceed \$17,000,000 in connection with the Streets of West Pryor Grocery Store Development; and authorizing certain documents and actions in connection therewith.
(First Reading by Council on February 5, 2019.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Lopez, that Bill No. 19-23 be adopted and numbered Ordinance No. 8565. The motion carried by the following vote:

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

Nay: 2 - Councilmember Binney
Councilmember Johnson

- C. [BILL NO. 19-24](#) An Ordinance authorizing the City of Lee's Summit, Missouri to issue Taxable Industrial Development Revenue Bonds in a principal amount not to exceed \$48,000,000 in connection with the Streets of West Pryor Apartment Development; and authorizing certain documents and actions in connection therewith.

(First Reading by Council on February 5, 2019.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Lopez, that Bill No. 19-24 be adopted and numbered Ordinance No. 8566. The motion carried by the following vote:

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

Nay: 2 - Councilmember Binney
Councilmember Johnson

10. Committee Reports

Councilmember Faith announced the February 26, 2019 Public Works Committee meeting has been cancelled.

11. Council Comments:

Councilmember Johnson stated there was an ordinance passed in 2012 that provides definitions for committees. It states the Finance and Budget Committee business will be to recommend purchasing and bid approvals to the full Council.

Councilmember Carlyle shared a contact she received from a constituent asking if there is a measure the City Council could pass to make it stop snowing inside the city limits.

Councilmember Edson mentioned last week the Mayor, Councilmember DeMoro, herself and Mr. Brian Head traveled to Jefferson City for the MML legislative day. They visited with all of their representatives and mentioned some issues coming up in the city that they want their help with. It was a great day and they enjoyed it.

Mayor Baird said he thought the citizens did a good job getting involved in the Public Hearing process early and the Planning Commission did a good job vetting the Artisan Point Apartments thoroughly.

12. Staff Roundtable

Mr. Steve Arbo, City Manager, stated he is very proud of the men and women who drive snow plows and operate the salt equipment, etc. He said he thinks they are putting in every ounce of energy they have available and they are working a lot of long hours.

13. Adjournment

There being no further business, Mayor Baird adjourned Regular Session No. 22 into Closed Session at 10:07 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"