

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

Tuesday, January 7, 2020

6:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 47

Preliminaries:

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

Mayor Baird called Regular Session No. 47 to order at 6:43 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

1. Approval of Agenda

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, to approve the agenda as published. 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

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, to adopt 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

A. [2019-3187](#) Approval of Action Letters from December 3rd, 10th and 17th, 2019.

A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, to approve the December Action Letters 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. [BILL NO. 19-270](#) An Ordinance amending Sections 17-4, 17-303 and 17-307 of Article I. General. of Chapter 17 - Offenses of the Code of Ordinances of the City of Lee's Summit, Missouri by amending the definition of the term Vapor Product; by amending the definition of Smoking; by amending certain provisions related to who may be present in places where smoking is allowed; and, enacting a new Article XI. Vapor Products of Chapter 17 - Offenses., of the Code of Ordinances of the City of Lee's Summit, Missouri dealing generally with the regulation of the use of vapor products in certain locations. (CEDC 12/11/19)
(Note: This Bill was first read by Council on December 17, 2019. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 19-270 be adopted and numbered Ordinance No. 8788 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

3. Council Roundtable

Councilmember Edson congratulated Dr. Darrell Davis who will be sworn into the Missouri Dental Board later this month.

4. Public Hearings:

- A. [2019-3202](#) Public Hearing: Application #PL2019-352 - Rezoning from R-1 to RP-3 and Preliminary Development Plan - The Estates of Chapel Ridge, Lots 23-31 and The Townhomes of Chapel Ridge, Lots 9-30 & Tracts A-F; Engineering Solutions, LLC, applicant.

Exhibit A, list of exhibits 1-23 were entered into the record.

City Council discussions included:

- Vacation of easements effect on Police and Fire
- Four sided architecture
- Clarification of alternate routes
- Maintenance of pond
- Clarification of HOA - still all one HOA
- Walk out basements

There were no speakers in favor of, or opposed to, this application.

- 1) [BILL NO. 20-01](#) An Ordinance approving a rezoning from Districts R-1 and RP-3 to District RP-3 and Preliminary Development Plan for approximately 27 acres located at 4060 NE Ralph Powell Road, proposed The Estates of Chapel Ridge and The Townhomes of Chapel Ridge, 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 City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember DeMoro, that Bill No. 20-01 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

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- B. [2019-3197](#) Public Hearing: Application #PL2019-383 - Vacation of Right-Of-Way - a portion of NE Ralph Powell Road abutting 800 NE Lone Hill Drive; Engineering Solutions, LLC, applicant.

Exhibit A, list of exhibits 1-16 were entered into the record.

City Council discussions included:

-More space between the two units now

There were no speakers in favor of, or opposed to, this application.

- 1) [BILL NO. 20-02](#) An Ordinance vacating dedicated Right-Of-Way for a portion of NE Ralph Powell Road abutting 800 NE Lone Hill Drive, in the City of Lee's Summit, Missouri. (Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 20-02 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. [2019-3223](#) Public Hearing: Application #PL2019-351 - Preliminary Development Plan - Woodside Ridge subdivision pool, 2030 NW O'Brien Road; Clayton Properties Group, Inc., applicant.

Exhibit A, list of exhibits 1-14 were entered into the record.

City Council discussions included:

-Lighting for sports court

-Roofing materials

There were no speakers in favor of, or opposed to, this application.

- 1) [BILL NO. 20-03](#) An Ordinance approving a Preliminary Development Plan located at 2030 NW O'Brien Road in District RP-3, proposed Woodside Ridge subdivision pool, 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 City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember DeMoro, that Bill No. 20-03 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

5. Public Comments:

There were no Public Comments.

6. Resolutions:

- A. [RES. NO. 20-01](#) A Resolution adopting the Amended City Council Schedule of Meetings for 2020.

ACTION: After discussion, a motion was made by Councilmember Binney, seconded by Councilmember Forte, to adopt Resolution No. 20-01. 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. [RES. NO. 20-02](#) A Resolution authorizing the issuance of a Certificate of Completion and Compliance for the Ritter Plaza Tax Increment Financing Plan.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Lopez, to adopt Resolution No. 20-02. 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

7. Proposed Ordinances - First Reading:

- A. [BILL NO. 20-04](#) An Ordinance calling an election to authorize the imposition of a Use Tax for general revenue purposes at a rate equal to the current sales tax rate of 2.25% in the City of Lee's Summit, Missouri.

(Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 20-04 be advanced to second reading.

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, to amend Bill No. 20-04 to include earmarking language such that revenue generated from the Use Tax be expended for the same purpose, and in the same proportion, as the existing General Sales Tax, Transportation Sales Tax, Capital Improvement Sales Tax and Parks and Recreation Sales Tax and to provide an explanation on the ballot stating "If this question is approved, the City of Lee's Summit would begin collecting a Use Tax from sales made to Lee's Summit buyers by online and out-of-state vendors that are not currently taxed. The funds derived from the Use Tax will fund municipal costs and expenses including Police and Fire Safety, Transportation and other Capital Improvements and Parks and Recreation." 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 Forte, seconded by Councilmember Carlyle, that Bill No. 20-04 be advanced to second reading as amended. 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. [BILL NO. 20-05](#) An Ordinance authorizing and directing the issuance of \$9,055,000 principal amount of General Obligation Bonds, Series 2020A, and authorizing certain other documents and actions by the City.

(Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 20-05 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

- C. [BILL NO. 20-06](#) An Ordinance authorizing the execution of a License Agreement between the Lee's Summit R-7 School District and the City of Lee's Summit, Missouri, for the installation and maintenance of a private low pressure sanitary service in the City's Rights-Of-Way on the east side of Smart Road, south of Oldham Parkway. (Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 20-06 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

- D. [BILL NO. 20-07](#) An Ordinance authorizing the execution of a License Agreement by and between and the City of Lee's Summit, Missouri, and John Knox Village, Inc. to permit encroachments in water line easements. (Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 20-07 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

- E. [BILL NO. 20-08](#) An Ordinance vacating a certain easement located at 3620 NE Ralph Powell Road in the City of Lee's Summit, Missouri. (Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

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ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, that Bill No. 20-08 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

- F.** [BILL NO. 20-09](#) An Ordinance vacating certain utility easements located at 114 SE Douglas Street in the City of Lee's Summit, Missouri.
(Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, that Bill No. 20-09 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

- G.** [BILL NO. 20-10](#) An Ordinance vacating certain utility easements in the Streets of West Pryor development, generally located at the northwest corner of NW Pryor Road and NW Chipman Road, in the City of Lee's Summit, Missouri.
(Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 20-10 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

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- H. [BILL NO. 20-11](#) An Ordinance vacating a certain water line easement located at 5030 NE Lakewood Way in the City of Lee's Summit, Missouri.
(Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Binney, that Bill No. 20-11 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

- I. [BILL NO. 20-12](#) An Ordinance approving the Land Clearance for Redevelopment Authority (LCRA) Policy and adding the LCRA Policy to the Economic Development Incentive Policy for the City of Lee's Summit, Missouri.
(Note: First reading by City Council was done on January 7, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 20-12 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

8. Proposed Ordinances - Second Reading:

- A. [BILL NO. 19-271](#) An Ordinance approving the award of RFQ No. 2020-018 for the preparation of a new Comprehensive Plan to Shockey Consulting Services, LLC for an amount not to exceed \$500,000.00 and authorizing the City Manager to execute agreements for the same by and on behalf of the city.
(Note: This Bill was first read by Council on December 17, 2019.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Lopez, that Bill No. 19-271 be adopted and numbered Ordinance No. 8789. The motion carried by the following vote:

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

Nay: 1 - Councilmember Johnson

Absent: 1 - Councilmember Faith

9. Committee Reports

Councilmember Johnson mentioned there will be a Finance and Budget Committee meeting at 5:30 p.m. on Monday, January 13, 2020 in the City Council Chambers at City Hall.

Councilmember Forte reported CEDC (Community and Economic Development Committee) will be meeting in the City Council Chambers tomorrow, January 8, 2020 at 4:00 p.m.

10. Council Comments:

Councilmember Carlyle reminded everyone tomorrow night, January 8, 2020 at 6:00 p.m. there will be a Candidate workshop in the City Council Committee Room at City Hall. It is an informational meeting for anyone who is already signed up to run for City Council, or who may want to run for City Council, on the April 7, 2020 ballot.

Councilmember Forte asked why a candidate workshop is held before the last day to file. (Note: The last day for candidate filing is January 21, 2020). Mr. Steve Arbo, City Manager, explained it is held to give possible candidates information about what is required of Councilmembers while there is still time to file, or withdraw their name, before the deadline.

Councilmember Binney asked if the City Council needs to direct staff, or send to committee, Council support of staff to work with MoDOT to vacate the old section of 291 highway mentioned in the development application earlier in the meeting. There was a consensus of the Council to direct staff to pursue options with MoDOT to vacate that section of roadway.

11. Staff Roundtable

Mr. Steve Arbo, City Manager, expressed condolences, and pledged the support of the City of Lee's Summit, to all metropolitan area municipal staff, especially Firefighters, for the loss of a young firefighter in our region. He said this is just a reminder that municipal employees make sacrifices in many ways to serve the community.

Mayor Baird added we also lost a fellow police officer from the City of Independence.

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Assistant Fire Chief Jim Eden reported the visitation for the fallen firefighter will be at Abundant Life Church on Friday evening (January 10, 2020) with funeral Saturday morning at 11:00 a.m. with procession to follow. There will be a large presence of the Fire Service Community in Lee's Summit.

12. Adjournment

There being no further business, Mayor Baird adjourned Regular Session No. 47 at 8:48 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"