



The City of Lee's Summit

Final Agenda

Legislative and Intergovernmental Relations Committee

Thursday, October 21, 2021

11:30 AM

Via Video Conference

Notice is hereby given that the Legislative and Intergovernmental Relations Committee of the City of Lee's Summit will meet on Thursday, October 21, 2021 at 11:30 am 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 may do so by sending a request prior to 5:00 p.m. on Wednesday, October 20, 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

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Public Comments**
5. **Business**
 - A. [2021-4420](#) Approval of the City Council Legislative Intergovernmental Relations Committee Action Letter for September 23, 2021.
 - B. [2021-4366](#) Continued Discussion of Legislative Priorities
 - 1) [2021-4447](#) Discussion of language for eminent domain and local election priorities
6. **Roundtable**
7. **Adjournment**

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"

Packet Information

File #: 2021-4420, **Version:** 1

Approval of the City Council Legislative Intergovernmental Relations Committee Action Letter for September 23, 2021.



The City of Lee's Summit
Action Letter - Draft
Legislative and Intergovernmental Relations Committee

Thursday, September 23, 2021

11:30 AM

Via Video Conference

Notice is hereby given that the Rules Committee of the City of Lee's Summit will meet on Thursday, September 23, 2021 at 11:30 am 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 may do so by sending a request prior to 5:00 p.m. on Wednesday, September 22, 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.

1. Call to Order

Chairperson Carlyle called the meeting to order at 11:32 a.m.

2. Roll Call

Staff in Attendance:

Brian Head

Jina Bellamy

Present: 3 - Chairperson Trish Carlyle
Vice Chair Bob Johnson
Councilmember Andrew Felker

Absent: 1 - Mayor Bill Baird

3. Approval of Agenda

Councilmember Felker made a motion to approve the agenda for the September 23, 2021 Legislative Intergovernmental Relations Committee. Motion was seconded by Councilmember Johnson. All were in favor. Vote 3-0-1 (Mayor Baird was absent from the meeting). Motion passed.

Aye: 3 - Chairperson Carlyle
Vice Chair Johnson
Councilmember Felker

Absent: 1 - Mayor Baird

4. Public Comments

There were no public comments.

5. Items for Discussion

- A. [2021-4365](#) Approval of the Action Letter for May 10, 2021 Legislative Intergovernmental Relations Committee.

Councilmember Johnson made a motion to Approve the Action Letter for the May 10, 2021 Legislative Intergovernmental Relations Committee. Councilmember Felker seconded the motion. All were in favor. Vote 3-0-1 (Mayor Baird absent). Motion passed.

Aye: 3 - Chairperson Carlyle
Vice Chair Johnson
Councilmember Felker

Absent: 1 - Mayor Baird

- B. [2021-4366](#) Legislative Priorities.

The Committee discussed the following possible changes to the Legislative Priorities.

1. Add: Eminent Domain (place holder)

**Brian Head, City Attorney will find out more information on HB1944-2006 and send out to the Committee.

2. Add: Local Elections (place holder)

3. Remove: "Online and brick and mortar stores should be taxed equally"

- C. [2021-4367](#) Discuss Roles and Responsibilities of the Legislative Intergovernmental Relations Committee.

Brian Head reminded the Committee of Section 2.60.3 which lists out the role of the Committee.

6. Roundtable

The Committee decided to hold the future Legislative Intergovernmental Relations Committee meetings on the Third Thursday of each month (as needed) at 11:30 a.m. by Zoom.

7. Adjournment

Chairperson Carlyle adjourned the meeting at 12:00 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"

Packet Information

File #: 2021-4366, **Version:** 1

Continued Discussion of Legislative Priorities

Continued Discussion from the September 23, 2021 meeting: Attached is the 2021 Legislative Priorities and a copy in Word Format with suggested edits and place holders of topics as previously discussed. This is the working document for 2022 Legislative Priorities.

Update 10-12-21: During the last meeting the Committee asked staff to locate a bill from 2016 that made changes to eminent domain authority of cities. That bill is attached for the information of the Committee. Additionally, staff will provide a verbal report on the likely new eminent domain issue for this legislative session.

2021

LEGISLATIVE *priorities*



COMMUNITY

Lee's Summit is a premier community in the Kansas City area. With a population of more than 99,500, we enjoy many attributes of a significant city within a major metropolitan area, while still maintaining our small-town charm.

Lee's Summit is often recognized nationally for our great shopping opportunities, outstanding community health facilities, and award-winning parks and schools - including the Missouri Innovation Campus. We strive to make educational, social and recreational opportunities available to our residents and businesses in order to pursue their lifelong goals. Our residents are our top priority.



TRANSPORTATION

We support...

- Revising the current revenue models and methods for funding transportation.
- Cost-sharing opportunities for projects in our City.
- The City's efforts to obtain funding for priority projects within the community including local rail, air and roadways.



REVENUE

- Citizens desire local control of revenue sources.
- Opportunity for revenue should be fair to all.
- Online and brick-and-mortar stores should be taxed equally.
- Support video-streaming legislation that protects municipal revenue.



MUNICIPAL AUTHORITY

We believe...

- The best government is closest to the people in local:
 - Land-use decisions.
 - Control of right of ways.
 - Transportation and housing regulations.



ECONOMIC DEVELOPMENT

- Maintain local authority over economic incentive tools.
- Encourage workforce development partnerships. Provide workforce with higher education, trade and vocational opportunities.
- Maintain the authority of special taxing districts to approve taxes within their boundaries.
- Support economic development tools to encourage next generation and high-tech businesses.
- Explore opportunities for growth in tourism and recreation.



LEE'S SUMMIT
MISSOURI

cityofLS.net | 816.969.1010

COMMUNITY

Lee's Summit is a premier community in the Kansas City area. With a population of more than 99,500, we enjoy many attributes of a significant city within a major metropolitan area, while still maintaining our small-town charm.

Lee's Summit is often recognized nationally for our great shopping opportunities, outstanding community health facilities, and award-winning parks and schools - including the Missouri Innovation Campus. We strive to make educational, social and recreational opportunities available to our residents and businesses in order to pursue their lifelong goals. Our residents are our top priority.

TRANSPORTATION

We support...

Revising the current revenue models and methods for funding transportation.

Cost-sharing opportunities for projects in our City.

The City's efforts to obtain funding for priority projects within the community including local rail, air and roadways.

REVENUE

Citizens desire local control of revenue sources.

Opportunity for revenue should be fair to all.

~~Online and brick-and-mortar stores should be taxed equally.~~

Support video-streaming legislation that protects municipal revenue.

MUNICIPAL AUTHORITY

We believe...

The best government is closest to the people in local:

Land-use decisions.

Control of right of ways.

Transportation and housing regulations.

ECONOMIC DEVELOPMENT

Maintain local authority over economic incentive tools.

Encourage workforce development partnerships. Provide workforce with higher education, trade and vocational opportunities.

Maintain the authority of special taxing districts to approve taxes within their boundaries.

Support economic development tools to encourage next generation and high-tech businesses.

Explore opportunities for growth in tourism and recreation.

NEW ITEMS TO ADD:

Maintain Eminent Domain Authority

Maintain nonpartisan local elections

CCS SS SCS HCS HB 1944 -- EMINENT DOMAIN

This bill changes the laws regarding the use of eminent domain. The power of eminent domain will be vested in governmental entities or agencies whose governing body is elected or appointed by elected officials, private utility companies, public utilities, rural electric cooperatives, municipally owned utilities, pipelines, railroads, and common carriers. In its main provisions, the bill:

(1) Specifies that private property may only be taken through the use of eminent domain after determining blight of the property or the taking is for a public use and not without just compensation;

(2) Defines "fair market value," "heritage value," "farmland," and "homestead taking";

(3) Specifies that farmland will not be determined to be blighted;

(4) Requires that for all condemnations filed after December 31, 2006, just compensation for condemned property will be determined by fair market value, homestead taking which is fair market value multiplied by 125%, or heritage taking which is fair market value multiplied by 150%;

(5) Specifies that all displaced residential individuals eligible for assistance will receive a \$1,000 fixed moving expense payment or the actual reasonable costs of relocation not including the cost of replacement property. All displaced businesses eligible for relocation assistance can choose to receive a \$3,000 fixed moving expense or the actual costs of moving and up to \$10,000 for reestablishment expenses;

(6) Requires the circuit judge presiding over the condemnation to determine after the filing of the commissioners' report whether a homestead taking has occurred and whether heritage value is to be paid to the property owner;

(7) Specifies that at least 60 days prior to initiating negotiations to acquire a property interest, the condemning authority must give a written notice to the owner of record identifying the interest in real property to be acquired; the purpose for which the property is being condemned; and a statement of the property owner's rights including the right to seek legal counsel, to make a counteroffer and engage in negotiations, to obtain the landowner's own appraisal, to contest the condemnation proceeding, and to have just compensation determined preliminarily by court-appointed condemnation

commissioners and, ultimately, a jury. The jury will consider the same factors as those used for determining just compensation when blighted property or property for a public use is taken. If the property owner obtains his or her own appraisal, it must be delivered to the condemning authority within 60 days from the date of the notice;

(8) Specifies that a written offer must be presented to the property owners of record at least 30 days before filing a condemnation petition;

(9) Requires that before a condemning authority may proceed with a condemnation, there must be a court determination that proper and timely notice was given to all property owners, an initial offer no lower than the appraisal amount was given, and that the landowner was given an opportunity to obtain his or her own appraisal from a state-licensed or state-certified appraiser of his or her choice. If the court finds good faith negotiations have not taken place, the court must dismiss the condemnation petition and order the condemning authority to reimburse the owner for his or her actual reasonable attorney fees and costs;

(10) Requires the court to order payment of the landowner's legal fees and expenses and award damages accruing as a direct and proximate result of the pendency of the condemnation if the condemning authority abandons condemnation prior to the final judgment of the court;

(11) Specifies that no condemning authority can acquire private property through the use of the power of eminent domain for solely economic development purposes and defines "economic development" to mean a use of a specific piece of property which would provide an increase in the tax base, tax revenues, employment, and general economic health for any political subdivision;

(12) Requires the condemning authority to individually consider each parcel of property in an area with regard to whether the property is blighted. If the condemning authority finds a preponderance of the area is blighted, it may proceed with the condemnation of any parcel in the area;

(13) Specifies that property interests acquired through eminent domain by private utility companies, public utilities, rural electric cooperatives, municipally owned utilities, or common carriers are fixed and determined by the particular use for which the property was acquired. Any expanded use of the property will require additional eminent domain proceedings to acquire the additional rights;

(14) Establishes an Office of Ombudsman in the Office of Public Counsel within the Department of Economic Development to assist citizens seeking information regarding the condemnation process and procedures;

(15) Specifies that blanket easements will be void as against public policy and will be unenforceable;

(16) Allows any financial gain to the property owner arising from a condemnation action to be deducted from the taxpayer's federal adjusted gross income when calculating his or her Missouri adjusted gross income;

(17) Specifies that any easements acquired after December 31, 2006, and abandoned in whole for a period in excess of 10 years may be vacated by a court of competent jurisdiction and upon the property owner paying monetary consideration equal to the original consideration paid by the easement holder. The holder of the easement must be a party to the action and may be allowed to maintain the easement upon a showing, in good faith, that the holder plans to make future use of the easement; and

(18) Specifies that within 30 days of the initial notice by the condemning authority, a landowner may propose an alternative location on his or her property which must be considered by the condemning authority.

CCS SS SCS HCS HB 1944 -- EMINENT DOMAIN

This bill changes the laws regarding the use of eminent domain. The power of eminent domain will be vested in governmental entities or agencies whose governing body is elected or appointed by elected officials, private utility companies, public utilities, rural electric cooperatives, municipally owned utilities, pipelines, railroads, and common carriers. In its main provisions, the bill:

(1) Specifies that private property may only be taken through the use of eminent domain after determining blight of the property or the taking is for a public use and not without just compensation;

(2) Defines "fair market value," "heritage value," "farmland," and "homestead taking";

(3) Specifies that farmland will not be determined to be blighted;

(4) Requires that for all condemnations filed after December 31, 2006, just compensation for condemned property will be determined by fair market value, homestead taking which is fair market value multiplied by 125%, or heritage taking which is fair market value multiplied by 150%;

(5) Specifies that all displaced residential individuals eligible for assistance will receive a \$1,000 fixed moving expense payment or the actual reasonable costs of relocation not including the cost of replacement property. All displaced businesses eligible for relocation assistance can choose to receive a \$3,000 fixed moving expense or the actual costs of moving and up to \$10,000 for reestablishment expenses;

(6) Requires the circuit judge presiding over the condemnation to determine after the filing of the commissioners' report whether a homestead taking has occurred and whether heritage value is to be paid to the property owner;

(7) Specifies that at least 60 days prior to initiating negotiations to acquire a property interest, the condemning authority must give a written notice to the owner of record identifying the interest in real property to be acquired; the purpose for which the property is being condemned; and a statement of the property owner's rights including the right to seek legal counsel, to make a counteroffer and engage in negotiations, to obtain the landowner's own appraisal, to contest the condemnation proceeding, and to have just compensation determined preliminarily by court-appointed condemnation

commissioners and, ultimately, a jury. The jury will consider the same factors as those used for determining just compensation when blighted property or property for a public use is taken. If the property owner obtains his or her own appraisal, it must be delivered to the condemning authority within 60 days from the date of the notice;

(8) Specifies that a written offer must be presented to the property owners of record at least 30 days before filing a condemnation petition;

(9) Requires that before a condemning authority may proceed with a condemnation, there must be a court determination that proper and timely notice was given to all property owners, an initial offer no lower than the appraisal amount was given, and that the landowner was given an opportunity to obtain his or her own appraisal from a state-licensed or state-certified appraiser of his or her choice. If the court finds good faith negotiations have not taken place, the court must dismiss the condemnation petition and order the condemning authority to reimburse the owner for his or her actual reasonable attorney fees and costs;

(10) Requires the court to order payment of the landowner's legal fees and expenses and award damages accruing as a direct and proximate result of the pendency of the condemnation if the condemning authority abandons condemnation prior to the final judgment of the court;

(11) Specifies that no condemning authority can acquire private property through the use of the power of eminent domain for solely economic development purposes and defines "economic development" to mean a use of a specific piece of property which would provide an increase in the tax base, tax revenues, employment, and general economic health for any political subdivision;

(12) Requires the condemning authority to individually consider each parcel of property in an area with regard to whether the property is blighted. If the condemning authority finds a preponderance of the area is blighted, it may proceed with the condemnation of any parcel in the area;

(13) Specifies that property interests acquired through eminent domain by private utility companies, public utilities, rural electric cooperatives, municipally owned utilities, or common carriers are fixed and determined by the particular use for which the property was acquired. Any expanded use of the property will require additional eminent domain proceedings to acquire the additional rights;

(14) Establishes an Office of Ombudsman in the Office of Public Counsel within the Department of Economic Development to assist citizens seeking information regarding the condemnation process and procedures;

(15) Specifies that blanket easements will be void as against public policy and will be unenforceable;

(16) Allows any financial gain to the property owner arising from a condemnation action to be deducted from the taxpayer's federal adjusted gross income when calculating his or her Missouri adjusted gross income;

(17) Specifies that any easements acquired after December 31, 2006, and abandoned in whole for a period in excess of 10 years may be vacated by a court of competent jurisdiction and upon the property owner paying monetary consideration equal to the original consideration paid by the easement holder. The holder of the easement must be a party to the action and may be allowed to maintain the easement upon a showing, in good faith, that the holder plans to make future use of the easement; and

(18) Specifies that within 30 days of the initial notice by the condemning authority, a landowner may propose an alternative location on his or her property which must be considered by the condemning authority.

Packet Information

File #: 2021-4447, **Version:** 1

Discussion of language for eminent domain and local election priorities