



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

Tuesday, December 7, 2021

6:00 PM

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

*****AMENDED*** REGULAR SESSION NO. 51**

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, December 7, 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, December 6, 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. 51 to order at 6:04 pm.

- D. Roll Call

Present: 8 - Mayor Bill Baird
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Andrew Felker
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez
Councilmember Hillary Shields

Absent: 1 - Councilmember Trish Carlyle

1. Approval of Agenda

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

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, to approve the Consent Agenda Items 2.A. - 2.D. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

A. [2021-4467](#) Approval of City Council Action Letter from November 16, 2021.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that the City Council Action Letter from November 16, 2021 be approved as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

B. [2021-4546](#) Mayor's Appointments:

Board of Aeronautic Commissioners: Appoint Bill Haley, term to expire 9-14-25.

Commission for Diversity and Inclusion: Appoint Dr. Roger Williams

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that the Mayor's appointments be approved as part of the Consent Agenda. The motion carried by the following vote:

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Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

- C. [BILL NO. 21-241](#) An Ordinance amending Chapter 26, Streets, Sidewalks and Other Public Places, and Chapter 29, Traffic and Motor Vehicles, of the City Code of the City of Lee's Summit, Missouri, to provide for various devices and vehicles, certain user regulations and applicable service provider operations within the rights-of-ways and to amend the Schedule of Fees and Charges for the City of Lee's Summit to establish associated fees and charges for right of way use or infrastructure use related thereto. (PWC 11/08/21)
(First read by Council on November 16, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-241 be adopted and numbered Ord. No. 9293 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

- D. [BILL NO. 21-242](#) An Ordinance vacating a certain easement located at 2030 NW O'Brien Road in the City of Lee's Summit, Missouri.
(First read by Council on November 16, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 21-242 be adopted and numbered Ord. No. 9294 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

3. Council Roundtable

Councilmember Felker noted the filing season has started for the municipal

election today, and the last day to file will be December 28, 2021.

Councilmember Forte stated the Mayor's Christmas Tree Lighting was a big success and she was happy to see so many people, especially kids, getting to enjoy the event.

Councilmember DeMoro said Mr. Dom Bennett of Water Utilities had an amazing performance and he felt he is very talented.

4. Public Hearings:

- A. [2021-4505](#) Public Hearing: Application #PL2021-289 - Preliminary Development Plan - ReNourish Counseling Office, 102 SW 2nd Street; ReNourish, applicant.

Mr. Josh Johnson, Assistant Director of Plan Services, entered Exhibits 1-20 into the record.

There was no Council discussion.

No one spoke in favor or in opposition to this application.

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 21-243](#) An Ordinance approving a Preliminary Development Plan located at 102 SW 2nd Street, proposed ReNourish counseling office in district TNZ, in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.
(Note: First read by Council on December 7, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Shields, that Bill No. 21-243 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

- B. [2021-4498](#) Public Hearing: Application #PL2021-346 - Rezoning from AG to RLL - 2013 SW Sampson Road; Nicholas P. Sallas and Carla E. Sallas, applicants.

Mr. Josh Johnson, Assistant Director of Plan Services, entered Exhibits 1-17 into the record.

Council Discussion:
Rezoning of like areas
Size of Lots
Minimum size

Acreage Minimums
Parcel vs. platted
Septic Systems
Dwellings vs. Buildings (how many allowed)
Platted prior to UDO

No one spoke in favor or in opposition to this application.

Ms. Teresa Vollenweider stated the lot must be larger than 10 acres for AG rezoning. She feels other properties are not allowed to do this.

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 21-244](#) An Ordinance approving a rezoning from District AG to District RLL for approximately 4.93 acres located at 2013 SW Sampson Road 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 read by Council on December 7, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember Forte, that Bill No. 21-244 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

- C. [2021-4506](#) Public Hearing: Application #PL2021-367 - Preliminary Development Plan - The Villas of Chapel Ridge and The Townhomes of Chapel Ridge revised architectural elevations, 4008 NE Independence Avenue and 4060 NE Ralph Powell Road; Engineering Solutions, LLC, applicant.

Mr. Josh Johnson, Assistant Director of Plan Services, entered Exhibits 1-19 into the record.

Council Discussion:
Thru roadway
Traffic congestion
line up with Medford

No one spoke in favor or in opposition to this application.

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 21-245](#) An Ordinance approving a Preliminary Development Plan requesting the revision of a certain Section #5 from approval Ordinance No. 6106 for the Chapel Ridge Mixed Use Development architectural elevations in Districts RP-1 and RP-3, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.
(Note: First read by Council on December 7, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Shields, that Bill No. 21-245 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

- D. [2021-4529](#) Public Hearing: Application #PL2021-355 - Special Use Permit renewal for automotive sales - Pinnacle Auto Sales, 516 SW 3rd Street; Tenland, LLC, applicant.

Mr. Josh Johnson, Assistant Director of Plan Services, entered Exhibits 1-20 into the record.

Council Discussion:
SUP following sale of business
Must notify City
Follow City Process
Revocations of SUP's

No one spoke in favor or in opposition to this application.

Ms. Teresa Vollenweider stated that SUP's are never revoked no matter how many complaints are made and this has happened to her close to her property and a baseball field.

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 21-246](#) An Ordinance granting a special use permit renewal for car sales in district CP-2 on land located at 516 SW 3rd Street, Pinnacle Auto Sales, for a period of ten (10) years from the current permit expiration date, to expire on December 21, 2031, all in accordance with Article 6 within the Unified Development Ordinance, for the city of Lee's Summit, Missouri.
(Note: First read by Council on December 7, 2021. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Felker, that Bill No. 21-246 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

5. Public Comments:

Ms. Teresa Vollenweider spoke about issues she has faced regarding the City being incompetent when it comes to easements, surveys, ownership of property, etc. She asked Council to watch the performance of staff as they are public employees and her taxes pay them.

6. Presentations:

A. [2021-4494](#) Presentation: Advisory Commissions Realignment Strategy

Council Discussion:
501c(3) groups
Committee collaboration
Advisory Committee process
Number of people
Conversations with current chairs
Magnifying participation
Structure
Resources
Authority
Groups
Scope
Alignment
Transition Plans

This matter will be brought before Council again to discuss further before considering any ordinances to make these changes.

This Presentation was presented.

B. [2021-4450](#) Presentation: Update on 291 North Interchange Project - Agreements with Missouri Highways and Transportation Commission and Lee's Summit R-7 School District

Council Discussion:
Facility Project - Relocation of Highway Patrol Building - Cost
Cost Share Letter timeline
Parking Lot Cost

Browning Property

This Presentation was presented.

- 1) [BILL NO. 21-247](#) An Ordinance Approving the Missouri Highways and Transportation Commission Cost Share Agreement Between the City of Lee's Summit, Missouri, and the Missouri Highways and Transportation Commission for State Project Number J4P3196 for the 291 North and Highway 50 Interchange Project.
(Note: First read by Council on December 7, 2021.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember DeMoro, that Bill No. 21-247 be advanced to second reading. The motion carried by the following vote:

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

Nay: 1 - Councilmember Johnson

Absent: 1 - Councilmember Carlyle

- 2) [BILL NO. 21-248](#) An Ordinance approving the Cooperative Agreement between the City of Lee's Summit, Missouri, and the Lee's Summit R-7 School District for the 291 North and Highway 50 Interchange Project.
(Note: First read by Council on December 7, 2021.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that this Ordinance 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: 1 - Councilmember Carlyle

Abstain: 1 - Councilmember Felker

- C. [2021-4516](#) Presentation: Health Department Update

Council Discussion:

Does this require voter approval

Comparator Costs (\$950K - \$7M)

Taxes / County (double taxing citizens)

Services and costs of services

Not Cost Effective

Discuss again at a later time

This Presentation was presented.

7. Resolutions:

- A. [RESOLUTION NO. 21-27](#) A Resolution adopting the 2022 Legislative Intergovernmental Program for the City of Lee's Summit, Missouri.

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Resolution No. 21-27 be adopted. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Forte
Councilmember Johnson
Councilmember Lopez
Councilmember Shields

Absent: 1 - Councilmember Carlyle

8. Proposed Ordinances - Second Reading:

- A. [BILL NO. 21-235](#) An Ordinance approving a rezoning from CP-2 (Planned Community Commercial) to District RP-4 (Planned Apartment Residential) and preliminary development plan for Douglas Station Apartments, located at 3 NE Sycamore St and 1141 NW Sloan St., 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.
(First read by Council on November 16, 2021.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 21-235 be adopted and numbered Ord. No. 9295. The motion carried by the following vote:

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

Nay: 3 - Councilmember Felker
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Carlyle

9. Committee Reports

Councilmember Forte stated there will be a Community and Economic Development Committee meeting tomorrow, Wednesday, December 8th at 5:00 pm.

10. Council Comments:

Councilmember Shields noted that she and Councilmember Forte had heard from several business in downtown Lee's Summit about some challenges regarding the new encroachment policy. She feels that what was trying to be accomplished is not really being accomplished in the way it was proposed and

businesses are being made to remove benches and decorations. She would like to revisit the policy for clarification of the process.

Councilmember Forte stated she and Councilmember Shields have a meeting set up with staff to discuss these issues and they hope to have a better understanding of the process as well as voice the concerns of the downtown businesses to staff.

11. Staff Roundtable

Mr. Steve Arbo, City Manager, stated he would work with Council, staff and business owners in downtown Lee's Summit to find a resolution to the issues with the encroachment policy.

12. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 51 into Closed Session at 9:17 pm.

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"