

	<b>City of Lee's Summit Law Department Memorandum</b>	
	<b>To:</b>	Mayor and City Council
	<b>From:</b>	David Bushek, Chief Counsel of Economic Development & Planning
	<b>Date:</b>	October 18, 2022 Updated December 6, 2022 <b>** Updated March 14, 2023 **</b>
	<b>Re:</b>	Downtown Market Plaza – Status Report to City Council

This is a summary of the actions that have occurred since the September 13, 2022 City Council meeting, at which the City Council approved the Chapter 353 Redevelopment Plan and the Development Agreement with Lane4 Property Group.

**\*\* Update March 14, 2023 \*\***

**Project Design** – Project design work continues by GLMV in coordination with City staff and the other contracting parties that are involved with design. Weekly meetings are being held to discuss design issues. The City is evaluating options for the treatment of Green Street, including either maintaining a two-way street or permanently closing Green Street. The Downtown CID has been involved with design discussions for the Farmers Market Pavilion. It is anticipated that certain significant design decisions will be presented to the City Council in April which will guide the overall design of the public components, including the functionality and operation of the Civic Plaza and its integration with Green Street and the main project area.

**Options for Budget Development** – A list of primary design decisions will be presented to the City Council in April which will then allow City staff to prepare a preliminary budget that follows the design preferences of the City Council.

**353 Redevelopment Corporation** – On February 27, 2023, the Corporation Board of Directors met and passed Resolution 2023-1 that approved formation of the Advisory Committee to the Corporation. The Advisory Committee is the entity that will hold meetings to receive input on the programming and operations of the public components of the Market Plaza from interested stakeholders, citizens and businesses. The Advisory Board will elect a chair and commence operations.

**MDFB Application** – On February 21, 2023, Mayor Baird and City staff made a presentation to the Missouri Development Finance Board of Directors for the City's Tax Credits for Contributions Program. It is expected that MDFB will render a decision on the applicant at the next regularly scheduled meeting.

**Land Acquisition** – City staff continues to discuss land acquisition issues with AT&T representatives. The survey of the West Lot on the AT&T property has been completed.

**Infrastructure & Site Work** – A thorough evaluation of the infrastructure and site work that will be needed to prep the site for development is underway. The location of all utilities have been mapped. Utility relocation issues are being discussed with the impacted utility companies.

**Fundraising and Private Donations** – City staff is evaluating the range of options that are available for obtaining, receiving and spending donations in support of the project.

**Pre-Construction Contract** – The contract with McCown Gordon is on this City Council agenda for first reading of the ordinance.

**Ice House Evaluation for Salvage Items** – Continued evaluation of the Ice House materials has resulted in several possible scenarios. Unfortunately, the majority of the limestone material cannot withstand paint removal and has limited application for exterior site improvements. The cost of an extensive salvage effort has also been analyzed, and is attached to this memo. It is recommended that the Ice House be commemorated through a combination of preservation photographs, interpretive displays, and the re-use of a minimal amount of stone, wood and steel. A display is being considered to be located inside the Farmers Market Pavilion along a solid wall at the northwest corner of the building. This would place it near Green Street and in an area with high pedestrian traffic. The display would predominantly feature photographs and some of the stone, wood and steel from the building. The design, fabrication and installation of the display will be facilitated through the site's public art commission process. The most important salvage item will be the 1896 keystone. Additional materials could be made available to the public during the demolition process, however those materials would not necessarily be protected during the demolition process. It is anticipated that this could be coordinated with the Lee's Summit Historical Society.

**Environmental Remediation & Demolition**

Due to the uncertainty with the Ice House salvage materials, the scope for environmental remediation and demolition is proposed to be included with the McCown Gordon scope of work moving forward.

**Update December 6, 2022**

**Stage of Project Design** – The project remains at the conceptual level design, pending further input from the City Council. Included in this meeting packet are the current renderings that have been produced by GLMV for the public components of the project.

**Sources and Uses** – City staff and Lane4 have continued to refine the Source and Uses for the project. A revised Sources and Uses page is included in the packet with this memorandum. The Sources includes all funds previously appropriated by the City Council for the project, and certain funds that the City Council would need to appropriate in the future. The Sources also includes an amount that the City will be seeking from the Missouri Development Finance Board from the Tax Credits for Contributions program, which is a discretionary and competitive funding source that the City will be seeking in early 2023.

**Pre-Construction Services** -- An RFQ was released on October 27, 2022 by Lane4 for pre-construction services to assist with more accurate pricing as the project moves forward. On November 21, 2022,

Lane4 selected McCown Gordon for these services. McCown Gordon worked on the Independence and Overland Park farmer's market pavilion projects.

**Ice House Evaluation for Salvage Items** – A site visit was held with SCS Engineers, GLMV, and City Staff to identify items of significance to be salvaged from the Ice House structure. Specifications are currently being developed for inclusion in the upcoming bid documents for the demolition work. These specifications will outline the requirements for items to be saved and the storage of the items until their ultimate use is determined. The specifications are anticipated to be complete before the estimated advertising period in January 2023.

**Environmental Remediation & Demolition** – City staff continues to work with SCS Engineers and GLMV to prepare the bid documents associated with the environmental remediation and demolition work. This aspect of the project is taking more time than a standard demolition scope of services due to the specialized nature of salvaging certain components of the Ice House structure. The projected schedule is to release the bid package in mid-January 2023, take the resulting bids to the Public Works Committee on February 13, 2023, and thereafter the City Council. Under this schedule, the notice to proceed for remediation and demolition would occur in March 2023.

**Land Acquisition** – City staff has held discussions with AT&T representatives in the last two weeks to make progress on land acquisition efforts for the project. These discussions will continue.

**MDFB Tax Credits Application** – Staff has engaged in further discussions with MDFB staff and legal counsel since the October 2022 update to the City Council. The application is still being prepared with refinements based on these discussions with MDFB staff and is expected to be filed soon in draft form to gather further feedback from MDFB staff.

### **Original Memorandum from October 18, 2022**

**Standing Bi-Weekly Work Meetings** – City staff continues to meet with Lane4 on a bi-weekly basis to work on project issues. These meetings are scheduled to continue throughout the year and into next year.

**Stage of Project Design** – We are currently at a conceptual level design and need to progress that to a Schematic Design (approx. 30%) then through Design Development (approx. 75%) and ultimately to Construction Documents (100%). Prior to progressing with the design documents, the conceptual design needs to be finalized. To finalize the conceptual design, updated pricing and adjustments to the plan will be necessary. An RFQ is close to being released for pre-construction services to assist with more accurate pricing as the project moves forward. We are currently working on the remainder of the design schedule. As the design progresses there will be several updates made to the City Council and the project will ultimately go through the Zoning and Preliminary Development Plan process.

**Redevelopment Corporation** – The first meeting of the Board of Directors for the Chapter 353 Downtown Market Plaza Redevelopment Corporation was held on Wednesday, October 12, 2022. The Board passed a slate of resolutions to commence operations of the Corporation. The Board will hold future meetings as needed to implement the functions of the Redevelopment Corporation.

**Ice House Evaluation for Salvage Items** – On Wednesday, October 12, 2022, City staff and GLMV visited the Ice House and conducted an initial evaluation of the items that can be salvaged for future use in the

project. This information will be used in preparation for the demolition specification to be included in the bid documents for remediation and demolition. The final use of the Ice House elements will be determined during the next stages of the design process.

**Environmental Remediation & Demolition**– City staff is working with SCS engineers to prepare the environmental remediation and demolition scope and bid documents for the demolition of the structures. The work being performed by SCS will be combined with the historic salvage work being performed by GLMV to complete the bid documents. Staff anticipated being able to advertise for bid in about 4 weeks. Once the project is advertised, it is anticipated to take approximately 8 weeks before a notice to proceed (NTP) is able to be issued. Prior to the NTP, the contract will be brought before the Public Works Committee and the City Council as a whole for approval. Once the NTP is issued, there will be some time for the environmental remediation (i.e. asbestos and lead paint abatement) to occur prior to the buildings being demolished.

**Project Budget** – Attached is the current budget for the overall Project. Certain funding is subject to future City Council action and appropriation, which we plan to bring forward at a future City Council meeting. This budget will be used in applications made with state agencies for Project funding.

**Downtown Lee’s Summit Main Street Update** – On Tuesday, October 11, 2022, Lane4, GLMV and City staff attended a meeting of the Downtown Main Street organization and provided an update on the project.

**Land Acquisition** – City staff is working on a communication to advance land acquisition efforts for the project.

**MDFB Tax Credits Application** – City staff has discussed the City’s application in more detail with the Missouri Development Finance Board staff. The anticipated schedule for the City’s MDFB application based on discussion with MDFB staff is:

October 28 – Submit summary of project and local funding commitment to make MDFB aware of the project and the City’s request for 2023.

November 11 – Submit complete application.

December 20 – Presentation of project to MDFB Board.

January 17 – MDFB Board decision.

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