



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

Tuesday, August 23, 2022

6:00 PM

City Council Chambers
and Via Video Conference
220 SE Green Street
Lee's Summit, MO 64063

REGULAR SESSION NO. 12

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, August 23, 2022 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, June 20, 2022, 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's website at WatchLS.net, and on various cable providers (Spectrum Channel 2, AT&T U-Verse Channel 99 and Comcast Channel 7).

Preliminaries:

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

Mayor Baird called Regular Session No. 12 to order at 6:01 p.m.

- D. Roll Call

Mayor Pro Tem Lopez arrived at 6:07 p.m.

Present: 9 - Mayor Bill Baird
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Andrew Felker
Councilmember Faith Hodges
Councilmember Beto Lopez
Councilmember John Lovell
Councilmember Mia Prier
Councilmember Hillary Shields

1. Approval of Agenda

Mayor Baird amended the published agenda by pulling Bill No. 22-165 (agenda item 2C) from the Consent Agenda and placing it after the Presentation on Fire Stations 4 and 5 (agenda item 4A).

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Lovell, to approve the agenda as amended by Mayor Baird. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

2. Approval of Consent Agenda:

Mayor Baird amended the published agenda by pulling Bill No. 22-165 (agenda item 2C) from the Consent Agenda and placing it after the Presentation on Fire Stations 4 and 5 (agenda item 4A).

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

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

A. [2022-5054](#) Approval of City Council Action Letter from August 16, 2022.

A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, to approve the City Council Action Letter from August 16, 2022 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

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- B. [BILL NO. 22-135](#) An Ordinance accepting Final Plat entitled, "The Retreat at Hook Farms, 2nd Plat, Lots 179 thru 215 and Tracts J-L" as a subdivision to the City of Lee's Summit, Missouri.

(Note: First read by Council on June 21, 2022. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-135 be adopted and numbered Ord. No. 9485 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

- D. [BILL NO. 22-167](#) An Ordinance renewing the City of Lee's Summit's procedure for disclosure of potential conflicts of interest and substantial interests for certain municipal officials, pursuant to Sec. 2-75 of the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by City Council on August 16, 2022. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-167 be adopted and numbered Ord. No. 9487 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

- E. [BILL NO. 22-168](#) An Ordinance approving a contract between the City and McConnell & Associates Corporation, to purchase pavement maintenance and repair as needed and ratifying the City Manger's execution of the same for the City to allow for expanded spending authority.

(Note: First read by City Council on August 16, 2022. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-168 be adopted and numbered Ord. No. 9488 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 Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

- F. [BILL NO. 22-169](#) An Ordinance approving the 2022 Labor Agreement by and between the City of Lee's Summit, Missouri and the International Association of Machinists and Aerospace Workers Lodge #778 and authorizing the City Manager to execute the same by and on behalf of the City.
(Note: First read by City Council on August 16, 2022. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-169 be adopted and numbered Ord. No. 9489 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Lopez

3. Council Roundtable

Councilmember Shields encouraged everyone to check out Fourth Fridays in Downtown Lee's Summit this week. She said Downtown Main Street is also holding a volunteer appreciation "drop-in" party in the alley.

4. Presentations:

- A. [2022-5114](#) Presentation: Review of guaranteed maximum price for Fire Station No. 4 and 5.

City Council discussions included:

- Hard bids process and history
- Difference in materials used to build a Fire Station
- Increase in costs of 60% since 2019
- Risk of change orders
- Costs of other recent Fire Station builds
- Bond issue of 2019

- C. [BILL NO. 22-165](#) An Ordinance authorizing the execution of an amendment to an agreement between the City of Lee's Summit, Missouri, and McCown Gordon Construction Company to set a Guaranteed Maximum Price for the reconstruction of fire station 4 and fire station 5 in the amount of \$16,796,594.00.
(Note: First read by City Council on August 16, 2022. Passed by unanimous vote.)

This item was pulled from the Consent Agenda and placed here by Mayor Baird during agenda management.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Hodges, that Bill No. 22-165 be adopted and numbered Ord. No. 9486. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

5. Public Hearings:

- A. [2022-5077](#) Public Hearing: Application #PL2021-348 - Vacation of Right-Of-Way, a portion of Right-Of-Way abutting 1100 SW 3rd Street; Schlagel & Associates, applicant.
Mr. Josh Johnson, AICP, Assistant Director of Plan Services, entered Exhibit A, List of Exhibits 1-17 into the record.

There were no City Council discussions.

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

- 1) [BILL NO. 22-170](#) An Ordinance vacating dedicated right-of-way along the east side of SW McClendon Drive adjacent to 1100 SW 3rd Street in the City of Lee's Summit, Missouri.
(Note: First read by Council on August 23, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 22-170 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

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- B. [2022-5073](#) Public Hearing: Application #PL2022-198 - Preliminary Development Plan - Diventures, 2951 NE Independence Avenue; Diventures, applicant.

Mr. Josh Johnson, AICP, Assistant Director of Plan Services, entered Exhibit A, List of Exhibits 1-19 in to the record.

There were no City Council discussions.

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

- 1) [BILL NO. 22-171](#) An Ordinance approving a Preliminary Development Plan for Diventures on land located at 2951 NE Independence Avenue, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by Council on August 23, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Hodges, that Bill No. 22-171 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- C. [2022-5039](#) Public Hearing: Application #PL2022-148 - Preliminary Development Plan and Application #PL2022-149 - Special Use Permit for a storage facility - U-Haul Moving and Storage of Lee's Summit, 1150 SE Blue Parkway; Amerco Real Estate Company, applicant.

(Note: This item was continued from August 9, 2022 per Staff's request.)

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

City Council discussions included:

- Access points
- Hours of operation
- Zoning and Special Use permit
- Fencing
- Process for modifications
- Storage of vacated items
- Storm water run off
- Vehicle storage
- Similar recent projects

Ms. Gwen Pierce spoke in opposition to this application. She stated it should be built on an industrial zoned property and not near a neighborhood. It is too big and overwhelming for that location.

Mr. Gary Derks spoke in opposition to this application. He discussed the historical zoning changes to the property and said he believes this project is too big for this area but it is a beautiful building.

Mr. Tim Bailey spoke in opposition to this application. He said the ditch everyone is talking about is the nesting ground for Red Tailed and Cooper Hawks. He has seen Turkey Buzzards there too which are also a protected bird. Mr. Bailey then expressed concerned about traffic going through the neighborhood to a very dangerous intersection on 291.

Ms. Nicky King spoke in opposition to this application. She believes this is the wrong location for this facility. There is an existing median on Vista drive preventing a left turn to get to Blue Parkway so all truck traffic will go through the neighborhood. She is also concerned with maintenance and she believes their customers would be nationwide and not just local customers. She added that Vista Drive floods regularly.

Mr. Gary King spoke in opposition to this application. He is concerned about the noise from the trucks and would like to know the volume of business predicted by a UHaul projection study. In his opinion a three story storage facility doesn't belong in that area so close to homes. He then asked for clarification about UHaul being a

24 hour, 7 days a week, facility but it only applies to about 15% of their customers.

Mr. Brian Murphy spoke in opposition to this application. He stated he used to be an assistant manager for UHaul in Lenexa and the volume of traffic they get on the weekends during spring, summer and fall would be too much for Vista Drive and Blue Parkway to handle. He added that it isn't just the indoor storage that is 24/7 but people can also return trucks overnight and park them anywhere in the parking lot. The trucks would be lined up on the frontage and would be visible from the highway. The facility is just too tall and doesn't fit in the area.

Mr. Rick Brynan spoke in opposition to this application. He echoed others in saying the building would be too tall for the area and he is concerned about the volume of traffic in the neighborhood by inexperienced drivers in rental trucks. He reiterated there are already existing traffic issues on Vista Drive and at Blue Parkway and 291 Highway. In addition, he doesn't believe it will be locals renting from this location and he is concerned about the extra security issues.

Ms. Wendy Scott spoke in opposition to this application. She is one of the owners of the tattoo parlor adjacent to the site and she lives 2 blocks from the location. She expressed concern about safety in the neighborhood with big box trucks going down neighborhood streets with double parked cars and children riding bicycles. Ms. Scott then gave statistics on the amount of storage units in the United States and stated she doesn't believe that is a good location for one.

Ms. Cash Elenberg spoke in opposition to this application. She reported that most of the businesses in the area close by 11:00 pm except the service stations. Traffic is already a concern on Blue Parkway and flooding is an existing issue in the area. She surveyed 152 residents in the area to see if they use storage facilities or if they would in the future. She received 91 responses and 98% said they have no intention of using a storage facility.

Mr. John Williams, Captain of the American Legion, spoke in opposition to this application. He echoed everything everyone had already said and asked what will happen if the business model doesn't pan out and what will happen to that large building.

Mr. Tim Ricks spoke in opposition to this application. He is concerned about adding to the existing problem of speeding and visibility issues on 8th Street, especially where the road curves.

Mr. Brian Snider spoke in opposition to this application. He asked how tall this three story building will be with the new elevation included. He expressed concern about inexperienced box truck drivers trying to make that left turn and ending up pulling into the tattoo parlor and the American Legion parking lots. He worries the dumpsters at both the tattoo parlor, and the American Legion building, will be used

by UHaul customers before returning the rental trucks. He then asked how tall the trees are expected to get in the proposed landscaping and how many trees will die from suffocating each other out. He ended by mentioning the redesign of the 291 and Blue Parkway intersection and the effect it will have on traffic through the neighborhood.

There were no speakers in favor of this application.

- 1) [BILL NO. 22-172](#) An Ordinance approving a Preliminary Development Plan for U-Haul Moving and Storage of Lee's Summit on land located at 1150 SE Blue Parkway, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance of the Code of Ordinances for the City of Lee's Summit, Missouri.

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Felker, that Bill No. 22-172 be advanced to second reading. The motion failed by the following vote:

Aye: 2 - Councilmember Lovell
Councilmember Shields

Nay: 7 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Prier

- 2) [BILL NO. 22-173](#) An Ordinance granting a Special Use Permit for a storage facility in District CP-2 on land located at 1150 SE Blue Parkway, for a period of thirty (30) years, all in accordance with Article 6 of the Unified Development Ordinance of the Code of Ordinances for the City of Lee's Summit, Missouri.

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember Shields, that Bill No. 22-173 be advanced to second reading. The motion failed by the following vote:

Aye: 2 - Councilmember Lovell
Councilmember Shields

Nay: 7 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Prier

6. Public Comments:

There were no Public Comments.

7. Proposed Ordinances - First Reading:

- A. [BILL NO. 22-174](#) An Ordinance accepting Final Plat entitled, "Napa Valley, 5TH Plat, Lots 166-196 and Tract O", as a subdivision to the City of Lee's Summit, Missouri. (Note: First read by Council on August 23, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Felker, that Bill No. 22-174 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

8. Committee Reports

Councilmember Edson asked the members of CEDC (Community and Economic Development Council) to check their e-mails for information regarding rescheduling their September meeting.

Councilmember Felker informed everyone the Rules Committee is taking another look at the realignment of Boards and Commissions.

9. Council Comments:

Councilmember Lovell thought there was some really good discussion regarding Fire Stations 4 and 5. He noted two different tracts have been taken recently to build Fire Stations and he would like to see a comparison as to how they turn out so City Council can know which way to go in the future. He also asked staff to track progress and look for potential savings.

Councilmember Felker added that tracking and reporting the nickels and dimes of this project would be important because it was a voter approved bond project and there were significant increases in costs.

Mayor Baird congratulated Mr. Ryan Elam, Assistant City Manager, on his promotion.

10. Staff Roundtable

Mr. Mark Dunning, Assistant City Manager, congratulated the LSR-7 School District on their dedication of East Trails Middle School. He hopes they had a great first day of school today.

11. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 12 at 9:47 p.m.

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

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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"