

## Legislation Details (With Text)

|                       |  |                      |                                |
|-----------------------|--|----------------------|--------------------------------|
| <b>File #:</b>        | BILL NO. 21-152  | <b>Name:</b>         |                                |
| <b>Type:</b>          | Ordinance - Emergency  | <b>Status:</b>       | Passed                         |
| <b>File created:</b>  | 7/15/2021  | <b>In control:</b>   | City Council - Regular Session |
| <b>On agenda:</b>     | 7/20/2021  | <b>Final action:</b> | 7/20/2021                      |
| <b>Title:</b>         | An Ordinance authorizing the execution of a Memorandum of Agreement between the City of Lee's Summit, Missouri, the Federal Highway Administration, the Missouri State Historic Preservation Officer, and the Unity School of Christianity, related to the mitigation of adverse effects of the public improvement project designated as Federal Project Number STP-3301(527), Colbern Road, within the City limits of Lee's Summit, Missouri, and containing an emergency clause. |                      |                                |
| <b>Sponsors:</b>      | Public Works Admin & Engineering   |                      |                                |
| <b>Indexes:</b>       |  |                      |                                |
| <b>Code sections:</b> |  |                      |                                |
| <b>Attachments:</b>   | 1. Ordinance, 2. MOA, 3. Project Map   |                      |                                |

| Date      | Ver. | Action By                      | Action               | Result |
|-----------|------|--------------------------------|----------------------|--------|
| 7/20/2021 | 1    | City Council - Regular Session | for second reading   | Pass   |
| 7/20/2021 | 1    | City Council - Regular Session | adopted and numbered | Pass   |

An Ordinance authorizing the execution of a Memorandum of Agreement between the City of Lee's Summit, Missouri, the Federal Highway Administration, the Missouri State Historic Preservation Officer, and the Unity School of Christianity, related to the mitigation of adverse effects of the public improvement project designated as Federal Project Number STP-3301(527), Colbern Road, within the City limits of Lee's Summit, Missouri, and containing an emergency clause.

Issue/Request:

An Ordinance authorizing the execution of a Memorandum of Agreement between the City of Lee's Summit, Missouri, the Federal Highway Administration, the Missouri State Historic Preservation Officer, and the Unity School of Christianity, related to the mitigation of adverse effects of the public improvement project designated as Federal Project Number STP-3301(527), Colbern Road, within the City limits of Lee's Summit, Missouri, and containing an emergency clause.

Key Issues:

- Pursuant to the FY2019 Capital Improvement Plan and Thoroughfare Master Plan, the City planned for improvements along Colbern Road between MO-350 Hwy and Douglas Road to enhance safety, expand capacity, promote economic development in the area, and accommodate non-motorized transportation (hereinafter "Project").
- The Project was approved by the Missouri Highways and Transportation Commission to receive federal funding through the Federal Highway Administration's (hereinafter "FHWA") Surface Transportation Program (hereinafter "Federal Project Number STP-3301(527)").

- Since Federal Project Number STP-3301(527) includes federal funding, the City is required to obtain National Environmental Policy Act (NEPA) approval from the FHWA and concurrence of compliance of Section 106 of the National Historic Preservation Act by the Missouri State Historic Preservation Officer (hereinafter “SHPO”).
- SHPO declared Federal Project Number STP-3301(527) as having an adverse effect on a historic property located to the north of the Project owned by the Unity School of Christianity (hereinafter “Unity”).
- A Memorandum of Agreement (hereinafter “MOA”) between the City, FHWA, SHPO and Unity is necessary to document the mutual covenants and stipulations to be carried out to mitigate the adverse effect for Federal Project Number STP-3301(527) to be carried through fruition.

Proposed City Council Motion:

FIRST MOTION: I move for second reading of an Ordinance authorizing the execution of a Memorandum of Agreement between the City of Lee's Summit, Missouri, the Federal Highway Administration, the Missouri State Historic Preservation Officer, and the Unity School of Christianity, related to the mitigation of adverse effects of the public improvement project designated as Federal Project Number STP-3301(527), Colbern Road, within the City limits of Lee's Summit, Missouri, and containing an emergency clause.

SECOND MOTION: I move for adoption of an Ordinance authorizing the execution of a Memorandum of Agreement between the City of Lee's Summit, Missouri, the Federal Highway Administration, the Missouri State Historic Preservation Officer, and the Unity School of Christianity, related to the mitigation of adverse effects of the public improvement project designated as Federal Project Number STP-3301(527), Colbern Road, within the City limits of Lee's Summit, Missouri, and containing an emergency clause.

Background:

Improvements to Colbern Road were approved by voters as part of the 2017 Capital Improvement Plan Sales Tax Renewal. The project will enhance safety, expand capacity, promote economic development in the area, and accommodate non-motorized transportation. The City's Comprehensive Plan and associated Thoroughfare Master Plan (TFMP) include and support the project. The project is recommended in the TFMP as a high priority considering the capacity and condition deficiencies. The City annexed property along the corridor, including Colbern Road, from Unity Village in December 2011 to support an economic development plan and new regional activity center. The multi-modal elements of the project are also supported in the City's Bicycle Transportation Plan and Greenway Master Plan.

The current narrow, two lane, no shoulder, open ditch, roadway will be improved by expanding to a four lane roadway with raised medians with middle turn lanes (as dictated by the City's Access Management Code), bridge replacement, installing curb and gutter, enclosing storm drainage, adding street lighting, adding a sidewalk on the north side, and adding a shared-use path on the south side. The sidewalk and shared-use path will be extended beyond the project limits to connect with the existing sidewalks and shared-use path along Colbern Road. The project includes the installation of a new 12" water main which will run along the south side of the new roadway and connect at each end to recently installed water mains. Due to the

condition of the existing sanitary force main currently running along the south side of the existing roadway, this project will also include the installation of a new 12" sanitary force main relocated to run along the north side of the new roadway.

This project will be funded with a combination of local funds, funding from the Surface Transportation Program (STP) funded by the Federal Highway Administration (FHWA) and the Missouri Governor Cost Share funds. Due to federal funding being included in this project, the City is required to follow the National Environmental Policy Act (NEPA) process in order to obtain approval from FHWA. Part of this process is the concurrence of compliance by the Missouri State Historic Preservation Officer (SHPO) of Section 106 of the National Historic Preservation Act. In 1989, Unity School of Christianity was listed on the National Register of Historic Places. This Historic District is north of our project and only encompasses 2 buildings, a tower and landscaping. During the cultural resources investigations for the project, the entirety of Unity Village was studied, and SHPO determined that all resources (stone fence columns, monuments signs and street markers) located outside of the Historic District's boundary along the north side of Colbern Road which are being removed for the project are contributing resources to the District. The FHWA and SHPO concur and have ruled that the proposed improvements to Colbern Road will have an adverse effect upon the Unity School of Christianity Historic District as a result of effects to contributing resources outside of the Historic District's boundary. The attached Memorandum of Agreement (MOA) between the City, FHWA, SHPO, and Unity School of Christianity stipulates the mutually agreed upon mitigation measures of adverse effects which must be carried out before letting of the project.

#### Impact/Analysis:

Entering into the MOA is required as part of the environmental and cultural requirements involved with all federally funded projects. Not meeting this requirement will further delay or halt the project in its entirety. Further delay could result in the City forgoing the federal funds.

*..Presenter*

Michael Park, P.E., PTOE, City Traffic Engineer

Staff recommends approval of an Ordinance authorizing the execution of a Memorandum of Agreement between the City of Lee's Summit, Missouri, the Federal Highway Administration, the Missouri State Historic Preservation Officer, and the Unity School of Christianity, related to the mitigation of adverse effects of the public improvement project designated as Federal Project Number STP-3301(527), Colbern Road, within the City limits of Lee's Summit, Missouri, and containing an emergency clause.

