

**CITY OF BLUE SPRINGS, MISSOURI
MINUTES OF COUNCIL MEETING
APRIL 19, 2021**

A meeting of the City Council of the City of Blue Springs, Missouri, was held on Monday, April 19, 2021, 6:00 p.m. in the Council Chambers of the Howard L. Brown Public Safety Building, 1100 SW Smith Ave., Blue Springs, Missouri and via video-conference, with Mayor Carson Ross presiding.

Pursuant to Jackson County Executive Order dated November 18, 2020 and any subsequent amendments and Phase 2.5 of the Eastern Jackson County Recovery Plan limiting public gatherings, the City Council participated in this meeting in person, via video-conference and/or telephone to ensure safe social distancing measures were taken as provided in Sections 610.020(1) and 610.020(4) RSMo. The public was able to attend via telephone conference and in person.

COUNCILMEMBERS IN ATTENDANCE

Jerry Kaylor
Chris Lievsay
Ron Fowler

Galen Ericson
Kent Edmondson
Susan Culpepper

Also present were City Administrator Eric Johnson, Assistant City Administrator Christine Cates, City Attorney Jacqueline Sommer, and City Clerk Sheryl Morgan.

CALL MEETING TO ORDER

Mayor Ross called the meeting to order at 6:00 p.m. City Clerk Sheryl Morgan confirmed a quorum of the Council was present.

CONSENT AGENDA

Councilmember Ericson requested Item 3b – Council Liaison Appointments be pulled from the Consent Agenda for separate consideration. Councilmember Culpepper moved to approve the following Consent Agenda items and the motion was seconded by Councilmember Kaylor.

- **Minutes of the April 5, 2021** City Council Meeting
- **2021 Council Liaison Appointments:**
CIP Committee (including Budget Review and Tourism and Visitors' Advisory Commission):

Councilmember Culpepper
Councilmember Lievsay
Councilmember Kaylor

CDBG Advisory:

Councilmember Ericson
Councilmember Edmondson
Councilmember Fowler

Development Advisory Commission:

Councilmember Kaylor

Downtown Review Board:

Councilmember Edmondson
Councilmember Ericson

Economic Development Council:

Councilmember Kaylor

Historic Preservation Commission:

Councilmember Lievsay

Human Relations Commission:

Councilmember Fowler

Park Commission:

Councilmember Culpepper

Public Art Commission:

Councilmember Culpepper

Public Safety Citizens' Advisory Board:

Councilmember Ericson

Solid Waste Commission:

Councilmember Fowler

- **Resolution No. 21-2021** approving a purchase in the amount of \$589,142 from Blue Springs Ford Sales, Inc. for sixteen Ford Utility Vehicles
- **Resolution No. 22-2021** approving a purchase in the amount of \$89,746.40 from Gulf States Distributing Inc. for ammunition
- **Appointment of Board and Commission Members:**

Appearance Review Committee:

Reappointment: David Smith
 Bob Frost
 David Smith, Chair
 Bob Frost, Vice Chair

Board of Adjustment:

Reappointment: Ron Amos
 New appointment: Andrew Crick
 Erwin Gard

Development Advisory Commission:

Reappointment: Bruce Reynolds
 Orion Berridge
 Bob Frost
 Orion Berridge, Vice Chair

Downtown Review Board:

Reappointment: Jason Ellis

Historic Preservation Commission:

Reappointment: Chris Birkenmaier
 Frances Hose
 Ken Billups, Jr., Planning Commission Rep.
 Frances Hose, Chair
 Pam Albarelli, Vice Chair

New appointment: Nicole Gauden
 Kelly Roberson

Main Center Redevelopment Corporation:

Reappointment: Gailen Snyder
 Gailen Snyder, Chair

Park Commission:

Reappointment: Megan Johnson
 Richard Mitchem
 Keith Hannaman, Chair
 Maureen Johnson, Vice Chair

New appointment: Jon Burke

Planning Commission:

Reappointment: Mitchell Peil
 Chad Sanderson

Public Art Commission:

Reappointment: Susan Rew
 Eleanor Frasier
 Eleanor Frasier, Chair
 Ramon Magee, Vice Chair

New appointment: Pam Vaughan
 Taylor Beller

Public Safety Citizens' Advisory Board:

Reappointment: Natalie Beltgens

New appointment: Roy Boyd
 Carmen Booker
 Steven "Jeff" Rogers, Chair
 Roy Boyd, Vice Chair

Solid Waste Management Commission:

Reappointment: John Nolan
 John Nolan, Chair

Technical Review Committee:

New appointment: LaShell Slaughter

The above Consent Agenda items were approved with the following vote:

Kaylor – Aye	Ericson – Aye
Lievsay – Aye	Edmondson – Aye
Fowler – Aye	Culpepper – Aye
	Mayor Ross – Aye

ITEM 3B – COUNCIL LIAISON APPOINTMENTS

Councilmember Ericson requested that Item 3b – Council Liaison Appointments be pulled from the Consent Agenda for separate consideration and encouraged Councilmembers to attend the board meetings. Councilmember Culpepper moved to approve Item 3b – Council Liaison Appointments. Motion seconded by Councilmember Edmondson and carried unanimously.

INTRODUCTION AND 1ST READING – BILL NO. 4846 – DECLARING AND ACCEPTING APRIL 6, 2021 ELECTION RESULTS

Councilmember Edmondson introduced Bill No. 4846 declaring and accepting the election results from the April 6, 2021 election regarding a one-half percent sales tax for local parks. City Clerk Sheryl Morgan made the first reading of Bill No. 4846 by title; copies of the proposed Bill having previously been made available to the public.

Councilmember Fowler moved to approve Bill No. 4846 upon its first reading and proceed with the second reading. Motion seconded by Councilmember Kaylor and carried unanimously.

COUNCIL DISCUSSION

Council expressed their appreciation to the staff, Park Commission and the voters of Blue Springs for their support.

2ND READING – BILL NO. 4846

Ms. Morgan made the second reading of Bill No. 4846 by title. Councilmember Fowler moved to adopt Bill No. 4846 upon its second reading and give it **ORDINANCE NO. 4990**, with a copy attached hereto and made a part of the minutes. Motion seconded by Councilmember Culpepper and carried with the following vote:

Lievsay – Aye
 Fowler – Aye
 Ericson – Aye

Edmondson – Aye
 Culpepper – Aye
 Kaylor – Aye
 Mayor Ross – Aye

**ELECTION OF MAYOR
 PRO TEMPORE**

Mayor Ross called for nominations from the floor for the one-year term of the Mayor Pro Tempore.

Councilmember Kaylor nominated Councilmember Edmondson for the position of Mayor Pro Tempore. Mayor Ross, receiving no further nominations, declared that nominations cease and approve the nomination of Councilmember Edmondson by acclamation. Councilmember Edmondson was unanimously elected Mayor Pro Tempore by acclamation.

**PUBLIC HEARING –
 REZONING
 (RZ-02-21-7659) AND
 PLANNED DEVELOPMENT
 CONCEPT PLAN
 (PDC-02-21-7661) FOR
 PROVERBS ESTATES**

Mayor Ross opened the Public Hearing to consider rezoning from County Agriculture to Large Lot Single-Family/Planned Development for a 20.34 +/- acre development (RZ-02-21-7659) and to approve a Planned Development Concept Plan for Proverbs Estates located east of Shroust Road and approximately 2,000 feet south of Wyatt Road, on a parcel addressed as 28901 SE Wyatt Road, to allow twenty-five lots in a single-family privately gated subdivision (PDC-02-21-7661), continued from the March 15th and April 5, 2021 City Council agenda. at 6:07 p.m. The minutes of the public hearing were recorded by a certified court reporter. City Clerk Sheryl Morgan entered one exhibit into the record.

MAYOR STATEMENT

Mayor Ross stated he has a personal and professional association with members of Proverbs Holdings, LLC and that his relationship with the members is not related to this development or any type of development use. Mayor Ross stated his relationship will not influence his decision on this public hearing or any matter relating to Proverbs Holdings and will remain fair and unbiased, making decisions solely based on information presented during the public hearings.

STAFF REPORT

Assistant Community Development Director Matt Wright presented the details of the proposed Rezoning and Planned Development Concept Plan.

APPLICANT

Ken Yancy of Proverbs Holdings, LLC and Ashish Ghosh addressed Council with additional details of the project.

COUNCIL DISCUSSION

Council expressed concern regarding the proposed private streets as well as the potential to landlock other parcels in the area. Mr. Yancy and City Administrator Eric Johnson discussed an offer that was recently presented to the Land Bank of Blue Springs to purchase additional property to address some of the Council concerns.

IN OPPOSITION TO

Julius Oswald, Attorney for Diane Jones who owns property contiguous to the project, addressed Council with concerns. Mr. Oswald referred to a document sent for use as an Exhibit for the public hearing.

City Clerk Sheryl Morgan entered a memo dated April 16, 2021 and pictures from Julius Oswald as **Exhibit 2** into the record. Mr. Oswald stated the memo summarizes his testimony given during this public hearing; the pictures were presented for Council and public review.

The Mayor hearing no further comments for or against, closed the public hearing at 7:10 p.m.

INTRODUCTION AND 1ST READING – BILL NO. 4847 – REZONING FOR PROVERBS ESTATES (RZ-02-21-7659)

Councilmember Culpepper introduced Bill No. 4847 approving a rezoning from County Agriculture to Large Lot Single-Family/Planned Development for a 20.34 +/- acre development for Proverbs Estates located east of Shrou Road and approximately 2,000 feet south of Wyatt Road, on a parcel addressed as 28901 SE Wyatt Road (RZ-02-21-7659). City Clerk Sheryl Morgan made the first reading of Bill No. 4847 by title; copies of the proposed Bill having previously been made available to the public.

Councilmember Fowler moved to approve Bill No. 4847 upon its first reading and proceed with the second reading. Motion seconded by Councilmember Kaylor and carried unanimously.

2ND READING – BILL NO. 4847

Ms. Morgan made the second reading of Bill No. 4847 by title. Councilmember Fowler moved to adopt Bill No. 4847 upon its second reading and give it **ORDINANCE NO. 4991**, with a copy attached hereto and made a part of the minutes. Motion seconded by Councilmember Kaylor and carried with the following vote:

- | | |
|-----------------|------------------|
| Fowler – Aye | Culpepper – Aye |
| Ericson – Aye | Kaylor – Aye |
| Edmondson – Aye | Lievsay – Aye |
| | Mayor Ross – Aye |

INTRODUCTION AND 1ST READING – BILL NO. 4848 – PLANNED DEVELOPMENT CONCEPT PLAN FOR PROVERBS ESTATES (PDC-02-21-7661)

Councilmember Culpepper introduced Bill No. 4848 approving a Planned Development Concept Plan for Proverbs Estates located east of Shrou Road and approximately 2,000 feet south of Wyatt Road, on a parcel addressed as 28901 SE Wyatt Road, to allow twenty-five lots in a single-family privately gated subdivision (PDC-02-21-7661). City Clerk Sheryl Morgan made the first reading of Bill No. 4848 by title; copies of the proposed Bill having previously been made available to the public.

Councilmember Fowler moved to approve Bill No. 4848 upon its first reading and proceed with the second reading. Motion seconded by Councilmember Ericson and carried unanimously.

2ND READING – BILL NO. 4848

Ms. Morgan made the second reading of Bill No. 4848 by title. Councilmember Fowler moved to adopt Bill No. 4848 upon its second reading and give it **ORDINANCE NO. 4992**, with a copy attached hereto and made a part of the minutes. Motion seconded by Councilmember Ericson and carried with the following vote:

- | | |
|---------------|--------------|
| Ericson – Aye | Kaylor – Aye |
|---------------|--------------|

Edmondson – Aye
Culpepper – Aye

Lievsay – Aye
Fowler – Aye
Mayor Ross – Aye

**PUBLIC HEARING –
VACATION OF UTILITY
EASEMENT FOR
CHAPMAN RIDGE LOTS 2
& 4 (VAC-03-21-7679)**

Mayor Ross opened the Public Hearing to consider vacating a portion of a 15-foot utility easement located on Lots 2 & 4 in Chapman Ridge 1st Plat. Chapman Ridge Lots 2 & 4. (VAC-03-21-7679) at 7:17 p.m. The minutes of the public hearing were recorded by a certified court reporter. City Clerk Sheryl Morgan entered one exhibit into the record.

STAFF REPORT

Assistant Director of Community Development Matt Wright reviewed the details of the proposed vacation.

APPLICANT

Dave Rinne of Schlagel was available to answer any questions from Council.

The Mayor hearing no further comments for or against, closed the public hearing at 7:20 p.m.

**INTRODUCTION AND 1ST
READING – BILL NO. 4849
– VACATION OF UTILITY
EASEMENT FOR
CHAPMAN RIDGE LOTS 2
& 4 (VAC-03-21-7679)**

Councilmember Culpepper introduced Bill No. 4849 vacating a portion of a 15-foot utility easement located on Lots 2 & 4 in Chapman Ridge 1st Plat. Chapman Ridge Lots 2 & 4. (VAC-03-21-7679). City Clerk Sheryl Morgan made the first reading of Bill No. 4849 by title; copies of the proposed Bill having previously been made available to the public.

Councilmember Fowler moved to approve Bill No. 4849 upon its first reading and proceed with the second reading. Motion seconded by Councilmember Edmondson and carried unanimously.

**2ND READING – BILL NO.
4849**

Ms. Morgan made the second reading of Bill No. 4849 by title. Councilmember Fowler moved to adopt Bill No. 4849 upon its second reading and give it **ORDINANCE NO. 4993**, with a copy attached hereto and made a part of the minutes. Motion seconded by Councilmember Ericson and carried with the following vote:

Edmondson – Aye
Culpepper – Aye
Kaylor – Aye

Lievsay – Aye
Fowler – Aye
Ericson – Aye
Mayor Ross – Aye

**PUBLIC HEARING –
REZONE (RZ-03-21-7694)
AND CONDITIONAL USE
PERMIT (CUP-03-21-7693)
FOR TAKE 5 OIL CHANGE**

Mayor Ross opened the Public Hearing to consider a Rezoning from General Business and Light Industrial to General Business and to approve a Conditional Use Permit for a Vehicle Repair, Limited titled Take 5 Oil Change use on the subject 0.76 +/- acre property located on the north side of SW 40 Highway between SW 7 Highway and SW 10th Street addressed as 731 SW 40 Highway at 7:21 p.m. The minutes of the public hearing were recorded by a certified court reporter. City Clerk Sheryl Morgan entered one exhibit into the record.

STAFF REPORT

Assistant Director of Community Development Matt Wright reviewed the details of the proposed rezoning and conditional use permit.

APPLICANT

Applicant Henry Hopkins was available to answer any questions from Council.

The Mayor hearing no further comments for or against, closed the public hearing at 7:25 p.m.

INTRODUCTION AND 1ST READING – BILL NO. 4850 – REZONE FOR TAKE 5 OIL CHANGE (RZ-03-21-7694)

Councilmember Culpepper introduced Bill No. 4850 approving a Rezoning from General Business and Light Industrial to General Business on the subject 0.76 +/- acre property located on the north side of SW 40 Highway between SW 7 Highway and SW 10th Street addressed as 731 SW 40 Highway. City Clerk Sheryl Morgan made the first reading of Bill No. 4850 by title; copies of the proposed Bill having previously been made available to the public.

Councilmember Fowler moved to approve Bill No. 4850 upon its first reading and proceed with the second reading. Motion seconded by Councilmember Ericson and carried unanimously.

2ND READING – BILL NO. 4850

Ms. Morgan made the second reading of Bill No. 4850 by title. Councilmember Fowler moved to adopt Bill No. 4850 upon its second reading and give it **ORDINANCE NO. 4994**, with a copy attached hereto and made a part of the minutes. Motion seconded by Councilmember Edmondson and carried with the following vote:

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|-----------------|------------------|
| Culpepper – Aye | Fowler – Aye |
| Kaylor – Aye | Ericson – Aye |
| Lievsay – Aye | Edmondson – Aye |
| | Mayor Ross – Aye |

INTRODUCTION AND 1ST READING – BILL NO. 4851 – CONDITIONAL USE PERMIT FOR TAKE 5 OIL CHANGE (CUP-03-21-7693)

Councilmember Culpepper introduced Bill No. 4851 approving a Conditional Use Permit for a Vehicle Repair, Limited titled Take 5 Oil Change use on the subject 0.76 +/- acre property located on the north side of SW 40 Highway between SW 7 Highway and SW 10th Street addressed as 731 SW 40 Highway. City Clerk Sheryl Morgan made the first reading of Bill No. 4851 by title; copies of the proposed Bill having previously been made available to the public.

Councilmember Fowler moved to approve Bill No. 4851 upon its first reading and proceed with the second reading. Motion seconded by Councilmember Edmondson and carried unanimously.

2ND READING – BILL NO. 4851

Ms. Morgan made the second reading of Bill No. 4851 by title. Councilmember Fowler moved to adopt Bill No. 4851 upon its second reading and give it **ORDINANCE NO. 4995**, with a copy attached hereto and made a part of the minutes. Motion seconded by Councilmember Edmondson and carried with the following vote:

- | | |
|---------------|------------------|
| Kaylor – Aye | Ericson – Aye |
| Lievsay – Aye | Edmondson – Aye |
| Fowler – Aye | Culpepper – Aye |
| | Mayor Ross – Aye |

PUBLIC HEARING – AMENDED PLANNED UNIT DEVELOPEMNT CONCEPT PLAN FOR WHATABURGER (PUDC-01-21-7646)

Mayor Ross opened the Public Hearing to consider approval of an Amended Planned Unit Development Concept Plan for the development of Whataburger restaurant on subject 1.15 +/- acre property located at 905 NW 7 Hwy (PUDC-01-21-7646) at 7:27 p.m. The minutes of the public hearing were recorded by a certified court reporter. City Clerk Sheryl Morgan entered one exhibit into the record.

STAFF REPORT

Assistant Director of Community Development Matt Wright reviewed the details of the proposed Amended Planned Unit Development Concept Plan.

The Mayor hearing no further comments for or against, closed the public hearing at 7:33 p.m.

INTRODUCTION AND 1ST READING – BILL NO. 4852 – AMENDED PLANNED UNIT DEVELOPEMNT CONCEPT PLAN FOR WHATABURGER (PUDC-01-21-7646)

Councilmember Culpepper introduced Bill No. 4852 approving an Amended Planned Unit Development Concept Plan for the development of Whataburger restaurant on subject 1.15 +/- acre property located at 905 NW 7 Hwy (PUDC-01-21-7646). City Clerk Sheryl Morgan made the first reading of Bill No. 4852 by title; copies of the proposed Bill having previously been made available to the public.

Councilmember Fowler moved to approve Bill No. 4852 upon its first reading and proceed with the second reading. Motion seconded by Councilmember Kaylor and carried unanimously.

2ND READING – BILL NO. 4852

Ms. Morgan made the second reading of Bill No. 4852 by title. Councilmember Fowler moved to adopt Bill No. 4852 upon its second reading and give it **ORDINANCE NO. 4996**, with a copy attached hereto and made a part of the minutes. Motion seconded by Councilmember Kaylor and carried with the following vote:

Lievsay – Aye
Fowler – Aye
Ericson – Aye

Edmondson – Aye
Culpepper – Aye
Kaylor – Aye
Mayor Ross – Aye

INTRODUCTION AND 1ST READING – BILL NO. 4853 – REIMBURSEMENT AGREEMENT FOR WHATABURGER

Councilmember Culpepper introduced Bill No. 4853 approving a Reimbursement Agreement by and between the City of Blue Springs, Missouri and Metcalf 91 BLB, LLC for the development of a Whataburger restaurant at 905 Highway 7. City Clerk Sheryl Morgan made the first reading of Bill No. 4853 by title; copies of the proposed Bill having previously been made available to the public.

Councilmember Fowler moved to approve Bill No. 4853 upon its first reading and proceed with the second reading. Motion seconded by Councilmember Kaylor and carried unanimously.

2ND READING – BILL NO. 4853

Ms. Morgan made the second reading of Bill No. 4853 by title. Councilmember Fowler moved to adopt Bill No. 4853 upon its second reading and give it **ORDINANCE NO. 4997**, with a copy attached hereto and made a part of the minutes. Motion seconded by Councilmember Kaylor and carried with the following vote:

Fowler – Aye
Ericson – Aye
Edmondson – Aye

Culpepper – Aye
Kaylor – Aye
Lievsay – Aye
Mayor Ross – Aye

RESOLUTION 23-2021

Councilmember Kaylor moved to adopt Resolution No. 23-2021 directing staff to take the steps necessary to implement the LAGERS L-6 2% contributory plan effective October 1, 2021. Motion seconded by Councilmember Edmondson and after discussion, the Resolution **failed** with a vote of 3-4 as follows:

Ericson – No
Edmondson – Aye
Culpepper – No

Kaylor – Aye
Lievsay – Aye
Fowler – No
Mayor Ross – No

**COUNCIL DISCUSSION –
PUBLIC HEALTH
ADVISORY GROUP**

Councilmembers Lievsay and Ericson led a discussion requesting Council to form a Public Health Advisory group to establish a working relationship with the Local Health Authority (LHA) for Blue Springs as well as that of the Health Department of Independence, MO.

**MAYORAL
ANNOUNCEMENTS**

Mayor Ross expressed his appreciation to the public for voting in favor of the continuation of the Half Center Parks Sales Tax by over 80%.

Thoughts to Ponder:

“Being a leader doesn’t require a title; having a title doesn’t make you a leader.”

CLOSED SESSION

At 7:56 p.m., Councilmember Fowler moved for the Council go into closed session pursuant to Section 610.021(1), Revised Statutes of Missouri, for the purpose of privileged communications between a governmental body or its representative and legal counsel relating to litigation, and that any minutes, documents and other records discussed or taken during the closed session remain closed, and that the special meeting of this body stand adjourned at the completion of such session. Motion seconded by Councilmember Culpepper and carried with the following votes:

Edmondson – Aye
Culpepper – Aye
Kaylor – Aye

Lievsay – Aye
Fowler – Aye
Ericson – Aye
Mayor Ross – Aye

ATTEST



Sheryl Morgan, City Clerk

CITY OF BLUE SPRINGS



Carson Ross, Mayor