



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

Thursday, September 7, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

****AMENDED** REGULAR SESSION NO. 43**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Mayor Rhoads called Regular Session No. 43 to order at 6:32 p.m.

ROLL CALL

Present: 8 - Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Dave Mosby
Councilmember Diane Seif
Councilmember Fred DeMoro

APPROVAL OF AGENDA

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, to approve the published Amended Agenda. The motion carried by the following vote:

7 Aye - Councilmember Binney
Councilmember Edson
Councilmember Seif
Councilmember Forte
Councilmember Mosby
Councilmember Faith
Councilmember DeMoro

1 Nay - Councilmember Carlyle

1. PUBLIC COMMENTS:

Ms. Geraldine Amato spoke about the falling of the Republic as mentioned in the Pledge of Allegiance and about the judiciary system and order as well as civil privileges in the United States.

Mr. Patrick Hix stated that in the area of Vista Del Verde there have been two weather events that have caused the creek to flood and there is an apparent issue with the storm water system. The creek also has problems such as fallen trees across the creek and causes additional issues. He just asked to open the dialogue with the city for assistance.

2. **COUNCIL COMMENTS:**

There were no Council Comments.

3. **APPROVAL OF CONSENT AGENDA:**

ACTION: On motion of Councilmember Binney, second by Councilmember Faith, the Council voted to approve the Consent Agenda Items 3.A - F. The motion carried the following vote:

6 Aye - Councilmember Binney

Councilmember Faith

Councilmember Edson

Councilmember Seif

Councilmember Mosby

Councilmember DeMoro

2 Nay - Councilmember Carlyle

Councilmember Forte

A. [2017-1447](#) Approval of Action Letters for August 10, August 17 and August 24, 2017.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that the Action Letters be approved as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Edson
Councilmember Faith
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Nay: 2 - Councilmember Carlyle
Councilmember Forte

B. [2017-1464](#) Approval of a Type B1 and a Type G1 Liquor License for Clayboys, 127 SE 3rd Street. (Formerly Baristro)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that this Liquor License be approved as part of the Consent Agenda. The motion carried by the following vote:

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Aye: 6 - Councilmember Binney
Councilmember Edson
Councilmember Faith
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Nay: 2 - Councilmember Carlyle
Councilmember Forte

- C.** [2017-1453](#) Mayor's Appointments:
Board of Aeronautic Commissioners: Appoint Darryl Nelson and Paula Derks, terms to expire 9-14-21.
Pine Tree Plaza CID: Appoint Bette Wordelman and Ryan Elam.

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

Aye: 6 - Councilmember Binney
Councilmember Edson
Councilmember Faith
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Nay: 2 - Councilmember Carlyle
Councilmember Forte

- D.** [2017-1485](#) Mayor Pro Tempore's Committee Appointments:
Appointment of Councilmember DeMoro as a full time member to the Rules Committee.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that the Mayor Pro Tempore Appointments be approved as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Edson
Councilmember Faith
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Nay: 2 - Councilmember Carlyle
Councilmember Forte

- E.** [BILL NO.](#)
[17-195](#) AN ORDINANCE APPROVING CHANGE ORDER #4 TO THE CONTRACT WITH WIEDENMANN INC., PROJECT NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT FY16, AN INCREASE OF \$249,656.50 AND AN ADDITIONAL 25 CALENDAR DAYS FOR A REVISED CONTRACT PRICE OF \$1,915,176.59 AND 245 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 275 CALENDAR DAYS TO REACH FINAL COMPLETION. (PWC 8-15-17)
(NOTE: First reading - City Council - August 24, 2017.)

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ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Bill No. 17-195 be adopted and numbered Ord. No. 8233. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Edson
Councilmember Faith
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Nay: 2 - Councilmember Carlyle
Councilmember Forte

- F.** [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF ADDENDUM NO. 3
[17-198](#) TO AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT,
 MISSOURI AND OLSSON ASSOCIATES ENGINEERING, INC. FOR THE
 SERVICES RELATED TO COATING DESIGN AND BIDDING AT WOODS
 CHAPEL, HOOK, SCHERER, AND RANSON WATER TOWERS IN THE
 AMOUNT OF \$56,762 AND AUTHORIZING THE CITY MANAGER TO ENTER
 INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH OLSSON
 ASSOCIATES ENGINEERING, INC. BY AND ON BEHALF OF THE CITY OF
 LEE'S SUMMIT, MISSOURI. (PWC 8-15-17)
 (NOTE: First reading - City Council - August 24, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Bill No. 17-198 be adopted and numbered Ord. No. 8234. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Edson
Councilmember Faith
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Nay: 2 - Councilmember Carlyle
Councilmember Forte

4. PROCLAMATIONS:

- A.** [2017-1404](#) Constitution Week Proclamation - September 17 - 23, 2017
 Mayor Rhoads proclaimed September 17 - 23, 2017 as Constitution Week.

5. EMERGENCY ORDINANCES:

- A.** [BILL NO.](#) AN ORDINANCE AUTHORIZING EXECUTION OF MODIFICATION NO. 2 TO
[17-200](#) THE ON-CALL AGREEMENT FOR ENVIRONMENTAL PROFESSIONAL
 ENGINEERING SERVICES WITH STEARNS, CONRAD AND SCHMIDT,
 CONSULTING ENGINEERS, INC. DBA SCS ENGINEERS (RFQ NO. 2017-307),
 FOR A NOT TO EXCEED COST OF \$27,610.00, FOR ONE TIME
 ENVIRONMENTAL SITE ASSESSMENTS (PHASE I AND LIMITED PHASE II)
 ASSOCIATED WITH THE JEFFERSON STREET IMPROVEMENT PROJECT,
 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
 AGREEMENT FOR THE SAME; AND, CONTAINING AN EMERGENCY

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CLAUSE.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Faith, that Bill No. 17-200 be second read. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Seif
Councilmember DeMoro

Nay: 1 - Councilmember Mosby

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-200 be adopted and numbered Ord. No. 8235. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Seif
Councilmember DeMoro

Nay: 1 - Councilmember Mosby

6. PUBLIC HEARINGS:

- A. [2017-1291](#) PUBLIC HEARING - Appl. #PL2017-094 - REZONING from AG to RP-4 and CP-2 and PRELIMINARY DEVELOPMENT PLAN - West Ridge at the Lake, approximately 23 acres located at the southwest corner of NE Bowlin Road and NE Jamestown Drive; Sallee Homes, applicant.
(NOTE: This Public Hearing was CONTINUED from July 13, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that this Public Hearing for Application #PL2017-094 – Rezoning from AG to RP-4 and CP-2 and Preliminary Development Plan – West Ridge at the Lake, approximately 23 acres located at the southwest corner of NE Bowlin Road and NE Jamestown Drive, Sallee Homes, applicant be remanded back to Planning Commission for further consideration. The motion carried by the following vote:

Aye: 5 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember DeMoro

Nay: 3 - Councilmember Edson
Councilmember Mosby
Councilmember Seif

- 1) [BILL NO. 17-148](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO RP-4 and CP-2 ON APPROXIMATELY 23 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NE BOWLIN RD AND NE JAMESTOWN DR. FOR THE PROPOSED WEST RIDGE AT THE LAKE DEVELOPMENT, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN

FOR WEST RIDGE AT THE LAKE, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

This Ordinance was withdrawn.

- B. [2017-1456](#) PUBLIC HEARING - Application #PL2017-135 - VACATION OF RIGHT-OF-WAY - all of SE 23rd Street and SE Reiss Drive within the plat of Reiss Industrial Park, generally located at the southeast corner of SE M-291 Highway and SE Stuart Road; Engineering Solutions, LLC, applicant.
(NOTE: This item was CONTINUED from September 7, 2017, per Staff's request.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that this Public Hearing for Application #PL2017-135 - VACATION OF RIGHT-OF-WAY - all of SE 23rd St. and SE Reiss Dr. within the plat of Reiss Industrial Park, generally located at the southeast corner of SE M-291 Hwy. and SE Stuart Rd.; Engineering Solutions, LLC, applicant be continued to September 21, 2017. The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

7. **PROPOSED ORDINANCES - FIRST READING:**

- A. [BILL NO. 17-201](#) AN ORDINANCE APPROVING AMENDMENT NO. 3 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2018, AS ADOPTED BY ORDINANCE NO. 8162, BY REVISING THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF LEE'S SUMMIT, MISSOURI.
(Note: First reading by City Council on September 7, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 17-201 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

- B. [BILL NO. 17-202](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN CMH PARKS, INC, A TENNESSEE CORPORATION, DBA SUMMIT CUSTOM HOMES AND THE CITY OF LEE'S SUMMIT,

MISSOURI FOR THE STONEY CREEK WEST SUBDIVISION DEVELOPMENT.

(Note: First reading by City Council on September 7, 2017.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 17-202 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

- C. [BILL NO. 17-203](#) AN ORDINANCE APPROVING THE EXECUTION OF THE GRANT AGREEMENT BY AND BETWEEN THE STATE OF MISSOURI, DEPARTMENT OF TRANSPORTATION TRAFFIC AND HIGHWAY SAFETY DIVISION AND THE CITY OF LEE'S SUMMIT MISSOURI FOR THE MISSOURI HIGHWAY SAFETY PROGRAM.

(Note: First reading by City Council on September 7, 2017.)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Binney, that Bill No. 17-203 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

8. **PROPOSED ORDINANCES - SECOND READING:**

- A. [BILL NO. 17-190](#) AN ORDINANCE APPROVING A PUBLIC SERVICE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MO FOR THE SUPPORT OF THE MCC-LONGVIEW CAMPUS FLIGHTS OF FANCY MEGA KITE FESTIVAL AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 8-7-17)

(NOTE: First reading - City Council - August 24, 2017.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Binney, that Bill No.17-190 be adopted and numbered Ord. No. 8236. The motion carried by the following vote

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- D. [BILL NO.](#) AN ORDINANCE APPROVING THE AWARD OF A SOLE SOURCE TO FDM
[17-193](#) SOFTWARE FOR THE IMPLEMENTATION OF AUTOMATIC VEHICLE
LOCATION & CLOSEST UNIT RECOMMENDATION SOFTWARE
IMPLEMENTATION SERVICES, APPROVING AN AGREEMENT FOR
SERVICES AND AMENDED AND RESTATED SOFTWARE SUPPORT AND
MAINTENANCE AGREEMENT BY AND BETWEEN FDM SOFTWARE LTD.
AND THE CITY OF LEE'S SUMMIT, MISSOURI, AND AUTHORIZING THE
CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO EFFECTUATE
THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 8-7-17)
(NOTE: First reading - City Council - August 24, 2017.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-193 be adopted and numbered Ord. No. 8239. The motion carried by the following vote:

Aye: 7 - Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Absent: 1 - Councilmember Binney

- E. [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A SOLE SOURCE
[17-194](#) AGREEMENT WITH URETEK, USA, INC. FOR PROVIDING SOIL
STABILIZATION AND PAVEMENT LIFTING SERVICES IN THE AMOUNT OF
\$129,600, AND APPROVING AMENDMENT NO. 2 TO THE BUDGET FOR
THE FISCAL YEAR ENDING JUNE 30, 2018, AS ADOPTED BY ORDINANCE
NO. 8162, BY REVISING THE AUTHORIZED BUDGET EXPENDITURES OF
THE CITY OF LEE'S SUMMIT, MISSOURI WITH FUNDS TO BE BUDGETED
FOR AND PAYMENT TO BE ISSUED IN FY2018 FROM THE CAPITAL
IMPROVEMENT SALES TAX AND TRANSPORTATION SALES TAX. (PWC
8-15-17)
(NOTE: First reading - City Council - August 24, 2017.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 17-194 be adopted and numbered Ord. No. 8240. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Seif
Councilmember DeMoro

Nay: 1 - Councilmember Mosby

- F. [BILL NO.](#) AN ORDINANCE APPROVING CHANGE ORDER #9 TO THE CONTRACT
[17-196](#) WITH MIDWEST HEAVY CONSTRUCTION, LLC FOR THE JEFFERSON

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STREET IMPROVEMENTS PROJECT, AN INCREASE OF \$69,387.59 FOR A REVISED CONTRACT PRICE OF \$6,548,497.53. (PWC 8-15-17)

(NOTE: First reading - City Council - August 24, 2017.)

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Binney, that Bill No. 17-196 be adopted and numbered Ord. No. 8241. The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

G. [BILL NO. 17-197](#)

AN ORDINANCE APPROVING CHANGE ORDER #2 - WITH PCI ROADS, LLC FOR THE BRIDGE MAINTENANCE FY17 PROJECT, AN INCREASE OF \$66,256.80 FOR A REVISED CONTRACT PRICE OF \$514,673.85. (PWC 8-15-17)

(NOTE: First reading - City Council - August 24, 2017.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 17-197 be adopted and numbered Ord. No. 8242. The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

H. [BILL NO. 17-199](#)

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT AMONG THE CITY OF LEE'S SUMMIT, THE JOHN KNOX VILLAGE REDEVELOPMENT CORPORATION AND JOHN KNOX VILLAGE FOR THE 2015 JOHN KNOX VILLAGE CHAPTER 353 DEVELOPMENT PLAN.

(NOTE: First reading - City Council - August 24, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 17-199 be adopted and numbered Ord. No. 8243. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Recused: 1 - Councilmember Faith

9. COMMITTEE REPORTS (Committee chairs report on matters held in Committee):

Councilmember Binney advised the Parks Board met since the last Council meeting and their contract for improvements to Lea McKeighan North has been let and the public will see some changes in the volleyball and skate park parking. They will also be doing new master planning for Howard Park and Summit Park.

Councilmember Forte advised the CEDC would be meeting next Wednesday, September 13, 2017 at 4:30 p.m.

10. COUNCIL ROUNDTABLE:

Councilmember Faith stated there are flood areas in District 2 that are not on the City's property but would like the city to offer guidance to individuals or HOA's that are faced with these issues.

Dena Mezger, Director of Public Works, said the Public Works Department would help in any way they could. They would check the public system in these areas to make sure there is nothing that can be done on the city property. She stated that unfortunately there are not a lot of resources to assist with private property, but they would definitely be willing to do what they could to help the public.

Councilmember Faith stated he was in favor of the ordinance that was passed earlier in the evening that provided for a 2% increase to general core employees, however, it did not encompass all employees. He wanted to recognize the value of every employee. He also stated the city works hard to be competitive with both pay and benefits. He stated that the Compensation Study was originally to be presented tonight, but it had been postponed. He asked City Manager, Steve Arbo, for clarification on why it was not being present this evening.

Mr. Steve Arbo, City Manager, stated more work needed to be done to complete the work the consultant had done. There had been a lot of employee interest and involvement in this study. He felt the consultant, Springsted, needed to provide more detail and justification for the difference in pay classes before it was presented. He wanted the finished product to have as much detail as possible before providing the information to Council and city employees.

Councilmember Seif noted that she and Councilmember Edson recently met with the Oaks Ridge HOA and wanted to thank city staff, especially Dena Mezger, Michael Park and several police officers that assisted with the meeting.

Councilmember Edson voiced her concern over adding more apartments to the City. She would like to see if there can be some public meetings to gather input over the necessity and desire to add more apartments within the city.

Councilmember Binney asked who is responsible for the maintenance of the Hartley Heart. He understands the city maintains the fountain, but the Heart is in poor condition. Mr. Arbo stated that staff is currently discussing this issue and hopes to have it resolved soon.

Councilmember Binney asked for an update on the Rock Island Railroad. Dena Mezger advised that in order to receive federal grants all the plans must be approved and in place by the end of September. They have been told this should be done in the next two weeks. Once the grant has been given for this project they can begin the bidding process. She feels some of the work could take place over the late fall and winter of this year.

Councilmember Binney invited everyone to the Mayor's State of the City Address that will take place in the Council Chambers next Thursday, September 14th at 6:00 p.m. He also thanked Mayor Rhoads for including a volunteer recognition and celebration afterwards.

Councilmember Mosby advised Councilmember Faith the Public Works Committee, which Councilmember Faith now chairs, has reviewed the tax renewal through the CIP which included stormwater improvements for many years through the CIP. He encouraged Councilmember Faith to continue to look at this.

11. STAFF ROUNDTABLE:

Mr. Steve Arbo, City Manager, stated Mr. Steve Aldridge, City Architect was retiring in mid-November. He has had a long history with the city and has been involved in many important projects throughout the years and well as overseeing the maintenance of several of the City's buildings. Mr. Arbo asked Council for their approval to hire Mr. Aldridge's replacement before his official retirement date so that the replacement could shadow Mr. Aldridge to learn what needed to be done and considered for all the buildings.

12. ADJOURNMENT

There being no further business, Mayor Rhoads adjourned Regular Session No. 43 at 8:07 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 Internet site at "www.cityofls.net".