



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

Thursday, October 6, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 14

CALL TO ORDER

Mayor Rhoads called Lee's Summit City Council Regular Session No. 14 to order at 6:30 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 8 - Mayor Randall Rhoads
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Chris Moreno
Councilmember Dave Mosby
Councilmember Diane Seif

Absent: 1 - Councilmember Phyllis Edson

APPROVAL OF AGENDA

A motion was made by Councilmember Binney, seconded by Councilmember Forte, to approve the agenda as published. The motion carried unanimously (Councilmember Edson "absent").

1. PUBLIC COMMENTS:

Ms. Louise Horner cited legal cases against Councilmember Moreno, as well as potential violations, and asked for his resignation.

2. COUNCIL COMMENTS:

Note: Mayor Rhoads moved this item to the end of the agenda.

Councilmember Moreno suggested the Rules Committee discuss placing parameters on public comments during Council meetings. Councilmember

Seif advised this was already an item on the Rules Committee agenda and they will be discussing.

This was approved.

3. APPROVAL OF CONSENT AGENDA:

- A. [2016-0582](#) Mayor's Appointments:

Planning Commission: Appoint Don Gustafson, term to expire 4-15-19.

A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Appointment be approved. The motion carried unanimously (Councilmember Moreno "Away from the Table" and Councilmember Edson "absent")

- B. [2016-0546](#) Approval of Action Letters from September 1st and 15th, 2016.

A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Minutes be approved. The motion carried unanimously (Councilmember Moreno "Away from the Table" and Councilmember Edson "absent").

- C. [2016-0549](#) Approval of Liquor License for Break Time #316100

A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Liquor License be approved. The motion carried unanimously (Councilmember Moreno "Away from the Table" and Councilmember Edson "absent").

4. PROPOSED ORDINANCES:

- A. [BILL NO. 16-200](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NAPA VALLEY, 2ND PLAT, LOTS 89-115 & TRACT N", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

A motion was made by Councilmember Faith, seconded by Councilmember Forte, that this Ordinance be adopted and numbered Ordinance No. 7975. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif

Away FT: 1 - Councilmember Moreno

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7975

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- B. [BILL NO.](#)
[16-201](#) AN ORDINANCE APPROVING CHANGE ORDER #5 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF 208 CALENDAR DAYS FOR A TOTAL OF 708 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 738 CALENDAR DAYS TO REACH FINAL COMPLETION. (PWC 9/19/16)

A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7976. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif

Away FT: 1 - Councilmember Moreno

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7976

- C. [BILL NO.](#)
[16-202](#) AN ORDINANCE APPROVING AWARD OF RFQ 2017-300 TO PROFESSIONAL SERVICES INDUSTRIES, INC. AS PRIMARY AND TO KANSAS CITY TESTING & ENGINEERING, L.L.C. AS SECONDARY FOR ON-CALL YEARLY GEOTECHNICAL CONSTRUCTION, MATERIAL TESTING AND INSPECTION SERVICES. A ONE-YEAR WITH TWO POSSIBLE ONE-YEAR RENEWAL OPTIONS. (PWC 9/19/16)

A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Ordinance be adopted and numbered Ord. No. 7977. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7977

- D. [BILL NO.](#)
[16-203](#) AN ORDINANCE AUTHORIZING EXECUTION OF A MUNICIPAL AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR CONSTRUCTION AND MAINTENANCE ACTIVITIES RELATED TO THE PUBLIC IMPROVEMENT PROJECT DESIGNATED AS ROUTE COLBERN

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ROAD, JOB J4S3131, WITHIN THE CITY LIMITS OF LEE'S SUMMIT,
MISSOURI. (PWC 9/19/16)

A motion was made by Councilmember Binney, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7978. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7978

- E.** [BILL NO.](#) AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND
[16-204](#) CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE CODE OF
ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY REVISING
SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION AND
SECTION 29-1, DEFINITIONS, WITHIN EACH RESPECTIVE CHAPTER FOR
THE TERM SIDEWALK. (PWC 9/19/16)

A motion was made by Councilmember Seif, seconded by Councilmember Forte, that this Ordinance be adopted and numbered Ord. No. 7979. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7979

- F.** [BILL NO.](#) AN ORDINANCE AMENDING SECTIONS 1000, 5200 AND 5300 OF THE
[16-205](#) CITY'S DESIGN AND CONSTRUCTION MANUAL AS ADOPTED AND MADE A
PART OF THE CODE OF ORDINANCES BY SECTION 22.5-1 OF THE CODE
OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI. (PWC
9/19/16)

A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7980. The motion carried by the following vote:

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Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7980

- G.** [BILL NO.](#) AN ORDINANCE APPROVING CHANGE ORDER #1 TO THE CONTRACT
[16-206](#) WITH PHOENIX CONCRETE AND UNDERGROUND, L.L.C. FOR THE FY2017
CURB REPAIR PROJECT BID NUMBER 40432472, AN INCREASE OF
\$90,871.47 FOR A REVISED CONTRACT PRICE OF \$1,171,836.02 AND AN
INCREASE OF 14 CALENDAR DAYS FOR A TOTAL OF 104 CALENDAR DAYS
TO REACH SUBSTANTIAL COMPLETION. (PWC 9/19/16)

A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Ordinance be adopted and numbered Ord. No. 7981. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7981

- H.** [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A STATE BLOCK
[16-207](#) AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI,
AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION,
GRANTING STATE FUNDS IN THE AMOUNT OF \$9,372,772.00 FOR
RUNWAY 18-36 IMPROVEMENTS AT THE LEE'S SUMMIT MUNICIPAL
AIRPORT. (BOAC 9-29-16)

A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7982. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

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Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7982

- I. [BILL NO. 16-208](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AIRPORT AID AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, GRANTING STATE FUNDS IN THE AMOUNT OF \$520,709 FOR RUNWAY IMPROVEMENTS AT THE LEE'S SUMMIT MUNICIPAL AIRPORT. (BOAC 9-29-16)

A motion was made by Councilmember Moreno, seconded by Councilmember Binney, that this Ordinance be adopted and numbered Ord. No. 7983. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7983

- J. [BILL NO. 16-209](#) AN ORDINANCE AWARDED BID NO. 4451039 PHASE 3 RUNWAY IMPROVEMENTS IN THE AMOUNT OF \$8,894,933.70 TO EMERY SAPP & SONS, INC. AND AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY FOR THE SAME. (BOAC 9-29-16)

A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7984. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7984

- K. [BILL NO. 16-210](#) AN ORDINANCE AUTHORIZING EXECUTION OF MODIFICATION NO. 4 TO THE AGREEMENT WITH CRAWFORD MURPHY AND TILLY, INC. FOR ON-CALL ENGINEERING SERVICES FOR THE AIRPORT (RFQ 2015-300) IN THE AMOUNT OF \$880,924.77. (BOAC 9-29-16)

A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that this Ordinance be adopted and numbered 7985. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7985

5. RESOLUTIONS:

- A. [RES. NO. 16-20](#)** A RESOLUTION RESCINDING RESOLUTION NO. 16-18 AND ADOPTING IN LIEU THEREOF A RESOLUTION AUTHORIZING THE CITY OF LEE'S SUMMIT, MISSOURI TO PARTICIPATE IN COOPERATIVE PURCHASING PROGRAMS FOR FISCAL YEAR 2017.

A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Resolution be adopted. The motion carried unanimously (Councilmember Edson "absent").

6. PRESENTATIONS:

- A. [2016-0536](#)** Review of August 6, 2016, Strategic Planning Session

Ms. Denise Mills presented a summary from the two-part session with Mayor and Council, held on June 2 and August 6, 2016. Attached to Packet Form #2016-0536 is a copy of her presentation.

Mr. Arbo felt there were two questions the Council needed to consider:

- 1) Where to go from here; and,
- 2) Should the Council proceed with a committee to further vet the issues or through the Council as a whole.

The Council would look at ideas and help direct Staff on measurable outcomes. Some of the ideas or projects are broad and well-meaning but difficult to measure specific actions or products that would encourage more investment in the city. He felt more complete information was necessary to establish a set of measurable and specific implementation plans. Looking at a realistic time frame, if the information were converted into specific projects, he thought this process could be completed within the next three years. Staff could also provide quarterly updates on the progress. If a project or an action cannot be tied to a specific vision, the Council needed to consider if the issue should be included.

7. PUBLIC HEARINGS (Sworn):

- A.** [2016-0500](#) PUBLIC HEARING - Application #PL2016-148 - SPECIAL USE PERMIT for heavy equipment sales and rental - Sunbelt Rentals, 20 & 50 SE 29th Terrace; Crossland Realty Group, applicant.
(NOTE: This item was CONTINUED from September 15, 2016 per the Applicant's request.)

NOTE: Councilmember Moreno left the meeting at 7:40 p.m.

Mayor Rhoads closed the regular session at 7:40 p.m. and opened the public hearing. Those wishing to provide testimony were sworn in by the City Clerk.

Mr. Tracy Mann, real estate representative for the applicant, Crossland Realty Holdings, reviewed the application.

Mr. Hector Soto, Jr., Planning Division Manager, presented Exhibits 1-21, which were entered into the record without objection by Mayor Rhoads. Staff recommended approval with conditions 1-3.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 7:50 p.m. and reconvened the regular session.

A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, to direct Staff to PRESENT AN ORDINANCE approving the application, subject to Conditions 1-3. The motion carried unanimously (Councilmembers Edson and Moreno "absent").

- B.** [2016-0548](#) PUBLIC HEARING - Application #PL2016-135 - REZONING from AG and CP-2 to PMIX and PRELIMINARY DEVELOPMENT PLAN - Paragon Star, approximately 120 acres located at the northeast corner of NE View High Dr. and I-470; Paragon Star, LLC, applicant.

Mayor Rhoads closed the regular session and opened the public hearing at 7:52 p.m. Those wishing to testify were sworn in by the City Clerk.

Mr. Bill Brown, representing Paragon Star, provided a presentation, which is attached to Packet Form 2016-0548, and reviewed the proposed project.

Mr. Hector Soto, Jr., Planning Division Manager, presented Exhibits 1-22, which were entered into the record, without objection, by Mayor Rhoads. He advised the Council that the applicant was requesting two modifications. Staff recommended approval, subject to Conditions 1-9.

Councilmember Binney asked if the Council needed to amend the approval to include the two-lane road that was added to the plan. Mr. Soto stated this could be added as Exhibit 23, which was entered into the record by Mayor Rhoads without objection. Mr. Michael Park, City Traffic Engineer,

discussed the proposed two-lane road, stating this road would alleviate some of Staff's concerns from traffic flow, fire and life safety perspectives.

Mr. David Hartman, 9935 View High Drive, Kansas City, Missouri, was opposed to the project because of potential erosion, the destruction of woodlands, concerns for property downstream, hours of operation, additional traffic, and noise. His property abuts the development. Mrs. Linda Hartman also spoke in opposition, citing traffic increase and building in the wetlands.

Mr. David Bushek with Gilmore and Bell, City Bond Counsel, discussed the approved TIF plan. A contract is in the negotiation process at this time and will be presented to the Council on October 20th. The plan moving forward is consistent with the TIF plan and all projections.

NOTE: Councilmember Moreno returned at 8:43 p.m.

Ms. Christine Bushyhead, Bushyhead Law LLC, discussed the applicant's conversations with the Missouri Department of Transportation (MoDOT) for intersection and road improvements. Mr. Brad Burton with GBA stated they were working closely with MoDOT, Lee's Summit and Kansas City on the road system. They performed an extensive traffic study because MoDOT wanted to see traffic patterns and predictions out to 2040. They were also working the FEMA on the floodplain areas, most of which are on the property owned by the City of Lee's Summit.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 9:10 p.m.

Motion was made by Councilmember Forte, seconded by Councilmember Seif, to direct Staff to prepare an ordinance to approve the rezoning and the preliminary development plan, subject to Staff's letter with Conditions 1-9 and granting Modifications 1 and 2.

DISCUSSION: Councilmember Mosby stated he wanted to see this project succeed but felt his role was to be a steward of what is the best economic use of the property. he has seen past applications that were presented in pieces and never completed. He wanted a plan that was not phased and would be more of an economic benefit. He did not think this would generate as much revenue as retail.

A motion was made by Councilmember Forte, seconded by Councilmember Seif, to direct Staff to prepare an ordinance to approve Application No. PL2016-135, Rezoning from AG and CP-2 to PMIX and PDP, Paragon Star, approximately 120 acres at the NE corner of NE

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View High Drive and I-470; Paragon Staf, LLC, applicant, subject to Staff's letter with Conditions 1-9 and granting Modifications 1 and 2. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Seif

Nay: 1 - Councilmember Mosby

Absent: 1 - Councilmember Edson

8. OTHER BUSINESS:

- A.** [CONT'D BILL NO. 16-196](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR HEAVY EQUIPMENT SALES AND RENTAL IN DISTRICT CS ON LAND LOCATED AT 20 & 50 SE 29TH TERR., SUNBELT RENTALS, FOR A PERIOD OF TWENTY (20) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.
(NOTE: This item was CONTINUED from September 15, 2106 per the Applicant's request.)

A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered 7986. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif

Away FT: 1 - Councilmember Moreno

Absent: 1 - Councilmember Edson

Enactment No: 7986

- B.** [BILL NO. 16-211](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG AND CP-2 TO PMIX ON APPROXIMATELY 120 ACRES LOCATED AT THE NORTHEAST CORNER OF NE VIEW HIGH DRIVE AND I-470 AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR PARAGON STAR, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

A motion was made by Councilmember Carlyle, seconded by Councilmember Faith, that this Ordinance be adopted and numbered 7987. The motion carried by the following vote:

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Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Seif

Nay: 1 - Councilmember Mosby

Absent: 1 - Councilmember Edson

Enactment No: Ord. No. 7987

C. [2016-0272](#) Discussion of Rock Island Railroad Communication Committee

Mr. Arbo discussed the scope and composition of the Rock Island Railroad Committee, which was created by adoption of Res. No. 16-01 on January 7, 2016. This committee was to include two from each district, to serve as representatives on the committee.

The Rock Island Railway corridor was purchased by Jackson County, in partnership with KCATA. He reviewed the plans to use this corridor as a biking and hiking trail. The Parks Department was working with Greenwood, Pleasant Hill and the State Conservation Center regarding the "Greenwood Gap" between Pleasant Hill and Lee's Summit.

This committee was established to be a "communication committee" to disperse factual information regarding the corridor to those subdivisions around the railroad corridor and was not designed to make decisions on the Rock Island railroad project. Not all councilmembers had provided names for the committee and the committee was established under the previous Council. They discussed whether or not to continue with the committee and if the make-up of the committee should change.

There was no consensus reached by the City Council on this matter.

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

Councilmember Binney advised the Market Center of Ideas elected new officers and will be focusing on shared work space and outside interests. They want to energize young entrepreneurs, finding ways to bring those people together.

Councilmember Seif noted the Rules Committee will be discussing information on different ethics forms from other communities.

Councilmember Mosby stated the primary topic for the Public Works Committee will be storm water, prioritizing goals and rationale, long term needs and then proceed with financial planning.

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Councilmember Moreno mentioned the Livable Streets Advisory Board was involved in the Walk to School Days, which was a huge success.

COUNCIL ROUNDTABLE:

There were no comments in Roundtable.

STAFF ROUNDTABLE:

ADJOURNMENT

There being no further business, Mayor Rhoads ADJOURNED the October 6, 2016, Lee's Summit City Council Regular Session No. 14 at 9:42 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".