

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

Tuesday, October 16, 2018

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 13 **AMENDED - TIME CHANGED BACK TO 6:00PM***

Preliminaries:

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

Mayor Baird called Regular Session No. 13 to Order at 6:05 p.m.

- D. Roll Call

Present: 7 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Bob Johnson
Councilmember Beto Lopez

Absent: 2 - Councilmember Craig Faith
Councilmember Diane Forte

1. Approval of Agenda

ACTION:

Mayor Baird moved the "Ordinances Forwarded From Committee" to be read after "Public Comments".

A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, to approve the Amended agenda as further amended by Mayor Baird. The motion carried by the following vote:

7 Aye:
Councilmember Lopez
Councilmember Carlyle
Councilmember Binney
Councilmember Johnson
Councilmember Edson

Councilmember DeMoro
Mayor Baird

2 Absent:
Councilmember Faith
Councilmember Forte

2. Council Roundtable

Mayor Baird recognized Boy Scouts from Troop 1054 that were in attendance.

Mayor Baird shared he was one judge among many at the Summit Art Fest last weekend. He said he had a lot of fun and there was a very good turn out for the event.

Councilmember Binney invited the public to the Boos, Barks and Badges on October 27th in downtown Lee's Summit. This event invites families and their pets to wear costumes and join in the costume contest at 9 a.m. followed by the parade at 10 a.m.. After the parade, children are welcome to trick-or-treat at participating Downtown businesses.

3. Approval of Consent Agenda:

- A. [2018-2371](#) Mayor's Appointments:
Arts Council: Reappoint Jeannine Akins and Jonathan Kitchin, terms to expire 7-22-21.
Planning Commission: Appoint John Lovell to replace Colene Roberts, term to expire 4-15-21.

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

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

- B. [2018-2343](#) Approval of a Type G3 and S Liquor License for Frankie Farelane's, 100 SE 3rd Street.

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

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following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

- C. [BILL NO. 18-167](#) An Ordinance approving a Preliminary Development Plan located at 150 NE Tudor Road, proposed Douglas Corners Lot 1B development in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri. (Note: This item was first read by Council on October 2, 2018 and passed by unanimous vote.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Edson, that Bill No. 18-167 be adopted and numbered Ord. No. 8482 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

- D. [BILL NO. 18-171](#) An Ordinance vacating a portion of a certain sanitary sewer easement generally located at the southeast corner of SW Raintree Parkway and SW Raintree Drive for the proposed Creekside at Raintree residential subdivision in the City of Lee's Summit, Missouri. (Note: This item was first read by Council on October 2, 2018 and passed by unanimous vote.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Edson, that Bill No. 18-171 be adopted and numbered Ord. No. 8483 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

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Absent: 2 - Councilmember Faith
Councilmember Forte

- E. [BILL NO. 18-172](#) An Ordinance authorizing award of Bid No. 463-35274C for the construction of Fire Station #3 to B. Dean Construction, LLC in the amount of \$5,517,612.49 and authorizing the City Manager to enter into an Agreement for the same by and on behalf of the City. (Note: This item was first read by Council on October 2, 2018 and passed by unanimous vote.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Edson, that Bill No. 18-172 be adopted and numbered. Ord. No. 8484 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

4. Proclamations:

- A. [2018-2358](#) Proclamation

Mayor read a Proclamation honoring Conrad Lamb, Director of Finance, for 36 years of employment with the City. Mr. Lamb will be retiring on October 18, 2018.

5. Presentations:

- A. [2018-2304](#) Presentation and consideration of Agreement for Release of Real Estate Purchase Option with Westcott Investment Group for The Grove development project. (Note: This item was TABLED at the October 2, 2018 Council Meeting.)

ACTION: After some discussion, a motion was made by Councilmember Johnson, seconded by Councilmember Lopez, that this presentation be tabled indefinitely. The motion carried by the following vote:

Aye: 6 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

Absent: 2 - Councilmember Faith
Councilmember Forte

- 1) [BILL NO. 18-166](#) An Ordinance approving an Agreement for Release of Real Estate Purchase Option between the City of Lee's Summit and Westcott Investment Group, LLC. (Note: This item was TABLED at the October 2, 2018 Council Meeting.)

ACTION: After some discussion, a motion was made by Councilmember Johnson, seconded by Councilmember Lopez, that Bill No. 18-166 be tabled indefinitely. The motion carried by the following vote:

Aye: 6 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

Absent: 2 - Councilmember Faith
Councilmember Forte

B. [2018-2364](#) Compensation Plan Update

Council Discussion:

Job positions

Job descriptions for individual employees

Opportunity to provide input by employees for description

Performance evaluations done more frequently

Are job descriptions true and accurate - update as necessary

Transition Committee is in place - December deadline?

Implementation date - January 26, 2019

Staff will evaluate positions so another study is not needed. This will fix compression without any additional monies. The Transition Committee will determine the best way to use the funds. The data used in this study is validated and documented. We are currently 3 weeks behind, but moving forward quickly.

6. Resolutions:

- A.** [RES. NO. 18-17](#) A Resolution authorizing the City Manager to allocate and fund up to \$3,000 for remaining project costs for the North Gateway Welcome Monument and Lee's Summit Municipal Building Authority administrative and close out costs. (F&BC 10-1-18)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember DeMoro, that Resolution No. 18-17 be adopted. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

8. Public Hearings:

- A. [2018-2315](#) PUBLIC HEARING - Appl. #PL2018-137 - PRELIMINARY DEVELOPMENT PLAN - Developing Potential, 227 and 235 NW Executive Way; Developing Potential, Inc., applicant

Council Discussion:

Compatible with planned office zoning?

Detached sidewalk (5 foot) along the front - connect to neighbors

Cutouts on top to break it up enough to make it interesting and not stale

L-shape of building makes it "interesting" as well

This Public Hearing - Sworn was received and filed.

- 1) [BILL NO. 18-178](#) An Ordinance approving a preliminary development plan located at 227 and 235 NW Executive Way in district PO, proposed Developing Potential in accordance with the provisions of Chapter 33, The Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.
(First reading by City Council on October 16, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Binney, that Bill No. 18-178 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

9. Public Comments:

Ms. Geraldine Amato once again gave her opinion of the state of the United States. She talked about sexual abuse and how computers control votes and the electoral college.

7. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 18-173](#) An Ordinance authorizing the award of RFP No. 2018-058 for citizens strategic planning professional services to Novak Consulting Group, Inc. and authorizing the City Manager to enter into and execute said agreement for the same by and on behalf of the City in an amount not to exceed \$84,000.00. (F&BC 8-6-18)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Lopez, that Bill No. 18-173 be second read. The motion carried by the following vote:

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Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, that Bill No. 18-173 be adopted and numbered Ord. No. 8485. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

- B. [BILL NO. 18-174](#)** An Ordinance approving the Calendar Year 2019 Employee Benefit Programs; approving agreements for services by and between the City of Lee's Summit, Missouri and Blue Cross Blue Shield of Kansas City, VSP, the Standard, New Directions, Taben Group, the Hartford, and Trustmark; and authorizing the City Manager to execute agreements or other documents as necessary to administer employee benefits for Calendar Year 2019 by and on behalf of the City. (F&BC 10-1-18)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Edson, that Bill No. 18-174 be second read. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember DeMoro, that Bill No. 18-174 be adopted and numbered Ord. No. 8486. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

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Absent: 2 - Councilmember Faith
Councilmember Forte

- C. [BILL NO. 18-175](#) An Ordinance approving the award of RFP No. 2018-066 for Waste Removal and Recycling Services to WCA of Missouri, LLC based on the attached proposal composite score sheet and authorizing the City Manager to enter into and execute an Agreement No. 2018-066 for the same by and on behalf of the City of Lee's Summit Missouri. (F&BC 10-1-18)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, that Bill No. 18-175 be second read.

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, to amend Bill No. 18-175, Exhibit 1, Agreement #2018-066 as follows:

Page 1, Subsection 4, Line 3; By inserting after the word "City", the following "Council".

The motion failed by the following vote:

Aye: 2 - Councilmember DeMoro
Councilmember Johnson

Nay: 5 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

ACTION: Back to the original motion made by Councilmember Binney, seconded by Councilmember DeMoro, that Bill No. 18-175 be second read. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 18-175 be adopted and numbered Ord. No. 8487. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

- D. [BILL NO. 18-176](#) An Ordinance approving Amendment No. 3 to the original adopted budget, Ordinance No. 8405 for the fiscal year ending June 30, 2019, by revising the authorized expenditures for the City of Lee's Summit to correct an entry error for the Fleet Operations Fund. (F&BC 10-1-18)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 18-176 be second read. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Carlyle, that Bill No. 18-176 be adopted and numbered Ord. No. 8488. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

- E. [BILL NO. 18-177](#) An Ordinance approving Amendment No. 4 to the budget for the fiscal year ending June 30, 2019, as adopted by Ordinance No. 8405, by revising the authorized amount of Full Time Equivalents for the City of Lee's Summit Finance Department. (F&BC 10-1-18)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 18-177 be second read. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Edson, that Bill No. 18-177 be adopted and numbered Ord. No. 8489. The motion carried by the following vote:

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Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

10. Proposed Ordinances - First Reading:

- A. [BILL NO. 18-179](#)** An Ordinance determining and declaring the necessity of acquiring for public use certain Permanent Easements and Temporary Construction Easements for road improvements associated with the Jefferson Street Improvement Project (Oldham Pkwy to Persels Road); authorizing the City Manager and his designees to negotiate for the purpose of acquiring the necessary interests in land, and authorizing the City Attorney and his designees to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

(First reading by City Council on October 16, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Binney, that Bill No. 18-179 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

- B. [BILL NO. 18-180](#)** An Ordinance authorizing the execution of an interlocal governmental agreement between the City of Lee's Summit and Cass County Public Water Supply District No. 3 relating to the construction by Lee's Summit of a project for its use and part of a new water line for Cass County Water Supply District No. 3's use and shared use of easement areas.

(First reading by City Council on October 16, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, that Bill No. 18-180 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Absent: 2 - Councilmember Faith
Councilmember Forte

11. Proposed Ordinances - Second Reading:

- A. [BILL NO. 18-149](#) An Ordinance approving a preliminary development plan generally located at the intersection of SW Kessler Drive and SW Fascination Drive in District PMIX, proposed Kessler View, in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

(Note: This item was first read by Council on October 2, 2018.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Edson, that Bill No. 18-149 be adopted and numbered Ord. No. 8490. The motion carried by the following vote:

Aye: 6 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

Absent: 2 - Councilmember Faith
Councilmember Forte

- B. [BILL NO. 18-170](#) An Ordinance accepting final plat entitled "Arborwalk 10th Plat, Lots 242-308 Inclusive, and Tract A-10", as a subdivision to the City of Lee's Summit, Missouri. (Note: This item was first read by Council on October 2, 2018.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 18-170 be adopted and numbered Ord. No. 8491. The motion carried by the following vote:

Aye: 6 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

Absent: 2 - Councilmember Faith
Councilmember Forte

12. Committee Reports

Councilmember Binney stated the Board of Aeronautic Commissioners (BOAC) met and had a good discussion on fuel sales and liability insurance.

Councilmember DeMoro stated the Community and Economic Development Committee (CEDC) met last Wednesday and there will be several Unified Development Ordinance (UDO) amendments and other regulatory items that will be brought forward to Council to look at further.

Councilmember DeMoro noted the Public Works Committee will meet on Tuesday, October 23, 2018 at 5:30pm.

Mayor Pro Tem Lopez thanked Councilmember DeMoro for covering the CEDC meeting in his absence. He stated the next CEDC meeting will be held on November 14, 2018.

13. Council Comments:

Councilmember Binney would like staff and the Council to consider looking at the 50 Hwy and 291 Interchange as well as the 3rd Street and 50 Hwy Interchange with regard to the MARC calendar to see if these items can be placed on their calendar for review again.

Councilmember DeMoro noted that Mr. Dale Coy was in attendance and he may have not known the Public Comments had been moved earlier in the meeting, but he was present now.

Mayor Baird responded to Mr. Coy's question on this Public Comment card stating the Boards and Commissions were overseen by himself as the Mayor. He constantly reviews these Boards and Commissions as he makes appointments to each of them. He takes it very seriously and has many good qualified candidates that he interviews to make sure they are the right fit for each appointment.

Mayor Baird stated he would like to see the Council and staff fix policies to empower staff to work with developers to better vet many of the items brought forward to Council. He would like to empower the Council to trust the Committee process and the staff behind those committees, including Planning Commission, to possibly shorten the length of the Public Hearings. He would like for everyone to work together to find a solution but realizes this is not an overnight fix.

Mayor Baird also noted he would like to keep the meetings professional with mutual respect and to make sure that everyone adheres to the rules of the meeting during Public Hearings as well as Public Comments.

14. Staff Roundtable

Mr. Steve Arbo, City Manager, stated the November meetings would be changed by the following: The first two meetings, November 6 and November 13, will be Legislative Sessions. The third meeting, November 20, would be a Work Session and it was planned to be a joint meeting with the Planning Commission.

Mr. Arbo also stated that Mr. Conrad Lamb was representative of Management Team in that they are all very dedicated and hard working employees who give a lot of their time for the success of this City and Mr. Lamb was definitely a role model to all.

15. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 13 at 8:54p.m.

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 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 Legislative Information Center website at "lsmo.legistar.com"