



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

Thursday, April 6, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 31

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 7 - Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Dave Mosby
Councilmember Diane Seif

Absent: 1 - Councilmember Chris Moreno

APPROVAL OF AGENDA

Mayor Rhoads removed Item No. 3A - Approval of Action Letters from March 2, 9 and 16, 2017 in order to discuss questions with the City Clerk at a future meeting.

On motion of Councilmember Binney, seconded by Councilmember Forte, the Council voted unanimously (Councilmember Moreno "Absent") to approve the Agenda as amended by removing Item 3.A - Approval of Action Letters from March 2, 9 and 16, 2017.

1. PUBLIC COMMENTS:

Mr. James Hall, 404 SE Bordner Drive, appeared before the Council to speak against the 5th Street Bridge Project. He stated that the street is a dead end street that the residents enjoy and that their quality of life will be negatively impacted if the bridge is built. He also indicated that when he purchased his property, he contacted Public Works who indicated that there were no immediate plans for the bridge to be constructed. He requested that the project be stopped.

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Mr. Morris Melloy, 1008 SE 5th Terrace, appeared before the Council to speak against the 5th Street Bridge Project. He indicated that he had served on a number of different community related initiative in the past, including Citizens for the Future Election of Roads and Parks. He stated that the bridge is expected to cost \$3,600.00 per square foot, and that there are no plans for bikes or parks in this project. \$1 million is a lot of money for a project that has no economic impact or quality of life improvements. He also stated that residents do not have a problem getting through the neighborhood and that the money could be better spent somewhere else.

Mr. Ed Burks, 400 SE Bordner Drive, appeared before the Council to speak against the 5th Street Bridge Project. He stated that a dramatic traffic change will occur with the proposed project and will increase the use of the road for a "cut through" and that this traffic will be faster moving in an effort to save time, which will also have a negative effect on the quiet street. He requested that the Council stop the bridge project.

Dr. Karen Walker, 1613 SE 5th Terrace, appeared before the Council to speak against the 5th Street Bridge Project. She stated that she has lived on the street since 2011 after being relocated by the military. She stated that she selected the area because it was a quiet, peaceful neighborhood with a good school district. She further stated that she originally looked at a home on SE 5th Street but that the traffic was too busy and dangerous. She has contacted Councilmembers Binney and Forte regarding safety concerns in the past, particularly regarding children getting to and from school. She stated that the safety conditions of the area are already extreme, and are not conducive to even more traffic. She requested that the Council take into consideration the family friendly environment that the street and surrounding area currently provide.

Mr. Ken Sessa appeared before the Council to speak against the 5th Street Bridge Project. He is concerned that the project appeared with no input from the residents in the area. He stated that the area is a mature, fully developed, stable neighborhood. He stated that he was previously told by City Hall that a bridge would not be built. He questioned why the City would spend money on a project with no economic value. He said that he was surprised to find out that the City's plans had changed because the bridge was not on the Thoroughfare Master Plan or any previous CIPs. Now he is being told by City Hall that the project has been on the books since the 1980s and it was not necessary to contact residents. He further indicated that website links for the projects are not updated and accurate. He stated that the plans are conceptual and detailed plans are only supposed to be considered after public vetting, which didn't appear to happen for this project. There is a potential for negative consequences, and that there is no economic value associated with the proposed bridge and there has been no consideration to safety, quality of life, or economic development on this project. The manner in which this project was

approved makes him question the process.

Mr. Daniel Driver, age 9, appeared before the Council and stated that he now lives in the neighborhood where the bridge is proposed. He said he grew up in Independence on a busy street and he likes where he lives now because he can ride his bike and play in the front yard. He asked the Council not to build the bridge so he could continue to do so.

Ms. Catarina Driver, age 7, appeared before the Council and said that she enjoys learning to ride a bike at the end of the street where there are no cars, and she also likes playing in her front yard.

Ms. Vicky Schneider appeared before the Council to speak against the 5th Street Bridge Project. She lives at the end of the dead end road, and that her grandson, who is legally blind, is currently able to get out and ride his bike because of the dead end. If the bridge is built, he will lose his only opportunity to ride his bike.

2. COUNCIL COMMENTS:

Councilmember Mosby stated that he and Councilmember Moreno held a meeting with the 5th Street residents on March 24, 2017 and identified a number of questions including:

- 1) where did the project come from?
- 2) what communication was used?
- 3) what kind of quality of life changes are being made?
- 4) is there any economic development benefit?
- 5) what traffic changes are we making?

Councilmember Mosby further stated that communication was poor regarding this project, noting that one resident advised that a business card was left on his door. He stated that the project was never in the CIP that he is aware of, until it came up in this year's. As to traffic, there are streets in District 4 that were once peaceful streets that are now a raceway due to City projects opening up cut off streets, and traffic calming measures have not been allowed despite residents voicing their concerns. There are no economic development benefits to this project because it is deep into a neighborhood. Councilmember Mosby stated that it is his position that the project should not be done. He noted that the City Manager did not send an Engineer to the public meeting to answer questions, but that the residents did their own research and came to a conclusion. He indicated that he believes there is enough knowledge about the project and that there has been enough opportunity to get information regarding the project that it should not go forward.

MOTION: Councilmember Mosby made a motion that this project be removed from the list in Lee's Summit, seconded by Councilmember Edson.

DISCUSSION: Mayor Rhoads stated that he was ruling the motion out of order because he is currently being challenged by the Missouri Ethics Commission for allowing similar actions to happen during meetings, and while he appreciates what Councilmember Mosby is trying to do, until he hears back from the Ethics Commission, he does not know where he stands on the issue.

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Councilmember Mosby asked Mr. Brian Head, City Attorney, whether these types of motions were discussed during Rules Committee. Mr. Head indicated that the topic was discussed briefly during Rules Committee and further stated that he does not believe that the Council giving staff direction by a motion is harmful; however, he indicated, as Mayor Rhoads stated, an ethics complaint has been filed with the Missouri Ethics Commission that is pending. He stated that Law Department staff has responded to it and defended the Council's actions. He also corrected the record to reflect that the challenge came from the Missouri Attorney General, not the Missouri Ethics Commission. His position was that when

an agenda is published, it is not required to have every item of business, and that it is a tentative agenda; however, the Attorney General's office has decided to take up the issue, and we have responded accordingly.

Councilmember Mosby indicated that he wished to appeal the decision of the Mayor and asked whether the Mayor, as a non-voting member, has the ability to control a motion. Mr. Head indicated that the Mayor can declare a motion out of order but that the rules provide for an opportunity to appeal that may be taken to the Chair of the Rules Committee.

Councilmember Mosby appealed the Mayor's ruling to Councilmember Seif as the Chair of the Rules Committee.

Councilmember Seif stated that the topic was discussed at the Rules Committee and the determination was made that these motions could be brought up at any time, and that she would like to see the motion proceed.

Councilmember Binney requested a recess. Councilmember Mosby stated that there was a motion on the floor. Mayor Rhoads stated that it was moved and seconded to take the project from the City's list, and requested discussion on the motion.

Councilmember Forte stated that it was apparent that the project is not something the residents want, but stated that this is not normally how the process works. She stated that the Council understands how the residents feel, but allowing this would set a precedent. She indicated that the residents are being heard, and that she did not intend to vote in favor of the project, but did not want to address it in this manner because it is not the way the Council process works.

Councilmember Binney stated that he understands everyone's concern with the project but that this is not the process. The Attorney General is already involved in the City's practices regarding motions, and further the City is already subject to legal issues, and this item is out of order.

Councilmember Carlyle thanked everyone for coming to the meeting and stated that she was unaware of the concerns regarding the project until now. Prior to tonight's meeting she had only received one e-mail. She knew that the item was on the CIP and didn't know that there was opposition to it at that time. Now she understands and everyone can take the opportunity to hear more information, but she cannot stand for it not going through the normal process. Everyone's voices need to be heard to weigh both sides of the option and determine what action to take, but the time to do it is not tonight.

Councilmember Faith stated that there is a meeting scheduled for April 10, 2017 from 5:30pm-7:30pm regarding this project. He further stated that he had seen breakdowns in communication three times since being on Council with stakeholders. He stated that he does not know enough about this project yet. He further stated that he has seen the minds of stakeholders change in the past as a result of more time and communication. While he might not vote for this motion, it did not mean that he was going to vote in favor of the project. He stated that he wanted more time to consider the topic.

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Councilmember Mosby stated that the motion is not out of order and that many times the Council makes motions and gets things done, and stated politicizing concerns is inappropriate. He indicated that it was a simple motion and his position was that the project should be removed.

Hearing no further discussion, Mayor Rhoads asked for a roll call vote on the motion.

COUNCIL ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Edson, to remove the 5th Street Bridge project from the list of Lee's Summit Projects. The MOTION FAILED.

Aye: 3 - Councilmember Edson
Councilmember Mosby
Councilmember Seif

Nay: 4 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte

Absent: 1 - Councilmember Moreno

3. APPROVAL OF CONSENT AGENDA:

NOTE: Councilmember Mosby now absent from the meeting.

APPROVAL OF MINUTES:

- A.** [2017-1028](#) Approval of Action Letters from March 2, 9 and 16, 2017.

ACTION: Based upon the Mayor's amendment of the Regular Session Agenda, this matter was continued to the City Council - Regular Session, due back on 4/13/2017.

LIQUOR LICENSES:

- B.** [2017-1047](#) Approval of Type G-3 and S Liquor License for Big Whiskey's American Restaurant, 860 NW Blue Parkway. New business.

A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the approval of Type G-3 and S Liquor License for Big Whiskey's American Restaurant be approved as part of the Consent Agenda. The motion carried by a unanimous vote (Councilmember Moreno and Councilmember Mosby "Absent.")

4. PROPOSED ORDINANCES:

- A.** [BILL NO. 17-75](#) AN ORDINANCE APPROVING APPLICATION #PL2016-206 - REZONING FROM R-1 AND CP-2 TO PMIX - APPROXIMATELY 39 ACRES GENERALLY BOUNDED BY I-470 ON THE NORTH, NW PRYOR ROAD ON THE EAST AND NW LOWENSTEIN DR. ON THE SOUTHWEST ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO.5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

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(Note: This public hearing was held on March 9, 2017 at which time the Council directed staff to prepare an ordinance rezoning only the 39 acres along Pryor Road to PMIX.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 17-75 be adopted and numbered. Ord. No. 8127 The motion carried by the following vote:

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

Absent: 2 - Councilmember Moreno
Councilmember Mosby

Enactment No: Ord. No. 8127

B. [BILL NO. 17-76](#)

AN ORDINANCE APPROVING THE CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING THE INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR NORTH PARK VILLAGE, LOTS 1-52 & TRACTS A-E SUBDIVISION BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND CMH PARKS, INC. A TENNESSEE CORPORATION, D/B/A SUMMIT CUSTOM HOMES.

Prior to introducing Bill No. 17-76, Councilmember Binney stated that the City had received a letter this week from an adjacent property owner to this project, Mr. Foster, and wanted to know the status of a response to that letter.

Mr. Ryan Elam, Development Center Director, stated that the issue in the letter is regarding the location of the dam and the grading easement. He indicated that the extent of the grading that is in the field today is best answered by the Applicant, but that there have been discussions regarding the correction of the issue, pulling the grading off the property to the north and completely onto Applicant's property, and confirmation that the amount in the Cash Escrow Agreement will be inclusive of costs to correct.

Councilmember Binney asked whether the location of the dam affected the final plat. Mr. Elam indicated that the issue is one of construction, and that the location of the main basin is on Mr. Foster's property and that the Applicant has proposed a fix if they cannot come to agreement regarding the permanent easement.

Councilmember Binney asked whether the location of the dam would affect the final plat. Mr. Elam stated that the location would be within the final plat. Mr. Mark Dunning, Assistant City Manager, stated that the current concern is that the dam is creating a basin that could be considered an encroachment. If the negotiations regarding easements is not successful, the Applicant can undertake efforts to remove the basin from the adjoining property. Currently this project is seeking to have the plat done by placing security with the City. There is still ongoing work that is necessary in order for the developer to seek final acceptance. This action is not saying the subdivision is fully complete, and this is one item that would need to be fully resolved in order for final acceptance to occur.

Councilmember Binney asked if the escrow amount has changed from the initial proposal or if it was inclusive. Mr. Elam indicated that the initial escrow amount was figured on March 17, 2017. There has since been work completed and the amount that is listed today is inclusive of the work that may need to be done .

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Mr. Matt Schlict, Engineering Solutions, appeared on behalf of the applicant. He indicated that there has been misunderstanding or disagreement as to the location of the detention basin. The escrow has funds sufficient for the completion of the detention basin, and additionally the applicant has submitted a revised plan to the City which will remove the basin from the property to the north should the easement negotiation not be successful. The escrow has funds sufficient to complete either way, and will not change the plat that is in front of Council.

Councilmember Binney introduced Bill No. 17-76 for first reading, which was seconded by Councilmember Faith.

Councilmember Carlyle asked, since there is disagreement over the location of the basin tonight, if Council did not pass this Bill tonight, whether it would help the landowner experiencing the issue. Mr. Elam indicated that he did not believe so, because there is still a Certificate of Final Acceptance that has to occur.

Councilmember Carlyle asked whether there is anything the developer can not do or is doing that will be stopped if Council does not pass this Bill tonight. Mr. Elam indicated that the developer would not be able to pull building permits until the Certificate of Substantial Completion is issued. Mr. Dunning further clarified that building permits could not be released if this Bill does not pass tonight, and that the security and plat must both be in place. Councilmember Carlyle said that the e-mail Council received doesn't indicate that the parties are negotiating. Mr. Dunning indicated that the issue is best described as an encroachment issue, which is a private matter. Through our processes, the City can assist in facilitating resolutions and can play a role, because it has a relationship to a development project.

Councilmember Carlyle said that, understanding this is a private matter, the e-mail they received insinuates that there is not a lot of negotiation or good communication happening. Mr. Dunning stated that if this Ordinance were to go through tonight, Substantial Completion is achieved and building permits can be issued. The Substantial Completion Certificate is only valid for a defined period of time. If a Certificate of Final Completion is not achieved within that timeframe, or there is not substantial progress towards completion, building permits can be frozen, which helps discussion and resolution.

Councilmember Carlyle asked if the location of the dam has to be moved, it will still work regardless of where it has to be moved. Mr. Schlict said yes, and that the proposal is a backup if negotiations are not successful. He indicated that the applicant disagrees with the property owner as to whether an encroachment exists, but there are options for either way. This helps them get through the plat phase. Councilmember Carlyle asked if an encroachment exists today. Mr. Schlict indicated that it would be a legal discussion as to whether encroachment exists. Councilmember Carlyle asked whether the homeowner believes there is an encroachment. Mr. Schlict stated that the homeowner believes the Applicant is encroaching.

Councilmember Carlyle asked whether grading would make the encroachment not happen. Mr. Schlict stated that there is a grading easement that is allowing work to happen. He stated that the Applicant completed grading work per the plans approved by the City. After seeing the grading work, the owner to the north believes that it is encroaching because the detention basin goes onto his property. This is why the Applicant gave the City the option to remove the encroachment from the property to the north and put it all on the Applicant's property. Mr. Schlict provided further discussion regarding the status of the grading and indicated that either option was appropriately

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engineered.

Councilmember Forte asked whether the negotiation or the alternately proposed work could be completed then have the Applicant come back for this approval. This would make sure that all parties agree to the same thing. Mr. Schlicht indicated that this process is one of two steps. This step is to get the legal side of it done. No matter the outcome, the plat will be the plat. The Substantial Completion is the essential piece that helps get the next steps done.

Councilmember Forte indicated that it is this same legal aspect that the property owner is concerned about. Mr. Dunning stated that this is an administrative and legal phase that puts the plat in place before building permits could be issued. In talking with the Applicant, there is an agreement that the City will not release building permits or approve Substantial Completion until this issue is resolved.

Mr. Keith Foster, the adjoining property owner, asked if he could speak before the Council, which was allowed by Mayor Rhoads. Mr. Foster indicated that the Applicant had been trying to negotiate with him since November 2016, but that it has not been negotiation, it has been the Applicant telling him what they are and are not going to do. Additionally, the concern is not only the encroachment but the Design and Construction Manual regarding easements, access and maintenance. He indicated that almost 8,000 square feet of his property is currently being taken up to the point that he cannot use or maintain it. He indicated that the Applicant doesn't want to abide by the Design and Construction Manual. He indicated that he is willing to negotiate with the Applicant if they will negotiate, not just tell him what they are going to do. Mr. Foster provided copies of the Design and Construction Manual to the Council.

Councilmember Binney withdrew his motion and Councilmember Faith withdrew his second.

A motion was made by Councilmember Binney, seconded by Councilmember Forte, to CONTINUE Bill No. 17-76 to a date certain of April 20, 2017. The motion carried by a unanimous vote (Councilmember Mosby and Councilmember Moreno "Absent").

- C. [BILL NO. 17-77](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NORTH PARK VILLAGE, 1ST PLAT, LOTS 1-52 & TRACTS A-E", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, to continue Bill No. 17-76 to the City Council meeting of 4/20/2017. The motion carried by a unanimous vote (Councilmember Mosby and Councilmember Moreno "absent").

5. **PUBLIC HEARINGS (Sworn):**

- A. [2017-1096](#) CONTINUED PUBLIC HEARING – Appl. #PL2016-185 – SPECIAL USE PERMIT renewal for a telecommunication tower – 2750 NW Clifford Rd; American Tower Asset Sub, LLC, applicant
(NOTE: This Public Hearing is to be CONTINUED to a date certain of May 18, 2017, per the applicant's request.)

Mayor Rhoads closed the regular session and opened the public hearing at 7:16p.m. He advised the Council there was a request for continuance on this public hearing.

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ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Public Hearing - Sworn be continued. to the City Council - Regular Session, due back by 5/18/2017. The motion carried by a unanimous vote (Councilmembers Mosby and Moreno "absent").

- B. [2017-1097](#) CONTINUED PUBLIC HEARING – Appl. #PL2016-190 – SPECIAL USE PERMIT renewal for telecommunication towers – 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant
(NOTE: This Public Hearing is to be CONTINUED to a date certain of May 18, 2017, per the applicant's request.)

Mayor Rhoads closed the regular session and opened the public hearing at 7:17p.m. He advised the Council there was a request for continuance on this public hearing.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Public Hearing - Sworn be continued. to the City Council - Regular Session, due back by 5/18/2017. The motion carried by a unanimous vote (Councilmembers Moreno and Mosby "Absent").

- C. [2017-1045](#) PUBLIC HEARING - Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

Mayor Rhoads closed the regular session and opened the public hearing at 7:18p.m. and asked all those wishing to give testimony to be sworn in by the City Clerk.

Mr. Curtis Holland, attorney for Selective Site Consultants, Inc., applicant, appeared and introduced Desriil Hagar, RF Engineer for T-Mobile. Mr.

Holland made a brief presentation in connection with the application, and reminded the Council that the original application submitted by the applicant was denied by the Council last summer. The current application is a modification of the originally submitted application which has been worked on in connection with City staff for the last eight months. Mr.

Holland presented information regarding the new proposed location of the tower, as well as the attempt to address the 1:1 setback requirements as imposed by the City. An overall site plan showing the improvements, including landscaping and possible future construction, was presented.

Additionally, the height of the tower was reduced from 95 feet to 75 feet in the modified proposal. Finally, the pole design has been changed to a cylinder with antennas to be placed inside the pole as opposed to outside the pole, as originally proposed.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1-18 into the record. He advised, both with the initial application and the modified application, that one of City Staff's concern was that a viable lot remained for future development after the construction of the proposed tower. The current plan provides for the possibility to make this lot usable for development. Staff recommended approval of the application, subject to conditions 1-3.

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Councilmember Binney inquired as to whether Mr. Head had the Missouri State Statutes regarding Cell Tower applications with him, to which Mr.

Head responded he did not.

Hearing no further testimony, Mayor Rhoads closed the public hearing and reconvened the regular session at 7:28p.m.

ACTION: On motion of Councilmember Forte, second by Councilmember Carlyle, the Council voted unanimously (Councilmember Mosby and Councilmember Moreno "Absent") to direct staff to PRESENT AN ORDINANCE approving Application #PL2017-036 PRELIMINARY DEVELOPMENT PLAN, telecommunication tower, 244 NW Executive Way, Selective Site Consultants, Inc., applicant, subject to Staff's Letter dated March 10, 2017 and the 3 conditions therein

- D. [2017-1046](#) PUBLIC HEARING - Appl. #PL2017-037 - SPECIAL USE PERMIT for a telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

Mayor Rhoads closed the regular session and opened the public hearing at 7:29p.m. and asked all those wishing to give testimony to be sworn in by the City Clerk.

Mr. Curtis Holland, attorney for Selective Site Consultants, Inc., applicant, appeared and stated that he wished to incorporate his previous testimony regarding the preliminary development plan into this application. He indicated that this application is for a special use permit that will allow for the facility, and that there is a waiver needed in this application.

Mr. Hector Soto, Jr., Planning Division Manager entered Exhibits 1-23 into the record. He advised that the special use permit has two modification requests. First, the separation requirement from residential of 4 times the height of the tower, which would be 300 ft. Mr. Soto indicated that the height of the tower has been reduced from the original application to 75 ft. and the tower has been shifted further south and west to extend the distance from residential.

The second modification request is to the requirement that towers be painted. He indicated that the City's experience with past towers which have been painted is that they tend to create long term maintenance issues due to flaking and peeling of paint. City Staff therefore feels it is acceptable to allow the galvanized finish of the tower without paint.

Staff recommended approval of the special use permit subject to conditions 1-3.

Councilmember Binney asked Mr. Head whether he had the Missouri Revised Statutes that limit or prohibit the questions that may be asked regarding Telecommunications Tower applications at the meeting. Mr. Head indicated that he did not have them with him but that he believed that questions had to be related to the specifics of the matter and couldn't be regarding electromagnetic effects, or other topics of the like. He inquired as to whether there was a specific question Councilmember Binney had. Councilmember Binney responded that he understands there are a long list of prohibited questions and he would like to hear them out loud.

Councilmember Binney asked Mr. Desiril Hagar, Radio Frequency Engineer for T-Mobile, what the height of future 5G towers would be. Mr. Hagar indicated that 5G technology is still 3-5 years out, and therefore he could not tell how tall the tower would be. He further indicated that it sounded like Councilmember Binney was interested in outdoor DAS type systems, and those towers would typically be around 40-45 ft.

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Councilmember Binney asked Mr. Hector Soto, Jr., Planning Division Manager, why the City would be concerned with long term maintenance of the towers. Mr. Soto replied that the cycle of maintenance on painting a peeling structure would become a problem.

Councilmember Carlyle asked Mr. Hector Soto, Jr., Planning Division Manager, whether a good fall radius exists even with the recommended modification. Mr. Soto indicated that the height of the tower is 75 ft. and the nearest residence is approximately 170 ft. to the north. To the south is a parking lot, and no building exists within 100 ft. The west is a heavily treed area, with no buildings in the area. Councilmember Carlyle asked about a future building to be placed on the same lot as the tower. Mr. Soto replied that there is no minimum separation required between the tower and a building located on the same lot.

Hearing no further testimony, Mayor Rhoads closed the public hearing and reconvened the regular session at 7:37p.m.

Councilmember Faith stated that he appreciated the applicant's modified proposal regarding the tower type which assuages his concerns regarding tower ice and its possible dangers.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Public Hearing - Sworn be approved with conditions and Staff be directed to present an ordinance. The motion carried by a unanimous vote (Councilmembers Mosby and Moreno "absent").

6. **OTHER BUSINESS:**

- A. [BILL NO. 17-78](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 244 NW EXECUTIVE WAY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-78 be adopted and numbered. Ord. No. 8128 The motion carried by the following vote:

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

Absent: 2 - Councilmember Moreno
Councilmember Mosby

Enactment No: Ord. No. 8128

- B. [BILL NO. 17-79](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PO ON LAND LOCATED AT 244 NW EXECUTIVE WAY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-79 be approved and numbered. Ord. No. 8129 The motion carried by the following vote:

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

Absent: 2 - Councilmember Moreno
Councilmember Mosby

Enactment No: Ord. No. 8129

- C.** [BILL NO. 17-80](#) AN ORDINANCE AWARDED BID NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT-FY16 TO WIEDENMANN INC., IN THE AMOUNT OF \$1,578,840.00 FOR THE BASE BID AND ALTERNATES 1, 2 AND 3 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 17-80 be adopted and numbered. Ord. No. 8130 The motion carried by the following vote:

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

Absent: 2 - Councilmember Moreno
Councilmember Mosby

Enactment No: Ord. No. 8130

- D.** [BILL NO. 17-81](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND OLSSON ASSOCIATES INC., IN THE AMOUNT OF \$583,155.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR 3RD STREET IMPROVEMENTS FROM PRYOR RD TO MURRAY RD (RFQ NO. 422-32272)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-81 be adopted and numbered. Ord. No. 8131 The motion carried by the following vote:

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

Absent: 2 - Councilmember Moreno
Councilmember Mosby

Enactment No: Ord. No. 8131

- E.** [BILL NO. 17-82](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF ADDENDUM NO. 1 TO AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT,

MISSOURI AND HDR ENGINEERING, INC. FOR THE DESIGN OF THE SCADA RADIO COMMUNICATIONS SYSTEM IN THE AMOUNT OF \$103,108 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH HDR ENGINEERING, INC BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI.

Councilmember Binney asked if this was the radio system that was discussed a couple of years ago. Mr. Jeff Thorn, Assistant Director of Water Utilities responded and indicated that this was not the same system, it is a radio system that coordinates the City's SCADA system at the pump stations.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Faith, that Bill No. 17-82 be adopted and numbered. Ord. No. 8132 The motion carried by the following vote:

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

Absent: 2 - Councilmember Moreno
Councilmember Mosby

Enactment No: Ord. No. 8132

- F. [BILL NO. 17-83](#) AN ORDINANCE APPROVING CHANGE ORDER #7 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION, L.L.C. FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF \$198,936.72 FOR A REVISED CONTRACT PRICE OF \$6,479,099.95.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 17-83 be adopted and numbered. Ord. No. 8133 The motion carried by the following vote:

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

Absent: 2 - Councilmember Moreno
Councilmember Mosby

Enactment No: Ord. No. 8133

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

There were no committee reports.

8. **COUNCIL ROUNDTABLE:**

Councilmember Seif stated that she attended the "Doing Business with the City Procurement Meetings" last week and that they were very good meetings. Several small businesses signed up to be vendors with the City, and she stated that she appreciated Staff's assistance in coordinating the meetings.

City Council - Regular Session

Action Letter

April 6, 2017

Councilmember Seif also stated that she continues to get comments regarding timely posting of Action Letters and re-iterated that Action Letters needed to be done in a more timely manner.

Councilmember Binney stated that he appreciated Councilmember Seif's comments regarding the Action Letters and stated that he was proud of the video services staff members who get videos of the meetings posted on line the next day. He also reminded Council that Action Letters are synopses of the meetings.

Councilmember Binney gave a reminder that the Open House for the 5th Terrace Bridge Project is scheduled for April 10, 2017 from 5:30-7:30pm and confirmed that comment cards would be available for citizens to provide further input on the project.

Councilmember Binney expressed his concerns and thoughts to the Lee's Summit Police Department and to the Independence Police Department with the shooting of Officer Wagstaff.

Councilmember Faith spoke further regarding communications between developers and stakeholders on projects in the community. He mentioned that one developer he spoke with told him about a community that implements a "Friendly Neighborhood Program" requirement for all applications, and suggested that the City consider something similar. He indicated that better communication on projects will cut down on project time.

Councilmember Binney inquired further regarding the "Friendly Neighborhood Program" concept that Councilmember Faith suggested, and asked whether Development Center Staff should consider its implementation first. Mark Dunning, Assistant City Manager, indicated that currently, Neighborhood Meetings are encouraged as part of the development process, but are not currently required. Councilmember Binney asked if Council would need to pass an Ordinance directing staff to require meetings of this type to be included in the development process.

Mr. Head, City Attorney, indicated that passage of an Ordinance would be necessary.

Councilmember Forte stated that it was always good to look at what we are trying to do and learn from the processes and thanked everyone for their comments. Councilmember Faith stated that he appreciated his colleagues comments regarding the topic, and indicated that he had recently attended a meeting where he saw stakeholders' minds change after hearing more about the proposed project from the developers, and that it increased the stakeholders' confidence in government at the same time.

Mayor Rhoads expressed his thoughts and prayers to the Runions family.

9. STAFF ROUNDTABLE:

Mr. Arbo stated that staff has been reflecting on the City's communication regarding the bridge, and indicated that if the City had gone to the neighbors earlier, it might have improved the level of trust that the citizens had in City Hall. He believed resolution would come through increased dialogue.

A. [2017-1092](#) CONTINUED DISCUSSION OF STRATEGIC PLANNING FRAMEWORK AND PROCESS, STEP 1

CONTINUED DISCUSSION OF STRATEGIC PLANNING FRAMEWORK AND PROCESS, STEP 1

Mr. Arbo introduced the continued strategic planning and goal setting topic, indicating that City Staff had been working on the goals and framework and were ready to present on a small portion of the goals.

Jack Feldman, Administration Management Analyst, gave a general presentation overview and addressed previous questions asked by Councilmember Seif regarding Quality of Life. He stated that Denise Mills, the City's consultant for the strategic planning and goal setting initiative, mentioned that quality of life topics in and of themselves as separate categories are redundant because it is encompassed in all topics being addressed.

Ryan Elam, Director of Development Center, presented the Development Services portion of the goals and framework.

Robert McKay, Director of Planning and Development, presented the Planning portion of the goals and framework.

Councilmember Carlyle asked if the City has received CDBG funds this year. Mr. McKay responded that the City is still waiting and he was not sure whether or not the funds will be received.

Councilmember Faith commented on the work to date and reiterated that the project is a continuing plan and that there may be blank areas that are covered in others.

Mr. Arbo indicated that the Police Department and Water Department would be making presentations at next week's Council meeting. The Fire Department was scheduled to present this evening but due to the time, it will be rescheduled to another date.

ADJOURNMENT

There being no further business, Mayor Rhoads AJOURNED the April 6, 2017 City Council Regular Session No. 31 at 8:28p.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".