



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

Thursday, July 27, 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. 40

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Mayor Rhoads called Regular Session No. 40 to order at 6:15 p.m.

ROLL CALL

Present: 9 - Mayor Randy Rhoads
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: Mayor Rhoads advised he will be placing the Resolution before the presentation this evening. A motion was made by Councilmember Binney, seconded by Councilmember Faith, that the posted Amended Agenda be approved as amended by the Mayor. The motion carried by the following vote:

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

Nay: 1 - Councilmember Edson

1. PUBLIC COMMENTS:

Mr. John Ivey, spoke about public safety on Pryor Road. He would like see the city look at improving the Pryor Road near Unity Village where there is currently property (Quarry Hills) for sale.

2. COUNCIL COMMENTS:

Councilmember Binney noted there is a problem with Google broadcasting again this evening. Google said it would be corrected tomorrow.

Councilmember Binney stated he would like the Community and Economic Development Committe to put together a process, with public input, staff input, and any other interested parties, to be able to share, what is working, what might be improved, what considerations of change should be made, etc. when referring an item to the CED Committee. He feels it is possible the Downtown Design Guidelines, put together by HPC, Main St, staff and many others about 5 years ago, may be due for a review to see how they are working. Various stakeholders have offered commentary, suggestions, etc. Once they have determined a better process, they could report back to the full Council on their findings.

Mayor Rhoads recognized a Boy Scout that was in attendance.

3. APPROVAL OF CONSENT AGENDA:

Mayor Rhoads asked for clarification of the process of having ordinances in the Consent Agenda. Mrs. Jackie Heanue, Deputy City Attorney, stated this process was approved by Council previously by Bill No. 17-113 (Ordinance No. 8163) on June 1, 2017. The Rules Committee also reviewed and approved this prior to Council adoption and is an approved process for adopting ordinances.

Councilmember Edson wanted to know if the public was then only allowed one chance to speak regarding the ordinance. She did not think that was the intent of the Consent Agenda.

Councilmember Mosby stated that he agreed and did not feel that was the intent of the ordinance and would like the Rules Committee to reconsider.

Councilmember Binney felt the intent of the ordinance was to streamline and allow for approval with one vote and the public could speak on this at any time and having them on Consent Agenda would still allow this.

Councilmember Seif would like to have it noted on the agenda, if this item remains on Consent Agenda, to include committee information.

Councilmember Binney agreed and wanted to verify if it was possible to do so. Assistant City Manager, Mrs. Christal Weber, advised it could be done.

Councilmember Mosby asked if a new ordinance needed to be considered for this to happen in the future. Mrs. Jackie Heanue advised that did not have to be done.

Councilmember Edson asked if staff could provide committee information for each of the ordinances on the Consent Agenda and provide that to Council prior to voting. She suggested we move forward with the agenda and come back to the Consent Agenda when this information can be provided.

Mayor Rhoads agreed to do so, and moved forward with other items on the agenda to return to this item later.

3. APPROVAL OF CONSENT AGENDA:

(Note: The Consent Agenda was reconsidered after the break at 8:30 p.m.)

Mrs. Weber advised none of these items have been through Committee but Items 3.A. - 3.D. went through Public Hearings and Items 3.E. - 3.G. were read at the last Council meeting. Item 3.H. was first read at the last Council meeting, but did not receive a second reading due to a clarification, that is why it was placed on Consent on this date.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that all items on the Consent Agenda be approved. The motion carried by the following vote:

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

Nay: 2 - Councilmember Edson
Councilmember Mosby

- A.** [BILL NO. 17-144](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 300 SW BLUE PARKWAY IN DISTRICT PMIX, PROPOSED PINE TREE PLAZA RENOVATIONS, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(NOTE: First Reading - July 13, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-144 be adopted and numbered Ord. No. 8195 as part of the Consent Agenda approval. The motion carried by the following vote:

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

Nay: 2 - Councilmember Edson
Councilmember Mosby

- B.** [BILL NO.](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND
[17-145](#) LOCATED AT THE SOUTHWEST CORNER OF SE SHENANDOAH DR. AND SE
BATTERY DR. IN DISTRICT CP-2, PROPOSED BLOOM LIVING, ALL IN
ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT
ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.
(NOTE: First Reading - July 13, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-145 be adopted and numbered Ord. No. 8196 as part of the Consent Agenda approval. The motion carried by the following vote:

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

Nay: 2 - Councilmember Edson
Councilmember Mosby

- C.** [BILL NO.](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SENIOR
[17-146](#) INDEPENDENT LIVING FACILITY, BLOOM LIVING, IN DISTRICT CP-2 (PLANNED
COMMUNITY COMMERCIAL) ON LAND LOCATED AT THE SOUTHWEST
CORNER OF SE SHENANDOAH DR. AND SE BATTERY DR. FOR A PERIOD OF
THIRTY (30) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE
UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT,
MISSOURI.
(NOTE: First Reading - July 13, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-146 be adopted and numbered Ord. No. 8197 as part of the Consent Agenda approval. The motion carried by the following vote:

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

- D.** [BILL NO.](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON
[17-147](#) LAND LOCATED AT 4101 NE LAKEWOOD WAY IN DISTRICT PMIX, PROPOSED
COLEMAN EQUIPMENT, ALL IN ACCORDANCE WITH THE PROVISIONS OF
UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S

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(NOTE: First Reading - July 13, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-147 be adopted and numbered Ord. No. 8198 as part of the Consent Agenda approval. The motion carried by the following vote:

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

Nay: 2 - Councilmember Edson
Councilmember Mosby

- E.** [BILL NO.](#) AN ORDINANCE APPROVING A LAND CLEARANCE FOR REDEVELOPMENT
[17-154](#) AUTHORITY REDEVELOPMENT PROJECT, COLEMAN EQUIPMENT, PURSUANT
TO THE PROVISIONS OF THE LAND CLEARANCE FOR REDEVELOPMENT
AUTHORITY LAW, SECTIONS 99.300 TO 99.660 RSMo.

(NOTE: First Reading - July 13, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-154 be adopted and numbered Ord. No. 8199 as part of the Consent Agenda approval. The motion carried by the following vote:

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

Nay: 2 - Councilmember Edson
Councilmember Mosby

- F.** [BILL NO.](#) AN ORDINANCE VACATING TWO BLANKET WATER LINE EASEMENTS
[17-150](#) GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SE M-291 HWY. & SE
BAILEY RD. IN THE CITY OF LEE'S SUMMIT, MISSOURI.

(NOTE: First Reading - July 13, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-150 be adopted and numbered Ord. No. 8200 as part of the Consent Agenda approval. The motion carried by the following vote:

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

Nay: 2 - Councilmember Edson
Councilmember Mosby

- G.** [BILL NO.](#) AN ORDINANCE VACATING A CERTAIN STORM DRAINAGE EASEMENT
[17-151](#) GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SE M-291 HWY. & SE

BAILEY RD. IN THE CITY OF LEE'S SUMMIT, MISSOURI.

(NOTE: First Reading - July 13, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-151 be adopted and numbered Ord. No. 8201 as part of the Consent Agenda approval. The motion carried by the following vote:

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

Nay: 2 - Councilmember Edson
Councilmember Mosby

- H.** [BILL NO. 17-153](#) AN ORDINANCE APPROVING AMENDMENT NO. 1 TO PARKING LOT FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY (A/K/A METROPOLITAN COMMUNITY COLLEGE) AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.
(NOTE: First Reading - July 13, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-153 be adopted and numbered Ord. No. 8202 as part of the Consent Agenda approval. The motion carried by the following vote:

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

Nay: 2 - Councilmember Edson
Councilmember Mosby

4. PRESENTATIONS:

- A.** [2017-1399](#) Conceptual Economic Development Incentive Request/Presentation - 740 NW Blue Parkway Redevelopment Project; 740 Parkway Investors, LLC Applicant.

This Presentation was received and filed.

5. RESOLUTIONS:

- A.** [RES. NO. 17-11](#) A RESOLUTION ACKNOWLEDGING THE PROGRAM AGREEMENT BY AND BETWEEN MISSOURI MAIN STREET CONNECTION AND DOWNTOWN LEE'S SUMMIT MAIN STREET FOR CONTINUED IMPLEMENTATION OF THE "MAIN STREET APPROACH" IN LEE'S SUMMIT, MISSOURI TO PROMOTE REVITALIZATION OF THE DESIGNATED DOWNTOWN MAIN STREET AREA OF THE COMMUNITY AS AN ACCREDITED TIER PROGRAM.

Councilmember Seif asked how long had been in affect? Mr. Donnie

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Rodgers, Executive Director of DTLSMS, advised it has been at least four years. She stated the date on the contract says June 15, 2017 and is just now being approved, she asked if it needs to be updated. Ms. Jackie Heanue, Deputy City Attorney, advised it did not matter.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Resolution No. 17-11 be approved. 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

6. PROPOSED ORDINANCES FORWARDED FROM COMMITTEE:

- A.** [BILL NO. 17-155](#) AN ORDINANCE APPROVING AMENDMENT NO. 1 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 GENERAL FUND RESERVE BALANCE. (F&BC 7-10-17)

ACTION: A Councilmember Binney moved for second reading of Bill No. 17-155. Motion was seconded by Councilmember Forte. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Faith

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-155 be adopted and numbered Ord. No. 8203. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Faith

- B.** [BILL NO. 17-156](#) AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, GENERAL PROVISIONS ENACTING TWO NEW SECTIONS, SECTION 1-14, ENFORCEMENT; ATTORNEY'S FEES AND SECTION 1-15, VIOLATION; REMEDIES; UNAUTHORIZED HOLDOVER TO

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PROVIDE FOR THE RECOVERY OF ATTORNEYS' FEES AND COSTS IN ALL ENFORCEMENT ACTIONS BROUGHT BY THE CITY AND FURTHER PROVIDE FOR REMEDIES IN THE EVENT OF A HOLDOVER TENANT OR USER OF CITY FACILITIES. (F&BC 7-10-17).

ACTION: A Councilmember Carlyle moved for second reading of Bill No. 17-156. Motion was seconded by Councilmember Seif. The motion carried by the following vote:

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

Nay: 1 - Councilmember Mosby

Away FT: 1 - Councilmember Faith

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Binney, that Bill No. 17-156 be adopted and numbered Ord. No. 8204. The motion carried by the following vote:

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

Nay: 1 - Councilmember Mosby

Away FT: 1 - Councilmember Faith

C. [BILL NO. 17-157](#) AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI BY AMENDING SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION, TO PROVIDE THAT THE INTERPRETATION AND ENFORCEMENT OF ORDINANCES ARE TO BE COMPLIANT WITH CHANGES IN FEDERAL OR STATE LAW. (F&BC 7-10-17)

ACTION: A Councilmember Mosby moved for second reading of Bill No. 17-157. Motion was seconded by Councilmember Seif. 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

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Binney, that Bill No. 17-157 be adopted and numbered Ord. No. 8205. The motion carried by the following vote:

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

- D.** [BILL NO. 17-158](#) AN ORDINANCE APPROVING THE SOLE SOURCE ANNUAL MAINTENANCE CONTRACT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE TRANE COMPANY FOR HVAC MAINTENANCE SERVICES FOR THE POLICE AND COURT FACILITY FOR A PERIOD OF ONE YEAR IN THE AMOUNT OF \$57,880.00 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 7-10-17)

ACTION: A Councilmember Edson moved for second reading of Bill No. 17-155. Motion was seconded by Councilmember Forte. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Mosby

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 17-158 be adopted and numbered Ord. No. 8206. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Mosby

- E.** [BILL NO. 17-159](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 324-17/18 FOR THE CRACK SEAL 17/18 PROGRAM TO SCODELLER CONSTRUCTION INC. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO TO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$197,400.00. (PWC 7/18/17)

ACTION: A Councilmember Seif moved for second reading of Bill No. 17-159. Motion was seconded by Councilmember Faith. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Mosby

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-159 be adopted and numbered Ord. No. 8207. 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

Absent: 1 - Mayor Rhoads

F. [BILL NO. 17-160](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN THE LEE'S SUMMIT R-VII SCHOOL DISTRICT AND THE CITY OF LEE'S SUMMIT, MISSOURI. (PWC 7/18/17)

ACTION: A Councilmember Faith moved for second reading of Bill No. 17-160. Motion was seconded by Councilmember DeMoro. 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

ACTION: A motion was made by Councilmember Faith seconded by Councilmember Seif, that Bill No. 17-160 be adopted and numbered Ord. No. 8208. 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. 17-161](#) 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

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PUBLIC IMPROVEMENT PROJECT DESIGNATED AS ROUTE 150 AT THE INTERSECTION OF ARBORLAKE DRIVE/STONE CREEK DRIVE, JOB J4S3201, WITHIN THE CITY LIMITS OF LEE'S SUMMIT, MISSOURI. (PWC 7/18/17)

ACTION: A Councilmember DeMoro moved for second reading of Bill No. 17-161. Motion was seconded by Councilmember Seif. 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

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-161 be adopted and numbered Ord. No. 8209. 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. 17-162](#)

AN ORDINANCE AWARDING RFQ NO. 2017-069 FOR DESIGN, ARCHITECTURAL AND ENGINEERING SERVICES FOR A NEW FIRE STATION NO. 3 TO WILLIAMS SPURGEON KUHL & FRESHNOCK ARCHITECTS, INC. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR SAME WITH WILLIAMS SPURGEON KUHL & FRESHNOCK ARCHITECTS, INC. IN AN AMOUNT NOT TO EXCEED \$333,300.00 (RFQ. NO. 2017-069). (PWC 7/18/17)

ACTION: A Councilmember Forte moved for second reading of Bill No. 17-155. Motion was seconded by Councilmember Seif. 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

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 17-162 be adopted and numbered Ord. No. 8210. The motion carried by the following vote:

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

- I. [BILL NO. 17-163](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 43631483 & 43731483 FOR THE WATER MAIN REPLACEMENT - FY17, LOCATED ON 50 HWY FROM BLACKWELL ROAD TO SMART ROAD AND FROM SMART ROAD TO HARRIS ROAD TO MILES EXCAVATING INC AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$623,225.18. (PWC 7/18/17)

ACTION: A Councilmember Binney moved for second reading of Bill No. 17-163. Motion was seconded by Councilmember Carlyle. 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

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 17-163 be adopted and numbered Ord. No. 8211. 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

- J. [BILL NO. 17-164](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 324-17/18 (curb) FOR THE CURB REPAIR 17/18 PROGRAM TO PHOENIX CONCRETE & UNDERGROUND L.L.C. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$1,572,051.54. (PWC 7/18/17)

ACTION: A Councilmember Carlyle moved for second reading of Bill No. 17-155. Motion was seconded by Councilmember Binney. The motion carried by the following vote:

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

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Binney, that Bill No. 17-164 be adopted and numbered Ord. No. 8212. 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

- K.** [BILL NO.](#) AN ORDINANCE APPROVING CHANGE ORDER #8 TO THE CONTRACT
[17-165](#) WITH MIDWEST HEAVY CONSTRUCTION, L.L.C. FOR THE JEFFERSON
STREET IMPROVEMENTS PROJECT, AN INCREASE OF 50 CALENDAR DAYS
FOR A TOTAL OF 758 CALENDAR DAYS TO REACH SUBSTANTIAL
COMPLETION AND 788 CALENDAR DAYS TO REACH FINAL COMPLETION.
(PWC 7/18/17)

ACTION: A Councilmember Mosby moved for second reading of Bill No. 17-165. Motion was seconded by Councilmember Seif. 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

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, that Bill No. 17-165 be adopted and numbered Ord. No. 8213. 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. EMERGENCY ORDINANCES:

- A.** [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO LICENSES AND
[17-166](#) SEVEN EASEMENTS BETWEEN THE TRI-COUNTY WATER AUTHORITY AND

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THE CITY OF LEE'S SUMMIT, MISSOURI FOR CONSTRUCTION OF A MAIN WATER LINE; AND CONTAINING AN EMERGENCY CLAUSE.

ACTION: A Councilmember Edson moved for second reading of Bill No. 17-166. Motion was seconded by Councilmember Binney. 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

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 17-166 be adopted and numbered Ord. No. 8214. 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. PUBLIC HEARINGS (Sworn):

- A.** [2017-1116](#) PUBLIC HEARING - Appl. #PL2017-121 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #62 - Article 8 Accessory Uses and Structures, revision to the regulations for photo studios as in-home occupations; City of Lee's Summit, applicant.

This Public Hearing - Sworn was received and filed.

- 1)** [BILL NO. 17-167](#) AN ORDINANCE APPROVING APPLICATION #PL2017-121 - AMENDMENT #62 TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) - ARTICLE 8 ACCESSORY USES AND STRUCTURES - PERMITTING PHOTOGRAPHIC STUDIOS AS HOME OCCUPATIONS; CITY OF LEE'S SUMMIT, APPLICANT. (Note: Public Hearing and First Reading - City Council - July 27, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that this Bill No. 17-167 be advanced for second reading. The motion carried by the following vote:

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

Nay: 1 - Councilmember Seif

- B.** [2017-1325](#) PUBLIC HEARING - Appl. #PL2017-102 - SPECIAL USE PERMIT for

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swimming pool lights - 4140 NE Dick Howser Dr; Lakewood Property Owners Association, applicant.

This Public Hearing - Sworn was received and filed.

- 1) [BILL NO. 17-168](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR SWIMMING POOL LIGHTS IN DISTRICT R-1 ON LAND LOCATED AT 4140 NE DICK HOWSER DR FOR A PERIOD OF 10 YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: Public Hearing and First Reading - City Council - July 27, 2017.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Edson, that Bill No. 17-168 be advanced for second reading. The motion carried by the following vote:

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

Nay: 1 - Councilmember Seif

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

- A. [BILL NO. 17-169](#) AN ORDINANCE VACATING A CERTAIN STORM DRAINAGE EASEMENT AND A CERTAIN SURFACE DRAINAGE EASEMENT BOTH LOCATED AT 1601 NW BLUE PKWY IN THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: Planning Commission - July 11, 2017 and City Council, First Reading - July 27, 2017.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Binney, that Bill No. 17-169 be advanced for 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. 17-170](#) AN ORDINANCE VACATING A CERTAIN SANITARY SEWER EASEMENT LOCATED AT 600 SE OLDHAM PKWY IN THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: Planning Commission - June 27, 2017 and City Council, First Reading - July 27, 2017.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 17-170 be advanced for second reading. The motion carried by the following vote:

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

- C.** [BILL NO. 17-171](#) AN ORDINANCE APPROVING THE CITY OF LEE'S SUMMIT ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2017-2018 ANNUAL ACTION PLAN.

(Note: CEDC, Public Hearing - March 8, 2017 and City Council, First Reading - July 27, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 17-171 be advanced for 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

- D.** [BILL NO. 17-172](#) AN ORDINANCE APPROVING A FUNDING AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND 740 PARKWAY INVESTORS, LLC, A MISSOURI LIMITED LIABILITY COMPANY.

(Note: City Council, Presentation - July 27, 2017 and City Council, First Reading - July 27, 2017.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Binney, that Bill No. 17-172 be advanced for second reading. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Faith

- E.** [BILL NO. 17-173](#) AN ORDINANCE APPROVING THE NORTH GATEWAY MONUMENT SUPPLEMENTAL FUNDING AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THE LEE'S SUMMIT MISSOURI MUNICIPAL BUILDING AUTHORITY, INC. AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF LEE'S SUMMIT, AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY, AND RATIFYING THE CITY'S ORIGINAL CONTRIBUTION TO THE NORTH GATEWAY

MONUMENT PROJECT.

(NOTE: City Council, First Reading - July 27, 2017.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Faith, that Bill No. 17-173 be advanced for 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

- F. [BILL NO. 17-174](#) AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$14,575,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2017A OF THE CITY OF LEE'S SUMMIT, MISSOURI, AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

(NOTE: City Council, First Reading - July 27, 2017.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 17-174 be advanced for 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

10. PROPOSED ORDINANCES - SECOND READING:

- A. [BILL NO. 17-143](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT RENEWAL FOR A TELECOMMUNICATIONS TOWER IN DISTRICT AG (AGRICULTURAL) ON LAND LOCATED AT 2140 NW LOWENSTEIN DRIVE, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI. (NOTE: First Reading - July 13, 2017.)

Councilmember Forte moved to amend the ordinance for a 20 year period, Section 2, paragraph 1. Second by Councilmember Carlyle, Trish was called to speak.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, amend the ordinance for a 20 year period, Section 2, Paragraph 1. The motion carried by the following vote:

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

DISCUSSION

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 17-142 be adopted as amended and numbered Ord. No. 8215. 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. 17-149](#) AN ORDINANCE APPROVING THE PETITION FOR AND ESTABLISHING THE PINE TREE COMMUNITY IMPROVEMENT DISTRICT.
(NOTE: First Reading - July 13, 2017.)

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Forte, that Bill No. 17-149 be adopted and numbered Ord. No. 8216. 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

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

Councilmember Binney stated the Parks Board met and discussed the 4th Street Connector (sidewalk and street lighting) and that it has been a great improvement as well as the Old Depot to Harris Park trail. He also reminded the public of the summer concert series, and noted the Georgia Satellites this weekend at Legacy Amphitheater.

Councilmember Forte stated the next CEDC meeting will be held August 9th at 4:30 pm and there is a lot on that agenda.

12. COUNCIL ROUNDTABLE:

Councilmember Mosby stated that at the last Council meeting there was a

motion on floor and the applicant was asked to give commentary. Again tonight there was a motion on the floor and applicant provided information outside of the Public Hearing. He would like this to be reviewed as he doesn't feel it's appropriate. He would like this process to be reviewed.

Councilmember Binney said he felt the second readings on the Consent AGenda is more transparent since the Public Hearing and first readings are being on a separate night.

Councilmember Binney also stated he attended a webinar with MML and hopes to share the presentation with everyone on planning and zoning with regards to the roles of Planning, Zoning and elected officials. He felt it was a very good session.

Councilmember Edson stated the city is collecting surveys for Communities Of All Ages and asked if it was only done via email or if they had also been mailed? Mr. Ryan Elam stated there are hard copies available at different locations throughout the city.

Mayor asked the City Clerk to do an outline on the changes to the Agenda with the Charter Amendments.

13. STAFF ROUNDTABLE:

Mrs. Christal Weber invited everyone to stay and enjoy a movie on the stairs tonight as part of the DTLSMS's movie nights on the front steps of City Hall.

14. ADJOURNMENT

Mayor Rhoads adjourned Regular Session No. 40 at 8:58 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".