



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

Thursday, September 15, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 13 - AMENDED**

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CALL TO ORDER

Mayor Rhoads Called Regular Session No. 13 to order at 6:20 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present:** 8 - Councilmember Rob Binney  
Councilmember Trish Carlyle  
Councilmember Phyllis Edson  
Councilmember Craig Faith  
Councilmember Diane Forte  
Councilmember Chris Moreno  
Councilmember Dave Mosby  
Councilmember Diane Seif

APPROVAL OF AGENDA

**ACTION:** On motion of Councilmember Binney, Second by Councilmember Seif, the Council voted unanimously to approved the published amended agenda.

1. **PUBLIC COMMENTS:**

There were no Public Comments.

2. **COUNCIL COMMENTS:**

There were no Council Comments.

3. **APPROVAL OF CONSENT AGENDA:**

- A. [2016-0524](#) Mayor's Appointments:  
Human Relations Commission: Appoint Anne Wallace, Edgar Palacios term to expire 7-6-19 and appoint Kimberly Hollins, term to expire 7-6-17.

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

B. [2016-0559](#) Mayor's Appointments:

Downtown Community Improvement District Board: Reappoint Amy Robertson, Debbie Stoddard, and Jennifer Swearngin; and appoint Trisha Drape with all terms to expire 8-4-20.

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

C. [2016-0504](#) Approval of Liquor License for Sabella's Fire.

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

4. **PROPOSED ORDINANCES:**

A. [BILL NO. 16-188](#) AN ORDINANCE VACATING A CERTAIN WATER LINE EASEMENT LOCATED WITHIN THE PLAT ENTITLED "400 COLBERN ROAD, LOTS 1-3 & TRACT A," IN THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Binney, that Bill No. 16-188 be adopted and numbered Ord. No. 7964. The motion carried by the following vote:**

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

Enactment No: Ord. No. 7964

B. [BILL NO. 16-189](#) AN ORDINANCE VACATING TWO CERTAIN SANITARY SEWER EASEMENTS LOCATED WITHIN THE PLAT ENTITLED "400 COLBERN ROAD, LOTS 1-3 & TRACT A," IN THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Mosby, that Bill No. 16-189 be adopted and numbered Ord. No. 7965. The motion carried by the following vote:**

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

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Enactment No: Ord. No. 7965

- C. [BILL NO. 16-190](#) AN ORDINANCE APPROVING A FIXED BASE OPERATOR AGREEMENT WITH LEGACY AVIATION, INC. d/b/a FLYING KC FOR THE LEASE OF SUITE C IN THE AIRPORT MODULAR BUILDING TO PERFORM FLIGHT TRAINING, AIRCRAFT RENTAL, AIRCRAFT MANAGEMENT/CONSULTING AND AIRCRAFT SALES AT THE LEE'S SUMMIT MUNICIPAL AIRPORT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SAME WITH LEGACY AVIATION, INC. d/b/a FLYING KC FOR A PERIOD OF ONE YEAR WITH A ONE YEAR AUTOMATIC RENEWAL OPTION. (F&BC 8-29-16)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 16-190 be adopted and numbered Ord. No. 7966. The motion carried by the following vote:**

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

Enactment No: Ord. No. 7966

- D. [BILL NO. 16-191](#) AN ORDINANCE APPROVING MODIFICATION NO. 5 TO AGREEMENT NO. 2012-002 WITH TOSHIBA BUSINESS SOLUTIONS TO EXTEND THE TERM OF THE AGREEMENT AN ADDITIONAL TWO (2) YEARS AND TO REDUCE THE TOTAL MONTHLY LEASE RATE PAYABLE BY THE CITY OF LEE'S SUMMIT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 8-29-16)

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 16-191 be adopted and numbered Ord. No. 7967. The motion carried by the following vote:**

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

Enactment No: Ord. No. 7967

- E. [BILL NO. 16-192](#) AN ORDINANCE APPROVING A SOLE SOURCE AGREEMENT AND ORDER FORM WITH INFOR FOR THE PROCUREMENT OF UPGRADE LICENSES FOR MICRO FOCUS SOFTWARE TO BE USED IN CONNECTION WITH THE LAWSON SYSTEM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH INFOR FOR THE ACQUISITION OF THE SAME IN THE AMOUNT OF \$26,272.00. (F&BC 8-29-16)

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**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 16-192 be adopted and numbered Ord. No. 7968. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif

**Nay:** 1 - Councilmember Moreno

Enactment No: Ord. No. 7968

- F.**     [BILL NO.](#)     AN ORDINANCE REPEALING PREVIOUS ORDINANCES RELATED TO THE  
[16-193](#)           SCHEDULE OF FEES AND CHARGES FOR THE CITY OF LEE'S SUMMIT AND  
                  ESTABLISHING THE CITY OF LEE'S SUMMIT SCHEDULE OF FEES AND  
                  CHARGES. (F&BC 8-29-16)

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that Bill No.16-193 be adopted and numbered Ord. No. 7969. The motion carried by the following vote:**

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

Enactment No: Ord. No. 7969

- G.**     [BILL NO.](#)     AN ORDINANCE APPROVING THE EXECUTION OF THE GRANT  
[16-194](#)           AGREEMENT BY AND BETWEEN THE STATE OF MISSOURI, DEPARTMENT  
                  OF TRANSPORTATION TRAFFIC AND HIGHWAY SAFETY DIVISION AND  
                  THE CITY OF LEE'S SUMMIT MISSOURI FOR THE MISSOURI HIGHWAY  
                  SAFETY PROGRAM.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Bill No. 16-194 be adopted and numbered Ord. No. 7970. The motion carried by the following vote:**

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

Enactment No: Ord. No. 7970

- H. [BILL NO. 16-195](#) AN ORDINANCE APPROVING A PUBLIC SERVICE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE LEE'S SUMMIT R-7 SCHOOL DISTRICT FOR THE SUPPORT OF THE STUDENT ART PROJECT AT THE SUMMIT ART FESTIVAL.

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 16-195 be adopted and numbered Ord. No. 7971. The motion carried by the following vote:**

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

Enactment No: Ord. No. 7971

5. **PROCLAMATIONS:**

- A. [2016-0418](#) Proclaim the week of September 17-23, 2016 as Constitution Week.

**ACTION: The Mayor proclaimed the week of September 17-23, 2016 as Constitution Week.**

6. **RESOLUTIONS:**

- A. [RES. NO. 16-18](#) A RESOLUTION AUTHORIZING THE CITY OF LEE'S SUMMIT, MISSOURI TO PARTICIPATE IN COOPERATIVE PURCHASING PROGRAMS FOR FISCAL YEAR 2017. (F&BC 8-29-16)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Res. No. 16-18 be adopted. The motion carried by a unanimous vote.**

- B. [RES. NO. 16-19](#) A RESOLUTION DIRECTING STAFF TO EXTEND THE TIME PERIOD FOR THE SUSPENSION AND DELAY OF THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND APPLICATIONS FOR BUILDING PERMITS IN AN AREA GENERALLY BOUNDED BY PINE TREE PLAZA, 50 HIGHWAY, ADESA PROPERTY, JEFFERSON STREET, PERSELS (WEST OF M-291), 16TH STREET (EAST OF M-291) THE UNION PACIFIC RAILROAD RIGHT-OF-WAY AND SOUTH M-291 HIGHWAY TO A DATE OF JANUARY 6, 2017.

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Res. No. 16-19 be adopted. The motion carried by a unanimous vote.**

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

- A. [2016-0472](#) PUBLIC HEARING - Application #PL2016-094 - Amendment #57 to the Unified Development Ordinance - Article 13 Signs.

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**ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Carlyle, to direct staff to present an ordinance approving Application #PL2016-094 - Amendment #57 to the Unified Development Ordinance - Article 13 Signs. The motion carried by a unanimous vote. (Councilmembers Edson and Forte "Away From Table".)**

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

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Faith, that this Public Hearing be continued to October 6, 2016. The motion carried by a unanimous vote.**

- C. [2016-0522](#) PUBLIC HEARING - To Establish the 2016 Tax Levy for the City of Lee's Summit, Cass and Jackson Counties.

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Faith, to direct staff to present and ordinance to establish the 2016 Tax Levy for the City of Lee's Summit, Cass and Jackson Counties. The motion carried by a unanimous vote.**

**8. OTHER BUSINESS:**

- A. [BILL NO. 16-199](#) AN ORDINANCE APPROVING APPLICATION #PL2016-094 - AMENDMENT #57 TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) - ARTICLE13 SIGNS; CITY OF LEE'S SUMMIT APPLICANT.

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 16-199 be adopted and numbered Ord. No. 7972. The motion carried by the following vote:**

**Aye:** 6 - Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Away FT:** 2 - Councilmember Binney  
Councilmember Forte

Enactment No: Ord. No. 7972

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

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This item was continued to October 6, 2016 after the continuation of the public hearing to that same date.

Enactment No: 7986

- C. [BILL NO. 16-197](#) AN ORDINANCE SETTING THE TAX LEVY FOR THE YEAR 2016 FOR THE CITY OF LEE'S SUMMIT, CASS AND JACKSON COUNTIES, MISSOURI.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Substitute Bill No. 16-197 be adopted and numbered Ord. No. 7973. The motion carried by the following vote:**

**Aye:** 5 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif

**Nay:** 3 - Councilmember Edson  
Councilmember Moreno  
Councilmember Mosby

Enactment No: Ord. No. 7973

- D. [2016-0544](#) New Longview TIF Status update

**ACTION: Council received an update on the New Longview TIF.**

- E. [BILL NO. 15-238](#) Second Reading of AN ORDINANCE APPROVING REDEVELOPMENT PROJECT [N] FOR THE NEW LONGVIEW TAX INCREMENT FINANCING PLAN AND ACTIVATING THE COLLECTION OF TAX INCREMENT FINANCING REVENUES THEREIN.

(NOTE: Second Reading. First Reading was done on December 17, 2015.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Moreno, the Council voted 7 "Aye", 1 "No" (Councilmember Carlyle) to table Bill No. 15-238 be until October 20, 2016. The motion carried by a unanimous vote.**

- F. [BILL NO. 16-198](#) AN ORDINANCE APPROVING AN ADDITIONAL STATEMENT OF WORK PURSUANT TO THE ORIGINAL AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND RUBINBROWN LLP FOR CERTAIN PROCUREMENT PROCESS AUDIT SERVICES AS DESCRIBED THEREIN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, for second reading. The vote was 4 "Aye" (Councilmembers Binney, Forte, Carlyle and Faith) and 4 "No" (Councilmembers Edson, Seif, Mosby and Moreno). Mayor voted in favor. Motion passed.**

**A motion was made by Councilmember Carlyle, seconded by Councilmember Forte for adoption of Bill No. 16-198. Councilmember Mosby asked to discuss.**

**After lengthy discussion and debate, on motion of Councilmember Carlyle, second by Councilmember Forte the council voted 3 "Aye", 5 "No" to Call the Vote. Motion failed.**

After additional discussion and debate, on motion of Councilmember Moreno, second by Councilmember Mosby the council voted 4 "Aye" (Councilmembers Edson, Seif, Mosby and Moreno), 4 "No" (Councilmembers Binney, Forte, Carlyle and Faith) to Table this item to October 6, 2016. Mayor voted "No". Motion failed.

After more discussion and debate, on motion of Councilmember Mosby, second by Councilmember Binney, the council voted 7 "Aye", 1 "No" (Councilmember Forte) to amend the Statement of Work from RubinBrown to reflect Councilmember Mosby's changes . Motion passed.

The Council voted to adopt Bill No. 16-198 (as amended) and numbered Ord. No. 7974. The motion carried by the following vote:

- Aye:** 6 - Councilmember Binney  
Councilmember Edson  
Councilmember Faith  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif
- Nay:** 2 - Councilmember Carlyle  
Councilmember Forte

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

- Councilmember Mosby stated the Public Works Committee had a great discussion on stormwater issues. He said there was a lot of great information provided and they will continue to work on this.
- Councilmember Seif noted the Rules Committee will meet on Monday, September 26 at 5pm
- Councilmember Edson advised she had traveled to Whiteman AFB for a Base Community Council that help to support the men, women and families that are stationed there. She said Lee's Summit may become "attached" to a wing that the city can then help support, much like a sister city.

10. **COUNCIL ROUNDTABLE:**

- Councilmember Mosby stated there have been several problems with the way committee assignments are made. He felt the process takes longer which then causes items to take longer to go through committee. He would like the Mayor Pro Tem to assign this discussion to a committee to look at Mayor Pro Tem responsibilities and possible see it placed on the ballot.
- Councilmember Binney stated he would discuss this matter with Councilmember Mosby to see exactly what he wanting to accomplish.
- Councilmember Mosby stated he wanted to look at an alternate way to handle committee assignments.
- Councilmember Binney stated again that he would meet with Councilmember Mosby to discuss the matter further to determine if this was something that needed to go to a committee or not when he had a better understanding of what Councilmember Mosby was asking for.
- On motion of Councilmember Mosby, second by Councilmember Moreno,



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the council voted 5 "No", 2 "Yes" (Councilmembers Mosby and Moreno), 1 "Away from Table" (Councilmember Carlyle), to have the Mayor place a discussion of committee assignments on a future agenda for discussion. Motion Failed.

- Councilmember Moreno stated he would like to see a more formalized way to ask the Mayor Pro Tem to place an item for discussion with a committee.
- Councilmember Binney stated he had heard that another Councilmember had told a citizen the city had not had any performance audits done in the last 10 years. Mr. Arbo stated the city has performance audits done annually.
- Councilmember Binney noted the Recyclefest will held this Saturday, September 17, from 9am - Noon at City Hall.
- Councilmember Faith commended Councilmember Mosby on his efforts at the Public Works Committee meeting this week. He also stated he will be attending, and looks forward to, the Snow Rodeo hosted by the Public Works department tomorrow.

**11. STAFF ROUNDTABLE:**

There was no Staff Roundtable.

**12. ADJOURNMENT**

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](http://www.cityofls.net)".