



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

Thursday, August 4, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 8

CALL TO ORDER

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

COUNCIL ACTION: On motion of Councilmember Binney, second by Councilmember Forte, the Council voted unanimously to approved the published agenda.

1. PUBLIC COMMENTS:

Mayor Rhoads recognized two Boy Scout troops that were in attendance.

Ms. Patricia Hansen asked Council to look at rescinding current fireworks ordinance law and put a law to the vote of the people to keep fireworks legal in Lee's Summit or not. She also apologized for voting for Councilmember Moreno, she stated she feels he treats people rudely.

Ms. Megan Tripses welcomed new councilmembers and voiced her concerns on Bill No. 16-154 regarding the Resource Recovery Park contract.

2. COUNCIL COMMENTS:

Councilmember Mosby asked if there would be a statement or response

from staff regarding the concerns of Ms. Tripses on Bill No. 16-154 at the time of reading. Mayor advised staff could provide that.

Councilmember Carlyle asked for an update on signatures with Mariner regarding New Longview contract. Mr. Arbo advised and agreement has been reached and an update will be provided at the August 18, 2016 Council meeting.

Councilmember Moreno congratulated Mr. Rizzo and Mr. Stacy on their primary wins in Tuesday Primary Election.

3. APPROVAL OF CONSENT AGENDA:

APPROVAL OF MINUTES:

- A. [2016-0398](#) Approval of Action Letters for July 7, July 14 and July 21, 2016.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Consent Agenda, Item 3.A. be approved. The motion carried by a unanimous vote.

4. PROPOSED ORDINANCES:

- A. [BILL NO. 16-149](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "THE RESERVE AT STONEY CREEK 2ND PLAT, LOTS 54-59 & TRACT K", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7929. 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. 7929

- B. [BILL NO. 16-154](#) AN ORDINANCE AUTHORIZING EXECUTION OF A SOLE SOURCE ON-CALL AGREEMENT FOR RESOURCE RECOVERY PARK WITH STEARNS, CONRAD & SCHMIDT, CONSULTING ENGINEERS, INC. DBA SCS ENGINEERS, FOR A NOT TO EXCEED COST OF \$69,789.00.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7930. The motion carried by the following vote:

City Council - Regular Session

Action Letter

August 4, 2016

Aye: 5 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Seif

Nay: 3 - Councilmember Faith
Councilmember Moreno
Councilmember Mosby

Enactment No: Ord. No. 7930

C. [BILL NO.](#)
[16-155](#)

AN ORDINANCE AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE CITY OF GREENWOOD, MISSOURI FOR SUB-GRADE PREPARATION AND OVERLAY OF DOC HENRY ROAD.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Binney, that this Ordinance be adopted and numbered Ord. No. 7931. 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. 7931

D. [BILL NO.](#)
[16-156](#)

AN ORDINANCE APPROVING THE AWARD OF BLACKWELL LIVABILITY IMPROVEMENT PROJECT TO QUALITY CUSTOM CONSTRUCTION AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$147,447.45

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Ordinance be adopted and numbered Ord. No. 7932. 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. 7932

E. [BILL NO.](#)
[16-157](#)

AN ORDINANCE APPROVING THE AWARD OF BID NO. 40432472 FOR THE FY2017 CURB REPAIR PROGRAM TO PHOENIX CONCRETE & UNDERGROUND, L.L.C., AND AUTHORIZING THE CITY MANAGER TO ENTER INTO TO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$1,080,964.55.

City Council - Regular Session

Action Letter

August 4, 2016

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7933. 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. 7933

F. [BILL NO.](#)
[16-158](#)

AN ORDINANCE APPROVING THE AWARD OF BID NO. 41132472 FOR THE FY2017 CRACK SEAL PROGRAM TO VANCE BROTHERS, INC. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO TO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$179,510.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7934. 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. 7934

G. [BILL NO.](#)
[16-159](#)

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT AND THE SAVANNAH RIDGE PROPERTY OWNERS ASSOCIATION FOR UPGRADED STREET LIGHTING IN THE SAVANNAH RIDGE SUBDIVISION.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7935. 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. 7935

City Council - Regular Session

Action Letter

August 4, 2016

- H. [BILL NO.](#) AN ORDINANCE APPROVING CHANGE ORDER #4 TO THE CONTRACT
[16-160](#) WITH MIDWEST HEAVY CONSTRUCTION FOR THE JEFFERSON STREET
IMPROVEMENTS PROJECT, AN INCREASE OF \$126,227.00 FOR A REVISED
CONTRACT PRICE OF \$6,280,163.23.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that this Ordinance be adopted and numbered Ord. No. 7936. 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. 7936

- I. [BILL NO.](#) AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE SURETY
[16-161](#) BOND AGREEMENT GUARANTEEING INSTALLATION OF SUBDIVISION
IMPROVEMENTS FOR THE DEVELOPMENT OF MAGNOLIA PLACE AT
CHARLESTON PARK, SECOND PLAT, LOTS 2A-3 SUBDIVISION BY AND
BETWEEN VILLAGE COOPERATIVE OF LEE'S SUMMIT, OMNI
CONSTRUCTION COMPANY, INC AND THE CITY OF LEE'S SUMMIT,
MISSOURI AND APPROVING THE CONTINUED USE OF A SURETY BOND AS
SECURITY FOR THE INSTALLATION AND CONSTRUCTION OF SAID
SUBDIVISION IMPROVEMENTS.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7937. 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. 7937

- J. [BILL NO.](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "GODDARD SCHOOL
[16-162](#) LOT 1 & TRACT A", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT,
MISSOURI

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember

City Council - Regular Session

Action Letter

August 4, 2016

Carlyle, that this Ordinance be adopted and numbered Ord. No. 7938. 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. 7938

5. **PRESENTATIONS:**

- A. [2016-0396](#) Community Marketing Presentation & Status Report

Mr. Jim McKenna provided information on the success of the LS Brand and the future of the brand.

Council voiced their support and gratitude for his hard work and efforts. They look forward to seeing this continue to grow.

- B. [2016-0390](#) Lee's Summit Economic Development Council (LSEDC) Quarterly Report - 2nd Quarter 2016

Mr. Rick McDowell, President of the Lee's Summit Economic Development Council, provided a brief report on the April - June 2016 LSEDC projects and marketing.

- C. [2016-0416](#) Presentation & Request - NorthPoint Development - Project Status Report for Residences at New Longview and request for Certificate of Occupancy

Representatives from Northpoint Development provided an update on Residences at New Longview and the stated the reasons they needed a waiver on the requirements to receive the Certificate of Occupancy for the sale of the property. The Ordinance follows later on the agenda.

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

- A. [2016-0305](#) PUBLIC HEARING - Appl. #PL2016-077 - SPECIAL USE PERMIT renewal for automotive sales - Midwest Tire & Service, 190 NW Oldham Pkwy.; Midwest Tire & Service, Inc., applicant

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, that this Appl. #PL2016-077 - SPECIAL USE PERMIT renewal for automotive sales - Midwest Tire & Service, 190 NW Oldham Pkwy.; Midwest Tire & Service, Inc., applicant be approved subject to staff's letter dated June 10, 2016, items 1-4. The motion carried by a unanimous vote.

- B. [2016-0369](#) PUBLIC HEARING - Appl. #PL2016-097 - PRELIMINARY DEVELOPMENT PLAN - QuikTrip, 800 NE Woods Chapel Rd.; QuikTrip, applicant

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Mosby, that Appl. #PL2016-097 - PRELIMINARY DEVELOPMENT PLAN - QuikTrip, 800 NE Woods Chapel Rd.; QuikTrip, applicant be tabled to August 18, 2016. The motion carried by a unanimous vote.

7. **OTHER BUSINESS:**

- A. [BILL NO. 16-163](#) AN ORDINANCE AUTHORIZING EXECUTION OF A CASH ESCROW AGREEMENT REGARDING OUTSTANDING PRIVATE IMPROVEMENTS BY AND BETWEEN THE CITY OF LEE'S SUMMIT AND NORTHPOINT DEVELOPMENT, LLC; AND WAIVER OF CERTIFICATE OF FINAL ACCEPTANCE FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY REGARDING THE RESIDENCES AT NEW LONGVIEW.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered Ord. No. 7939. 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. 7939

- B. [BILL NO. 16-164](#) AN ORDINANCE AUTHORIZING THE DELIVERY OF CERTAIN ASSIGNMENT, AMENDMENT AND OTHER DOCUMENTS RELATED TO THE CITY'S TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS (RESIDENCES AT NEW LONGVIEW PROJECT), SERIES 2014, TO RECOGNIZE THE SALE OF THE PROJECT AND THE RELATED ASSIGNMENT OF THE BONDS AND CERTAIN BOND DOCUMENTS AND TO MAKE OTHER CONFORMING MODIFICATIONS TO THE BOND DOCUMENTS.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Faith, that this Ordinance be adopted and numbered Ord. No. 7940. The motion carried by the following vote:

City Council - Regular Session

Action Letter

August 4, 2016

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

Nay: 1 - Councilmember Binney

Enactment No: Ord. No. 7940

- C.** [BILL NO. 16-165](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT RENEWAL FOR CAR SALES IN DISTRICT CP-2 ON LAND LOCATED AT 190 NW OLDHAM PARKWAY, MIDWEST TIRE & SERVICE, FOR A PERIOD OF SEVEN (7) YEARS FROM THE PREVIOUS EXPIRATION DATE, TO EXPIRE ON APRIL 16, 2023, 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 Carlyle, seconded by Councilmember Forte, that this Other Business - Ordinance be adopted and numbered Ord. No. 7941. 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. 7941

- D.** [BILL NO. 16-166](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 800 NE WOODS CHAPEL ROAD, IN DISTRICT CP-2, PROPOSED QUIKTRIP, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: Due to the Public Hearing on this matter being Tabled to August 18, 2016, this ordinance was also moved to the August 18th meeting.

- E.** [2016-0423](#) 2016 Fireworks Activity Presentation

Mr. Jim Eden, Assistant Fire Chief, provided a history of the City's fireworks ordinance and the progression to the current ordinance. He gave information on the application process, tents, regulations and calls for service this year.

Councilmember Forte suggested Council look at increasing the price of the licensing from \$275 to a higher amount and changing the hours it is legal to shoot fireworks on July 2nd and 3rd.

This Presentation was received and filed.

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

Councilmember Carlyle stated the Finance and Budget Committee met on Monday, August 1st. They discussed the audit request. The Committee could not reach a decision on the process to complete the audit, so this item will be brought to the full Council on Thursday, August 11st. Their next meeting will be held on Monday, August 29th.

Councilmember Forte advised the Communications Task Force will be meeting on Monday, August 8th at 4pm.

Councilmember Edson stated the Parks Board met prior to the sales tax being passed on Tuesday. She congratulated them and looks forward to seeing how they progress.

Councilmember Seif advised the City Council Rules Committee will be meeting on Monday, August 22nd at 5pm.

9. COUNCIL ROUNDTABLE:

Councilmember Faith asked what the city could do about mosquito abatement in light of the Zika virus coming to the U.S. Council Seif advised the HEAB is having an advisory group talk and this and they may come to Council for this discussion as well if it is wanted. Councilmember Moreno said Virocorp may also be interested in making a presentation on this.

Councilmember Forte mentioned the Piccadilly for Downtown Lee's Summit Main Street is on September 15th. This is also a Council meeting night. She asked Council to consider rescheduling the meeting that night in order for Council to attend this event.

Councilmember Binney recognized Mr. Walter Hyde receiving an award for Veteran Services from the Lt. Governor. He would like the City to look at Veteran Services offered within the city. He also thanked voters for voting in Tuesday's election and passing both the items on the ballot.

Councilmember Moreno recognized Mr. Rusty Prowfit, a resident of Lee's Summit, for his civic leadership award from the City of Oak Grove.

Mayor Rhoads also expressed his gratitude for all those that took time out of their days to vote in the election on Tuesday.

10. STAFF ROUNDTABLE:

City Council - Regular Session

Action Letter

August 4, 2016

There was no Staff Roundtable.

ADJOURNMENT

There being no further business, Mayor Rhoads adjourned the Regular Session No. 8 at 9:54pm.

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