

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

Tuesday, August 6, 2019

6:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 35 (AMENDED)

Preliminaries:

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

Mayor Baird called Regular Session No. 35 to order at 6:30 p.m.

- D. Roll Call

Rollcall

Present: 8 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Bob Johnson

Absent: 1 - Councilmember Beto Lopez

1. Approval of Agenda

ACTION: Prior to the approval of the agenda, Mayor Baird removed Items 8.A. (Bill No. 19-173) and 8.B. (Bill No. 19-174) from the agenda. They will be brought back to the Council at a later date.

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, to approve the agenda as amended. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember DeMoro, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

A. [2019-2924](#) Approval of Action Letters from July 9th, 16th and 23rd, 2019.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember DeMoro, to approve the Action Letters for July as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

B. [2019-2943](#) Mayor's Appointment - Arts Council: Reappoint Nick Parker, term to expire 7-22-22.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember DeMoro, to approve Mayor's Appointments as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

C. [BILL NO. 19-169](#) An Ordinance granting a Special Use Permit for a telecommunication tower in District AG on land located at 111 SW Hook Road, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

(NOTE: First reading by Council on July 23, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember DeMoro, that Bill No. 19-169 be adopted and numbered Ord. No. 8687 as part of the Consent Agenda.

The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

3. Council Roundtable

Councilmember Edson stated she went to Ultrax Aerospace for the presentation of project by their interns. This is the third year the company has employed interns and helped them create projects for future growth. She felt both the company and the projects were very impressive.

Councilmember Binney congratulated the Parks Department for another successful year of free concerts including Blues Fest and Jamaica Jam. There are also two paid concerts this month with are Sara Evans and Julian Vaughn. Mayor Baird noted he couldn't stay at Ultrax for the presentations but he did get to see their Black Hawk and he was very impressed with the company.

4. Presentations:

A. [2019-2927](#) Presentation - MC Power Solar Services Agreement

Council Discussion:

- Sites
- Purchase of facilities
- Maintenance
- Guarantee's
- Cost
- Rebate
- City Commitment
- Location of facilities on city properties
- Benefits

1) [BILL NO. 19-170](#) An Ordinance approving a Solar Services Agreement with Lee's Summit Solar, LLC, for the placement of solar facilities on city properties.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Bill No. 19-170 be advanced to second reading.

A motion was made by Councilmember Binney to remove the High Service Pump Station from the list of sites. Motion failed due to lack of second.

A motion was by Councilmember Johnson, seconded by Councilmember Faith to use Option B (locating ground mounted solar panel on south west corner of High Service Pump Station property). The motion failed by the following vote:

City Council - Regular Session

Action Letter

August 6, 2019

Aye: Councilmember Johnson
Councilmember Faith
Councilmember DeMoro
Councilmember Edson

Nay: Councilmember Binney
Councilmember Forte
Councilmember Carlyle

Absent: Councilmember Lopez
Mayor Baird

On the original motion for second reading, the motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Lopez

5. Public Hearings:

- A. [2019-2895](#) Public Hearing: Application #PL2019-220 - Rezoning from CP-2 to PI and Preliminary Development Plan and Appl. #PL2019-222 - Special Use Permit for indoor climate-controlled storage and exterior-access non-climate controlled storage facility - Storage Mart, -3924 & 3930 SW Raintree Dr.; New TKG-KC LLC., applicant.

Exhibit A, List of Exhibits 1-22 were entered into the record.

Council Discussion:

- Hours
- Roadway
- Number of units
- Parking spaces for RV, trailers, etc.
- Cameras
- Access
- View from Cheddington
- Work with neighbors
- Land to the south
- On-site manager at all times
- Waiting list for parking spaces (RV spaces) at another location

- 1) [BILL NO. 19-171](#) An Ordinance approving a rezoning from District CP-2 to District PI and Preliminary Development Plan for approximately 1.28 acres located at 3930 and

City Council - Regular Session

Action Letter

August 6, 2019

3924 SW Raintree Drive, proposed Storage Mart in accordance with the provision of Chapter 33, The Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Edson, that Bill No. 19-171 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Johnson

Nay: 2 - Councilmember Carlyle
Councilmember Forte

Absent: 1 - Councilmember Lopez

- 2) [BILL NO. 19-172](#) An Ordinance approving a Special Use Permit for an indoor climate controlled storage facility that also includes limited outdoor non-climate controlled unit access and vehicular storage in District PI on land located at 3930 and 3924 SW Raintree Drive, proposed Storage Mart, all in accordance with the provisions of Chapter 33, The Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember DeMoro, that Bill No. 19-172 be advanced to second reading. The motion carried by the following vote:

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

Nay: 2 - Councilmember Binney
Councilmember Forte

Absent: 1 - Councilmember Lopez

6. Public Comments:

There were no Public Comments.

7. Resolutions:

- A. [RES. NO. 19-11](#) A Resolution authorizing establishment of city bank accounts with US Bank and designating authorized signatures.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Resolution No. 19-11 be adopted. The motion carried by the following vote:

City Council - Regular Session

Action Letter

August 6, 2019

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

8. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 19-173](#) An Ordinance authorizing the execution of the first amendment to Cooperative Agreement for payment of funds from Jackson County, Missouri to City of Lee's Summit, Missouri for the design of a new pedestrian bridge to accommodate the shared use pathway over Chipman Road. (PWC 7/30/19)

Mayor Baird removed this item from the agenda during agenda approval.

- B. [BILL NO. 19-174](#) An Ordinance authorizing the execution of Modification No. 2 to the agreement dated July 3, 2018 (RFQ No. 73-3221) for professional engineering services for the Chipman Road Improvements from View High Drive to Bent Tree Drive with Wilson & Company, Inc., for an increase of \$15,000.00 with an amended not to exceed amount of \$406,340.00, and authorizing the City Manager to enter into an agreement for the same. (PWC 7/30/19)

Mayor Baird removed this item from the agenda during agenda approval.

- C. [BILL NO. 19-175](#) An Ordinance approving Change Order #3 to the contract with Emery Sapp & Sons for the Ward Road (County Line to Gore) improvement project, an increase of \$158,670.39 for a revised contract price of \$4,113,839.89. (PWC 7/30/19)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 19-175 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 19-175 be adopted and numbered Ord. No. 8988. The motion carried by the following vote:

City Council - Regular Session

Action Letter

August 6, 2019

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- D. [BILL NO. 19-176](#) An Ordinance approving Change Order #2 to the contract with Capital Electric Line Builders for the Woods Chapel Road & Channel Drive Signal project, an increase of \$15,558.76 for a revised contract price of \$261,870.14. (PWC 7/30/19)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Edson, that Bill No. 19-176 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Edson, that Bill No. 19-176 be adopted and numbered Ord. No. 8689. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- E. [BILL NO. 19-177](#) An Ordinance authorizing the execution of an agreement by and between the City of Lee's Summit, Missouri, and Burns and McDonnell, in an amount not to exceed \$197,800.00 for Professional Engineering Services for Stormwater Improvements - 5 locations (RFQ No. 543-32272), and authorizing the City Manager to enter into an agreement for the same. (PWC 7/30/19)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 19-177 be second read. The motion carried by the following vote:

City Council - Regular Session

Action Letter

August 6, 2019

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 19-177 be adopted and numbered Ord. No. 8690. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- F. [BILL NO. 19-178](#)** An Ordinance approving the award of bid no. 70234572-C for the Ralph Powell Streetlight Improvements to Capital Electric Line Builders Inc. in the amount of \$462,419.58, and authorizing the City manager to enter into an agreement for the same. (PWC 7/30/19)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Edson, that Bill No. 19-178 be for second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Edson, that Bill No. 19-178 be adopted and numbered Ord. No. 8691. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

9. Proposed Ordinances - First Reading:

- A. [BILL NO. 19-179](#) An Ordinance accepting final plat entitled The Reserve at Stoney Creek, 3rd Plat, Lots 60-110, and Tracts L thru N, as a subdivision to the City of Lee's Summit, Missouri.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 19-179 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- B. [BILL NO. 19-180](#) An Ordinance accepting final plat entitled The Manor at Stoney Creek, 3rd Plat, Lots 82-108, as a subdivision to the City of Lee's Summit, Missouri.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Johnson, that Bill No. 19-180 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- C. [BILL NO. 19-181](#) An Ordinance accepting final plat entitled Winterset Valley, 12th Plat, Lots 1435 thru 1471 & Tracts A12 thru D12, as a subdivision to the City of Lee's Summit, Missouri.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 19-181 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- D. [BILL NO. 19-182](#) An Ordinance approving the execution of the funding/approval agreement by and between the City of Lee's Summit, Missouri and the U.S. Department of Housing and Urban Development for the 2019-2020 Community Development

Block Grant program year.

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Faith, that Bill No. 19-182 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Lopez

- E. [BILL NO. 19-183](#) An Ordinance approving a Termination of Rights, Duties, Obligations and Settlement Agreement between the City of Lee's Summit, Wescott Investment Group, LLC., and The Grove at Lee's Summit, LLC.

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember DeMoro, that Bill No. 19-183 be advanced to second reading. The motion carried by the following vote:

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

Nay: 2 - Councilmember Binney
Councilmember Forte

Absent: 1 - Councilmember Lopez

10. Proposed Ordinances - Second Reading:

- A. [BILL NO. 19-168](#) An Ordinance approving Application #PL2019-187 - Unified Development Ordinance (UDO) Amendment #7 - Changes to Article 1 - General Provisions and Article 2 - Applications and Procedures, to improve public engagement and the role of the Planning Commission.

(NOTE: First reading by Council on July 23, 2019.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 19-168 be adopted and numbered Ord. No. 8692. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Lopez

City Council - Regular Session

Action Letter

August 6, 2019

- B. [BILL NO. 19-136\(a\)](#) An Ordinance approving Application #PL2019-134 - Unified Development Ordinance (UDO) Amendment #5A, Article 5 Overlay Districts - Division VIII Envision LS Area Development Plan (ADP) Design Standards - establishment of an appeals process for prohibited uses; City of Lee's Summit applicant. (NOTE: First reading by Council on July 23, 2019.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Carlyle, that Bill No. 19-136(a) be adopted and numbered Ord. No. 8693. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Lopez

- C. [BILL NO. 19-136\(b\)](#) An Ordinance approving Application #PL2019-134 - Unified Development Ordinance (UDO) Amendment #5, Article 5 Overlay Districts - Division VIII Envision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - amendment to definitions; City of Lee's Summit applicant. (NOTE: First reading by Council on July 23, 2019.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 19-136(b) be adopted and numbered Ord. No. 8694. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Lopez

11. Committee Reports

August 8, 2019 - Planning Commission - 5:00 p.m.

August 12, 2019 - Finance and Budget Committee - 5:00 p.m.

August 12, 2019 - Beautification Commission - 6:00 p.m.

August 12, 2019 - Board of Aeronautic Commissioners - 7:00 p.m.

Councilmember Forte advised the Community and Economic Development Committee will meet on August 14, 2019 at 4:00 p.m.

Councilmember Binney stated the Parks and Recreation Board met at the end of

July and had another successful summer of Camp Summit and the current parks improvement projects are back on schedule.

12. Council Comments:

Councilmember Binney asked if there was a current Special Use Permit renewal for StorageMart on file at this time. Mr. Ryan Elam advised there was not.

Councilmember DeMoro thanked voters for voting and passing the No-Tax Increase Bond issue. He felt it was a great turn out for a great issue and he looks forward to seeing the improvements for the City.

Councilmember Binney stated he hoped that future elections would have more details and information provided before going out to the voters.

Mayor Baird stated that August 14th was the first day of school for Lee's Summit.

Councilmember Forte noted the city had been facing some negativity due to recent activity on the School Board. She wanted to point out that a citizen recently created a Facebook page in light of this negativity called Good New LSR7. The page had 1700 followers within a half of a day with lots of great comments about the schools from parents, teachers, and citizens. She thought this was more what Lee's Summit was about.

13. Staff Roundtable

Mr. Steve Arbo, City Manager, also thanked the voters and stated he was very pleased with the election. It had one of the highest percentages of acceptance of bond issues among the voters. He reminded everyone that even though these measures passed, that does not mean that all will be implemented immediately.

Mr. Mark Dunning, Assistant City Manager, thanked staff, citizens and several community groups for their time and abilities to make this a successful election.

14. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 35 at 9:24 p.m.

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"