



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

Thursday, February 2, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 25 - AMENDED

CALL TO ORDER

Mayor Rhoads called the Lee's Summit City Council Regular Session No. 25 to order at 6:15 p.m.

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

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: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the agenda be approved as published. The motion carried by a unanimous vote.

1. PUBLIC COMMENTS:

Ms. Jane Monroe addressed the Council about the cost of insurance required for companies who receive City bids. She has a one-year contract with several renewals and when the renewal was due, she was told her

insurance was not sufficient to do business with the City. In talking with her insurance agent, she found the cost would double. In 2016, the insurance was 40% of her bottom line profit. Conducting business with the City is not profitable, especially with the time required to attend procurement meetings and filling out so much paperwork. The concept of the "little guy" doing business with the City does not make sense. Mayor Rhoads thanked her for sharing that perspective.

2. COUNCIL COMMENTS:

Councilmember Binney mentioned discussion at the Rules Committee meeting regarding appointments of official members of the Finance and Budget Committee, specifically the quorum requirements. He will have new appointments on the next meeting agenda.

3. APPROVAL OF CONSENT AGENDA:

- A. [2017-0874](#) Approval of Action Letters for January 5, 12, and 19, 2017.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that these Minutes be approved. The motion carried by a unanimous vote.

- B. [2017-0899](#) Mayor's Appointments:
Human Services Advisory Board: Reappoint Michael Straughn, REXANNE HILL, Sue Jackson, Marla Franklin, Matthew Silvers, Cotton Sivils, and Helen Hatridge terms to expire 01-20-21.
License Tax Review Committee: Reappoint Dena Mezger, Karl Blumenhorst, Glen Jones and Cynda Rader, terms to expire 02-20-19.
Livable Streets Advisory Board: Reappoint Eric Vaughan, James Ray, Eric Kratz terms to expire 2-17-20.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that these Appointments be approved. The motion carried by a unanimous vote.

- C. [2017-0907](#) Approval of a Type A1 Liquor License for Smoke Brewing Company, LLC, 209 SE Main Street.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Liquor License be approved. The motion carried by a unanimous vote.

- D. [2017-0912](#) Houlihan's change of managing officer, currently holding a Type G3 and S Liquor License.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Liquor License be approved. The motion carried by a unanimous vote.

4. PROPOSED ORDINANCES:

- A. [BILL NO. 17-24](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "QUIKTRIP NO. 0191, LOTS 1-3 & TRACTS A-C", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

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ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Binney, that Bill No. 17-24 be approved and numbered Ord. No. 8078. 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. 8078

- B.** [BILL NO. 17-25](#) AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED WITHIN THE PLAT ENTITLED "LOT 251, PARK RIDGE 5th PLAT," IN THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 17-25 be approved and numbered Ord. No. 8079. 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. 8079

- C.** [BILL NO. 17-26](#) AN ORDINANCE AMENDING ORDINANCE NO.8028 AND ACCEPTING FINAL PLAT ENTITLED "MONTICELLO 2nd PLAT, LOTS 33-67 & TRACTS D-F", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Binney, that Bill No. 17-26 be approved and numbered Ord. No. 8080. 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. 8080

5. RESOLUTIONS:

- A.** [RES. NO. 17-02](#) 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 MARCH 17, 2017.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Res. No. 17-02 be adopted. The motion carried by a unanimous vote.

- B. [RES. NO. 17-03](#) A RESOLUTION AUTHORIZING THE MAYOR TO APPOINT SUCCESSOR DIRECTORS TO THE BLUE PARKWAY AND COLBERN ROAD COMMUNITY IMPROVEMENT DISTRICT.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Res. No. 17-03 be adopted. The motion carried by a unanimous vote.

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

- A. [2016-0501](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-114 - PRELIMINARY DEVELOPMENT PLAN - approximately 7.11 acres located at the southeast corner of NW Blue Pkwy and NW Colbern Rd for the proposed Summit Village; Newmark Grubb Zimmer, applicant

Mayor Rhoads closed the regular session at 6:30 p.m. and opened the public hearing.

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that this Public Hearing be continued to the City Council Regular Session on 2/16/2017. The motion carried by a unanimous vote.

- B. [2016-0805](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-184 - SPECIAL USE PERMIT renewal for outdoor storage of temporary storage containers - Walmart, 1000 NE Sam Walton Lane; Walmart Real Estate Business Trust, applicant.

Mayor Rhoads closed the regular session at 6:30 p.m. and opened the public hearing. Ms. Kelly Butts, co-manager of Wal Mart, 1000 NE Walton Lane, advised this request was to renew an existing special use permit. The containers are only used during the holiday season to store layaway items and are not visible from the roads.

Ms. Christina Stanton, Senior Planner, presented Exhibits 1-19, which were accepted into the record by Mayor Rhoads. Staff recommended approval of the special use permit renewal, subject to Staff's letter of January 6, 2017, Items 1-4. The applicant previously acknowledged receipt and acceptance of the letter from Staff.

Hearing no further testimony, Mayor Rhoads closed the public hearing and reopened the regular session at 6:35 p.m.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that the request for the Special Use Permit renewal be approved, subject to

Staff's letter dated January 6, 2017, with conditions #1-4. The motion carried by a unanimous vote.

- C. [2016-0837](#) PUBLIC HEARING - Plan for an Industrial Development Project for Archview Properties, LLC, for the Village at View High Apartments

At 6:37 p.m., Mayor Rhoads closed the regular session and opened the public hearing.

Mr. Mark Dunning, Assistant City Manager, introduced the applicant and provided information on the application, which is a Chapter 100 Industrial Development Plan, including a 300-unit multi-family apartment complex. A PDP was approved by the Council in October of 2016, at which time a capital plan was provided. This plan is now before the Council for consideration and action. He explained the PILOT (Payment In Lieu Of Taxes), is based on County assessments. Council previously directed Staff to amend the PILOT amount to \$1,051 per door to reflect changes in the County assessment. The applicants were made aware of this change and the plan before the Council had been amended to reflect this amount.

Mr. Curtis Peterson with the Polsenelli Law Firm , 900 W. 49th Place, Kansas City, Missouri, advised the Council of the applicant's many high-quality, multi-family projects around the KC area and in other states.

In answer to a question from Councilmember Binney, Mr. Dunning advised there were a total of 1,901 multi-family units approved or in the process, including this project with 312 units, since 2015. Councilmember Binney was concerned about saturating the market. Mr. Dunning responded they were looking at the issue from a regional standpoint. At this time, multi-family units are a hot market.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 6:55 p.m. and reconvened the regular session.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, to approve the plan for an Industrial Development Project for Village at View High, consisting of the construction and improvement of a commercial facility, and authorizing the City to issue taxable Industrial Development Revenue Bonds (Village at View High Project), Series 2017 in a principal amount not to exceed \$39,500,000 to finance the project, be approved. The motion carried by a unanimous vote.

7. **OTHER BUSINESS:**

- A. [BILL NO. 17-27](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT RENEWAL FOR OUTDOOR STORAGE OF TEMPORARY STORAGE CONTAINERS IN DISTRICT CP-2 ON LAND LOCATED AT 1000 NE SAM WALTON LANE FOR A PERIOD OF TEN (10) YEARS FROM THE PREVIOUS EXPIRATION DATE, 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 Forte, seconded by Councilmember Faith, that Bill No. 17-27 be approved and numbered Ord. No. 8081. 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. 8081

B. [BILL NO. 17-28](#)

AN ORDINANCE APPROVING A PLAN FOR AN INDUSTRIAL DEVELOPMENT PROJECT FOR VILLAGE AT VIEW HIGH, CONSISTING OF THE CONSTRUCTION AND IMPROVEMENT OF A COMMERCIAL FACILITY; AUTHORIZING THE CITY OF LEE'S SUMMIT, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS (VILLAGE AT VIEW HIGH PROJECT), SERIES 2017, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$39,500,000 TO FINANCE THE COSTS OF SUCH PROJECT; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 17-28 be approved and numbered Ord. No. 8082. 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. 8082

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

Councilmember Seif encouraged everyone to sign up for one of the three Hands Free CPR training sessions at the Gamber Center on February 18th, sponsored by the Health Education Advisory Board (HEAB).

Councilmember Forte advised the CEDC will meet next Wednesday at 4:00 p.m.

9. COUNCIL ROUNDTABLE:

Councilmember Mosby remembered a matrix used by the Council for Long Range Planning, which had not been updated since last February. Councilmember Binney thought the matrix was going to be incorporated

into the Strategic Plan. Mr. Arbo advised he has been working with Mayor Rhoads to determine an appropriate Council meeting date to bring back the Strategic Plan report. Council would be starting fresh with the new Plan, using a great process that was approved by the full Council. He liked the four quadrants approach and thought they could keep that process but fill in the new goals set by this Council.

Councilmember Edson thought the Strategic Plan was piecemealing projects. She did not feel that apartments were an issue for economic development and wondered how to promote more economic development other than supporting EDC.

Councilmember Moreno asked about street lighting in older neighborhoods and requested the issue be assigned to a committee.

Councilmember Binney discussed:

- Amazon will begin charging state sales tax on Internet sales; and,
- Requested rough construction estimates, versus RFP process, to further review the procurement process and why vendors are not bidding.

Upcoming events and recognition:

- From Parks Web site, two guys saved another who went into cardiac arrest;
- Congratulations to high school athletes in public and private schools who signed to collegiate sports;
- Free tax preparation will be provided in City Hall again this year;
- Local radio station recognizing local heroes and Allison Hoffman from Westview Elementary was recently recognized;
- Thoughts and prayers go to Shawn Rath with the Police Department;
- The Fire Department will be defending their championship in the Red vs Blue competition between Fire and Police;
- The Night in Blue Ball for law enforcement officials is this weekend.

10. STAFF ROUNDTABLE:

Mr. Arbo advised the Council that the number of Full Time Employees (FTE) for the Fire Department will exceed the number listed in the Budget by one FTE for a week, due to the number of new employees and the retirement of one employee. There were no objections voiced by the Council.

The Missouri Innovations Campus has an internship program and the City can participate in this program.

11. 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".