



LEE'S SUMMIT MISSOURI

CITY OF LEE'S SUMMIT

CITY COUNCIL

REGULAR SESSION NO. 50

Thursday, April 14, 2016

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, Missouri

5:45 CLOSED SESSION: On motion of Councilmember Binney, second by Councilmember Forte, the Council voted unanimously to hold a Closed Session Pursuant to Section 610.021(1) of the Revised Statutes of the State of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys; and, Pursuant to Section 610.021(2) of the Revised Statutes of the State of Missouri pertaining to the leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Roll Call –

<i>Councilmember Rob Binney</i>	<i>Present</i>	<i>Councilmember Diane Forte</i>	<i>Present</i>
<i>Councilmember Dave Mosby</i>	<i>Present</i>	<i>Councilmember Allan Gray</i>	<i>Absent</i>
<i>Councilmember Derek Holland</i>	<i>Present</i>	<i>Councilmember Trish Carlyle</i>	<i>Present</i>
<i>Councilmember Diane Seif</i>	<i>Present</i>	<i>Councilmember Bob Johnson</i>	<i>Present</i>

6:15 P.M. *Mayor Rhoads called Regular Session No. 50 to order.*

Invocation – *Mayor Rhoads*

Roll Call –

<i>Councilmember Rob Binney</i>	<i>Present</i>	<i>Councilmember Diane Forte</i>	<i>Present</i>
<i>Councilmember Dave Mosby</i>	<i>Present</i>	<i>Councilmember Allan Gray</i>	<i>Absent</i>
<i>Councilmember Derek Holland</i>	<i>Present</i>	<i>Councilmember Trish Carlyle</i>	<i>Present</i>
<i>Councilmember Diane Seif</i>	<i>Present</i>	<i>Councilmember Bob Johnson</i>	<i>Present</i>

City Manager Stephen Arbo and City Attorney Brian Head were also present.

APPROVAL OF AGENDA: *On motion of Councilmember Forte, second by Councilmember Seif, the Council voted unanimously (Councilmember Gray “absent”) to approve the published amended agenda.*

1. PUBLIC COMMENTS:

- *Mr. Phillip Chancy represented the Newberry subdivision and stated concerns about increased traffic with the opening of the Bailey Road bridge and trash being taken to landfill. Semis are traveling Bailey Road after 8:00 p.m. and he understood trucks should not be there past the allotted time. The Landfill received new haulers from Blue Springs, Kansas City, Kansas and Raytown and he thought there had been a 500-ton increase per day. Neighbors were concerned because there will be more semis with the transfer station. He asked for a traffic study for Bailey, Hamblin and the M-291/US 350 bridge.*
- *Mr. Jim Whitaker, 1209 SE 2nd Terrace, was recently cited because his camper was parked beside his driveway and he was given a week to remove the vehicle. He tried to call the Codes Department but received no return call. To comply with the City Code will cost him between \$4,000 and \$5,000, including City permits. This was excessive. He also felt the City Inspector's behavior seemed sneaky. He ask Council to repeal the ordinance that requires vehicles to be parked on a concrete surface.*
- *Ms. Teresa Fike was again before the Council regarding her neighbor's pool. She said the neighbor was told he could dump his pool water on her property. In her opinion, his fence is probably 20 feet on her property. The City rules were causing major discourse in their cul-de-sac. Also, the curbs are deteriorating and dangerous and the sidewalks are either covered with water or slippery. She felt the City was liable.*

2. COUNCIL COMMENTS:

- *In response to Mrs. Fike's comments, Councilmember Johnson suggested Staff meet with both property owners to see if a compromise could be reached and Mr. Arbo agreed.*
- *Councilmember Johnson also questioned whether a city is required to have Section 8 housing and if a city would be allowed to regulate where such housing may occur.*
- *Councilmember Binney wanted to know at what threshold a traffic study would be performed. Ms. Dena Mezger, Director of Public Works, explained they perform traffic counts when traffic stabilizes after the opening of a new road. When the transfer station and special use permit application comes forward, Staff will do an action study on the impact of that facility.*
- *Councilmember Mosby noted the Council recently passed an ordinance on recreational vehicles and perhaps Council needs to review this again. He asked the Mayor Pro Tem to assign this to a committee.*

3. APPROVAL OF CONSENT AGENDA:

Items on the Consent Agenda are routine business matters for action by the City Council with no public discussion. All items have been previously discussed in Council Committee and carry a Committee recommendation. Consent agenda items may be removed by any Councilmember for discussion as part of the regular agenda.

COUNCIL ACTION: *On motion of Councilmember Forte, second by Councilmember Binney, the Council voted unanimously (Councilmember Gray "absent") to approve the Consent Agenda as follows:*

- A. Approval of Action Letters from March 3, March 10 and March 31, 2016.

4. PROPOSED ORDINANCES:

The following proposed ordinances, submitted as bills, are often passed with little or no discussion. All items were previously discussed by the Council or Council Committee. This is a formal reading of proposed ordinances, as required by the City Charter.

- A. **BILL NO. 16-81** AN ORDINANCE APPROVING THE DUAL AWARD OF RFP 2016-081: AWARD OF AGREEMENT 2016-081-1 TO INTEGRITY LOCATING SERVICES, LLC FOR GROUP B ITEMS AND AGREEMENT 2016-081-2 TO USIC, LLC FOR GROUP A ITEMS AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS FOR THE SAME WITH INTEGRITY LOCATING SERVICES, LLC AND USIC, LLC. (F&BC 4-4-16)

COUNCIL ACTION: *On motion of Councilmember Binney, second by Councilmember Seif, the Council voted unanimously (Councilmember Gray "absent") to approve and numbered **ORDINANCE NO. 7860.***

ROLL CALL:

<i>Councilmember Seif</i>	<i>Aye</i>	<i>Councilmember Carlyle</i>	<i>Aye</i>
<i>Councilmember Johnson</i>	<i>Aye</i>	<i>Councilmember Gray</i>	<i>Absent</i>
<i>Councilmember Mosby</i>	<i>Aye</i>	<i>Councilmember Forte</i>	<i>Aye</i>
<i>Councilmember Binney</i>	<i>Aye</i>	<i>Councilmember Holland</i>	<i>Aye</i>

- B. **BILL NO. 16-82** AN ORDINANCE AWARDDING BID NUMBER 2016-098 FOR A ONE-YEAR CONTRACT WITH FOUR (4) POSSIBLE ONE-YEAR CONTRACT RENEWALS FOR UNIFORMS FOR THE FIRE DEPARTMENT TO SOUTHERN UNIFORM BASED ON UNIT PRICE REFLECTED IN THE ATTACHED BID TABULATION AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SOUTHERN UNIFORM FOR THE SAME. (F&BC 4-4-16)

COUNCIL ACTION: *On motion of Councilmember Mosby, second by Councilmember Carlyle, the Council voted unanimously (Councilmember Gray "absent") to approve and numbered **ORDINANCE NO. 7861.***

ROLL CALL:

<i>Councilmember Seif</i>	<i>Aye</i>	<i>Councilmember Carlyle</i>	<i>Aye</i>
<i>Councilmember Johnson</i>	<i>Aye</i>	<i>Councilmember Gray</i>	<i>Absent</i>
<i>Councilmember Mosby</i>	<i>Aye</i>	<i>Councilmember Forte</i>	<i>Aye</i>
<i>Councilmember Binney</i>	<i>Aye</i>	<i>Councilmember Holland</i>	<i>Aye</i>

- C. **BILL NO. 16-83** AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE KANSAS BUREAU OF INVESTIGATION AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE USE OF MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA AWARD FUNDS. (F&BC 4-4-16)

COUNCIL ACTION: *On motion of Councilmember Johnson, second by Councilmember Seif, the Council voted unanimously (Councilmember Gray "absent") to approve and numbered **ORDINANCE NO. 7862.***

ROLL CALL:

<i>Councilmember Seif</i>	<i>Aye</i>	<i>Councilmember Carlyle</i>	<i>Aye</i>
<i>Councilmember Johnson</i>	<i>Aye</i>	<i>Councilmember Gray</i>	<i>Absent</i>
<i>Councilmember Mosby</i>	<i>Aye</i>	<i>Councilmember Forte</i>	<i>Aye</i>
<i>Councilmember Binney</i>	<i>Aye</i>	<i>Councilmember Holland</i>	<i>Aye</i>

5. RESOLUTIONS:

- A. **RES. NO. 16-07** A RESOLUTION OF SUPPORT TO THE I-470 AND VIEW HIGH COMMUNITY IMPROVEMENT DISTRICT TO SUBMIT AN APPLICATION FOR FUNDING FROM THE STATE OF MISSOURI UNDER THE STATE AND LOCAL GOVERNMENT CONVENTION, SPORTS FACILITY, MEETING AND TOURISM ACT OF 1989 TO SUPPORT THE DEVELOPMENT OF PARAGON STAR.

COUNCIL ACTION: *On motion of Councilmember Forte, second by Councilmember Carlyle, the Council voted unanimously (Councilmember Gray "absent") to approve **RESOLUTION NO. 16-07**.*

- B. **RES. NO. 16-08** A RESOLUTION OF SUPPORT FOR LEE'S SUMMIT CARES IN THEIR MISSION TO REDUCE MARIJUANA RELATED PROBLEMS.

(Note: This item was CONTINUED to May 12, 2016 and will be a Presentation only)

6. PROCLAMATION:

- A. Proclaiming April 2016 as Lee's Summit Underwater Rescue & Recovery Appreciation Month

COUNCIL ACTION: *Proclamation presented by Mayor Rhoads.*

7. PRESENTATION:

- A. Update on Discussions with Google on the Google Community Connections Agreement.

COUNCIL ACTION: *Update provided by Mr. Steve Marsh. Staff was working with a new group from Google and optimistic about moving forward. The Council had previously asked about Wi-Fi at Harris Park Community Center. Mr. Marsh found out this was an active project in 2013-2014 that went cold so he was looking for a resolution within the next couple of months.*

As far as Google-only Wi-Fi in City Hall, existing network equipment could be utilized but would require an investment of about \$16,000 to get a secondary Google Wi-Fi, the same as any additional site. He suggested continuing with the new people at Google and if there is still no progress, it might be wise to forego community connection and look at market value for hubs on City property.

Councilmember Binney felt the \$16,000 would not be beneficial, especially to have a slow network in City Hall. Councilmember Seif asked how many Lee's Summit residents were Google subscribers. She was concerned about the absence of safety notifications and accessibility on Google. Mr. Marsh will find the answer to that question and report back.

- B. Lee's Summit Economic Development Council 1st Quarter 2016 - Quarterly Report

COUNCIL ACTION: *Mr. Rick McDowell, Executive Director of the Lee's Summit Economic Development Council, provided an update.*

8. PUBLIC HEARINGS (Sworn):

In an effort to assist applicants who travel from outside the Kansas City Metropolitan Area, every effort will be made to hear the application on the scheduled meeting date.

- A. PUBLIC HEARING – Appl. #PL2016-055 – REZONING from CP-2 and TNZ to PMIX and PRELIMINARY DEVELOPMENT PLAN (CONCEPTUAL PLAN) – Strother Lofts, 204-210 SW Market Street; Yarco-Devco, applicant.

COUNCIL ACTION: *Mr. Jim Harpool with Evergreen Real Estate outlined the plans for the Strother lofts, to be located on Market Street on the property previously occupied by the U.S. post office.*

- *Planned for 120 housing units in a four-story building.*
- *Frontage will be on Market and on Jefferson.*
- *The first floor will have a commercial look.*
- *Unit mix is from a market study, to include studio, 1- and 2-bedroom units.*
- *They will contribute to a garage on the City parking lot, which would provide 325 spaces without a basement. There could be dedicated long-term parking for people using Amtrak. Parking construction will cost about \$30,000 per space.*

Staff pointed out this is concept only and would require further public hearings before the Planning Commission and the Council with final plans. Staff recommended approval with Condition #1. Five citizens in attendance spoke in opposition to the application, mainly due to the large size of the structure. Four spoke in favor, citing the need for additional housing in downtown and the potential for economic benefit.

*On motion of Councilmember Binney, second by Councilmember Forte, the Council voted 5 “aye”, 1 “no” (Councilmember Johnson), 1 “abstain” (Councilmember Mosby) and 1 “absent” (Councilmember Gray), to direct Staff to **PRESENT AN ORDINANCE** approving Application #PL2016-055 – REZONING from CP-2 and TNZ to PMIX and PRELIMINARY DEVELOPMENT PLAN (CONCEPTUAL PLAN) – Strother Lofts, 204-210 SW Market Street; Yarco-Devco, applicant.*

9. PUBLIC HEARINGS (Legislative):

In an effort to assist applicants who travel from outside the Kansas City Metropolitan Area, every effort will be made to hear the application on the scheduled meeting date.

- A. PUBLIC HEARING REGARDING STATUS OF ACTIVE TAX INCREMENT FINANCING DEVELOPMENTS IN THE CITY.

COUNCIL ACTION: *Mr. Dave Bushek provided a presentation to the Council and advised the City will be holding an annual public hearing on approved incentive plans. Staff advised there were seven active TIF districts in multiple variations. Several TIFs were amended over the years, mainly due to the economic recession.*

On motion of Councilmember Forte, second by Councilmember Seif, the Council voted 6 “aye”, 1 “no” (Councilmember Johnson), 1 “absent” (Councilmember Gray), to determine that the redevelopment projects of each Tax Increment Financing District is making satisfactory progress under the proposed time schedule contained within the approved plans for completion of the projects.

10. OTHER BUSINESS:

- A. **BILL NO. 16-84** AN ORDINANCE APPROVING A SOLE SOURCE CONTRACT TO GBA ARCHITECTS AND ENGINEERS, INC. FOR UTILITY DESIGN IN CONJUNCTION WITH 291/50 INTERCHANGE IMPROVEMENTS FOR THE WATER UTILITIES DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICE AGREEMENT WITH GBA ARCHITECTS AND ENGINEERS, INC. FOR SAID SERVICES IN AN AMOUNT NOT TO EXCEED \$66,073.00.

COUNCIL ACTION: *On motion of Councilmember Seif, second by Councilmember Binney, the Council voted unanimously (Councilmember Gray "absent") to approve and numbered **ORDINANCE NO. 7863**.*

ROLL CALL:

<i>Councilmember Seif</i>	<i>Aye</i>	<i>Councilmember Carlyle</i>	<i>Aye</i>
<i>Councilmember Johnson</i>	<i>Aye</i>	<i>Councilmember Gray</i>	<i>Absent</i>
<i>Councilmember Mosby</i>	<i>Aye</i>	<i>Councilmember Forte</i>	<i>Aye</i>
<i>Councilmember Binney</i>	<i>Aye</i>	<i>Councilmember Holland</i>	<i>Aye</i>

- B. Presentation - Conceptual incentive request for the proposed Strother Lofts project.

COUNCIL ACTION: *Mr. Mark Dunning, Assistant City Manager, addressed the financial aspect of this conceptual plan. Mr. Arbo noted the Council set a goal for more parking downtown and this would be a private/public partnership to build a garage. The Council discussed personal property tax, the division of taxes and quality jobs. (See Item 10.D, BILL NO. 16-86)*

- C. **BILL NO. 16-85** AN ORDINANCE APPROVING THE ASSIGNMENT AND FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT TO PROMOTE ECONOMIC DEVELOPMENT ACTIVITIES AND THE SECOND AMENDED TO OPTION AGREEMENT, BOTH BEING BY AND BETWEEN EXERGONIX, INC., WESTCOTT INVESTMENT GROUP, LLC., AND THE CITY OF LEE'S SUMMIT AND PERTAINING TO THE SAME SUBJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI.

COUNCIL ACTION: *Mr. Aaron March provided a presentation on the proposed by Westcott Investment Group on the property currently held by Exergonix, Inc. Westcott does not own the property but was willing to commit to building 500,000 square feet within the next five years. Councilmembers expressed their discomfort with this plan and asked for more assurance and more information on issues such as quality jobs, types of businesses and infrastructure.*

*The bill was read by Councilmember Mosby. Motion was made by Councilmember Mosby, seconded by Councilmember Holland for second reading. Following discussion, the **MOTION FAILED** on a vote of 0 "aye", 7 "no".*

- D. **BILL NO. 16-86** AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) AND TNZ (TRANSITIONAL NEIGHBORHOOD ZONE) TO PMIX (PLANNED MIXED USE DISTRICT) ON LAND LOCATED AT 204-210 SW MARKET STREET AND 211 SW JEFFERSON STREET AND APPROVING A CONCEPTUAL DEVELOPMENT PLAN FOR STROTHER LOFTS AT 204-210 SW MARKET STREET AND 211 SW JEFFERSON STREET, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

COUNCIL ACTION: *On motion of Councilmember Forte, second by Councilmember Seif, the Council voted 5 "aye", 1 "no" (Councilmember Johnson), 1 "abstain" (Councilmember Mosby), 1 "absent" (Councilmember Gray) to approve and numbered **ORDINANCE NO. 7864.***

ROLL CALL:

<i>Councilmember Seif</i>	<i>Aye</i>	<i>Councilmember Carlyle</i>	<i>Aye</i>
<i>Councilmember Johnson</i>	<i>No</i>	<i>Councilmember Gray</i>	<i>Absent</i>
<i>Councilmember Mosby</i>	<i>Abstain</i>	<i>Councilmember Forte</i>	<i>Aye</i>
<i>Councilmember Binney</i>	<i>Aye</i>	<i>Councilmember Holland</i>	<i>Aye</i>

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

- *Councilmember Mosby reported on the Market Center for Ideas and noted there will be information forwarded soon.*
- *Councilmember Binney advised that the Arts Council meeting was cancelled due to lack of a quorum.*
- *Councilmember Forte informed the Council of an application from Flooring and More for an addition. They were initially on the agenda for next week but that meeting is scheduled for the swearing in of new councilmembers. As an option, they are requesting an "at risk" permit to lay footings before receiving approval.*
- *Councilmember Forte moved to direct staff to process an "at risk" footing, foundation and underslab plumbing permit for the Flooring and More project, located at 1707 NE Rice Road. Motion was seconded by Councilmember Johnson and passed unanimously (Councilmember Gray "absent").*

12. COUNCIL ROUNDTABLE:

- *Councilmember Holland wondered by BILL No. 16-85, which was not passed this evening. He thought this project was too important to drop and would like to continue the dialog. Motion was made by Councilmember Holland, seconded by Councilmember Carlyle, to direct Staff to **CONTINUE NEGOTIATIONS** with Westcott. Mr. Arbo understood that the Council was wanting a higher degree of certainty than only square footage. They can begin a conceptual plan for requirements and obtain a commitment from them on a time frame.*

ROLL CALL:

<i>Councilmember Seif</i>	<i>Aye</i>	<i>Councilmember Carlyle</i>	<i>Aye</i>
<i>Councilmember Johnson</i>	<i>No</i>	<i>Councilmember Gray</i>	<i>Absent</i>
<i>Councilmember Mosby</i>	<i>No</i>	<i>Councilmember Forte</i>	<i>Aye</i>
<i>Councilmember Binney</i>	<i>No</i>	<i>Councilmember Holland</i>	<i>Aye</i>

- *Councilmember Binney noted that the Fire Department held a memorial at Pottberg park for Brian Pottberg. He wanted to thank the Fire Department for their work.*

13. STAFF ROUNDTABLE: *Mr. Arbo distributed a copy of the City's 2015 Annual Report.*

ADJOURNMENT: *There being no further business, Mayor Rhoads **ADJOURNED** the April 14, 2016, Regular City Council meeting at 10:25 p.m.*

Denise Chisum
City Clerk