



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

Thursday, June 23, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

SPECIAL SESSION NO. 3

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

Motion was made by Councilmember Binney, seconded by Councilmember Forte, to approve the agenda as presented. Motion was made by Councilmember Mosby, seconded by Councilmember Faith, to AMEND the motion by removing Items 5.A. and 8.G. and send these items back to the Public Works Committee. Motion passed unanimously.

Mr. Arbo noted Section 11.4(b) of the Charter requires that the Capital Improvements Plan (CIP) (Res. No. 16-13, Item 5.A.) must be approved on or before the last day of the month of the current fiscal year and this meeting was the last Council meeting before the end of June.

Councilmember Mosby AMENDED his motion to remove Item 8.G. from the agenda and place Item 8.G. on the next Public Works Committee agenda. Councilmember Faith seconded the motion, which passed unanimously.

1. PUBLIC COMMENTS:

Ms. Kathy Earnwright, member of the Longview Alliance Executive Board,

was concerned about the delay of the Longview TIF and especially the continued deterioration of the historic Longview buildings.

Mr. Terry Trafton, a resident of New Longview, thanked the Council for their previous support of the TIF. Longview is an important part of Lee's Summit's history and the remaining structures are critical. The TIF is needed for preservation.

2. **COUNCIL COMMENTS:**

There were no Council Comments.

3. **CONSENT AGENDA:**

- A. [2016-0318](#) Mayor Pro Tempore's Council Committee Appointments, to include Vice Chairs and Alternates.

Motion was made by Councilmember Edson, seconded by Councilmember Moreno, to RECONSIDER the vote from the June 16, 2016, City Council meeting on the consent agenda, Item No. 2016-0296 for Council Committee and Liaison appointments. MOTION PASSED on a roll call vote of 5 "aye", 3 "no".

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	No
Councilmember Moreno	Aye	Councilmember Faith	Aye
Councilmember Mosby	Aye	Councilmember Forte	No
Councilmember Binney	No	Councilmember Edson	Aye

Motion was made by Councilmember Moreno, seconded by Councilmember Mosby, to strike the liaison appointment to the Parks Commission on Agenda Item No. 2016-0296 from the list of appointments and approve the list as amended.

Councilmember Forte asked for the reason why she is being removed as liaison to the Park Board, since this motion was not discussed. Councilmember Moreno stated this was attorney-client privilege and the Council would need to make a motion to waive the attorney-client privilege.

MOTION PASSED on a roll call vote of 5 "aye", 3 "no".

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	No
Councilmember Moreno	Aye	Councilmember Faith	Aye
Councilmember Mosby	Aye	Councilmember Forte	No
Councilmember Binney	No	Councilmember Edson	Aye

On motion of Councilmember Moreno, second by Councilmember Carlyle, the Council voted 6 "aye", 2 "no" (Councilmembers Binney and Forte), to APPROVE Consent Agenda Item 2016-0318, Mayor Pro Tem Committee appointments to include Vice Chairs and Alternates. MOTION PASSED.

4. **PROPOSED ORDINANCES:**

- A. [BILL NO. 16-124](#) AN ORDINANCE AMENDING SECTION 28-179 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY REVISING THE TAX RATES BY LAND USE CATEGORY FOR CALCULATION OF THE LICENSE TAX ON BUILDING CONTRACTORS.

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ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that this Ordinance be adopted and numbered. Ord. No. 7899. 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. 7910

- B.** [BILL NO.](#) AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT FOR
[16-125](#) TRANSIT SERVICE BY AND BETWEEN THE CITY OF LEE'S SUMMIT,
 MISSOURI AND OATS, INC. FOR TRANSIT SERVICE EFFECTIVE JULY 1,
 2016 THROUGH JUNE 30, 2017.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that this Ordinance be adopted and numbered. Ord. No. 7900 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. 7911

- C.** [BILL NO.](#) AN ORDINANCE APPROVING A PUBLIC SERVICE AGREEMENT BY AND
[16-126](#) BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR
 COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MO FOR THE
 SUPPORT OF THE MCC-LITERARY FESTIVAL AND AUTHORIZING THE
 MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered. Ord. No. 7901 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. 7912

- D.** [BILL NO.](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 7207-C FOR A ONE
[16-127](#) YEAR CONTRACT WITH THREE (3) POTENTIAL RENEWAL PERIODS OF

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ONE YEAR EACH FOR STREET LIGHT AND TRAFFIC SIGNAL SERVICES TO CUSTOM LIGHTING SERVICES, LLC, DBA BLACK AND MCDONALD BASED ON UNIT PRICES REFLECTED IN THE ATTACHED BID TABULATION AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Binney, that this Ordinance be adopted and numbered. Ord. No. 7902 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. 7913

- E. [BILL NO. 16-128](#) AN ORDINANCE APPROVING THE EXTENDED SUPPORT AGREEMENT FOR THE LAWSON ENTERPRISE RESOURCE PLANNING SYSTEM BY AND BETWEEN INFOR (US) INC. (FORMERLY LAWSON SOFTWARE AMERICAS, INC.) AND THE CITY OF LEE'S SUMMIT, MISSOURI IN THE AMOUNT OF \$28,755.11 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that this Ordinance be adopted and numbered. Ord. No. 7903 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. 7914

5. **RESOLUTIONS:**

- A. [RES. NO. 16-13](#) A RESOLUTION ADOPTING THE FY2017- 2021 CAPITAL IMPROVEMENTS PLAN (CIP) IN ACCORDANCE WITH THE CITY OF LEE'S SUMMIT CHARTER.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Carlyle, that this Resolution be adopted. The motion carried by a unanimous vote.

- B. [RES. NO. 16-14](#) 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 Carlyle, that this Resolution be adopted. The motion carried by a unanimous vote.

6. PRESENTATIONS:

- A. [2016-0252](#) Introduction to the Communities For All Ages Program

Ms. Cathy Boyer-Shesol, Project Manager with the Mid-America Regional Council (MARC), was present to discuss the Community For All Ages Program.

Motion was to direct Staff to PREPARE a Resolution of Support for the Communities For All Ages Program. Motion passed unanimously.

- B. [2016-0315](#) Land Clearance for Redevelopment Authority (LCRA) Application - Minsky's Pizza, LCRA Urban Renewal Redevelopment Project, 1251 NE Rice Road; Aardvark Foods, Inc. dba Minsky's Pizza, Applicant (LCRA Application #2016-001)

Mr. Mark Dunning, Assistant City Manager, introduced Mr. Keith Aisel, Chair of the Land Clearance for Redevelopment Authority (LRCA), who provided the Council with information on the LCRA deliberation and recommendation for this application.

The LCRA members used the model they developed to review applications. Minsky's scored very well. The City will benefit a little over \$100,000 with the five year abatement requested by the applicant and recommended by the LCRA.

The Council voted unanimously (Councilmember Moreno "away from the table") to direct Staff to PRESENT AN ORDINANCE approving the LCRA request from Minsky's Pizza.

7. PUBLIC HEARINGS (Sworn):

- A. [2016-0194](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

Mayor closed the regular session at 8:05 p.m. and opened the public hearing.

Mr. Curtis Holland represented the applicant. He displayed a map pinpointing ten or twelve existing towers around the city that received waivers to the setback requirement.

Mr. Chris Hughey, Project Manager for the Development Center, reiterated Staff's support of the application.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 8:20 p.m. and reconvened the Special Session.

On motion of Councilmember Faith, second by Councilmember Mosby, the Council voted unanimously to CONTINUE this public hearing until JULY 7, 2016.

- B. [2016-0195](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-054 - SPECIAL USE

PERMIT- telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

Mayor Rhoads opened the public hearing at 8:21 p.m.

Mr. Curtis Holland, attorney for the applicant, asked for the purpose of the continuance for the last public hearing and this public hearing so they could address questions and return with answers.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 8:22 p.m. and reconvened the Special Session.

On motion of Councilmember Faith, second by Councilmember Seif, the Council voted unanimously to CONTINUE the public hearing until JULY 7, 2016.

C. [2016-0294](#) Amendment to the Lee's Summit Citizen Participation Plan

Mayor Rhoads closed the Special Session and opened the public hearing at 8:23 p.m.

Mr. Heping Zahn, Assistant Director of Planning Services, explained the proposed amendment to the Lee's Summit Citizen Participation Plan, a part of the CDBG funds from HUD. He pointed out that Kansas City, Blue Springs and Independence participated in a regional study; however, the Council decided not to be a part of this regional study.

Councilmember Mosby suggested sending this to the Community and Economic Development Committee (CEDC); however, Councilmember Carlyle advised the CEDC already considered the matter.

On motion of Councilmember Binney, second by Councilmember Seif, the Council voted 6 "aye", 2 "no" (Councilmembers Mosby and Moreno), to direct Staff to DRAFT AN ORDINANCE for the adoption of the Amendment to the Lee's Summit Citizen Participation Plan.

8. OTHER BUSINESS:

A. [CONT'D BILL NO. 16-119](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 244 NW EXECUTIVE WAY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Due to the continuance of the public hearing for this issue, BILL NO. 16-119 was CONTINUED to JULY 7, 2016.

B. [CONT'D BILL NO. 16-120](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PO ON LAND LOCATED AT 244 NW EXECUTIVE WAY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

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Due to the continuance of the public hearing for this issue, BILL NO. 16-120 was CONTINUED to JULY 7, 2016.

- C. [BILL NO. 16-129](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN JOHN KNOX VILLAGE, INC. AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE INSTALLATION AND MAINTENANCE OF IMPROVEMENTS TO A PORTION OF THE CITY'S RIGHT-OF-WAY ON MURRAY ROAD.

Due to his employment with John Knox Village, Councilmember Faith recused himself on this issue.

A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that this Other Business - Ordinance was adopted and numbered 7904. The motion carried by the following vote:

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

Recused: 1 - Councilmember Faith

Enactment No: Ord. No. 7915

- D. [BILL NO. 16-130](#) AN ORDINANCE APPROVING A LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY REDEVELOPMENT PROJECT, MINSKY'S PIZZA, PURSUANT TO THE PROVISIONS OF THE LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY LAW, SECTIONS 99.300 TO 99.660 RSMo.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Other Business - Ordinance be adopted and numbered. Ord. No. 7907 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. 7916

- E. [BILL NO. 16-131](#) AN ORDINANCE TO CORRECT THE LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT 1B FOR THE SECOND AMENDED AND RESTATED LONGVIEW FARM TAX INCREMENT FINANCING PLAN.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Mosby, that this Ordinance be adopted and numbered. Ord. No. 7905 The motion carried by the following vote:

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

Enactment No: Ord. No. 7917

F. [2016-0271](#) Status Report on New Longview Tax Increment Financing Plan and Contract

Mr. Dave Bushek with Gilmore and Bell, Bond Counsel for the City, provided a status report on the New Longview TIF Plan, which was originally approved in 2003 for historic preservation purposes. The commercial areas in the New Longview development generate the economic engine that generates the TIF revenues. Some historic preservation work has been completed but only the show horse arena, currently used for Longview Elementary, was approved for reimbursement and should be totally paid this year.

They have been in active discussion with Mariner, the present owner of the properties. A waiver and release from the previous owner of the property appears to be the most effective way to secure the loan from the City. The City has certain rights under the contract that benefit the City. If the contract is terminated, the City would not have that right.

The Memory Care facility TIF collection has begun. All remaining structures can be funded under the documents approved by the City last year.

Councilmember Carlyle was concerned about the continued deterioration of the historic structures. Even if a contract were signed tomorrow, they have missed a building season. This was an unfortunate situation where the structures were being "held at ransom" and she did not appreciate the position in which New Longview has been placed. Everyone worked hard to clarify that these structures are worth the money the City is ready to spend. If this contract cannot be executed soon, at least by the end of the month, the City needs to look at other venues.

Mayor suggested a closed session to discuss other remedies.

The Council reached a consensus to direct Staff to prepare materials to be presented in a closed session environment.

G. [2016-0281](#) Discussion - Transit Study

With approval of the amended agenda, this item was sent to the Public Works Committee for consideration.

H. [2016-0298](#) Cultural Arts Master Plan Update

Mr. Joe Snook, Assistant Park Department Administrator, was present, along with members of the City's Arts Council. He introduced Mr. Duncan Webb with Webb Management, the consulting firm hired in 2015 to complete the Cultural Arts Plan Update.

Mr. Webb explained they were putting forth a vision on how to invest in arts in the future and to develop a brand and idea for Lee's Summit. Establishing the idea that arts are a tool for the City, Mr. Webb explained the different areas and ways to use this tool, which were included in the report. The Arts Council would be pulling all the different entities together.

Councilmember Edson thought the Arts Council should start a 501c3 status now and work with a City staff person to obtain grants. they would then be in a strong position to take over from the City as a non-profit.

On motion of Councilmember Carlyle, second by Councilmember Seif, the Council voted unanimously to direct Staff to PRESENT AN ORDINANCE to adopt a CULTURAL ARTS PLAN.

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

Councilmember Moreno reported on the Livable Streets Advisory Board meeting and he sat in for Councilmember Mosby on the Market Center of Ideas. They will be submitting a plan for an incubator shared work space to the Council.

10. **COUNCIL ROUNDTABLE:**

Councilmember Faith attended the open house at the Municipal Airport last Saturday, which he thought was fantastic. The event was very professional and organized.

In response to a request from Councilmember Edson, Ms. Dena Mezger, Public Works Director, provided an update on Lee's Summit Road improvements.

Councilmember Edson reminded the Council of the Fourth Friday event tomorrow night in downtown. Her daughter's art will be on display at Fossil Forge.

Councilmember Binney:

- Received information from Staff regarding the broadcasting of all City meetings. An estimate of \$170,000 was provided to purchase the necessary equipment, film and tape, and \$30,000 annual subscription for software. Staff also estimated an addition \$500 to \$1,000 a week for additional audio-visual personnel to manage the work load.
- Complimented Staff on the open house for the residents of the Newberry subdivision regarding the transfer station. this was very informative for those who attended.
- Reminded residents about the requirement to obtain a permit if they use

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fireworks on July 3rd and 4th.

- Requested the Council action to videotape the Charter Commission meetings be codified with a resolution.

Councilmember Moreno:

- Commended Minsky's Pizza and the Police Department in participating in the community presentation at City Hall to address neighborhood concerns.
- Suggested the Council's personal addresses be removed from the City web site and keep only the councilmembers' phone and e-mail address.
- Requested a link on the City's web site to sign up for updates in each district.
- Asked Staff to inspect bins in front of Big Lots. Mr. Bob McKay, Director of Planning and Development, advised a case had been opened.
- Mentioned overgrowth at Mulberry and M-291, which was addressed by Mr. Tom Lovell, Parks Director.

11. STAFF ROUNDTABLE:

Mr. Arbo reminded the Council the Parks Department's annual Legacy Blast at Legacy Park will be held July 1st.

He also wanted to thank Mr. Lovell and Parks Staff for their hard work on the Cultural Arts Plan. Implementation of the plan has progressed well but has reached a plateau where additional expertise is needed to reach the next level. Mr. Lovell agreed and stated the City needed a full-time person who has been trained in the arts to build the program and go to the next level.

12. ADJOURNMENT

There being no further business, Mayor Rhoads ADJOURNED the June 23, 2016, Special Session No. 3 at 10:50 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 Internet site at "www.cityofls.net".