

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

Tuesday, July 23, 2019

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 34

Preliminaries:

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

Mayor Baird called Regular Session No. 34 to order at 6:04 p.m.

D. Roll Call

Present: 9 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez

1. Approval of Agenda

Previous to approval of the published agenda, Mayor Baird removed agenda item 5B, a presentation of the Ignite Strategic Plan.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Edson, to approve the published agenda as amended by Mayor Baird. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Lopez, to adopt the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

A. [2019-2921](#) Mayor's Appointments:

Arts Council: Reappoint Jane Bolin and John Schuler terms to expire 7-22-22

Parks and Recreation Board: Reappoint Casey Crawford, Melinda Aulenbach, Lawrence Bivins, terms to expire 5-31-22.

Planning Commission: Reappoint Carla Dial, term to expire 4-15-23.

Water Utilities Advisory Board: Reappoint Kyle Gorrel and appoint Mark Leetch, terms to expire 3-1-22.

A motion was made by Councilmember Edson, seconded by Councilmember Lopez, to approve Mayor's appointments as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

B. [BILL NO. 19-135](#) An Ordinance approving Application #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4, Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant.

(Note: First reading by Council on July 16, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Edson, seconded by Councilmember Lopez, that Bill No. 19-135 be adopted and numbered Ordinance No. 8685 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- C. [BILL NO. 19-167](#) An Ordinance approving the Award of RFP No. 2019-062 to U.S. Bank N.A. and UMB Bank N.A. for specific components of banking services and Authorizing the City Manager to execute agreements to secure the same by and on behalf of the City.

(Note: First reading by Council on July 16, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Edson, seconded by Councilmember Lopez, that Bill No. 19-167 be adopted and numbered Ordinance No. 8686 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

3. Council Roundtable

Councilmember Forte shared she took her granddaughter to the Velocity Pitch Pub Crawl last week. They heard around 9 ideas pitched at each location. At the end, the top 3 pitched their ideas and an overall winner was announced. She said she is very impressed with the Velocity group and it was a great experience for her and her granddaughter.

Councilmember DeMoro reported he, Councilmember Forte, Mayor Pro Tem Lopez, Assistant City Manager Mark Dunning and Assistant Director of Planning Services Josh Johnson attended the First Suburbs Regional Housing Summit in Gladstone Missouri last week. He stated it was very comprehensive and interesting. It was focused on housing affordability and economic development challenges in first tier suburbs. He felt the Summit was very good.

Councilmember Binney said, as a Council, they will want to wish the best to their friends on the school board as they move past this recent debacle and hopefully move the school district in a positive direction. He said it is one of those quality of life issues that has made this community what it is today and they need to get LSR7 moving in a good direction.

Councilmember Johnson mentioned there was a National 12 Year Old Girls

Softball Tournament in Lee's Summit. There were people from New Jersey, California, Minnesota and some of the the coaches he talked with were very impressed with the Lee's Summit community. He added it was a national tournament from all sections of the country and it represents the social economic fabric of America with all of those 12 and 13 year olds playing a game together and getting along so well.

Mayor Baird mentioned he attended the Downtown Main Street Annual Dinner. He stated it was a fantastic event, lots of awards were given. They are very proud of downtown and continue to try to make improvements.

4. Proclamations:

- A. [2019-2920](#) Proclamation recognizing Dr. Harold Finch

This Proclamation was presented.

5. Presentations:

- A. [2019-2913](#) Presentation: Police Department "Blueprint" Future Plan

This Presentation was presented.

- B. **2019-2897** Ignite Strategic Plan

This item was removed from the agenda by Mayor Baird.

6. Public Hearings:

- A. [2019-2883](#) Public Hearing - Application #PL2019-020 - Rezoning from PI and RP-2 to RP-3 and Preliminary Development Plan - Burton Townhomes, 408 & 500 NW Olive Street; Cherokee Flight, LLC, applicant.

(Note: This application is to be continued to August 20, 2019 pending an additional hearing at the Planning Commission.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Edson, to continue Application No. PL2019-020 to a date certain of August 20, 2019. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B. [2019-2871](#) Public Hearing: 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; City of Lee's Summit, applicant.

Exhibit A, list of exhibits 1-10 were entered into the record.

City Council discussions included:

- History of Comprehensive Plan amendments
- Council involvement in Comprehensive Plan amendments
- 300 foot notice requirement for Public Hearings at City Council meetings
- Type of meeting notes received after neighborhood meetings
- What happens if a motion for recommendation fails and there is a lack of a motion for denial at Planning Commission
 - Answer: It would come forward to Council as either a recommendation for denial or a lack of a recommendation
- How are property owners identified for notifications
 - Answer: County records
- The new Notice of Public Hearing signs will be yellow
- Protest petition radius is not effected by the Public Hearing and neighborhood meeting notice radius
- State requirements for notices
- Color and stability of signs
- Information in addition to QR codes on signs
- Neighborhood meetings and the chance they won't show up for Public Hearings, the developer might have soft sold the neighborhood but changed the plan for Public Hearings.

There were no speakers in favor of, or opposed to, this application

- 1) [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 Lopez, seconded by Councilmember DeMoro, that Bill No. 19-168 be advanced to second reading. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

- C. [2019-2869](#) Public Hearing: Application #PL2019-147 - Special Use Permit renewal for a telecommunications tower - 111 SW Hook Road; American Tower Asset Sub II, LLC, applicant.

Exhibit A, list of exhibits 1-17 were entered into the record.

City Council discussions included:

- The state has mandated the removal SUP time limitations, what happens if that mandate is removed
- What is the current expiration of the SUP
- This tower was built in 1989, how often is it inspected for structural soundness
- Are maintenance logs submitted to the city
- Structural analysis was completed by the owners engineers and submitted to the city
- TIA report is required every 3 years but was not submitted to the city
- American Tower representative agreed to send the city maintenance logs and TIA reports periodically
- Where does American Towers rank nationally
- Does American Towers work with communities regarding solar panels, wind energy, public art
- Request American Towers to have someone contact City staff with information regarding renewable energy and public art as design features of cell towers
- Number of cell towers American Towers has in Lee's Summit
- Other communities have these towers dressed up with public art
- The distance between the base of this tower and the veterinary clinic to the south
- Applicant stated this tower is designed to collapse in on itself in the event of a structural failure which has been determined to be a 150 foot impact radius.
- Life expectancy of the tower
- There have not been any reports of damage from tower ice

There were no speakers in favor of, or opposed to, this application.

2) [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 Carlyle, seconded by Councilmember Faith, to amend Bill No. 19-169 by adding American Tower is required to submit the maintenance logs and structural inspections on a yearly basis to City staff to be reviewed and also the TIA reports every three years, as they are received, to City staff to be reviewed with costs to be reimbursed by the applicant. The motion carried by 7-2 vote (Councilmembers Edson and DeMoro "No").

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Edson, that Bill No. 19-169 be advanced to second reading as amended. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

7. Public Comments:

Mr. George Owen, Woodland Glen homeowner, thanked the Mayor and City Council, Mark Dunning and Steve Arbo for researching the concerns brought up at the Public Hearings. The concerns were addressed in a memorandum from the Development Center dated July 19, 2019. He asked for an additional amendment of Bill No. 19-133 to include that all new residential development in Woodland Glen conform to existing HOA DOR's. He also thanked the Fire Department and Mr. Michael Park for approving a Type 3 temporary barricade placed on Winthrop Terrace stopping construction traffic from entering and exiting from the main entrance off of Ward Road thus having all construction traffic using only 14th Street. He asked for this to also be an amendment to Bill No 19-133 tonight. He thanked the Mayor and Council for helping the residents of Woodland Glen.

Mr. Gary Sears, Woodland Glen homeowner, also thanked City Council, Mark Dunning and Steve Arbo for the outstanding work they have done and the legal council, Brian Head and David Bushek for being most courteous and most professional and they have brought clarity to what is going on in Woodland Glen. He stated that some of them have been called angry old men who don't want any change but in fact, they embrace change but not change that degrades the quality or integrity of their subdivision. He asked the Woodland Glen residents in the audience to stand to show there are more than 3 people concerned about what happens in Woodland Glen.

Mr. Chad Anderson spoke regarding proposed Bill No. 19-136(b). The way it is written, if he wanted to repair a leaky gutter it would require him to develop a full Preliminary Development Plan and bring it before City Council. Staff has been very helpful and he is hoping to get some changes made so he can perform temporary maintenance to his existing buildings. He would like to "reskin" his buildings to make them look new again and fix some gutters and leaking roof without have to spend a bunch of money and time to bring back before council.

Mr. Curt Krasic, a property owner in the EnVision LS area, also spoke regarding proposed Bill No. 19-136(b). He reiterated what Mr. Anderson said, he too would like to be able to make needed repairs to his building to make them look nice without spending a lot of money to develop a Preliminary Development

Plan.

8. Proposed Ordinances - First Reading:

- A. [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 Lopez, seconded by Councilmember Forte, that Bill No. 19-136(a) be advanced to second reading. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

- B. [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 Forte, seconded by Councilmember Carlyle, that Bill No. 19-136(b) be advanced to second reading. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

9. Proposed Ordinances - Second Reading:

- A. [AMENDED BILL NO. 19-133](#) An Ordinance approving a rezoning from Districts PI and PMIX to District PMIX and preliminary development plan for approximately 24 acres located at the northeast corner of SW Ward Rd and SW Scherer Rd, proposed Woodland Glen 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 June 18, 2019.)

City Council - Regular Session

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ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Faith, to further amend Amended Bill No. 19-133 to insert on page 2 under section 2, number 5, installation of a type 3 barrier at Winthrop Drive and Winthrop Terrace. The motion carried by unanimous 9-0 vote.

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Edson, that Bill No. 19-133 be adopted, as further amended, and numbered Ordinance No. 8687. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

- B.** [BILL NO. 19-137](#) An Ordinance approving Application #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant.
(Note: First reading by Council on July 16, 2019.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 19-137 be adopted and numbered Ordinance No. 8688. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

- C.** [BILL NO. 19-162](#) An Ordinance accepting final plat entitled "Raintree Pointe, Lots 1 thru 7 and Tracts A thru D", as a subdivision to the City of Lee's Summit, Missouri.
(Note: First reading by Council on July 16, 2019.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 19-162 be adopted and numbered Ordinance No. 8689. The motion carried by the following vote:

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

Nay: 3 - Councilmember Binney
Councilmember Carlyle
Councilmember Forte

10. Committee Reports

Councilmember Carlyle stated the August 1, 2019 Rules Committee meeting is tentative as a quorum has not yet been confirmed.

Councilmember Faith announced the agenda for the July 25, 2019 Health Education Advisory Board includes 2 state representatives from this area that are going to speak on state health issues coming up in the legislative session.

Upcoming meetings:

Parks and Recreation Board - July 24, 2019 - 6:00 p.m.

Planning Commission - July 25, 2019 - 5:00 p.m.

Health Education Advisory Board - July 25, 2019 - 6:30 p.m.

Public Works Committee - July 30, 2019 - 5:30 p.m. Chair: Councilmember Faith

Rules Committee - August 1, 2019 - 6:00 p.m. Chair: Councilmember Carlyle

11. Council Comments:

Councilmember Johnson suggested adding another City Council meeting per month to shorten the meetings.

Mayor Baird suggested calling for special meetings when needed instead of committing to four meetings a month. He then asked Council to encourage the community to have positive conversations. He said there will still be talks about equity, we're a great community and we are going to prove it to the world. This was a difficult time and it will continue to be a difficult time. He expressed best wishes to the school board, they are in a tough spot right now, and it is time to support them as well as the people that don't agree with their decisions.

12. Staff Roundtable

Mr. Steve Arbo, City Manager, gave a brief explanation of a handout that was shared that included contact information and responsibilities of Administration staff.

13. Adjournment

There being no further business, Mayor Baird adjourned Regular Session No. 34 at 9:44 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"