



LEE'S SUMMIT MISSOURI

CITY COUNCIL ACTION LETTER CITY OF LEE'S SUMMIT

REGULAR SESSION NO. 49

Thursday, April 7, 2016
City Council Chambers
City Hall
220 SE Green Street
Lee's Summit, Missouri

6:15 P.M. Mayor Rhoads called Regular Session No. 49 to order.

Invocation – Mayor Rhoads

Roll Call –

<i>Councilmember Rob Binney</i>	<i>Absent</i>	<i>Councilmember Diane Forte</i>	<i>Present</i>
<i>Councilmember Dave Mosby</i>	<i>Present</i>	<i>Councilmember Allan Gray</i>	<i>Present</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 Gray, the Council voted unanimously (Councilmember Binney “Absent”) to approve the published amended agenda.*

- PUBLIC COMMENTS:** *Ms. Deb Calhoon and Ms. Megan Tripses, Newberry HOA residents, stated their concerns regarding item 7.G. regarding extending the useful life of the landfill and a vertical expansion of the same.*

A citizen of District 4 noted her thanks and appreciation to Councilmember Johnson for his work on the City Council and for assisting her with her knowledge of the city and the democratic system within Lee's Summit.

Councilmember Binney present at 6:20p.m.

- COUNCIL COMMENTS:** *Councilmember Mosby thanked Councilmember Johnson for being a great partner in District 4. He thanked Councilmember Johnson, Gray and Holland for all their hard work and dedication to the Council and they will be missed.*

Councilmember Binney stated the trash services are not picking up trash and lawn refuse as they are supposed to. He asked staff to look at the permitting process and if there is anything the city can do to assist citizens.

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 Binney, second by Councilmember Carlyle, the Council voted unanimously to approve the Consent Agenda as follows:*

A. POLICE DEPARTMENT:

1. Approval of the change of location for Embrace the Grape, 616 SW 3rd Street. The new location will be 301 NW Central Street, Suite J. The license held is a type G1, S and N.
2. Approval of Type G-1 and S Liquor Licenses for Bullseye Bar, 1169 NE Rice Road. Under new ownership.
3. Approval of Type G-3 and K Liquor License for Third Street Social, 123 SE 3rd Street.

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. 16-73 AN ORDINANCE VACATING THREE EASEMENTS LOCATED AT 510 NW SHAMROCK AVENUE, 512 NW HOPE LANE AND 1801 NW O'BRIEN ROAD, IN THE CITY OF LEE'S SUMMIT, MISSOURI.**

COUNCIL ACTION: *On motion of Councilmember Johnson, second by Councilmember Seif, the Council voted unanimously to approve and numbered **ORDINANCE NO. 7853.***

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	Aye
Councilmember Johnson	Aye	Councilmember Gray	Aye
Councilmember Mosby	Aye	Councilmember Forte	Aye
Councilmember Binney	Aye	Councilmember Holland	Aye

- B. BILL NO. 16-74 AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN CENTURION ACQUISITIONS, LLC A MISSOURI LIMITED LIABILITY CORPORATION, AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE CABLE DAHMER KIA DEVELOPMENT.**

COUNCIL ACTION: *On motion of Councilmember Holland, second by Councilmember Carlyle, the Council voted 7 "Aye", 1 "No" (Councilmember Binney) to approve and numbered **ORDINANCE NO. 7854.***

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	Aye
Councilmember Johnson	Aye	Councilmember Gray	Aye
Councilmember Mosby	Aye	Councilmember Forte	Aye
Councilmember Binney	No	Councilmember Holland	Aye

5. RESOLUTIONS:

- A. **RES. NO. 16-06** A RESOLUTION APPROVING A COOPERATIVE AGREEMENT FOR THE FUNDING, CONSTRUCTION AND DEDICATION OF A MONUMENT SIGN BY AND BETWEEN THE LEE’S SUMMIT, MISSOURI MUNICIPAL BUILDING AUTHORITY, INC., THE CITY OF LEE'S SUMMIT, MISSOURI, AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF LEE’S SUMMIT, MISSOURI.

COUNCIL ACTION: *On motion of Councilmember Forte, second by Councilmember Gray, the Council voted 7 “Aye”, 1 “No” (Councilmember Johnson) to approve **RESOLUTION NO. 16-06.***

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	Aye
Councilmember Johnson	No	Councilmember Gray	Aye
Councilmember Mosby	Aye	Councilmember Forte	Aye
Councilmember Binney	Aye	Councilmember Holland	Aye

6. PRESENTATIONS:

- A. Follow-up Regarding Strategic Thinking on City's Pending Issues

COUNCIL ACTION: *Mr. Steve Arbo, City Manager, provided a short presentation on the current Strategic thinking on pending issues with Council’s input. After discussion, Councilmember Mosby asked Mayor Pro Tem Forte to consider sending this to a committee when the new council is seated on April 21, 2016.*

7. OTHER BUSINESS:

- A. **BILL NO. 16-75** AN ORDINANCE AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, THE LEE’S SUMMIT, MISSOURI MUNICIPAL BUILDING AUTHORITY AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR A GATEWAY MONUMENT NEAR INTERSTATE 470, NORTH OF LAKEWOOD BOULEVARD.

COUNCIL ACTION: *On motion of Councilmember Gray, second by Councilmember Forte, the Council voted unanimously (Councilmember Johnson “Away From Table”)to approve and numbered **ORDINANCE NO. 7855.***

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	Aye
Councilmember Johnson	Away from Table	Councilmember Gray	Aye
Councilmember Mosby	Aye	Councilmember Forte	Aye
Councilmember Binney	Aye	Councilmember Holland	Aye

- B. **BILL NO. 16-76** AN ORDINANCE APPROVING THE AWARD OF RFQ NO. 2016-091 TO BURNS AND MCDONNELL ENGINEERING COMPANY, INC. FOR THE SANITARY SEWER FLOW MONITORING FOR THE WATER UTILITIES DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICE AGREEMENT WITH BURNS AND MCDONNELL ENGINEERING COMPANY, INC. FOR SAID SERVICES IN AN AMOUNT NOT TO EXCEED \$139,140.00.

COUNCIL ACTION: *On motion of Councilmember Binney, second by Councilmember Seif, the Council voted unanimously (Councilmember Johnson "Away From Table") to approve and numbered **ORDINANCE NO. 7856.***

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	Aye
Councilmember Johnson	Away from Table	Councilmember Gray	Aye
Councilmember Mosby	Aye	Councilmember Forte	Aye
Councilmember Binney	Aye	Councilmember Holland	Aye

- C. ~~**BILL NO. 16-77** AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT AND THE CITY OF KANSAS CITY FOR THE OPERATION AND MAINTENANCE OF THE BOGGS HOLLOW INTERCEPTOR.~~

COUNCIL ACTION: *This item was removed from the agenda prior to the meeting.*

- D. **BILL NO. 16-78** AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF LEE'S SUMMIT AND DOWNTOWN LEE'S SUMMIT MAIN STREET, INC. AND THE DOWNTOWN LEE'S SUMMIT COMMUNITY IMPROVEMENT DISTRICT FOR THE COOPERATION IN THE CONSTRUCTION OF A FARMER'S MARKET PAVILION AND MULTI USE EVENT SPACE IN DOWNTOWN LEE'S SUMMIT, AND APPROVAL FOR THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF LEE'S SUMMIT.

COUNCIL ACTION: *Councilmember Mosby motioned for second reading of Bill No. 16-79. Second by Councilmember Binney.*

Councilmember Johnson motioned to delete paragraph 8, "WHEREAS, in the event that the property for the Project cannot be acquired for a reasonable fair market value, the City may consider the use of eminent domain as a last resort". Motion failed for a lack of a second.

*On motion of Councilmember Mosby, second by Councilmember Forte, the Council voted 7 "Aye", 1 "No" (Councilmember Johnson) to approve and numbered **ORDINANCE NO. 7857.***

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	Aye
Councilmember Johnson	No	Councilmember Gray	Aye
Councilmember Mosby	Aye	Councilmember Forte	Aye
Councilmember Binney	Aye	Councilmember Holland	Aye

- E. **BILL NO. 16-79** AN ORDINANCE PROVIDING FOR SUBMISSION OF A PROPOSAL TO DISCONTINUE APPLICATION AND COLLECTION OF THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS, AND OUTBOARD MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER TO THE QUALIFIED VOTERS OF THE CITY OF LEE'S SUMMIT, MISSOURI FOR THEIR CONSIDERATION AT A SPECIAL ELECTION TO BE HELD CONCURRENTLY WITH THE PRIMARY ELECTION CALLED, AND TO BE HELD IN THE CITY ON AUGUST 2, 2016; PRESCRIBING A FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PERFORM SUCH DUTIES CALLED FOR BY LAW IN CONNECTION WITH THE HOLDING OF SAID ELECTION.

COUNCIL ACTION: *On motion of Councilmember Carlyle, second by Councilmember Seif, the Council voted unanimously to approve and numbered **ORDINANCE NO. 7858.***

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	Aye
Councilmember Johnson	Aye	Councilmember Gray	Aye
Councilmember Mosby	Aye	Councilmember Forte	Aye
Councilmember Binney	Aye	Councilmember Holland	Aye

- F. **BILL NO. 16-80** AN ORDINANCE AMENDING ORDINANCE 7821 PASSED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI ON THE 18TH DAY OF FEBRUARY, 2016 TO AMEND THE TITLE OF THE PROPOSED CONTINUANCE OF THE ONE-QUARTER OF ONE PERCENT SALES TAX FOR LOCAL PARKS SUCH THAT IT SHALL BE TITLED "QUESTION 2." AND PROVIDING AN AMENDED OFFICIAL BALLOT.

COUNCIL ACTION: *On motion of Councilmember Forte, second by Councilmember Seif, the Council voted unanimously to approve and numbered **ORDINANCE NO. 7859.***

ROLL CALL:

Councilmember Seif	Aye	Councilmember Carlyle	Aye
Councilmember Johnson	Aye	Councilmember Gray	Aye
Councilmember Mosby	Aye	Councilmember Forte	Aye
Councilmember Binney	Aye	Councilmember Holland	Aye

- G. Authorization for staff regarding permit modification to landfill.

COUNCIL ACTION: *On motion of Councilmember Gray, second by Councilmember Mosby, the Council voted 4 "Aye" (Councilmembers Holland, Mosby, Gray and Johnson) and 4 "No" (Councilmembers Binney, Seif, Forte and Carlyle) to authorize staff to pursue the permit modification to the landfill. Mayor "Aye". Motion Passed.*

On motion of Councilmember Holland second by Councilmember Carlyle, the Council voted unanimously to direct staff to coordinate with HES with a closure plan for the landfill and present to Council upon completion of the transfer station and to be included in the contract.

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

There were no Committee Reports

9. COUNCIL ROUNDTABLE:

- *Councilmember Binney asked if the plat that will be heard by the Planning Commission on April 26, for Raintree Pointe will be brought to Council as a Preliminary Development Plan. Mr. McKay advised this will be brought forward as a Final Plat.*
- *Councilmember Binney expressed his thanks to all the candidates in the recent election and his congratulations to the newly elected officials.*

10. STAFF ROUNDTABLE: *Mr. Steve Arbo, City Manager, introduced Mr. Jack Feldman, the Management Analyst that will be working in the Administration Department.*

ADJOURNMENT: *There being no further business, Mayor Rhoads **ADJOURNED** the April 7, 2016, Regular City Council meeting at 8:45 p.m.*

8:47 P.M. CLOSED SESSION: On motion of Councilmember Mosby, 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(13) of the Revised Statutes of the State of Missouri pertaining to individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment.

*Trisha Fowler
Deputy City Clerk*