



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

Thursday, November 3, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 17

CALL TO ORDER

Mayor Rhoads called Regular Session No. 17 to order at 6:15 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmember Moreno absent at Roll Call, was present at 6:24 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

APPROVAL OF AGENDA

ACTION: On motion of Councilmember Binney, second by Councilmember Forte, the Council voted unanimously (Councilmember Moreno "Absent") to approve the published agenda.

1. PUBLIC COMMENTS:

Mrs. Fike stated her concerns about water quality and does not feel District 4 is represented on the Council.

2. COUNCIL COMMENTS:

There were no Council Comments.

3. APPROVAL OF CONSENT AGENDA:

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Cosent Agenda Items 3 A & B be approved. The motion carried by a unanimous vote (Councilmember Moreno "Absent").

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- A. [2016-0646](#) Approval of Action Letters from October 6, 13 and 20, 2016.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that the Action Letters from October 6, 13 and 20th be approved as part of the Consent Agenda. The motion carried by a unanimous vote (Councilmember Moreno "Absent").

- B. [2016-0604](#) Mayor's Appointments:
Industrial Development Authority: Appoint Tyler Morehead, and reappoint Jody Carroll and Keith Fenwick, terms to expire 11-4-22.

Land Clearance Redevelopment Authority: Appoint Shelley Temple-Knuevean, term to expire 9-1-20, and John Lovell, term to expire 9-1-18.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that the Mayor's Appointments be approved as part of the Consent Agenda. The motion carried by a unanimous vote (Councilmember Moreno "Absent").

4. **PROPOSED ORDINANCES:**

- A. [BILL NO. 16-231](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "TRAILS OF PARK RIDGE, 2ND PLAT, LOTS 30-57", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 16-231 be adopted and numbered Ord. No. 8007. 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. 8007

- B. [BILL NO. 16-232](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF SW VIEW HIGH DR. AND SW 3RD ST. FOR VILLAGE AT VIEW HIGH APARTMENTS, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 16-232 be adopted and numbered Ord. No. 8008. 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. 8008

- C.** [BILL NO. 16-233](#) AN ORDINANCE AUTHORIZING EXECUTION OF MODIFICATION NO. 5 TO THE AGREEMENT WITH CRAWFORD, MURPHY AND TILLY, INC. FOR ON CALL ENGINEERING SERVICES FOR THE AIRPORT (RFQ 2015-300) IN THE AMOUNT OF \$376,596.01 FOR DESIGN ENGINEERING SERVICES FOR TAXIWAY PAVING OF TAXIWAY ALPHA AND OTHER INCIDENTAL WORK. (BOAC 10-31-16)

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 16-233 be adopted and numbered Ord. No. 8009. 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. 8009

- D.** [BILL NO. 16-234](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN REAL ESTATE CONTRACT AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND DE JARNETTE ENTERPRISES, INC., GRANTING THE PURCHASE OF A BUILDING, FIXTURES AND OTHER PERMANENT IMPROVEMENTS AND PERSONAL PROPERTY LOCATED AT 2525 NE DOUGLAS IN THE AMOUNT OF \$1,500,000 FOR THE PURPOSE OF OPERATING AN AERONAUTICAL SERVICES CENTER ENGAGED IN THE STORAGE OF AIRCRAFT, ELECTRONIC TESTING SITE, AND RENTAL SPACE FOR OFFICES AND AVIATION OPERATIONS. (BOAC 10-31-16)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that Bill No. 16-234 be adopted and numbered Ord. No. 8010. 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

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Enactment No: Ord. No. 8010

- E. [BILL NO. 16-235](#) AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND PREMIERLIFE REAL ESTATE HOLDINGS, A MISSOURI NOT FOR PROFIT CORPORATION, OUTLINING THE TERMS AND CONDITIONS OF THE PROPERTY ACQUISITION BY THE CITY OF LEE'S SUMMIT, MISSOURI FOR USE AS THE LOCATION OF A NEW FIRE STATION NO. 3 GENERALLY LOCATED ON NW PRYOR ROAD IN LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 16-235 be adopted and numbered Ord. No. 8011. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Moreno
Councilmember Seif

Nay: 1 - Councilmember Mosby

Abstain: 1 - Councilmember Faith

Enactment No: Ord. No. 8011

5. **PROCLAMATIONS:**

- A. [2016-0651](#) November 2016 Educational Theatre Month
Mayor Rhoads read a proclamation for theater students from Lee's Summit West, who will be performing "Mary Poppins" later this month.

ACTION: No Council Action.

6. **PRESENTATIONS:**

- A. [2016-0436](#) Update on FY17 Snow Plan
Mr. Shawn Graff, Assistant Director of Public Works Operations, provided the Council with the City's plan to handle snow events.
ACTION: No Council Action required.
- B. [2016-0521](#) Public Works Department Re-Accreditation Presentation by the American Public Works Association (APWA)
American Public Works Association (APWA) Director of Region VI Chuck Williams recognized Public Works for the department's third APWA re-accreditation, received on July 28, 2016. He also recognized Ms. Dena Mezger, Public Works Director, on the distinguished honor of being named as one of the "Top Ten Public Works Leaders of the Year" by APWA.

ACTION: No Council Action required.

- C. [2016-0583](#) Lee's Summit Economic Development Council (LSEDC) Quarterly Report - 3rd Quarter 2016

Mr. Rick McDowell, Executive Director of the Economic Development Council (EDC), provided his quarterly report on the Council's progress.

ACTION: No Council Action required.

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

- A. [2016-0571](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-149 - REZONING from AG and CP-1 to PMIX and PRELIMINARY DEVELOPMENT PLAN - The Residences at Echelon, approximately 24 acres located at the northwest corner of SW M-150 Hwy. and SW Hollywood Dr.; Engineering Solutions, LLC, applicant.
(Note: This Public Hearing was continued from October 20, 2016 per Council's request.)

Mayor Rhoads closed the regular session at 8:03 p.m., opened the public hearing and requested that all those interested in testifying be sworn in by the City Clerk.

Mr. Bob McKay, Director of Planning and Development, addressed the concerns voiced by the Council at the last meeting, which were traffic, density, building height and visibility, and the reason for the PMIX zoning. This was a third-tier property and not well-suited for retail or office.

Mr. Matt Schlicht with Engineering Solutions answered questions from the Council regarding potential residents, which they estimated would be 1.5 per unit.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 8:41 p.m. and reconvened the regular session.

Councilmember Binney thought this application seemed messy.

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Faith, to direct staff to present an ordinance approving Application #PL2016-149 - REZONING from AG and CP-1 to PMIX and PRELIMINARY DEVELOPMENT PLAN - The Residences at Echelon, approximately 24 acres located at the northwest corner of SW M-150 Hwy. and SW Hollywood Dr.; Engineering Solutions, LLC, applicant, subject to staff's letter dated September 23, 2016, Items 1 - 5, and approving the requested modification. The motion carried by the following vote:

Aye: 5 - Councilmember Carlyle
Councilmember Faith
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

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Nay: 3 - Councilmember Binney
Councilmember Edson
Councilmember Forte

- B. [2016-0427](#) PUBLIC HEARING - Appl. #PL2016-158 - REZONING from CP-2, PI and PMIX to PMIX and CONCEPTUAL DEVELOPMENT PLAN - approximately 237 acres generally bounded by Pine Tree Plaza, US 50 Hwy, Adesa property, Jefferson St, Persels (west of M-291 Hwy), 16th St (east of M-291 Hwy), Union Pacific Railroad right-of-way and South M-291 Hwy; City of Lee's Summit, applicant.

NOTE: Councilmember Moreno away from the table at 9:10 p.m.

Mayor Rhoads closed the public hearing at 9:10 p.m., opened the public hearing and requested that all those interested in testifying be sworn in by the City Clerk.

Mr. Bob McKay, Director of Planning and Development, submitted Exhibits 1-18, which were accepted and entered into the record by Mayor Rhoads.

Mr. McKay presented EnVision LS, which was the rezoning and conceptual development plan for the described area. Mr. Ferdinand Nieman was present on behalf of the Westcott Company.

NOTE: Councilmember Moreno returned to the table at 9:20 p.m.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 9:42 p.m. and reconvened the regular session.

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Edson, to direct staff to present an ordinance approving Application #PL2016-158 - REZONING from CP-2, PI and PMIX to PMIX and CONCEPTUAL DEVELOPMENT PLAN - approximately 237 acres generally bounded by Pine Tree Plaza, US 50 Hwy, Adesa property, Jefferson St, Persels (west of M-291 Hwy), 16th St (east of M-291 Hwy), Union Pacific Railroad right-of-way and South M-291 Hwy; City of Lee's Summit, applicant. The motion carried by a unanimous vote.

- C. [2016-0534](#) PUBLIC HEARING - Appl. #PL2016-171 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #58 - Article 5 Zoning Districts & Article 9 Uses Permitted with Conditions, pet motel or training facility with outdoor exercise area as a permitted use in the CS and PI Districts and as a conditional use in the CP-2 District; Article 13 Signs, allowing neon signs in the CBD District; Article 8 Accessory Uses and Structures, prohibition of outdoor vending machines and a revision to the

encroachment policy language; City of Lee's Summit, applicant.

NOTE: Councilmember Moreno away from the table at 9:50 p.m.

Mayor Rhoads closed the public hearing at 9:50 p.m., opened the public hearing and requested that all those interested in testifying be sworn in by the City Clerk.

Mr. Bob McKay, Director of Planning and Development, submitted Exhibits 1-11, which were accepted and entered into the record by Mayor Rhoads.

Mr. McKay reviewed the proposed changes to the UDO.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 9:58 p.m. and reconvened the regular session.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, to direct staff to present an ordinance approving Appl. #PL2016-171 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #58 - Article 5 Zoning Districts & Article 9 Uses Permitted with Conditions, pet motel or training facility with outdoor exercise area as a permitted use in the CS and PI Districts and as a conditional use in the CP-2 District; Article 13 Signs, allowing neon signs in the CBD District; Article 8 Accessory Uses and Structures, prohibition of outdoor vending machines and a revision to the encroachment policy language; City of Lee's Summit, applicant. The motion carried by a unanimous vote (Councilmember Moreno "Away From Table").

8. OTHER BUSINESS:

- A. [BILL NO. 16-227](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG AND CP-1 TO PMIX ON LAND LOCATED AT THE NORTHWEST CORNER OF SW M-150 HIGHWAY AND SW HOLLYWOOD DRIVE AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE RESIDENCES AT ECHELON ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 16-227 be adopted and numbered Ord. No. 8012. The motion carried by the following vote:

Aye: 5 - Councilmember Carlyle
Councilmember Faith
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Nay: 3 - Councilmember Binney
Councilmember Edson
Councilmember Forte

Enactment No: Ord. No. 8012

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- B. [BILL NO.
16-236](#) AN ORDINANCE APPROVING APPLICATION #PL2016-158 - REZONING FROM CP-2, PI, AND PMIX to PMIX AND CONCEPTUAL DEVELOPMENT PLAN - APPROXIMATELY 237 ACRES GENERALLY BOUNDED BY PINE TREE PLAZA, US 50 HWY, ADESA PROPERTY, JEFFERSON STREET (WEST OF M-291 HWY), 16TH STREET (EAST OF M-291 HWY), UNION PACIFIC RAILROAD RIGHT OF-WAY AND SOUTH M-291 HWY; CITY OF LEE'S SUMMIT, APPLICANT.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Forte, that Bill No. 16-236 be adopted and numbered Ord. No. 8013. 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. 8013

- C. [BILL NO.
16-237](#) AN ORDINANCE APPROVING APPLICATION PL2016-171- AMENDMENT #58 TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) - ARTICLE 5 ZONING DISTRICTS, ARTICLE 8 ACCESSORY USES AND STRUCTURES, ARTICLE 9 USES PERMITTED WITH CONDITIONS AND ARTICLE 13 SIGNS; CITY OF LEE'S SUMMIT, APPLICANT.

NOTE: Councilmember Binney returned to the table.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Mosby, that Bill No. 16-237 be adopted and numbered Ord. No. 8014. 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. 8014

- D. [2016-0634](#) Presentation - Chapter 100 Conceptual Incentive Request - Residences at Echelon Multi-Family Residential Project.

Mr. Mark Dunning, Asst. City Manager, Development Services & Communications, reviewed the proposal, which would be for luxury multi-family development, and would be considered an incentive based on PILOTs (Payment In Lieu of Taxes). Mr. Evan Fitts, Polsinelli Law Firm, was also present.

A consensus from Council provided general direction that this application fits the City's Economic Development Policy and agrees with Chapter 100 policy.

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

Councilmember Seif reported that the Rules Committee voted to not bring forward additional restrictions on public comments. The agenda advises that comments are to be kept at a total of 10 minutes and the Committee would ask the Mayor to keep comments to the 10 minutes. The Committee also tabled discussion of an Ethics Policy until after the April election on the Charter Commission, which includes a requirement for an Ethics Policy.

10. COUNCIL ROUNDTABLE:

Councilmember Moreno wanted to know if there were limits on public comments in committee meetings. Mr. Arbo advised the adopted ordinance established public comments at each meeting. Mr. Head added whenever someone wants to speak and the City has provided an open mic, the City would have to let them talk. Councilmember Moreno stated the discussion at the Rules Committee meeting was not consistent with his request.

Councilmember Edson noted the issue of marijuana will not be on the State ballot but the LS CARES organization was asking the City to look at the topic.

Councilmember Mosby requested clarification on ordinances being considered the same night at public hearings. Mr. Head explained the Charter Commission was recommending seven days between the first and second reading of ordinances in certain circumstances. Mr. Arbo advised he will prepare a legislative history for the Council.

Councilmember Forte asked that two items be submitted for committee consideration: the use of 3D software for presentations on development applications; and, a review and reconsideration of the M-150 overlay.

Councilmember Binney reminded everyone of the public safety issue on next week's ballot.

11. STAFF ROUNDTABLE:

Mr. Arbo proudly mentioned the Water Utilities employees who recovered a toddler's \$7,000 hearing aid that fell off the top of a car and into a sewer drain. This caring and dedication is a common trait among Lee's Summit City employees. He also mentioned the Citizens Leadership Academy that will begin sessions in January. Four of the eight councilmembers have participated in this program.

12. ADJOURNMENT

There being no further business, Mayor Rhoads ADJOURNED the November 3, 2016, Lee's Summit City Council Regular Session No. 17 at 10:15 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".