



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

Thursday, September 1, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 11 - AMENDED

CALL TO ORDER

Mayor Rhoads called Regular Session No. 11 to order at 6:15 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

NOTE: Councilmember Carlyle was absent at the beginning of the meeting, but arrived before the reading of Bill No. 16-182.

Present: 6 - Councilmember Rob Binney
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Chris Moreno
Councilmember Diane Seif

Absent: 2 - Councilmember Trish Carlyle
Councilmember Dave Mosby

APPROVAL OF AGENDA

ACTION: On motion of Councilmember Binney, second by Councilmember Forte, Council voted unanimously (Councilmembers Carlyle and Mosby "absent") to approve the amended agenda as posted.

1. PUBLIC COMMENTS:

Mr. Bill Clarkson Jr. owns land near I-470 and View High Drive and was present to express his support for the Transportation Development District (TDD), requested by Paragon Star, between 350 Highway and View High Drive, as well as the Divergent Diamond Interchange (DDI) proposed by the Missouri Department of Transportation (MoDOT).

2. COUNCIL COMMENTS:

There were no comments from the Council.

3. APPROVAL OF CONSENT AGENDA:

- A. [2016-0461](#) Approval of Action Letters from August 4, 11 and 18, 2016.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Action Letters from August 4, 11 and 18 be approved as part of the Consent Agenda. The motion carried by a unanimous vote. (Councilmembers Carlyle and Mosby "Absent")

- B. [2016-0505](#) Mayor's Appointments
Arts Council: Appoint Mellissa Garris, term to expire 7-22-17.

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

4. PROPOSED ORDINANCES:

- A. [BILL NO. 16-175](#) AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED WITHIN THE PLAT ENTITLED "BRESKE BAY, LOTS 1 & 2," IN THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 16-175 be adopted and numbered Ord. No. 7950. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Mosby

Enactment No: Ord. No. 7950

- B. [BILL NO. 16-176](#) AN ORDINANCE AUTHORIZING THE REPAIR OF THE NORTH RAIL SPUR UNDER THE CITY'S ON CALL CONTRACTOR KELLY HILL COMPANY, IN THE AMOUNT OF \$83,564.22 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME. (PWC 8-15-16)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 16-176 be adopted and numbered Ordinance No. 7951. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Mosby

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Enactment No: Ord. No. 7951

- C. [BILL NO.](#) AN ORDINANCE AUTHORIZING THE AWARD OF AN ON-CALL
[16-177](#) AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES TO SFS
ARCHITECTURE, INC. (RFQ NO. 2016-070) AND AUTHORIZING THE CITY
MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME. (PWC 8-15-16)

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Binney, that Bill No. 16-177 be adopted and numbered Ord. No. 7952. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Mosby

Enactment No: Ord. No. 7952

- D. [BILL NO.](#) AN ORDINANCE AUTHORIZING EXECUTION OF MODIFICATION NO. 1,
[16-178](#) RFQ NO. 2016-091 , TO AN AGREEMENT WITH BURNS AND MCDONNELL
FOR PROFESSIONAL ENGINEERING SERVICES FOR SANITARY SEWER
FLOW MONITORING FOR WATER UTILITIES, AN INCREASE IN FEE OF
\$15,800 FOR A NEW CONTRACT AMOUNT OF \$154,940. (PWC 8-15-16)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 16-178 be adopted and numbered Ord. No. 7953. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Mosby

Enactment No: Ord. No. 7953

- E. [BILL NO.](#) AN ORDINANCE AMENDING CHAPTER 21. PLANNING AND
[16-179](#) DEVELOPMENT OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S
SUMMIT, MISSOURI, BY CREATING ARTICLE V. MURALS, AND FURTHER
ADDING SECTIONS 21-100. MURAL STANDARDS, AND SECTION 21-101.
MURAL PERMIT, FOR THE PURPOSE OF ADOPTING CERTAIN
REGULATIONS FOR THE DEFINITION AND PLACEMENT OF MURALS AS
PUBLIC ART.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 16-179 be adopted and numbered Ord. No. 7954. The motion carried

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by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Mosby

Enactment No: Ord. No. 7954

- F.** [BILL NO.](#) AN ORDINANCE DECLARING THE RESULTS OF THE AUGUST 2, 2016,
[16-180](#) PRIMARY ELECTION FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 16-180 be adopted and numbered Ord. No. 7955. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Mosby

Enactment No: Ord. No. 7955

- G.** [BILL NO.](#) AN ORDINANCE APPROVING THE EXECUTION OF THE
[16-181](#) FUNDING/APPROVAL AGREEMENT BETWEEN THE CITY OF LEE'S
SUMMIT, MISSOURI AND THE U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT FOR THE 2016-2017 CDBG PROGRAM YEAR.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 16-181 be adopted and numbered. Ord. No. 7956. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Mosby

Enactment No: Ord. No. 7956

- H.** [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT
[16-182](#) AGREEMENT BETWEEN TOWNSEND CAPITAL, LLC OF HUNT VALLEY,
MARYLAND AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE
SUMMIT ORCHARD DEVELOPMENT.

Councilmember Carlyle arrived before the reading of Bill No. 16-182.

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ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that Bill No. 16-182 be adopted and numbered. Ord. No. 7957. The motion carried by the following vote:

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

Absent: 1 - Councilmember Mosby

Enactment No: Ord. No. 7957

- I. [BILL NO. 16-183](#) AN ORDINANCE RENEWING THE CITY OF LEE'S SUMMIT'S PROCEDURE FOR DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS, PURSUANT TO SEC. 261 OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 16-183 be adopted and numbered. Ord. No. 7958. The motion carried by the following vote:

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

Absent: 1 - Councilmember Mosby

Enactment No: Ord. No. 7958

5. **RESOLUTIONS:**

- A. [RES. NO. 16-17](#) A RESOLUTION EXPRESSING THE AFFIRMATIVE ASSENT OF THE CITY OF LEE'S SUMMIT, MISSOURI ON THE QUESTION OF WHETHER THE LITTLE BLUE VALLEY SEWER DISTRICT SHOULD ISSUE REVENUE BONDS PAYABLE FROM REVENUES TO BE DERIVED FROM THE OPERATION OF THE LITTLE BLUE VALLEY SEWER SYSTEM IN AN AMOUNT NOT TO EXCEED \$20,000,000 FOR THE PURPOSE OF IMPROVING, EXTENDING OR REHABILITATING THE LITTLE BLUE VALLEY SEWER DISTRICT SYSTEM INCLUDING, BUT NOT LIMITED TO ADVANCED AIR EMISSIONS CONTROLS FOR THE ATHERTON WASTEWATER TREATMENT FACILITIES. (PWC 8-15-16)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Resolution No. 16-17 be adopted. The motion carried by a unanimous vote. (Councilmember Mosby "Absent".)

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

- A. [2016-0369](#) Continued PUBLIC HEARING - Appl. #PL2016-097 - PRELIMINARY DEVELOPMENT PLAN - QuikTrip, 800 NE Woods Chapel Rd.; QuikTrip, applicant.
(Note: This item was continued from August 4, 2016 and August 18, 2016.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, to direct staff to present an ordinance approving Application #PL2016-097 - Preliminary Development Plan, QuikTrip, 800 NE Woods Chapel Road; QuikTrip, applicant, subject to Exhibits 1-19, adding Exhibit 20 and subject to staff's letter dated July 8, 2016. The motion carried by unanimous vote (Councilmember Mosby "absent").

7. **OTHER BUSINESS:**

- A. [CONT'D BILL NO. 16-166](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 800 NE WOODS CHAPEL ROAD, IN DISTRICT CP-2, PROPOSED QUIKTRIP, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.
(NOTE: Due to the Public Hearing being CONTINUED, this item was also continued from August 4, 2016 to September 1, 2016.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 16-166 be adopted and numbered Ord. No. 7959. The motion carried by the following vote:

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

Absent: 1 - Councilmember Mosby

Enactment No: Ord. No. 7959

- B. [BILL NO. 16-184](#) AN ORDINANCE AUTHORIZING EXECUTION OF A NON-EXCLUSIVE EASEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND SAINT LUKE'S HEALTH SYSTEM, INC.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 16-184 be adopted and numbered. Ord. No. 7960. The motion carried by the following vote:

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

Absent: 1 - Councilmember Mosby

Enactment No: Ord. No. 7960

- C. [BILL NO.](#) AN ORDINANCE APPROVING THE COOPERATIVE AGREEMENT BETWEEN
[16-185](#) THE CITY OF LEE'S SUMMIT, THE I-470 AND 350 TRANSPORTATION
DEVELOPMENT DISTRICT AND PARAGON STAR, LLC.

(NOTE: Councilmember Moreno away from the table, and returned prior to the motion.)

Mr. Dave Bushek with Gilmore and Bell, Bond Counsel for the City, advised that one provision had been revised, after negotiation of terms with other parties. The revised version of the agreement included three additional conditions, which were presented to the Council.

Discussions with MoDOT were on-going about the design of the roadway underneath the bridge. In more recent discussions, MoDOT advised this roadway may take the shape of a Divergent Diamond Interchange (DDI) but Mr. Bushek was unsure of the final decision.

Councilmember Binney asked about the sale of the City property. Mr. Bushek advised they were still negotiating terms but plan to bring the TIF and Real Estate Agreement to the Council on October 6th.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 16-185 be adopted and numbered Ord. No. 7961. The motion carried by the following vote:

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

Absent: 1 - Councilmember Mosby

Enactment No: Ord. No. 7961

- D. [BILL NO.](#) AN ORDINANCE AMENDING ORDINANCE NO. 7934 PASSED BY THE
[16-186](#) COUNCIL OF THE CITY OF LEE'S SUMMIT ON THE 11TH DAY OF AUGUST,
2016 TO INCREASE THE CONTRACT AMOUNT FROM \$179,510.00 TO
\$179,955.00.

NOTE: Councilmember Moreno away from table during reading and vote on ordinance.

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that Bill No. 16-186 be adopted and numbered Ord. No. 7962. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Moreno

Absent: 1 - Councilmember Mosby

Enactment No: Ord. No. 7962

- E. [BILL NO.
16-187](#) AN ORDINANCE APPROVING AMENDMENT NO.3 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2017, AS ADOPTED BY ORDINANCE NO. 7894, BY REVISING THE AUTHORIZED ALLOCATION OF FULL TIME EQUIVALENTS FOR CERTAIN POSITIONS IN THE DEVELOPMENT SERVICES DEPARTMENT AND THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF LEE'S SUMMIT, MISSOURI.

NOTE: Councilmember Moreno away from table for first voice vote.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 16-187 be adopted and numbered Ord. No. 7963. The motion carried by the following vote:

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

Absent: 1 - Councilmember Mosby

Enactment No: Ord. No. 7963

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

Councilmember Binney reported on the Bi-State Commission meeting he attended at MARC where they discussed future plans for the Commission. The tax had expired but the responsibility to the public use is for 85 years.

9. COUNCIL ROUNDTABLE:

- Councilmember Faith welcomed State Representative Gary Cross and appreciated his interest in local government.
- Councilmember Forte commented on the ribbon cutting for Third Street Social.

10. STAFF ROUNDTABLE:

- Mr. Arbo proudly advised the Council that Mr. Conrad Lamb, Finance Director, was appointed to the Study Commission on State Tax Policy to review the tax structure of the state of Missouri and report findings and

recommendations to the governor and general assembly for adoption.

Appointed by Missouri State Senator Ron Richard,

Mr. Lamb is the only person on the study commission representing municipal government. A final report of the Study

Commission's findings is due on Dec. 31, 2017. The group will conclude their activities by Jan. 1, 2018.

- Mayor Rhoads stated the Council sometimes loses site of the fact the City has good, capable employees, many of whom have received outstanding recognition by professional organizations. Mr. Lamb's appointment is yet another example.

11. ADJOURNMENT

There being no further business, Mayor Rhoads adjourned the September 1, 2016, Regular Session No. 11 at 7:05 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".