



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

Thursday, March 9, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 29

CALL TO ORDER

Mayor Rhoads called Regular Session No. 29 to order at 6:15 p.m.

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

COUNCIL ACTION: On motion of Councilmember Binney, second by Councilmember Forte the Council voted unanimously to approve the published agenda.

Following approval of the Agenda, Mayor Rhoads asked Fire Chief Poeschl to discuss the storm event that occurred on Monday evening. Chief Poeschl explained the Standard Operating Guidelines (SOG) practices were followed during Monday's event. After an internal review of the procedures and actions, along with surveying the damages and considering public feedback, they made changes to the internal SOGs to better serve citizens. They believe these changes are in the best interest of the safety of the public.

1. PUBLIC COMMENTS:

Mr. Don Park, 644 NE Lakepoint Drive, with Whispering Woods Development, hoped the Council would reconsider their application, which was denied at the last Council meeting. They would request additional time to meet with the neighbors and address their concerns, as well as Staff.

2. COUNCIL COMMENTS:

Councilmember Forte moved to **RECONSIDER** the denial of the Whispering Woods application, which was denied at the previous Council meeting. Motion was seconded by Councilmember Carlyle. **MOTION PASSED** on a vote of 6 "aye", 2 "no" (Councilmembers Moreno and Mosby).

Motion was made by Councilmember Forte, seconded by Councilmember Carlyle, to direct Staff to **PLACE** Application #PL2016-219 Rezoning from AG to R-1 and Preliminary Development Plan for Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Road and SW Hook Road; Whispering Woods Land, LLC, on a future City Council agenda for **ADDITIONAL PUBLIC HEARING** on a date certain of **JUNE 8, 2017**, after providing public notice of said hearing.

Councilmember Faith moved to **AMEND** the motion to **REMAND** the application to the **PLANNING COMMISSION** for further consideration. Motion was seconded by Councilmember Moreno.

DISCUSSION: Councilmember Carlyle did not feel the Planning Commission was on the same page as the Council on this application. Councilmember Seif noted no representatives from the area were in attendance at the Planning Commission meeting.

On the **AMENDMENT**, the Council voted 7 "aye", 1 "no" (Councilmember Carlyle). The application will be returned to the Planning Commission for further consideration.

Councilmember Forte moved to **AMEND** the original motion by **REMOVING** the date certain of **JUNE 8, 2017**. Motion passed unanimously.

On the original motion to **CONTINUE** the application, to include the amendments to **REMAND** the issue back to the **PLANNING COMMISSION**, the Council voted 6 "aye", 1 "no" (Councilmember Mosby), 1 "away from table" (Councilmember Moreno). **MOTION PASSED**.

3. PROPOSED ORDINANCES:

- A. [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY
[17-54](#) AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND BURNS AND
MCDONNELL ENGINEERING CO, INC. IN THE AMOUNT OF \$207,232.00
FOR PROFESSIONAL ENGINEERING SERVICES FOR WINTERSET WOODS &

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STERLING HILLS TRUNK SEWER MAIN (RFQ NO. 196-31583). (PWC 2-23-17)

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Forte, that Bill No. 17-54 be adopted and numbered Ord. No. 8107. 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. 8107

B. [BILL NO. 17-55](#) AN ORDINANCE APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR SANITARY SEWER SERVICE BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE PRAIRIE TOWNSHIP FIRE PROTECTION DISTRICT, AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, AND AUTHORIZING A ONE-TIME, NON-PRECEDENT SETTING EXCEPTION TO SECTION 6500.F.1.j. OF THE CITY OF LEE'S SUMMIT DESIGN AND CONSTRUCTION MANUAL TO ALLOW A SANITARY SEWER CONNECTION TO THE CITY'S SANITARY SEWER SYSTEM FROM A LOCATION OUTSIDE THE CORPORATE LIMITS OF THE CITY OF LEE'S SUMMIT, MISSOURI. (PWC 2-23-17)

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 17-55 be adopted and numbered Ord. No. 8108. 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. 8108

C. [BILL NO. 17-56](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND GEORGE BUTLER ASSOCIATES, INC. IN THE AMOUNT OF \$272,114.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR SW JEFFERSON ST (PERSELS RD TO OLDHAM PKWY) (RFQ NO. 419-32272). (PWC 2-23-17)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Binney, that Bill No. 17-56 be adopted and numbered Ord. No. 8109. 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. 8109

- D.** [BILL NO. 17-57](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 405-32472-16 FOR THE SE 7TH TERRACE TRAFFIC CALMING PROJECT TO FREEMAN CONCRETE CONSTRUCTION, LLC. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$34,826.00. (PWC 2-23-17)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 17-57 be adopted and numbered Ord. No. 8110. 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. 8110

- E.** [BILL NO. 17-58](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 40432472-2C FOR THE FY2017 CURB REPAIR 2 PROGRAM TO FREEMAN CONCRETE CONSTRUCTION, L.L.C. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$722,346.60. (PWC 2-23-17)

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-58 be adopted and numbered Ord. No. 8111. 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. 8111

4. PRESENTATIONS:

- A.** [2017-0960](#) Presentation of the Strategic Planning Framework and Process

NOTE: Councilmember Moreno away from the table from 9:35 p.m. to

10:15 p.m.

Mr. Arbo and Mr. Jack Feldman, Management Analyst-Administration, provided information and the framework for the six step process adopted by the Council a couple of months ago. Mr. Nick Edwards, Director of Administration, began with information regarding Staff's actions and proposals to meet the Council's goal. Due to the amount of detail provided by Staff, the Council requested separate presentations from each department.

This Presentation was received and filed.

5. PUBLIC HEARINGS (Sworn):

- A. [2017-0888](#) PUBLIC HEARING - Appl. #PL2016-206 - REZONING from R-1 and CP-2 to PMIX and CONCEPTUAL DEVELOPMENT PLAN - West Pryor Village, approximately 70 acres generally bounded by I-470 on the north, NW Pryor Rd on the east and NW Lowenstein Dr on the southwest; City of Lee's Summit, applicant

Mayor Rhoads closed the regular session at 6:53 p.m. and opened the public hearing. All those interested in testifying were sworn in by the City Clerk.

Mr. Ryan Elam, Director of Development Center, provided some history and explained the process. A timeline was submitted as Exhibit #17.

Mr. Bob McKay, Director of Planning and Development, entered Exhibits 1-17 into the record and explained the proposed application.

- Two buildings in the western portion of the development were planned for senior housing. The Planning Commission recommended removal of those units.
- A large power line will be relocated to run along Pryor Road.
- The applicant is requesting approval for rezoning over the entire area and approval of the submitted conceptual plan. Design standards will be submitted at a later date, including prohibited and permitted uses within the development.

Councilmember Binney thought the PMix zoning provides the most control and gives citizens the ability to hear decisions. Councilmember Edson was skeptical about building additional retail areas and the ability to sustain up-scale retail at this time.

Twelve members of the neighborhood addressed the Council, voicing their concerns about this development.

Hearing no further testimony, Mayor Rhoads closed the public hearing and

reopened the regular session a 8:46 p.m. During Council discussion, Mayor Rhoads closed the regular session and reopened the public hearing on two separate occasions and the final reopening of the regular session was at 9:08 p.m.

Council discussed the application and the process at length, specifically the 40+/- acres on the eastern portion of the application. Mr. Arbo suggested an approach that would include the neighbors. Knowing the quality of the developers and concerns of the Council, there was the possibility of finding something successful that would garner greater supports. By creating a a comprehensive plan for this area, they could hold several meetings over a two to three months to keep the neighbors informed. This was the approach followed with the downtown rebuild and the residents would know there was a time when they could meet with the City or developer.

Following the motion and approval, Mr. Arbo advised the Council that Staff will work with the neighborhood groups for communication of the meetings.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, to direct Staff to PREPARE AN ORDINANCE to rezone 39.5 acres to PMIX and that the community be involved in periodic meetings, to be determined by the community, and that a conceptual development master plan be initiated for this area.

6. OTHER BUSINESS:

- A. [BILL NO. 17-59](#) AN ORDINANCE APPROVING APPLICATION #PL2016-206 - REZONING FROM R-1 AND CP-2 TO PMIX AND CONCEPTUAL DEVELOPMENT PLAN - APPROXIMATELY 70 ACRES GENERALLY BOUNDED BY I-470 ON THE NORTH, NW PRYOR ROAD ON THE EAST AND NW LOWENSTEIN DR. ON THE SOUTHWEST KNOWN AS THE WEST PRYOR VILLAGE CONCEPTUAL DEVELOPMENT MASTER PLAN ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO.5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

NOTE: This ordinance was not read, due to the motion on the public hearing.

- B. [BILL NO. 17-60](#) AN ORDINANCE APPROVING THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, THE SOUTHWEST I-470 TRANSPORTATION DEVELOPMENT DISTRICT, THE I-470 AND VIEW HIGH COMMUNITY IMPROVEMENT DISTRICT AND PARAGON STAR, LLC.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 17-60 be adopted and numbered Ord. No. 8112. The motion carried by the following vote:

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Aye: 5 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Seif

Nay: 2 - Councilmember Edson
Councilmember Mosby

Recused: 1 - Councilmember Moreno

Enactment No: Ord. No. 8112

- C. [BILL NO.](#) AN ORDINANCE APPROVING THE COOPERATIVE AGREEMENT BETWEEN
[17-61](#) THE CITY OF LEE'S SUMMIT, THE I-470 AND VIEW HIGH COMMUNITY
IMPROVEMENT DISTRICT AND PARAGON STAR, LLC.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-61 be adopted and numbered Ord. No. 8113. The motion carried by the following vote:

Aye: 5 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Seif

Nay: 2 - Councilmember Edson
Councilmember Mosby

Recused: 1 - Councilmember Moreno

Enactment No: Ord. No. 8113

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

Councilmember Forte reported that Downtown Lee's Summit Main Street received accreditation. She was looking forward to the Emerald Isle Parade scheduled for this Saturday.

Councilmember Seif advised the Housing Authority was developing a strategic plan. The experience she obtained from the Council's strategic planning will help when she participates in this process.

8. **COUNCIL ROUNDTABLE:**

Councilmember Forte was advised by citizens that Red Racks was having vehicles towed off their lot by a company in Kansas City and taken to Smithville for impoundment. People are parking in this lot and walking to other stores. There are signs around the lot advising people that unauthorized vehicles will be towed. She asked if the City could talk to Red Racks and reach a compromise.

Councilmember Edson mentioned that Whiteman Air Force Base is featuring Lee's Summit at the Base Community Council luncheon on April 12th.

Councilmember Binney thanked the Fire Department for listening to the citizen feedback after the storm event earlier this week. On another topic, he requested a report on the percentage of rent-by-choice residents and the number of units available.

9. **STAFF ROUNDTABLE:**

Mr. Arbo advised that Staff will have the Development Report available in a couple of weeks. This report includes interesting statistics and demographics about the city and compares information from other years.

10. **ADJOURNMENT**

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".