



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

Thursday, December 8, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 20 - AMENDED

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: 2 - Councilmember Trish Carlyle
Councilmember Diane Forte

APPROVAL OF AGENDA

ACTION: On motion of Councilmember Binney, second by Councilmember Mosby, the Council voted unanimously (Councilmembers Forte and Carlyle "Absent") to approve the published Amended Agenda.

1. PUBLIC COMMENTS:

Mr. Scott Corielle expressed his continued support for the New Longview project. He stated that his concerns from the November 17th meeting had been addressed and satisfied.

2. COUNCIL COMMENTS:

There were no Council Comments.

3. PROPOSED ORDINANCES:

- A.** [BILL NO. 16-247](#) AN ORDINANCE AMENDING SECTION 2-530 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, TO UPDATE PROVISIONS PERTAINING TO CLOSED MEETINGS, RECORDS AND VOTES, TO BE IN CONFORMITY WITH THE MOST CURRENT REVISED VERSION OF

MISSOURI'S SUNSHINE LAW. (Rules Cmte. 11-28-16)

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 16-247 be adopted and numbered Ord. No. 8027. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8027

- B.** [BILL NO.](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "MONTICELLO 2nd
[16-251](#) PLAT, LOTS 33-69 & TRACTS D-F", AS A SUBDIVISION TO THE CITY OF
LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 16-251 be adopted and numbered Ord. No. 8028. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8028

- C.** [BILL NO.](#) AN ORDINANCE AUTHORIZING EXECUTION OF A MUNICIPAL
[16-252](#) AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI
AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
FOR CONSTRUCTION AND MAINTENANCE ACTIVITIES RELATED TO THE
PUBLIC IMPROVEMENT PROJECT DESIGNATED AS ROUTE DOUGLAS
ROAD OVER I-470, JOB J4S3132, WITHIN THE CITY LIMITS OF LEE'S
SUMMIT, MISSOURI. (PWC 11/21/16)

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 16-252 be adopted and numbered Ord. No. 8029. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

City Council - Regular Session

Action Letter

December 8, 2016

Enactment No: Ord. No. 8029

- D. [BILL NO. 16-253](#) AN ORDINANCE APPROVING A MUNICIPAL AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR CONSTRUCTION AND MAINTENANCE ACTIVITIES RELATED TO THE PUBLIC IMPROVEMENT PROJECT DESIGNATED AS ROUTE BANNISTER ROAD OVER ROUTE 350, JOB J4S3133, WITHIN THE CITY LIMITS OF LEE'S SUMMIT, MISSOURI AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT. (PWC 11/21/16)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 16-253 be adopted and numbered Ord. No. 8030. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8030

- E. [BILL NO. 16-254](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT FOR FUNDING OPERATIONS OF OPERATION GREEN LIGHT TRAFFIC CONTROL SYSTEM BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND THE MID-AMERICA REGIONAL COUNCIL. (PWC 11/21/16)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Faith, that Bill No. 16-254 be adopted and numbered Ord. No. 8031. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8031

- F. [BILL NO. 16-255](#) AN ORDINANCE APPROVING ADDENDUM NO. 1 TO FIXED BASE OPERATOR AGREEMENT BETWEEN LEGACY AVIATION, INC. DBA FLYING KC (HEREINAFTER "OPERATOR") AND THE CITY OF LEE'S SUMMIT, MISSOURI (HEREINAFTER "CITY") AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY. (PWC 11/21/16)

City Council - Regular Session

Action Letter

December 8, 2016

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 16-255 be adopted and numbered Ord. No. 8032. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8032

- G.** [BILL NO.](#) AN ORDINANCE AUTHORIZING EXECUTION OF A TEMPORARY
[16-256](#) CONSTRUCTION EASEMENT BY AND BETWEEN THE CITY OF LEE'S
 SUMMIT, MISSOURI AND THE MISSOURI HIGHWAYS AND
 TRANSPORTATION COMMISSION FOR CONSTRUCTION ACTIVITIES
 RELATED TO THE PUBLIC IMPROVEMENT PROJECT DESIGNATED AS US
 50 HIGHWAY AND ROUTE 291 INTERCHANGE (SOUTH JUNCTION), JOB
 J4P3002, WITHIN THE CITY LIMITS OF LEE'S SUMMIT, MISSOURI. (PWC
 11/21/16)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 16-256 be adopted and numbered Ord. No. 8033. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8033

- H.** [BILL NO.](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON
[16-257](#) LAND LOCATED AT THE SOUTHEAST CORNER OF SW FASCINATION DR.
 AND SW LONGVIEW BLVD. IN DISTRICT PMIX, NEW LONGVIEW
 COMMERCIAL PHASE II, 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 Faith, seconded by Councilmember Seif, that Bill No. 16-257 be adopted and numbered Ord. No. 8034. The motion carried by the following vote:

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

City Council - Regular Session

Action Letter

December 8, 2016

Nay: 1 - Councilmember Edson

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8034

- I. [BILL NO. 16-258](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN CMH PARKS INC, A TENNESSEE CORPORATION, D.B.A. SUMMIT CUSTOM HOMES AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE NORTH PARK VILLAGE SUBDIVISION DEVELOPMENT.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Faith, that Bill No. 16-258 be adopted and numbered Ord. No. 8035. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8035

- J. [BILL NO. 16-259](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A REIMBURSEMENT AGREEMENT BETWEEN CMH PARKS INC, A TENNESSEE CORPORATION, D.B.A. SUMMIT CUSTOM HOMES AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR EXPENSES INCURRED IN THE ACQUISITION OF CERTAIN SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS.

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 16-259 be adopted and numbered Ord. No. 8036. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8036

- K. [BILL NO. 16-265](#) AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH THE PROPOSED ARBORWALK DEVELOPMENT IN THE AREA OF SW PRYOR ROAD AND SW HOOK ROAD; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN LAND;

City Council - Regular Session

Action Letter

December 8, 2016

AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 16-265 be adopted and numbered Ord. No. 8037. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8037

4. RESOLUTIONS:

- A.** [RES. NO. 16-22](#) A RESOLUTION ESTABLISHING AN UNIMPROVED ROAD POLICY TO GUIDE THE REVIEW AND DESIGN OF UNIMPROVED AND INTERIM STANDARD ROADS IN THE CITY OF LEE'S SUMMIT. (PWC 11/21/16)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Mosby, to approve Resolution No. 16-22. The motion carried by a unanimous vote (Councilmember Forte and Carlyle "Absent".)

- B.** [RES. NO. 16-23](#) A RESOLUTION ADOPTING THE CITY COUNCIL SCHEDULE OF MEETINGS FOR 2017.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Mosby, to approve Resolution No. 16-23. The motion carried by a unanimous vote (Councilmember Forte and Carlyle "Absent".)

- C.** [RES. NO. 16-24](#) A RESOLUTION CONSENTING TO THE DELIVERY OF A SUBORDINATION AGREEMENT IN CONNECTION WITH \$35,000,0000 AGGREGATE MAXIMUM PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS (RESIDENCES AT NEW LONGVIEW PROJECT), SERIES 2014 OF THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Mosby, to approve Resolution No. 16-24. The motion carried by a unanimous vote (Councilmember Forte and Carlyle "Absent".)

5. PUBLIC HEARINGS (Sworn):

- A.** [2016-0721](#) PUBLIC HEARING - Appl. #PL2016-199 - PRELIMINARY DEVELOPMENT PLAN - co-work Lee's Summit, 210 SW Market St. and 211 SW Jefferson St.; Ben Rao, applicant

ACTION:
Mr. Ben Rao provided a PowerPoint presentation.

Mr. Hector Soto provided staff presentation.

Mr. Chuck Cooper (President of Market Center of Ideas) and Ms. Lynn Hinkle (President of Downtown Lee's Summit Main Street) Stated their support for this project.

Letters of support from Market Center of Idea, Downtown Lee's Summit Main Street and the Lee's Summit Chamber of Commerce were provided (they are now attached to the packet form).

A motion was made by Councilmember Faith, seconded by Councilmember Moreno, the Council voted unanimously (Councilmembers Forte and Carlyle "Absent") to direct staff to present an ordinance approving Application #PL2016-199 - Preliminary Development Plan - co-work Lee's Summit, 210 SW Market St. and 211 SW Jefferson St.; Ben Rao, applicant, subject to staff's letter dated November 18, 2016.

- B. [2016-0711](#) PUBLIC HEARING - Appl. #PL2016-200 - Unified Development Ordinance (UDO) AMENDMENT #59 - Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant.

ACTION:

Mr. George Binger provided updates from FEMA to the Council regarding the Floodplain Overlay maps.

After discussion, motion was made by Councilmember Binney, seconded by Councilmember Faith, the Council voted unanimously (Councilmembers Forte and Carlyle "Absent") to direct staff to present an ordinance approving Application #PL2016-200 - Unified Development Ordinance (UDO) AMENDMENT #59 - Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant.

6. OTHER BUSINESS:

- A. [BILL NO. 16-260](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 210 SW MARKET ST. AND 211 SW JEFFERSON ST. IN DISTRICT PMIX, PROPOSED CO-WORK LEE'S SUMMIT, 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 Seif, seconded by Councilmember Mosby, that Bill No. 16-260 be adopted and numbered Ord. No. 8038. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8038

- B. [BILL NO. 16-261](#) AN ORDINANCE APPROVING APPLICATION #PL2016-200 - AMENDMENT #59 TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) - ARTICLE 6 OVERLAY DISTRICTS; CITY OF LEE'S SUMMIT, APPLICANT

City Council - Regular Session

Action Letter

December 8, 2016

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Bill No. 16-261 be adopted and numbered Ord. No. 8039. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8039

- C.** [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT
[16-262](#) AGREEMENT BETWEEN QUIKTRIP CORPORATION AND THE CITY OF
 LEE'S SUMMIT, MISSOURI, FOR THE QUIKTRIP STORE #191
 DEVELOPMENT.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Mosby, that Bill No. 16-262 be adopted and numbered Ord. No. 8040. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8040

- D.** [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST
[16-263](#) AMENDMENT TO SALES TAX REIMBURSEMENT AGREEMENT BY AND
 BETWEEN QUIKTRIP CORPORATION AND THE CITY OF LEE'S SUMMIT,
 MISSOURI FOR THE QUIKTRIP #191 DEVELOPMENT

ACTION:

On motion was by Councilmember Faith, second by Councilmember Binney, the Council voted unanimously (Councilmembers Forte and Carlyle "Absent") for second reading of Bill No. 16-263.

A motion was made by Councilmember Mosby, second by Councilmember Binney, to limit the increase of the Sales Tax Reimbursement amendment to the amount requested for Area #4. The Council voted 4 "Aye" (Councilmembers Mosby, Edson, Moreno and Seif), 2 "No" (Councilmembers Binney and Faith), and 2 "Absent" (Councilmember Forte and Carlyle). Motion passed.

A motion was made by Councilmember Faith, seconded by Councilmember Mosby, that Bill No. 16-263 be approved as amended and numbered Ord. No. 8041. The motion carried by the following vote:

City Council - Regular Session

Action Letter

December 8, 2016

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8041

- E. [2016-0764](#) QuikTrip Store #191 - 1450 NE M-291 Hwy - Request for Building Permit

ACTION: On motion made by Councilmember Binney, second by Councilmember Seif, the Council voted unanimously (Councilmembers Forte and Carlyle "Absent") to authorize staff to issue the full building permit upon request of developer and prior to final plat approval.

- F. [2016-0761](#) Appeal Request to Resolution No. 16-05 and Resolution 16-19 for the suspension and delay of the acceptance and processing of development applications and applications for building permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway.

ACTION:

Councilmember Binney made a motion to deny authorization to staff to review the Minor Plat application entitled "Basra Station" in accordance with the provisions and procedures set forth in the City's Unified Development Ordinance. Motion failed for lack of second.

After discussion, Council reached a consensus to not take any action on this item.

- G. [BILL NO. 16-264](#) AN ORDINANCE APPOINTING A MEMBER TO THE BOARD OF DIRECTORS OF THE SOUTHWEST I-470 TRANSPORTATION DEVELOPMENT DISTRICT.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Binney, that Bill No. 16-264 be adopted and numbered Ord. No. 8042. The motion carried by the following vote:

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

Absent: 2 - Councilmember Carlyle
Councilmember Forte

Enactment No: Ord. No. 8042

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

There were no Committee Reports.

8. **COUNCIL ROUNDTABLE:**

Councilmember Moreno stated it had been 6 months since he made the

public aware of ethics violations and 4 months since he requested an ethics policy be put in place. He did not feel his requests were being taken into consideration.

Councilmember Binney and Councilmember Faith both stated the Ethics policy was put on hold by the Rule's Committee until after the Charter Commission had made their presentation as they believe this is being considered by them for a Charter Amendment. Additionally, both felt that the current audit would provide additional information on any possible purchasing violations and the audit finding should be reviewed prior to starting any type of official investigation.

On motion of Councilmember Moreno, second by Councilmember Edson, the Council voted 4 "Aye" (Councilmembers Moreno, Edson, Mosby and Seif), 2 "Nay" (Councilmember Binney and Faith), 2 "Absent" (Councilmembers Forte and Carlyle) for the following (motion provided in writing to the City Clerk's office after the meeting):

"Pursuant to Section 3.11 of the City Charter I move To open investigation as authorized by charter to formally request that City Manager in working with Police Chief Forbes reach out to Jackson County Sheriff's Department to open a formal investigation into all purchases, transactions, communications involving any bids or purchases that may have violated state law, city law or policy, and the communications involving those.

Whether staff directed business to any current or former elected officials without properly bidding out information.

Whether the pricing of individual companies in the City of Lee's Summit were released to competitors or any current or former elected officials to gain an unfair advantage in the competitive bidding processes of our city.

Whether staff of any department in effort to avoid conflict of interest, purchasing or bidding involving any current or former elected official in this political subdivision, intentionally directed staff to avoid conflict of interest laws by moving any monetary amounts to any entities involving the city to avoid those purchasing laws.

Whether staff or any department heads, supervisors, directed business to any current or former elected officials or entities in violation of state statute.

Whether staff including heads and supervisors required city staff and subordinates to contribute to any individual entity, political or private entity and whether a list was kept of those employees and how much they did contribute.

Whether staff made a list during work hours, for fundraising purposes and directed staff or was involved in any political fundraising during work hours and whether those lists were kept on city equipment.

Whether public funds including purchase cards issued by the city in all department were used for personal purposes outside job items.

Whether staff or department heads instructed employees to work for any private or separate entities on behalf of that entity during work hours, without reimbursement being provided to the city. "

9. STAFF ROUNDTABLE:

There was no Staff Roundtable.

ADJOURNMENT

Mayor Rhoads adjourned Regular Session No. 20 at 8:51 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".