



**The City of Lee's Summit**  
**Final Agenda**  
**City Council - Regular Session**

Thursday, April 6, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 31**

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CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

**1. PUBLIC COMMENTS:**

*(NOTE: Total time for Public Comments will be limited to 10 minutes.)*

**2. COUNCIL COMMENTS:**

*(NOTE: Total time for Council Comments will be limited to 5 minutes.)*

**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.*

APPROVAL OF MINUTES:

- A. [2017-1028](#) Approval of Action Letters from March 2, 9 and 16, 2017.

LIQUOR LICENSES:

- B. [2017-1047](#) Approval of Type G-3 and S Liquor License for Big Whiskey's American Restaurant, 860 NW Blue Parkway. New business.

**4. PROPOSED ORDINANCES:**

- A. [BILL NO. 17-75](#) AN ORDINANCE APPROVING APPLICATION #PL2016-206 - REZONING FROM R-1 AND CP-2 TO PMIX - APPROXIMATELY 39 ACRES GENERALLY BOUNDED BY I-470 ON THE NORTH, NW PRYOR ROAD ON THE EAST AND NW

LOWENSTEIN DR. ON THE SOUTHWEST ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO.5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: This public hearing was held on March 9, 2017 at which time the Council directed staff to prepare an ordinance rezoning only the 39 acres along Pryor Road to PMIX.)

- B. [BILL NO. 17-76](#) AN ORDINANCE APPROVING THE CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING THE INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR NORTH PARK VILLAGE, LOTS 1-52 & TRACTS A-E SUBDIVISION BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND CMH PARKS, INC. A TENNESSEE CORPORATION, D/B/A SUMMIT CUSTOM HOMES.
- C. [BILL NO. 17-77](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NORTH PARK VILLAGE, 1ST PLAT, LOTS 1-52 & TRACTS A-E", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

#### 5. **PUBLIC HEARINGS (Sworn):**

*In an effort to assist applicants who travel from outside the Kansas City Metropolitan Area, every effort will be made to hear the application on the scheduled meeting date.*

- A. [2017-1096](#) CONTINUED PUBLIC HEARING – Appl. #PL2016-185 – SPECIAL USE PERMIT renewal for a telecommunication tower – 2750 NW Clifford Rd; American Tower Asset Sub, LLC, applicant  
(NOTE: This Public Hearing is to be CONTINUED to a date certain of May 18, 2017, per the applicant's request.)
- B. [2017-1097](#) CONTINUED PUBLIC HEARING – Appl. #PL2016-190 – SPECIAL USE PERMIT renewal for telecommunication towers – 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant  
(NOTE: This Public Hearing is to be CONTINUED to a date certain of May 18, 2017, per the applicant's request.)
- C. [2017-1045](#) PUBLIC HEARING - Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant
- D. [2017-1046](#) PUBLIC HEARING - Appl. #PL2017-037 - SPECIAL USE PERMIT for a telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

#### 6. **OTHER BUSINESS:**

- A. [BILL NO. 17-78](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 244 NW EXECUTIVE WAY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

- B. [BILL NO. 17-79](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PO ON LAND LOCATED AT 244 NW EXECUTIVE WAY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.
- C. [BILL NO. 17-80](#) AN ORDINANCE AWARDED BID NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT-FY16 TO WIEDENMANN INC., IN THE AMOUNT OF \$1,578,840.00 FOR THE BASE BID AND ALTERNATES 1, 2 AND 3 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME.
- D. [BILL NO. 17-81](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND OLSSON ASSOCIATES INC., IN THE AMOUNT OF \$583,155.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR 3RD STREET IMPROVEMENTS FROM PRYOR RD TO MURRAY RD (RFQ NO. 422-32272)
- E. [BILL NO. 17-82](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF ADDENDUM NO. 1 TO AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND HDR ENGINEERING, INC. FOR THE DESIGN OF THE SCADA RADIO COMMUNICATIONS SYSTEM IN THE AMOUNT OF \$103,108 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH HDR ENGINEERING, INC BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI.
- F. [BILL NO. 17-83](#) AN ORDINANCE APPROVING CHANGE ORDER #7 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION, L.L.C. FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF \$198,936.72 FOR A REVISED CONTRACT PRICE OF \$6,479,099.95.

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

8. **COUNCIL ROUNDTABLE:**

9. **STAFF ROUNDTABLE:**

- A. [2017-1092](#) CONTINUED DISCUSSION OF STRATEGIC PLANNING FRAMEWORK AND PROCESS, STEP 1

**ADJOURNMENT**

*Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 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".

## Packet Information

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**File #:** 2017-1028, **Version:** 1

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Approval of Action Letters from March 2, 9 and 16, 2017.

COUNCIL MOTION:

I move for approval of the Action Letters from March 2, 9 and 16, 2017 as part of the Consent Agenda.





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

Thursday, March 2, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 28**

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CALL TO ORDER

Mayor Rhoads called Regular Session No. 28 to order at 6:15pm.

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 Forte, second by Councilmember Seif, the Council voted unanimously to approve the published agenda.

**1. PUBLIC COMMENTS:**

Mr. Roy Mussett was concerned about the lack of improvements in the older part of the city.

**2. COUNCIL COMMENTS:**

Councilmember Mosby suggested the Public Works Committee look at long-term priorities for improvements, particularly in the older part of the city.

**3. APPROVAL OF CONSENT AGENDA:**

**A. [2017-0962](#)** Approval of Action Letters from February 2, 9 and 16, 2017.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember**

City Council - Regular Session

Action Letter

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Forte, that the Action Letters be approved as part of the Consent Agenda. The motion carried by a unanimous vote.

- B. [2017-1000](#) Approval of a name change from Mint Asian Cafe & Sushi to Mint Sushi, located at 1209 NE Rice Road, currently holding a Type G3 Liquor License. Also a corporation name change to Zheng Li Inc.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this liquor license be approved as part of the Consent Agenda. The motion carried by a unanimous vote.**

- C. [2017-0999](#) Approval of upgrade from a Type H License to a Type G1 for Summit Cellar & Spirits, 815 NE Lakewood Boulevard, upgrade from a Type H License to a Type G1. (No change to Sunday and Tasting Licenses)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this liquor license be approved as part of the Consent Agenda. The motion carried by a unanimous vote.**

- D. [2017-1004](#) Approval of Type H & S Liquor License for Libations & Company, 23 SE 3rd Street.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this liquor license be approved as part of the Consent Agenda. The motion carried by a unanimous vote.**

4. **RESOLUTIONS:**

- A. [RES. NO. 17-05](#) A RESOLUTION IN SUPPORT OF THE LEE'S SUMMIT POLICE DEPARTMENT'S APPLICATION FOR GRANT FUNDING IN THE MISSOURI HIGHWAY SAFETY PROGRAM FOR TRAFFIC ENFORCEMENT.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Resolution No. 17-05 be approved. The motion carried by a unanimous vote.**

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

- A. [2016-0501](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-114 - PRELIMINARY DEVELOPMENT PLAN - approximately 7.11 acres located at the southeast corner of NW Blue Parkway and NW Colbern Road for the proposed Summit Village; Newmark Grubb Zimmer, applicant.

Mayor Rhoads closed the regular session at 6:26 p.m., opened the public hearing and asked all those who wished to speak to be sworn in by the City Clerk.

Mr. Mike VanBuskirk, the applicant addressed the Council and explained the proposed development, which will be located along Colbern Road, across from the entrance to Unity Village. This is part of the property recently annexed into Lee's Summit from Unity Village.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1- 20 into the record. He noted that Staff recommended approval, subject to three conditions.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 6:58 p.m. and reconvened the regular session.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, the Council voted unanimously to direct staff to present an ordinance approving Application #PL2016-114 - PRELIMINARY DEVELOPMENT PLAN - approximately 7.11 acres located at the southeast corner of NW Blue Parkway and NW Colbern Road for the proposed Summit Village; Newmark Grubb Zimmer, applicant subject to staff's letter dated January 6, 2017, conditions 1 - 3.**

- B. [2017-0972](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-219 - REZONING from AG to R-1 and PRELIMINARY DEVELOPMENT PLAN - Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Road and SW Hook Road; Whispering Woods Land, LLC, applicant.

Mayor Rhoads closed the regular session at 7:01 p.m., opened the public hearing and asked all those who wished to speak to be sworn in by the City Clerk.

Mr. Brian Winn, Engineer with the firm of Phoenix Engineering, represented the applicant and addressed the Council, explaining the plans for this residential development. As shown on the plan, there will be 164 lots on approximately 76 acres. ON the west side of the subdivision was Mouse Creek, which created concerns for the Council due to the past issues of flooding. Mr. Winn explained the engineering aspects of preparing the floodplain area for development.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1- 23 into the record and reviewed the application.

Several residents in the area, whose properties abut the proposed development, spoke in opposition. Speakers included Mr. Bruce Klostermann, Mr. Robert Gardner and Mr. Richard Cawby.

After lengthy discussion and hearing no further testimony, Mayor Rhoads closed the public hearing at 8:15 p.m. and reconvened the regular session.

Motion was made by Councilmember Binney, seconded by Councilmember Carlyle, to CONTINUE the public hearing until a date certain of May 18, 2017. MOTION FAILED on a vote of 2 "aye" (Councilmembers Binney and Carlyle), and 6 "no".

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Edson, that Application #PL2016-219 - REZONING from AG to R-1 and PRELIMINARY DEVELOPMENT PLAN - Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant, be denied. The motion carried by the following vote:**

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**Aye:** 6 - Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Nay:** 2 - Councilmember Binney  
Councilmember Carlyle

- C.**     [2017-0925](#)     PUBLIC HEARING - Appl. #PL2017-002 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #60 - Article 8 Accessory Uses and Structures, to allow tattoo and body piercing as an accessory use in the PO District; City of Lee's Summit, applicant.

Mayor Rhoads closed the regular session at 8:40 p.m., opened the public hearing and asked all those who wished to speak to be sworn in by the City Clerk.

Mr. Robert McKay, Director of Planning, reviewed the proposed changes to the UDO.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 9:03 p.m. and reconvened the regular session.

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, to direct staff to present an ordinance approving Appl. #PL2017-002 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #60 - Article 8 Accessory Uses and Structures, to allow tattoo and body piercing as an accessory use in the PO District; City of Lee's Summit, applicant. The motion carried by a unanimous vote.**

- D.**     [2017-0930](#)     PUBLIC HEARING - Appl. #PL2017-010 - EnVision LS Area Development Plan (ADP) Design Standards for an area generally bounded by Pine Tree Plaza, U.S. 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 known as the Envision LS Master Development Plan excepting the 85 acres owned by Westcott Investment Group, LLC; City of Lee's Summit, applicant.

Mayor Rhoads closed the regular session at 9:09 p.m., opened the public hearing and asked all those who wished to speak to be sworn in by the City Clerk.

Mr. Robert McKay, Director of Planning, entered Exhibits 1-12 into the record and reviewed the proposed Master Plan for the area surrounding 350 Highway and M-291 South.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 9:37 p.m. and reconvened the regular session.

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember**

Faith, to direct staff to present an ordinance approving Appl. #PL2017-010 - EnVision LS Area Development Plan (ADP) Design Standards for an area generally bounded by Pine Tree Plaza, U.S. 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 known as the Envision LS Master Development Plan excepting the 85 acres owned by Westcott Investment Group, LLC; City of Lee's Summit, applicant. The motion carried by a unanimous vote.

**6. OTHER BUSINESS:**

- A. [BILL NO. 17-46](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 7.11 ACRES LOCATED AT THE SOUTHEAST CORNER OF NW BLUE PARKWAY AND NW COLBERN ROAD FOR THE PROPOSED SUMMIT VILLAGE, 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 Binney, seconded by Councilmember Seif, that Bill No. 17-46 be adopted and numbered Ord. No. 8103. 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. 8103

- B. [BILL NO. 17-50](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO R-1 ON APPROXIMATELY 76 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF SW PRYOR RD. AND SW HOOK RD. FOR THE PROPOSED WHISPERING WOODS RESIDENTIAL SUBDIVISION, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR WHISPERING WOODS SUBDIVISION, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Note: The Public Hearing for this item failed; therefore, the Ordinance was not read.

This Ordinance was withdrawn.

- C. [BILL NO. 17-51](#) AN ORDINANCE APPROVING APPLICATION #PL2017-002 - AMENDMENT #60 TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) - ARTICLE 8 ACCESSORY USES AND STRUCTURES; CITY OF LEE'S SUMMIT, APPLICANT.

**ACTION:** A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 17-51 be adopted and numbered Ord. No. 8104. The motion carried by the following vote:

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**Aye:** 7 - Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Nay:** 1 - Councilmember Binney

Enactment No: Ord. No. 8104

**D.** [BILL NO.](#)  
[17-52](#)

AN ORDINANCE APPROVING APPLICATION #PL2017-010 - ENVISION LS AREA DEVELOPMENT PLAN (ADP) DESIGN STANDARDS FOR AN AREA 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, KNOWN AS THE ENVISION LS CONCEPTUAL DEVELOPMENT MASTER PLAN, EXCEPTING THE 85 ACRES OWNED BY WESTCOTT INVESTMENT GROUP, LLC; 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 Mosby, seconded by Councilmember Faith, that Bill No. 17-52 be adopted and numbered Ord. No. 8105. 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. 8105

**E.** [BILL NO.](#)  
[17-53](#)

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED LONGVIEW FARM TAX INCREMENT FINANCING PLAN.

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Carlyle, that Bill No. 17-53 be adopted and numbered Ord. No. 8106. The motion carried by the following vote:**

**Aye:** 6 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif

**Nay:** 2 - Councilmember Edson  
Councilmember Moreno

Enactment No: Ord. No. 8106

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

Councilmember Seif noted the Rules Committee could not meet due to lack of a quorum. She encouraged all members to attend the next meeting so issues may be forwarded to the Council.

**8. COUNCIL ROUNDTABLE:**

Councilmember Moreno shared a flyer for the KC Film Festival, which will showcase several Lee's Summit students.

**9. STAFF ROUNDTABLE:**

Mr. Arbo advised that the Earned Income Tax Credit program was in progress and had been very successful. Ms. Julia Hampton, a citizen of LS, has been assisting and City employees have been volunteering their evenings to assist with the program.

**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](http://www.cityofls.net)".



**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**

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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 &

City Council - Regular Session

Action Letter

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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](http://www.cityofls.net)".



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

Thursday, March 16, 2017  
6:15 PM  
City Council Chambers  
City Hall  
220 SE Green Street  
Lee's Summit, MO 64063  
(816) 969-1000  
**REGULAR SESSION NO. 30**

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CALL TO ORDER

Mayor Rhoads called Regular Session No. 30 to order at 6:15 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmember Moreno was not present during Roll Call but arrived at 6:24 p.m.

**Present:** 7 - Councilmember Rob Binney  
Councilmember Trish Carlyle  
Councilmember Craig Faith  
Councilmember Diane Forte  
Councilmember Chris Moreno  
Councilmember Dave Mosby  
Councilmember Diane Seif

**Absent:** 1 - Councilmember Phyllis Edson

APPROVAL OF AGENDA

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

**1. PUBLIC COMMENTS:**

Mr. Kent Reuter spoke in regards to Councilmember Moreno and his actions during the recall process and upcoming ballot measure for his recall.

Ms. Gladys Bratton spoke out against the behavior of Councilmember Mosby and feels he has violated the City Charter by publicly using his position as a Councilmember and speaking out against the proposed ballot issues for changes to the City Charter.



Ms. Melissa Clogston stated she has found herself disappointed with her current representation in District 4. She felt the citizens deserved better. She asked the Council to start working for the citizens again as they were elected to do.

**2. COUNCIL COMMENTS:**

Councilmember Mosby defended his First Amendment rights regarding comments on the Charter issues.

Councilmember Moreno responded to comments voiced during Public Comments.

Councilmember Binney stated the recent issue regarding Red Racks and citizens parking in their lot would not be assigned to a committee. Staff has looked at the situation and has confirmed that the owners of Red Racks do have a private lot and they are in accordance with all city and state laws. He hopes Red Racks will work with citizens to reduce the cost of the towing charges and/or not tow vehicles to Smithville, but the city has no legal right to intervene.

Councilmember Carlyle stated everyone Councilmember takes an "Oath of Office" at the beginning of their term. With this oath they voluntarily give up some of their rights to support the greater good of the city. She asked the Councilmembers that are taking a stand under their First Amendment rights to cease immediately.

**3. APPROVAL OF CONSENT AGENDA:**

**MAYORS APPOINTMENTS:**

**A. [2017-1027](#) Mayor's Appointments:**

Human Relation Commission: Appoint Terrence White, term to expire 7-6-19.

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

**LIQUOR LICENSES:**

**B. [2017-1048](#) Liquor License for Lakewood Pub**

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Liquor License be approved as part of the Consent Agenda. The motion carried by a unanimous vote (Councilmember Edson "Absent").**

**4. PROPOSED ORDINANCES:**

**A. [BILL NO. 17-62](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN SUMMIT VIEW FARMS DEVELOPMENT GROUP LLC AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE SUMMIT VIEW FARMS SUBDIVISION DEVELOPMENT.**

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**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that Bill No. 17-62 be adopted and numbered Ord. No. 8114. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8114

- B.**     [BILL NO.](#)            AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "SUMMIT VIEW  
[17-63](#)                    FARMS, AMENDED 1ST PLAT, LOTS 1-50 & TRACTS A-E", AS A  
SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 17-63 be adopted and numbered Ord. No. 8115. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8115

- C.**     [BILL NO.](#)            AN ORDINANCE AUTHORIZING THE WAIVER OF LEE'S SUMMIT HOUSING  
[17-64](#)                    AUTHORITY'S PAYMENT IN LIEU OF TAXES FOR FISCAL YEAR ENDED  
SEPTEMBER 30, 2016 IN THE AMOUNT OF \$33,874.16. (F&BC 3-6-17)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-64 be adopted and numbered Ord. No. 8116. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8116

- D.**     [BILL NO.](#)            AN ORDINANCE AUTHORIZING THE EXECUTION OF AN  
[17-65](#)                    INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF  
LEE'S SUMMIT, MISSOURI, THROUGH THE LEE'S SUMMIT PARKS AND

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RECREATION BOARD, AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MISSOURI TO ESTABLISH A SPONSORSHIP BY LEE'S SUMMIT PARKS AND RECREATION OF THE COMMON READ PROGRAM FOR 2017-2018 AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT EVIDENCING THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI. (F&BC 3-6-17)

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-65 be adopted and numbered Ord. No. 8117. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8117

**E.**     [BILL NO. 17-66](#)     AN ORDINANCE APPROVING THE DUAL AWARD OF BID NO. 2017-066 FOR A ONE-YEAR CONTRACT WITH FOUR (4) POSSIBLE ONE-YEAR CONTRACT RENEWALS FOR EQUIPMENT RENTAL TO BLEDSOE'S RENTALS (CONTRACT NO. 2017-066-1) AND THE G.W. VAN KEPPEL CO. (CONTRACT NO. 2017-066-2) AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI. (F&BC 3-6-17)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that Bill No. 17-66 be adopted and numbered Ord. No. 8118. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8118

**F.**     [BILL NO. 17-67](#)     AN ORDINANCE APPROVING THE AWARD OF BID NO. 2017-094 FOR A ONE YEAR CONTRACT WITH FOUR (4) POSSIBLE ONE YEAR RENEWALS FOR VETERINARY SERVICES FOR THE ANIMAL CONTROL DIVISION TO LEE'S SUMMIT ANIMAL HOSPITAL, P.C. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 3-6-17)

**ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 17-67 be adopted and numbered Ord. No. 8119. The motion carried by**

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the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8119

**G.** [BILL NO. 17-68](#)

AN ORDINANCE APPROVING THE SALE OF A VACANT LOT LEGALLY DESCRIBED AS LOT 9B, RITTER PLAZA LOT 9A AND LOT 9B, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI TO HB SUMMIT, LLC, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A TRANSFEREE AGREEMENT BETWEEN THE RITTER PLAZA, LLC, HB SUMMIT, LLC, AND THE CITY OF LEE'S SUMMIT. (F&BC 3-6-17)

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Binney, that Bill No. 17-68 be adopted and numbered Ord. No. 8120. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8120

**H.** [BILL NO. 17-69](#)

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE TAX INCREMENT FINANCING CONTRACT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND RITTER PLAZA, LLC FOR THE RITTER PLAZA TAX INCREMENT FINANCING PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT ON BEHALF OF THE CITY. (F&BC 3-6-17)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-69 be adopted and numbered Ord. No. 8121. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8121

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- I. [BILL NO. 17-70](#) AN ORDINANCE REPEALING PREVIOUS ORDINANCES RELATED TO THE SCHEDULE OF FEES AND CHARGES FOR THE CITY OF LEE'S SUMMIT AND ESTABLISHING THE CITY OF LEE'S SUMMIT SCHEDULE OF FEES AND CHARGES. (F&BC 3-6-17)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, tha Bill No. 17-70 be adopted and numbered Ord. No. 8122. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8122

- J. [BILL NO. 17-71](#) AN ORDINANCE APPROVING AN AGREEMENT FOR THE LEASE OF CITY CONDUIT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE LEE'S SUMMIT R-7 SCHOOL DISTRICT AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 3-6-17)

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 17-71 be adopted and numbered Ord. No. 8123. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8123

- K. [BILL NO. 17-72](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 2017-068 FOR A ONE-YEAR CONTRACT WITH FOUR (4) POSSIBLE ONE-YEAR CONTRACT RENEWALS FOR MISCELLANEOUS PARTS AND APPURTENANCES FOR THE WATER UTILITIES OPERATIONS DIVISION TO BLUE SPRINGS WINWATER AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH BLUE SPRINGS WINWATER BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI. (F&BC 3-6-17)

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 17-72 be adopted and numbered Ord. No. 8124. The motion carried by the following vote:**

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**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8124

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

- A.**        [2017-0997](#)        PUBLIC HEARING - Appl. #PL2017-005 - REZONING from CP-2 to R-1 - approximately 16 acres located at the southeast corner of SW Raintree Dr and SW Raintree Pkwy for the proposed Creekside at Raintree; Landrock Development, LLC, applicant

**ACTION:** A motion was made by Councilmember Forte, seconded by Councilmember Binney, the Council voted unanimously (Councilmember Edson "Absent") to direct staff to present an ordinance Application #PL2017-005 - REZONING from CP-2 to R-1 - approximately 16 acres located at the southeast corner of SW Raintree Drive and SW Raintree Parkway for the proposed Creekside at Raintree; Landrock Development, LLC, applicant.

**6. OTHER BUSINESS:**

- A.**        [BILL NO.](#)  
[17-73](#)        AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM DISTRICT PLANNED COMMUNITY COMMERCIAL (CP-2) TO DISTRICT SINGLE-FAMILY RESIDENTIAL (R-1), APPROXIMATELY 16 ACRES LOCATED AT THE SOUTHEAST CORNER OF SW RAINTREE DR AND SW RAINTREE PKWY FOR THE PROPOSED CREEKSIDE AT RAINTREE, 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 Binney, seconded by Councilmember Forte, that Bill No. 17-73 be adopted and numbered Ord. No. 8125. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8125

- B.**        [BILL NO.](#)  
[17-74](#)        AN ORDINANCE APPROVING A TRANSFEREE AGREEMENT BETWEEN LEE'S SUMMIT COVENANT GROUP, LLC, AS THE OWNER AND NOGLE & BLACK, INC., AND JAMES AND GAYLE NOGLE AS THE BUYERS, AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE TRANSFER OF PROPERTY (OUTLOT INCLUDING JERSEY MIKE'S RESTAURANT) IN THE LEE'S SUMMIT

EAST (SUMMIT FAIR) TAX INCREMENT FINANCING REDEVELOPMENT  
AREA.

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 17-74 be adopted and numbered Ord. No. 8126. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Moreno  
Councilmember Mosby  
Councilmember Seif

**Absent:** 1 - Councilmember Edson

Enactment No: Ord. No. 8126

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

Councilmember Seif advised there would be a Rules Committee meeting on Monday, March 27th at 5:00 p.m.

**8. COUNCIL ROUNDTABLE:**

Councilmember Seif stated there would be a Chamber event on March 30, 2017 to help businesses to do business with the City and there would be two sessions to accomodate everyone. She asked Mr. Arbo to elaborate.

Mr. Steve Arbo, City Manager, advised the session would help businesses of all sizes navigate the procurement/purchasing process and assist them in being successful in doing business with the city. The hope is to help promote smaller businesses to do more business with the City.

Councilmember Moreno asked if a Private Investigator must have a business license with the City.

Mr. Ryan Elam, Director of Development Center, advised the state does not regulate the license, but a business license is required if they are doing business within the city limits. Mr. Conrad Lamb, Director of Finance, stated the Police Department will do the review for a Private Investigator license, but the Development Center would issue the business license if they are doing business within the city limits.

Councilmember Moreno asked staff about the possibility of meeting with residents that are close to the proposed new bridge on 5th Street.

Mr. Michael Park, City Traffic Engineer, advised this bridge has been conceptual for many years. It was recently approved by Council and they are just in the beginning stages of the design process. Staff will be meeting with residents that are closest to the construction area and there will be public involvement. He stated construction will no likely begin in

less than a year.

Councilmember Forte thanked Ms. Bratton for her time and volunteerism on the Charter Review Commission. She stated her appreciation to all citizens that volunteer their time and efforts for the betterment of the City.

Councilmember Binney thanked Mr. Tom Lovell, Director of Parks and Recreation, for his 38 years of service to the City and the Parks and Recreation Board. He has enjoyed working with him and seeing his many accomplishments. He congratulated him on his upcoming retirement that will take place before the next City Council meeting.

Councilmember Binney also asked Council to start doing better at representing the public and to appreciate their positions and City Councilmembers. He then quoted Stephen R. Covey, "Seek first to understand and then to be understood."

Mayor Rhoads reminded everyone that will be participating in the St. Patrick's Day activities to be careful and celebrate responsibly.

**9. STAFF ROUNDTABLE:**

Mr. Steve Arbo, City Manager, mirrored Councilmember Binney's comment regarding Mr. Lovell. He stated that he has appreciated the the working relationship he has had with Mr. Lovell and also congratulated him on his pending retirement.

**ADJOURNMENT**

Hearing no further business, Mayor Rhoads adjourned Regular Session No. 30 at 7:33 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](http://www.cityofls.net)".



## Packet Information

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**File #:** 2017-1047, **Version:** 2

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Approval of Type G-3 and S Liquor License for Big Whiskey's American Restaurant, 860 NW Blue Parkway. New business.

Agenda Item:

Approval of Type G-3 and S Liquor License for Big Whiskey's American Restaurant, 860 NW Blue Pkwy, LSMO. New business.

Proposed City Council Motion:

I move for approval of a Type G-3 and S Liquor License for Big Whiskey's American Restaurant.

Background:

A background check was conducted on the managing officer and owners with no negative information found.

Staff Recommendation:

The Director of Liquor Control recommends approval of the G-3 and S Liquor License for **Big Whiskey's American Restaurant**.



**CITY OF LEE'S SUMMIT, MISSOURI**  
**APPLICATION FOR BUSINESS LIQUOR LICENSE**

Please mark ("x") which one of the following licenses you will need for a Lee's Summit, Missouri establishment. Sunday licenses are a separate application.

- A1 - Manufacturing, brewing malt liquor (\$300.00)
- A2 - Manufacturing, brewing non-intoxicating beer (\$375.00)
- A3 - Wholesale selling of malt liquor (\$75.00)
- B1 - Manufacturing 22% or less alcohol content intoxicating liquor (\$150.00)
- B2 - Manufacturing, distilling, blending intoxicating liquor of all kinds (\$300.00)
- B3 - Wholesale selling of 22% or less alcohol-content intoxicating liquor (\$150.00)
- B4 - Wholesale selling of intoxicating liquor of all kinds (\$375.00)
- C1 - General retail selling of malt liquors, or wine, or both, by the drink and in the original package (\$52.50)
- C2 - Hotel retail selling of malt liquor by the drink and in the original package (\$52.50)
- C3 - Restaurant retail selling of malt liquor by the drink and in the original package, **including Sunday sales** (\$75.00)
- D - Retail selling of malt liquor only in the original package, **including Sunday** (22.50)
- G1 - General retail selling of intoxicating liquor of all kinds by the drink and in the original package (\$450.00)
- G2 - Hotel retail selling of intoxicating liquor of all kinds by the drink and in the original package (\$450.00)
- G3 - Restaurant retail selling of intoxicating liquor of all kinds by the drink and in the original package (\$450.00)
- H - Retail selling of intoxicating liquor of all kinds only in the original package (\$150.00);
- I - **Consuming** intoxicating liquor on premises not licensed to sell (C.O.L.) (\$90.00)
- J - Resort retail selling of intoxicating liquor by the drink. (\$450.00)
- S - **Sunday** license (\$300.00)

Managing officer

To be completed by applicant as (check one):

Sole Owner & Operator

Corporation

Partnership

LLC

Corporation/LLC Name: H2B

Business Name: Big Whiskeys American Restaurant & Bar Phone: 816-347-1881 (w)

Business Address: 860 NW Blue Pkwy Lee's Summit, MO 64086

(I), (We), the undersigned, hereby apply to the City of Lee's Summit, MO, for the following described license:

Type \_\_\_\_\_ for the premises described above.

Applicant's Name: John Riley Phc \_\_\_\_\_

Home Address: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Place of Employment (other than business): N/A

Employment Address: \_\_\_\_\_

Phone: \_\_\_\_\_

1. List all previous addresses, if less than five years at current address: N/A

2. Are you a citizen of the United States of America? yes If naturalized, give date and place of naturalization: \_\_\_\_\_

3. Will you be the person in active control and/or management (managing officer) of this business full-time? yes If not, give complete details on the planned management and persons involved. \_\_\_\_\_

4. Have you or any person employed by you ever held any type of liquor license issued by the City of Lee's Summit or by the licensing authority of any state, county or city? NO If so, please give details: \_\_\_\_\_

5. Has any such license listed in question #4 ever been suspended or revoked? NO If so, please give complete details: \_\_\_\_\_

owner

(Any reference to "Applicant" in this document refers to the Owner/Managing Officer.)

To be completed by applicant as (check one):

Sole Owner & Operator  Corporation  Partnership  LLC

Corporation/LLC Name: H2B, Restaurants, LLC

Business Name: BIG Whiskey's American Restaurant Phone: \_\_\_\_\_

Business Address: 800 NW Blue Parkway Suites 101 & 102 Lee's Summit, MO 64086

(I), (We), the undersigned, hereby apply to the City of Lee's Summit, MO, for the following described license:  
Type G3 for the premises described above.

Applicant's Name: JERRY D. HOUSE Phone: \_\_\_\_\_

Home Address: \_\_\_\_\_

Place of Birth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Place of Employment (other than business): \_\_\_\_\_

Employment Address: \_\_\_\_\_

1. List all previous addresses, if less than five years at current address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Are you a citizen of the United States of America? Yes If naturalized, give date and place of naturalization: \_\_\_\_\_

3. Will you be the person in active control and/or management (managing officer) of this business full-time? NO. If not, give complete details on the planned management and persons involved.  
John Riley will be our General Manager. I will be available most of the time.

4. Have you or any person employed by you ever held any type of liquor license issued by the City of Lee's Summit or by the licensing authority of any state, county or city? No If so, please give details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Has any such license listed in question #4 ever been suspended or revoked? no If so, please give complete details: \_\_\_\_\_

6. Have you ever made application for a liquor license that was denied by the City of Lee's Summit or by the licensing authority of any state, county or city? no If so, please give complete details: \_\_\_\_\_

7. Have you or anyone interested either directly or indirectly in the premises to be licensed hereunder or the operation thereon ever been convicted of a felony? no If so, please give complete details: \_\_\_\_\_

8. If not a corporation/LLC, give names and business addresses of employers for the past five years. (If self-employed, state nature of business and location.): \_\_\_\_\_

9. Is the proposed location within 300 feet of a church or school? no

10. If existing business, from whom and when was the business purchased? \_\_\_\_\_

Effective date of possession: \_\_\_\_\_. Name of mortgage holder, if any: \_\_\_\_\_

11. Will any distiller, wholesaler, wine maker, brewer, or supplier, or coin operated, commercial, manual or mechanical amusement devices or the employees, officers or agents thereof, have any financial interest in the retail business of the applicant for the sale of alcoholic beverages, or "C.O.L.", and will the applicant directly or indirectly borrow or accept from any such persons equipment, money, credit, or property of any kind except ordinary commercial credit for liquor sold? no If so, please explain: \_\_\_\_\_

12. Will applicant either directly or indirectly borrow or accept from any person identified in #11 either equipment, money, credit or property of any kind except ordinary commercial credit for liquor sold? no If so, please explain: \_\_\_\_\_

13. Will you at all times permit the entry of any officer or investigator who may have legal supervisory authority for the purpose of inspection or search; and will you permit the removal of all things and articles which may be in violation of the ordinances of Lee's Summit, Missouri, and the laws of the State of Missouri; and do you promise and agree not to violate any of the ordinances of Lee's Summit, Missouri, the laws of the State of Missouri, or the United States in the conduct of the business for which the license is sought? YES

**IF BUSINESS IS OWNED BY A CORPORATION, COMPLETE THIS SECTION:**

Name of corporation/LLC: H2B, Restaurants, LLC

State in which incorporated: MO Date of incorporation: 03-18-2016

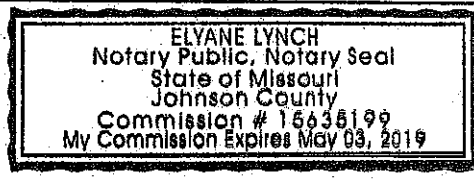
If not a Missouri corporation/LLC, date authorized to do business in Missouri: \_\_\_\_\_

Full name, complete residential address, date of birth and Social Security Number of the President, Vice President, Treasurer and Secretary of the corporation (or Members of the LLC: \_\_\_\_\_

Edward House  
JERRY D. HOUSE  
Ryan Bohl

If stock is not publicly held, give names and residential addresses of all stockholders who hold 10% or more of the capital stock: \_\_\_\_\_

County of Jackson)  
State of Missouri) ss



I, JERRY D. HOUSE (Print Applicant's Name), being of lawful age and duly sworn upon my oath, do swear that the answers and information given in this application are true and complete to the best of my knowledge and belief.

[Signature]  
Applicant's Signature

Subscribed and sworn to before me this 14<sup>th</sup> day of March, 2017

Elyane Lynch  
Notary Public

My commission expires: 5-3-17

**To Be Provided By Applicant:**

**1) The Applicant and/or Managing Officer (if different) shall provide:**

- a) Recent photograph;
- b) Copy of Missouri voter registration card;
- c) Copy of paid Missouri personal property tax receipt for year immediately preceding date of application
- d) Fingerprints (obtained at the Lee's Summit Police Department, Main Lobby, 10 NE Tudor Rd., Lee's Summit, MO). The Applicant and/or Managing Officer (if different) will be fingerprinted as will all officers, directors and any shareholder holding more than a ten percent (10%) interest in the business.

**2) Copy of Business License** (contact Treasury Department at 816-969-1139).

**3) Copy of Zoning Approval** (contact Planning & Development at 816-969-1600).

**4) If existing business location:**

- a) Copy of lease or mortgage showing Proof of Occupancy.
- b) Recent photographs of the interior and exterior of the premises to be licensed.

**5) For newly constructed or remodeled businesses:**

- a) Certificate of Occupancy Permit shall be obtained prior to the actual issuance of a city liquor license (contact Codes Administration at 816-969-1200).
- b) Complete description of the plans, specifications, and fixtures of the proposed place of business.

**6) Package Liquor Only:** Inventory Affidavit, notarized by the applicant, stating the type of business presently engaged in, or in conjunction with, which the license shall be used; **AND** stating that in his place of business the applicant has, and at all times keeps, a stock of goods having an invoice of at least \$1,000, exclusive of fixtures and intoxicating liquors.

**7) Appropriate license fee:** Make checks and money orders payable to the City of Lee's Summit.

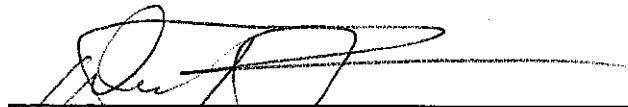
**8) Estimated date of opening?** end of April

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**For Office Use Only:**

It is recommended this application be APPROVED / DISAPPROVED this 15<sup>th</sup> day of

March, 2010.

  
\_\_\_\_\_  
Director of Liquor Control

City Council Action:  Approved  Disapproved Date: \_\_\_\_\_

**LS APPLICATION FOR LIQUOR LICENSE**  
**TYPE "S" - SUNDAY RETAIL (\$300)**

**The following is to be completed by the owner or managing officer:**

Sole Owner & Operator  Corporation  Partnership

Applicant's Name: H2B, Restaurants, LLC JERRY D. HOUSE  
 Business Name: BIG WHISKEYS AMERICAN RESTAURANT & BAR Phone: (816) 560-6214  
 Business Address: 860 NW Blue Parkway Suite 101 Lee's Summit, MO 64086

I, the undersigned, hereby make application to the City of Lee's Summit, Missouri, for a Type "S" liquor license in accordance with Chapter 4, "Alcoholic Beverages" Ordinance of the City of Lee's Summit, Missouri.

County of Jackson)  
 SS  
 State of Missouri)

I, (please print) JERRY D. HOUSE, being of lawful age and duly sworn upon my oath, do swear that the answers and information given in this application are true and complete to the best of my knowledge and belief.

[Signature]  
 Applicant's Signature

Subscribed and sworn to before me this 14<sup>th</sup> day of March 2017  
 My commission expires: 5-3-19

ELYANE LYNCH  
 Notary Public, Notary Seal  
 State of Missouri  
 Johnson County  
 Commission # 15635199  
 My Commission Expires May 03, 2019

Elyane Lynch  
 Notary Public

It is recommended this application be APPROVED / DISAPPROVED this 15<sup>th</sup> day of March, 2017.

[Signature]  
 Director of Liquor Control

City Council Action:  Approved  Disapproved Date: \_\_\_\_\_



BIG WHISKEY'S AMERICAN RESTAURANT & BAR  
JERRY HOUSE  
1900 S VENTURA  
SPRINGFIELD, MO 65804



**BUSINESS LICENSE**

Issuance No. 20170498

**EXPIRES 02/28/2018**

License is Hereby Granted to: BIG WHISKEY'S AMERICAN RESTAURANT & BAR  
860 NW BLUE PKWY, Unit:W, LEES SUMMIT, MO 64086

Business Classification: 900 Restaurants/Pizzeria/Fast Foods  
900 Lounge/Taverns/Deli

Subject to the provisions of all Ordinances now in force and  
that may hereafter be passed by said City of Lee's Summit

Randall L. Foads  
Kevin P. Quinn

**THIS LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE AND IS NON-TRANSFERABLE**

*Liag, Lic.*

LEES SUMMIT POLICE DEPT  
10 NE TUDOR RD  
LEES SUMMIT, MO. 64036  
816-969-7366

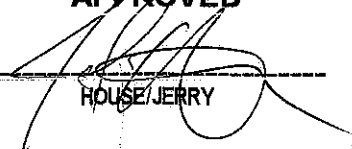
**SALE**

REF#: 00000001

Batch #: 367  
03/14/17 11:34:00  
APPR CODE: 02036G  
Trace: 1  
VISA Chip  
\*\*\*\*\*0888 \*\*\*

**AMOUNT \$125.00**

**APPROVED**

X   
HOUSE/JERRY

CAPITAL ONE VISA  
AID: A000000031010  
TVR: 00 80 00 80 00  
TSI: F8 00

CARDHOLDER ACKNOWLEDGES RECEIPT OF GOODS  
AND/OR SERVICES IN THE AMOUNT OF THE  
TOTAL SHOWN HEREON

**THANK YOU**

MERCHANT COPY

## Packet Information

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**File #:** BILL NO. 17-75, **Version:** 1

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AN ORDINANCE APPROVING APPLICATION #PL2016-206 - REZONING FROM R-1 AND CP-2 TO PMIX - APPROXIMATELY 39 ACRES GENERALLY BOUNDED BY I-470 ON THE NORTH, NW PRYOR ROAD ON THE EAST AND NW LOWENSTEIN DR. ON THE SOUTHWEST ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO.5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: This public hearing was held on March 9, 2017 at which time the Council directed staff to prepare an ordinance rezoning only the 39 acres along Pryor Road to PMIX.)

Proposed City Council Motion:

First Motion: I move for second reading of AN ORDINANCE APPROVING APPLICATION #PL2016-206 - REZONING FROM R-1 AND CP-2 TO PMIX - APPROXIMATELY 39 ACRES GENERALLY BOUNDED BY I-470 ON THE NORTH, NW PRYOR ROAD ON THE EAST AND NW LOWENSTEIN DR. ON THE SOUTHWEST ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO.5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Second Motion: I move for adoption of AN ORDINANCE APPROVING APPLICATION #PL2016-206 - REZONING FROM R-1 AND CP-2 TO PMIX - APPROXIMATELY 39 ACRES GENERALLY BOUNDED BY I-470 ON THE NORTH, NW PRYOR ROAD ON THE EAST AND NW LOWENSTEIN DR. ON THE SOUTHWEST ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO.5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

## **BILL NO. 17-75**

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AN ORDINANCE APPROVING APPLICATION #PL2016-206 – REZONING FROM R-1 AND CP-2 TO PMIX – APPROXIMATELY 39 ACRES GENERALLY BOUNDED BY I-470 ON THE NORTH, NW PRYOR ROAD ON THE EAST, AND NW LOWENSTEIN DRIVE ON THE SOUTHWEST KNOWN AS WEST PRYOR VILLAGE ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-206 requesting a change in zoning classification from Districts CP-2 (Planned Community Commercial District), and R-1 (Single Family District) to District PMIX (Planned Mixed Use District) on approximately 70 acres generally bounded by I-470 on the north, NW Pryor road on the east, and NW Lowenstein Drive on the southwest known as West Pryor Village and requesting approval of a conceptual development plan for the rezoned PMIX area, submitted by the City of Lee's Summit, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing on the West Pryor Village rezoning and conceptual development master plan on January 24, 2017, recommending approval of the rezoning and an amended conceptual plan removing the two westward multi-family buildings; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on March 9, 2017, and rendered a decision to rezone only the 39 acres adjacent to Pryor Road of the West Pryor Village Area and requested staff to bring back a revised conceptual development master plan for the 39 acres being rezoned.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the following described property is hereby rezoned from Districts CP-2 and R-1 to District PMIX:

*Generally bounded by I-470 on the north, NW Pryor Road on the east, and NW Lowenstein Drive on the southwest, as shown on attached map (Exhibit A).*

SECTION 2. That the Governing Body concludes that the rezoning will provide sustainable value to the City, and further the goals, spirit and intent of the Unified Development Ordinance.

SECTION 3. Nonseverability. That all provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor..

**BILL NO. 17-75**

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

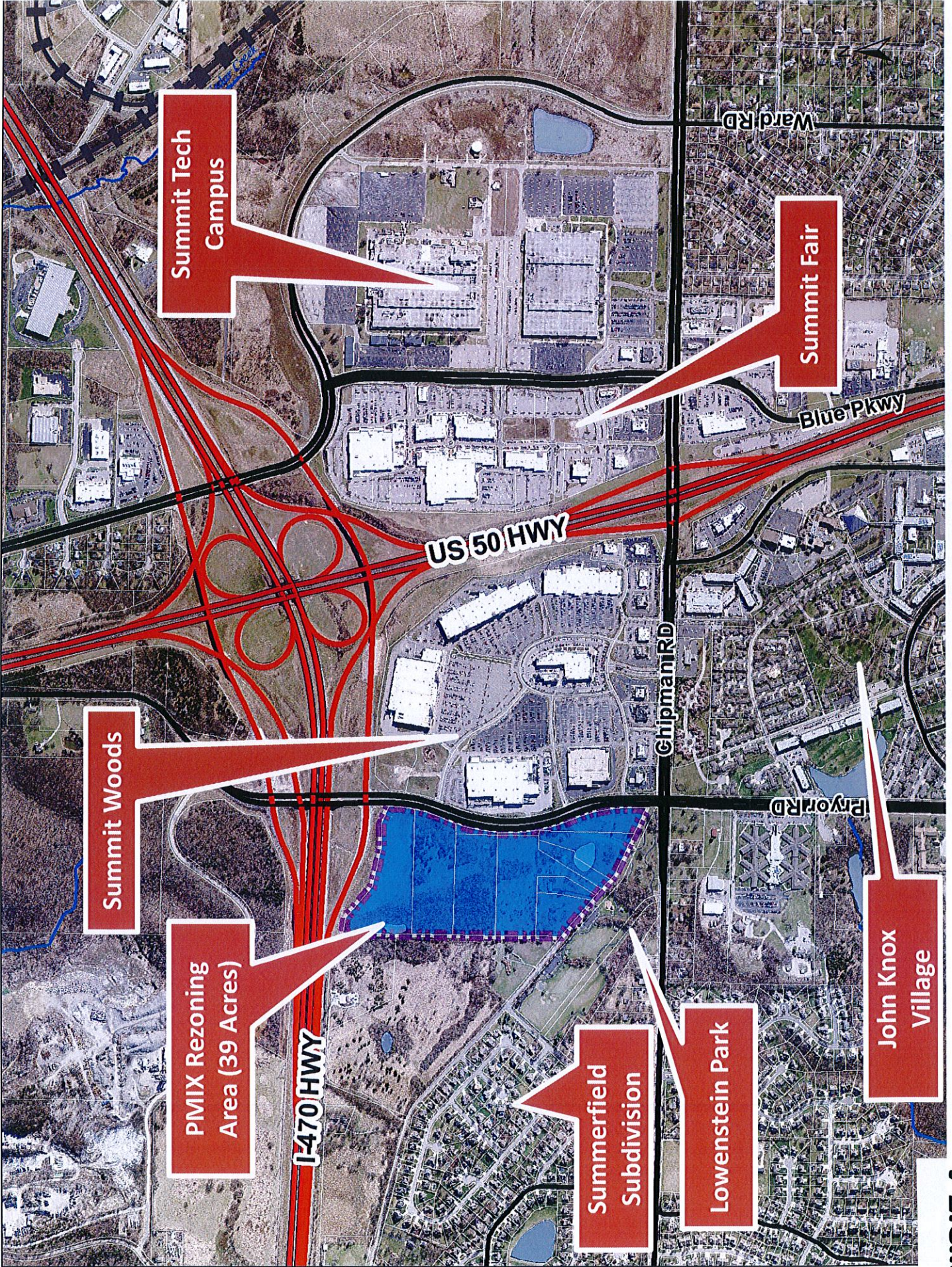
\_\_\_\_\_  
*Mayor Randall L. Rhoads*

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
*City Attorney Brian W. Head*





Summit Tech  
Campus

Summit Fair

Summit Woods

PMIX Rezoning  
Area (39 Acres)

Summerfield  
Subdivision

Lowenstein Park

John Knox  
Village



## Packet Information

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**File #:** BILL NO. 17-76, **Version:** 1

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AN ORDINANCE APPROVING THE CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING THE INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR NORTH PARK VILLAGE, LOTS 1-52 & TRACTS A-E SUBDIVISION BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND CMH PARKS, INC. A TENNESSEE CORPORATION, D/B/A SUMMIT CUSTOM HOMES.

Issue/Request:

CMH Parks, Inc. ("Developer") is seeking approval of the final plats for 52 single family home residential lots known as the "North Park Village, Lots 1-52 & Tracts A-E ". In Section 16.330 of the City's Unified Development Ordinance (UDO) requires all subdivision-related public improvements must be completed prior to approval of the final plats unless the Developer provides satisfactory security pursuant to Section 16.340 of the UDO.

The Developer desires to establish security for the Subdivision Improvements by deposit of a cash escrow in the manner set forth in the attached Cash Escrow Deposit Agreement. The City is willing to approve the use of a cash escrow as security for the construction of the remaining subdivision-related public improvements in a manner provided for in the attached Cash Escrow Deposit Agreement.

Key Issues:

n/a

Proposed City Council Motion:

I move for second reading of AN ORDINANCE APPROVING THE CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING THE INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR MILL NORTH PARK VILLAGE, LOTS 1-52 & TRACTS A-E SUBDIVISION BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND CMH PARKS, INC. A TENNESSEE CORPORATION, D/B/A SUMMIT CUSTOM HOMES.

I move for adoption of AN ORDINANCE APPROVING THE CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING THE INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR NORTH PARK VILLAGE, LOTS 1-52 & TRACTS A-E SUBDIVISIONS BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND CMH PARKS, INC. A TENNESSEE CORPORATION, D/B/A SUMMIT CUSTOM HOMES.

Background:

December 8, 2016 - The City Council approved a development agreement entered into between the City and the developers of North Park Village by Ordinance No. 8035.

July 14, 2015 - The Planning Commission approved the Preliminary Plat (Application #2015-015) for North Park Village, Lots 1-93 and Tracts A-E.

March 22, 2016 - The Planning Commission approved the Final Plat (Application #2015-199) for North Park

Village, Lots 1-52 and Tracts A-E.

Impact/Analysis:

Timeline:

Start: \_\_\_\_

Finish: \_\_\_\_

Other Information/Unique Characteristics:

[Enter text here]

Presenter: Dawn Bell, Project Manager

Recommendation: Staff recommends approval of the Cash Escrow Deposit Agreement.

Committee Recommendation:



## **BILL NO. 17-76**

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AN ORDINANCE AUTHORIZING THE CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING THE INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR THE NORTH PARK VILLAGE SUBDIVISION BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND CMH PARKS, INC. A TENNESSEE CORPORATION, D/B/A SUMMIT CUSTOM HOMES.

WHEREAS, CMH Parks, Inc. ("Developer") is seeking approval of the final plat for 52 single family home residential lots known as the "North Park Village, 1<sup>st</sup> Plat, Lots 1-52 & Tract A-E", (the "Project"), and Section 16.330 of the City's Unified Development Ordinance (UDO) requires all subdivision-related public improvements must be completed prior to approval of the final plats unless the Developer provides satisfactory security pursuant to Section 16.340 of the UDO; and,

WHEREAS, the Project is located approximately to the west of Todd George Road and the East of Todd George Parkway, South of Scruggs Road, in Lee's Summit, Missouri; and,

WHEREAS, the Developer desires to establish security for the Subdivision Improvements by deposit of a cash escrow in the manner set forth in the attached Cash Escrow Deposit Agreement; and,

WHEREAS, the City is willing to approve the use of a cash escrow as security for the construction of the remaining subdivision-related public improvements in a manner provided for in the attached Cash Escrow Deposit Agreement; and,

WHEREAS, the City's Design and Construction Manual, which is incorporated by reference into Chapter 22.5 of the City's Code of Ordinances requires a Certificate of Final Acceptance by the City prior to issuance of permanent occupancy for any building within the property described on the certificates; and,

WHEREAS, upon receipt of a cash escrow of a sufficient amount to cover the completion of the Outstanding Public and Private Improvements, and,

WHEREAS, the Developer promises to complete the required Outstanding Public and Private Improvements and hereby promises to deposit money with the City of Lee's Summit to be held in trust (the "Escrow Account") for such purpose.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the City Council of the City of Lee's Summit hereby approves the Cash Escrow Agreement Regarding Outstanding Public and Private Improvements by and between the City of Lee's Summit, Missouri and CMH Parks, Inc., generally for a cash escrow to secure the completion of public and private improvements associated with the development site infrastructure at North Park Village, 1<sup>st</sup> plat, Lots 1-52 and Tracts A-E, which is attached hereto and incorporated by reference as if fully set forth herein, and authorizes the execution of the same by the City Manager.

SECTION 2. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

**BILL NO. 17-76**

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

**CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING INSTALLATION  
OF SUBDIVISION IMPROVEMENTS**

**THIS CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING  
INSTALLATION OF SUBDIVISION IMPROVEMENTS** ("Deposit Agreement"), is made and entered into this **9th day of March 2017**, by **CMH Parks, Inc. a Tennessee corporation, d/b/a SUMMIT HOMES**, a, (hereinafter referred to as the "Developer") and the **CITY OF LEE'S SUMMIT, MISSOURI** (hereinafter referred to as the as "City").

**RECITALS**

**WHEREAS**, the Developer has submitted plans, information and data to the City as part of Applications #PL2015199 for the creation and development of Final Plats for subdivisions to be known as the North Park Village 1<sup>st</sup> Plat Lots 1-52 and Tracts A-E (hereinafter referred to as the "Subdivisions"), and a copy of the proposed Final Plats is attached hereto and incorporated by reference as Exhibit 'A'; and

**WHEREAS**, engineering plans for the Subdivision have been submitted to the City together with the estimated costs of construction, installation and completion of certain subdivision-related public improvements ("Subdivision Improvements") required by the City's Unified Development Ordinance ("UDO") and Code of Ordinances, all in accordance with the City's subdivision regulations set forth in Article 16 of the UDO, and have been approved; and

**WHEREAS**, Section 16.330 of the UDO requires that the Subdivision Improvements must be constructed prior to approval of the Final Plat for the Subdivision, unless satisfactory security is provided in accordance with Section 16.340 of the UDO; and

**WHEREAS**, the Developer desires to establish security for the Subdivision Improvements by deposit of a cash escrow in the manner set forth in this Deposit Agreement.

**NOW, THEREFORE**, in consideration of the covenants, promises and agreements herein provided, **IT IS HEREBY MUTUALLY AGREED:**

1. The Developer, has deposited with the City the sum of \$65,038.35(the "Deposit Sum") to be held in escrow for the purpose of guaranteeing the construction, installation, and completion of all required Subdivision Improvements, all in accordance with the plans approved by the City and on file with the City's Public Works Department (the "Approved Improvement Plans") and in accordance with the City ordinances regulating the same. The Deposit Sum shall consist of an amount equal to the *estimated* costs of the construction, completion, and installation of the Subdivision Improvements ("Estimated Costs") as set forth on the Estimate Sheet which is attached hereto as Exhibit 'B' and incorporated herein by reference. Nothing in the estimates or specification of component items shall in any way limit the City or require release based on each line item, and Developer agrees it continues to be obligated to complete and guarantee completion of all Subdivision Improvements. The City and Developer agree that the Deposit Sum shall guarantee the construction, installation and completion of the required subdivision-related public improvements in the Subdivision, all in accordance with the approved plans therefore and in accordance with the ordinances of the City regulating the same. The City and



Developer further agree that the Deposit Sum shall be held by the City in an interest bearing account, and that the City shall retain the right to any accrued interest in order to help defray the cost of administering this Deposit Agreement.

2. The Deposit Sum guarantees the construction, installation, and completion of all Subdivision Improvements in accordance with the Approved Improvement Plans which are incorporated in this Deposit Agreement by reference and as summarized in the attached Exhibit 'B' and as required by the ordinances and regulations of the City. Any release of part of or a portion of the Deposit Sum is only an accommodation to the Developer and is not a waiver of any kind by the City of its rights under the Deposit Agreement that the entire Deposit Sum guarantees each and every improvement.

3. The Developer guarantees that all Subdivision Improvements will be installed, constructed and completed in accordance with the Approved Improvement Plans and the ordinances of the City not later than **two years** after the date of this Agreement Date appearing on the signature page below ("Completion Date").

4. (a) That the City shall, through written authorization of the City Engineer, release or reduce portions of the Deposit Sum upon completion of components within categories and shall release corresponding portions of the Deposit Sum upon completion of categories of improvements provided that a qualified, licensed engineer employed by the Developer certifies to the City the completion of such work; PROVIDED FURTHER that in no event shall the City release any part of the Deposit Sum except as provided herein:

(b) In order to obtain such written authorization for a release, upon completion of any such category of improvement the Developer shall first make written request for inspection, and include therewith a certification by the Developer's engineer, to the City Engineer. Upon receipt of the Developer's written request for inspection and certification by the Developer's engineer, the City (or the appropriate inspecting authority) shall (i) inspect the construction, installation and completion of the Improvement(s) that have been certified complete by the Developer. Upon receipt of the inspection report, the City Engineer will review the report, verify that the Subdivision Improvement complies with all laws and requirements of the City, and authorize such release.

(c) No category of any Subdivision Improvement shall be eligible for release until each and every component and requirement that makes up that category of Subdivision Improvement is deemed complete by the City. No category of Subdivision Improvement may be deemed to be complete until there is a certification by the City that the category of Subdivision Improvement is complete. No certification shall be issued by the City unless all of the following takes place: (i) the Developer submits a written request to the City for inspection of the Subdivision Improvements; (ii) the inspection is completed by the City's inspector who determines that the Subdivision Improvement are complete and recommends to the City Engineer that it be released; and (iii) the City Engineer reviews the City Inspector's inspection report, determines that the Subdivision Improvement complies with all laws and requirements of the City, and authorizes such release.

(d) Upon certification by the City Engineer that the construction and installation of a category of Subdivision Improvement is complete (in accordance with §4(b) and (c) above), the



City shall authorize the release of the Estimated Cost originally retained for that category as set forth on Exhibit B *minus* a maximum retention of five percent (5%), with said release of funds to take place within five (5) business days of the City's Engineer's certification as provided for in Section 16.340.D of the UDO. The Developer shall not be released of any responsibility for installation, construction, completion, or maintenance for the required improvements, irrespective of any release that may have been issued based on specific improvements or inspections, prior to final approval of all improvements and release of the entire Deposit Sum for all categories.

(e) IN NO EVENT SHALL the City be required to release, disburse or otherwise dispose of more than ninety-five percent (95%) of the Deposit Sum, until the City has certified as provided herein that all categories of Subdivision Improvements have been completed in accordance with the Approved Improvement Plans and the regulations and ordinances of the City.

5. The Developer shall in all respects comply with all applicable laws and regulations pertaining to the construction, completion, dedication and installation of the Subdivision Improvements. This Deposit Agreement shall not be deemed to create any commitment by the City to accept any improvement for dedication and maintenance.

6. Upon completion of the final category of Subdivision Improvements and compliance with all ordinances, laws and regulations relating to dedication of the Subdivision Improvements to the City, any and all remaining portion of the Deposit Sum shall be released within five (5) business days of certification of completion by the City Engineer.

7. In the event the Developer shall be in default or abandon the Subdivision, or fail to complete the obligations herein, including, but not limited to, the failure to complete the Subdivision Improvements by the Completion Date, the Developer shall forfeit to the City the then current balance of the Deposit Sum or any portion thereof, which funds the City shall thereafter use to complete the Subdivision Improvements or otherwise rectify the Developer's failure hereunder. The City may further apply such necessary amount of the Deposit Sum to remedy any failure of the Developer to perform its maintenance obligations in the Subdivision. For the purpose of this Agreement and the City's rights hereunder, any and all of the remaining Deposit Sum may be applied to completion or maintenance of any Subdivision Improvements, and no limitation of any kind shall be implied from the line item calculations of separate Subdivision Improvements.

8. Exercise or waiver by City of any enforcement action under this Deposit Agreement or the City's Code of Ordinances does not waive or foreclose any other or subsequent enforcement action whatsoever. The Deposit Sum placed under this Deposit Agreement shall be governed by the provisions of the City's Code of Ordinances, including, without limitation, the UDO and the subdivision regulations contained therein, and the Developer agrees to the provisions thereof as if set forth herein. The City shall be entitled to its costs, including reasonable attorneys' fees, in enforcement of Developer's obligations under this Agreement.

9. The City and Developer hereby accept this agreement as a lawful and satisfactory Deposit Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto on the date first above written.

**CITY OF LEE'S SUMMIT, MISSOURI**

By: \_\_\_\_\_  
Stephen A. Arbo, *City Manager*

Approved as to form:

\_\_\_\_\_  
Brian Head, *City Attorney*

**CMH PARKS, INC., D/B/A SUMMIT HOMES**

By:   
Zalman Kohen  
Its: Vice President



Notary for City of Lee's Summit

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF JACKSON    )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Stephen A. Arbo, the City Manager of the City of Lee's Summit, Missouri, a City duly incorporated and existing under and by virtue of the laws of the State of Missouri, who are personally known to me to be the same person who executed, as such official, the within instrument on behalf of and with the authority of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

[SEAL]

Notary for CMH Parks, Inc., d/b/a SUMMIT HOMES

STATE OF Missouri )  
 ) ss.  
COUNTY OF Cass )

BE IT REMEMBERED, that on this 22<sup>nd</sup> day of March, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Zalman Kohen, the Vice President of CMH Parks, Inc., d/b/a SUMMIT HOMES, who is personally known to me to be the same person who executed the within instrument on behalf of CMH Parks, Inc., d/b/a SUMMIT HOMES, and such person duly acknowledged the execution of the same to be the act and deed of CMH Parks, Inc., d/b/a SUMMIT HOMES.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Jennifer Kreisel  
NOTARY PUBLIC

My Commission Expires:

December 6, 2019

[SEAL]





**EXHIBIT 'A' – FINAL PLATS**

[see attached]

**EXHIBIT 'B' – ESTIMATE SHEET**

[see attached]





**TOTAL COST OF REMAINING ITEMS TO COMPLETE FOR NORTH PARK VILLAGE  
1ST PLAT AS OF 3/17/17**

1 . Erosion Control	Quantity	Unit	Unit Cost	Cost To Complete
Stablized Construction Entrance	0	EA	\$ 3,600.00	\$ -
Silt Fence	1394.5	LF	\$ 1.50	\$ 2,091.75
Inlet Protection	0	EA	\$ 70.00	\$ -
Rock Sediment Trap	0	EA	\$ -	\$ -
Rock Check Dam	0	EA	\$ 350.00	\$ -
<b>Total Erosion Control</b>				<b>\$ 2,091.75</b>

2 . Seeding and Fertilizer and Crimp Straw	Quantity	Unit	Unit Cost	Cost To Complete
Seeding and Fertilizer and Crimp Straw	1	LS	\$ 2,400.00	\$ 2,400.00
<b>Total Seeding and Fertilizer and Crimp Straw</b>				<b>\$ 2,400.00</b>

3 . Grading	Quantity	Unit	Unit Cost	Cost To Complete
Final Grading	1	LS	\$ 3,000.00	\$ 3,000.00
Tree Clearing & Removal	0	LS	\$ -	\$ -
<b>Total Grading</b>				<b>\$ 3,000.00</b>

4 . BMP Permiabile soil mix & Plantings	Quantity	Unit	Unit Cost	Cost To Complete
BMP Permiabile soil mix & Plantings	1	LS	\$ 16,961.60	\$ 16,961.60
<b>Total BMP Permiabile soil mix &amp; Plantings</b>				<b>\$ 16,961.60</b>

5 . Asphalt Pavement & Concrete Work	Quantity	Unit	Unit Cost	Cost To Complete
6" Asphalt Pavement	0	SY	\$ 20.25	\$ -
6" Base Rock	0	SY	\$ 5.10	\$ -
Biaxial Geogrid	0	SY	\$ 2.04	\$ -
Temp Cul De Sacs	0	LS	\$ 5,876.40	\$ -
Lane Widening Asphalt	0	SY	\$ 33.12	\$ -
CG-1 Curb	0	SY	\$ 17.65	\$ -
5' Concrete sidewalk	3,790	SF	\$ 3.55	\$ 13,465.00
ADA Ramps	10	EA	\$ 1,280.00	\$ 12,800.00
Street Signs	0	LS	\$ 1,487.19	\$ -
<b>Total Asphalt Pavement &amp; Concrete Work</b>				<b>\$ 26,265.00</b>

6 . Sanitary Sewer	Quantity	Unit	Unit Cost	Cost To Complete
8" PVC SDR 26	0	LF	\$ 35.55	\$ -
4" PVC SDR 26	0	LF	\$ 35.55	\$ -
8" X 4" Service Wye	0	EA	\$ 59.00	\$ -
4' Dia Manhole	0	EA	\$ 2,543.00	\$ -
Connect to existing	0	LS	\$ 22,871.00	\$ -
Testing (Sanitary Pipe/MH's)	0	LS	\$ 2,500.00	\$ -
<b>Total Sanitary</b>				<b>\$ -</b>



7 . Storm Sewer	Quantity	Unit	Unit Cost	Cost To Complete
15" HDPE Pipe	0	LF	\$ 37.50	\$ -
18" HDPE Pipe	0	LF	\$ 41.00	\$ -
24" HDPE Pipe	0	LF	\$ 48.00	\$ -
30" HDPE Pipe	0	LF	\$ 55.00	\$ -
36" HDPE Pipe	0	LF	\$ 60.00	\$ -
42" HDPE Pipe	0	LF	\$ 70.00	\$ -
5' X 4' Curb Inlet	0	EA	\$ 3,300.00	\$ -
5' X 5' Field Inlet	0	EA	\$ 3,000.00	\$ -
15" FES	0	EA	\$ 400.00	\$ -
36" FES	0	EA	\$ 700.00	\$ -
42" FES	1	EA	\$ 1,120.00	\$ 1,120.00
Faircloth Skimmer	0	EA	\$ -	\$ -
Connection to Existing	0	EA	\$ -	\$ -
Rip Rap (145 SY assumed 2' thick)	33	CY	\$ 100.00	\$ 3,300.00
<b>Total Storm</b>				<b>\$ 4,420.00</b>

8 . Water Main	Quantity	Unit	Unit Cost	Cost To Complete
8" PVC C900	0	LF	\$ 21.55	\$ -
New Fire Hydrant	0	EA	\$ 3,300.00	\$ -
8" Gate Valve	0	EA	\$ 850.00	\$ -
12" Gate Valve	0	EA	\$ 1,300.00	\$ -
8" 90 Bend	0	EA	\$ 110.00	\$ -
8" 45 Bend	0	EA	\$ 85.00	\$ -
6" x 8" Reducer	0	EA	\$ 100.00	\$ -
8" x 8" Tee	0	EA	\$ 600.00	\$ -
Move Hydrant Change Order	0	EA	\$ 2,850.00	\$ -
Connection to Existing	1	EA	\$ 4,400.00	\$ 4,400.00
Testing & Samples (water main chor/dechlor)	1	LS	\$ 4,000.00	\$ 4,000.00
<b>Total Water Main</b>				<b>\$ 8,400.00</b>

9 . Estimated Costs of Record Drawings **\$1,500.00**

**Cost of Total Work Remaining to Complete North Park Village 1st Plat** **\$ 65,038.35**



## Packet Information

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**File #:** BILL NO. 17-77, **Version:** 1

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AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NORTH PARK VILLAGE, 1<sup>ST</sup> PLAT, LOTS 1-52 & TRACTS A-E", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

Proposed City Council Motion:

First Motion: I move for a second reading of AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NORTH PARK VILLAGE, 1<sup>ST</sup> PLAT, LOTS 1-52 & TRACTS A-E", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

Second Motion: I move for adoption of AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NORTH PARK VILLAGE, 1<sup>ST</sup> PLAT, LOTS 1-52 & TRACTS A-E", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

Committee Recommendation: On the motion of Ms. Roberts, seconded by Mr. Funk, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A-G as published.



## **BILL NO. 17-77**

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AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NORTH PARK VILLAGE, 1<sup>ST</sup> PLAT, LOTS 1-52 & TRACTS A-E", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2015-199, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "North Park Village, 1<sup>st</sup> Plat, Lots 1-52 & Tracts A-E", was referred to the Planning Commission as required by the Unified Development Ordinance No. 5209; and,

WHEREAS, the Planning Commission considered the final plat on March 22, 2016, and rendered a report to the City Council recommending that the plat be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the final plat entitled "North Park Village, 1<sup>st</sup> Plat, Lots 1-52 & Tracts A-E" is a subdivision in Section 33, Township 48, Range 31, in Lee's Summit, Missouri more particularly described as follows:

*A tract of land being located in Section 33, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, Commencing at the Northeast corner of the Southeast Quarter of said Section 33; thence South 01° 56' 38" West along the East line of said Southeast Quarter, distance of 329.98 feet; thence North 88° 44' 02" West, a distance of 30.00 feet to a point on the West right of way of NE Todd George Road, said point being the Point of Beginning; thence North 88° 44' 02" West, a distance of 1,296.05 feet to a point on the East line of Foxwood East 5th Plat, a subdivision as recorder in the office of recorder in Lee's Summit, Jackson County, Missouri; thence South 01° 39' 46" West along the East line of said subdivision, a distance of 674.50 feet to a point on the East right of way line of Todd George Parkway; thence South 35° 12' 03" East along said East right of way line, a distance of 392.25; thence South 88° 44' 00" East, a distance of 14.93 feet; thence North 35° 13' 19" West, a distance of 80.85 feet; thence North 39° 40' 41" E, a distance of 182.34 feet; thence North 54° 01' 35" East, a distance of 135.72 feet; thence South 88° 43' 40" East, a distance of 44.31 feet; thence North 81° 00' 45" East, a distance of 27.97 feet; thence North 75° 22' 48" East, a distance of 68.41 feet; thence North 78° 16' 50" East, a distance of 70.49 feet; thence North 78° 29' 39" East, a distance of 70.36 feet; thence North 10° 34' 46" West, a distance of 125.00 feet; thence along a curve to the right, having an initial tangent bearing of North 79° 25' 14" East, a radius of 1050.00, a distance of 25.89 feet; thence North 09° 10' 00" West, a distance of 50.00 feet; thence North 01° 39' 46" East, a distance of 122.57 feet; thence North 84° 02' 02" East, a distance of 71.63 feet; thence North 86° 27' 33" East, a distance of 71.29 feet; thence North 88° 42' 26" East, a distance of 71.09 feet; thence North 88° 53' 27" East, a distance of 71.08 feet; thence North 88° 16' 16" East, a distance of 71.56 feet; thence South 88° 03' 22" East, a distance 83.50 feet; thence South 01° 56' 38" West, a distance of 18.44 feet; thence South 88° 20' 14" East, a distance of 170.00 feet to a point on the West right of way line of NE Todd George Road; thence North 01° 56' 38" East, along said West right of way line, a distance of 341.53, returning to the Point of Beginning. (Tract contains 721,033.84 Sq. Ft. (16.55 Acres))*

SECTION 2. That the proprietor of the above described tract of land ("Proprietor") has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall hereafter be known as "North Park Village, 1<sup>st</sup> Plat, Lots 1-52 & Tracts A-E".

SECTION 3. That the roads and streets shown on this plat and not heretofore dedicated to public use as thoroughfares shall be dedicated as depicted on the plat. The City Council hereby

## **BILL NO. 17-77**

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authorizes the Director of Planning and Special Projects, on behalf of the City of Lee's Summit, Missouri, to accept the land or easements dedicated to the City of Lee's Summit for public use and shown on the accompanying plat, upon the subdivider filing and recording a final plat in accordance with Article 16, Subdivisions, Unified Development Ordinance ("UDO") of the City, which plat shall conform to the accompanying plat, and hereby authorizes acceptance of the public improvements required by this ordinance and Article 16 of the UDO of the City, upon the Director of Public Works certifying to the Director of Planning and Special Projects and the City Clerk that the public improvements have been constructed in accordance with City standards and specifications.

SECTION 4. That the approval granted by this ordinance is done under the authority of Section 89.410.2 of the Revised Statutes of Missouri and Section 16.340 of the UDO because all subdivision-related public improvements required by the UDO have not yet been completed. In lieu of the completion and installation of the subdivision-related public improvements prior to the approval of the plat, the Proprietor has, in accordance with Section 16.340 of the UDO, deposited a **cash escrow** to secure the actual construction and installation of said public improvements, and the City hereby accepts same. No building permit shall be issued until the required public improvements are available to each lot for which a building permit is requested in accordance with the Design and Construction Manual.

SECTION 5. That an easement shall be granted to the City of Lee's Summit, Missouri, to locate, construct and maintain or to authorize the location, construction, and maintenance of poles, wires, anchors, conduits, and/or structures for water, gas, sanitary sewer, storm sewer, surface drainage channel, electricity, telephone, cable TV, or any other necessary public utility or services, any or all of them, upon, over, or under those areas outlined or designated upon this plat as "Utility Easements" (U.E.) or within any street or thoroughfare dedicated to public use on this plat. Grantor, on behalf of himself, his heirs, his assigns and successors in interest, shall waive, to the fullest extent allowed by law, including, without limitation, Section 527.188, RSMo. (2006), any right to request restoration of rights previously transferred and vacation of any easement granted by this plat.

SECTION 6. That building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be constructed between this line and the street right-of-way line.

SECTION 7. That the final plat substantially conforms to the approved preliminary plat and to all applicable requirements of the Code.

SECTION 8. That the City Council for the City of Lee's Summit, Missouri, does hereby approve and accept, as a subdivision to the City of Lee's Summit, Missouri, the final plat entitled "North Park Village, 1<sup>st</sup> Plat, Lots 1-52 & Tracts A-E" attached hereto and incorporated herein by reference.

SECTION 9. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2017.



**BILL NO. 17-77**

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\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

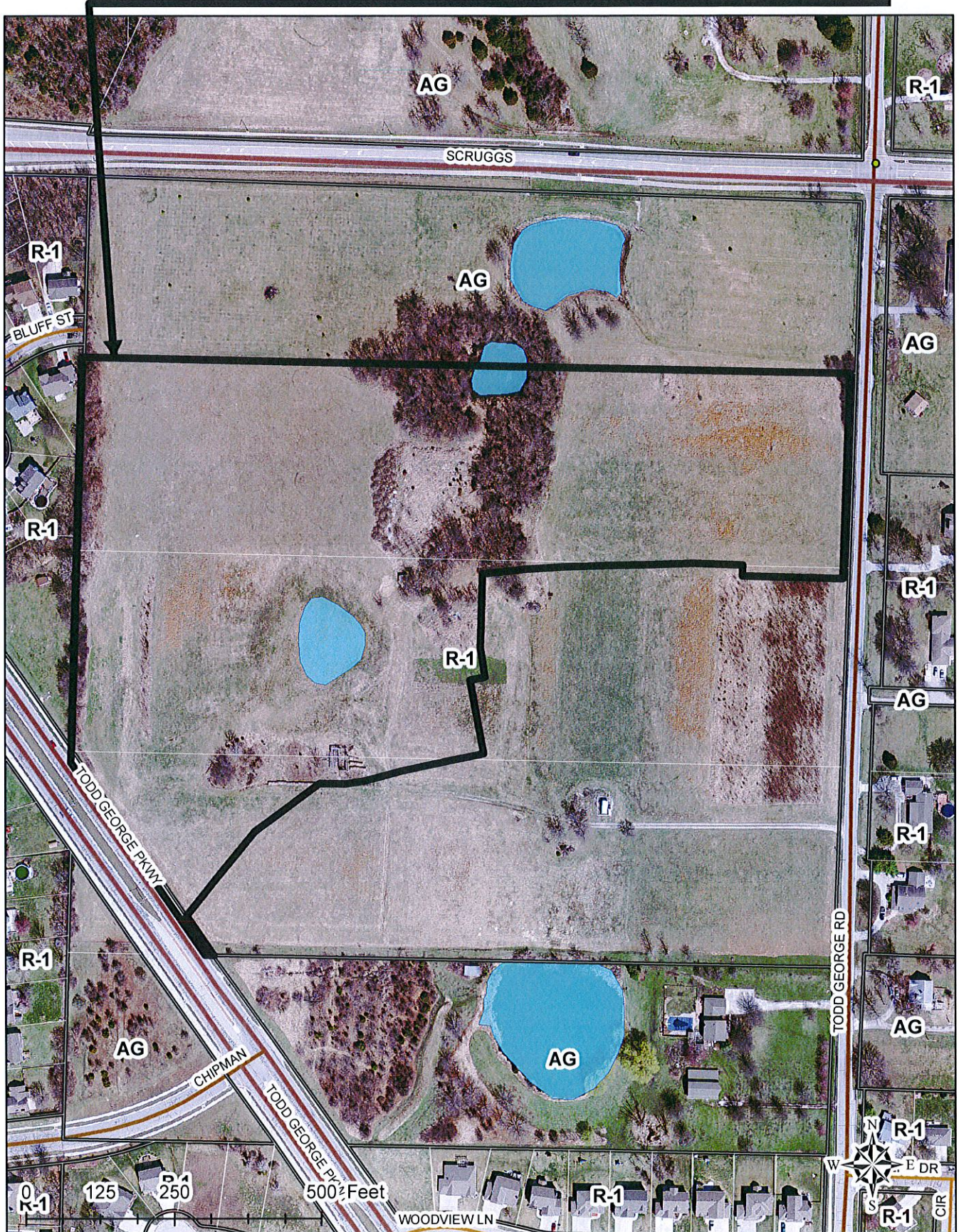
APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*





#PL2015-199 -- FINAL PLAT  
North Park Village, 1st Plat  
Engineering Solutions, LLC, applicant





## Packet Information

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**File #:** 2017-1096, **Version:** 1

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CONTINUED PUBLIC HEARING - Appl. #PL2016-185 - SPECIAL USE PERMIT renewal for a telecommunication tower - 2750 NW Clifford Rd; American Tower Asset Sub, LLC, applicant (NOTE: This Public Hearing is to be CONTINUED to a date certain of May 18, 2017, per the applicant's request.)

## Packet Information

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**File #:** 2017-1097, **Version:** 1

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CONTINUED PUBLIC HEARING - Appl. #PL2016-190 - SPECIAL USE PERMIT renewal for telecommunication towers - 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant (NOTE: This Public Hearing is to be CONTINUED to a date certain of May 18, 2017, per the applicant's request.)

## Packet Information

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**File #:** 2017-1045, **Version:** 1

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**PUBLIC HEARING - Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant**

Issue/Request:

*Both a preliminary development plan and special use permit application were filed with the City in 2016 to locate a cell tower on property located at 244 NW Executive Way. The applications were considered by and subsequently denied by the City Council on July 14, 2016. Based upon that denial, the applicants, T-Mobile and Eco-Site, Inc., filed legal action in federal court challenging the denial of the application. The City and applicants negotiated a settlement that changed the conditions of the T-Mobile cell tower proposal as it relates to the following:*

- *Location of the tower within the proposed site area (new application proposes to locate the tower further west on the property)*
- *Reduction of the height of the tower (new application proposes to reduce the tower height from 95 feet to 75 feet overall height)*
- *Variation of the tower's appearance (new application revises the tower from a monopole to a stealth monopole, meaning there are no exterior antenna mounts)*

This application is for a new 75-foot stealth monopole telecommunication tower located at 244 NW Executive Way. The telecommunication tower will be enclosed within a 40' x 50' fenced area and will be accessed from NW Executive Way.

For the sole purpose of illustrating that the proposed tower does not render the remainder of the property undevelopable, the preliminary development plan also provides a general concept of how the remaining portion of the site could develop as an office use. The approval of the preliminary development plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.

A special use permit application (Appl. #PL2017-037) for a telecommunication tower has been submitted and is also on this agenda for consideration.

Proposed City Council Motion:

I move to direct Staff to prepare an ordinance approving **Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant**

Recommendation: Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. The approval of the preliminary development plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.

2. An access easement shall be recorded with the Jackson County Recorder's Office prior to the issuance of a building permit.
3. Approval of the preliminary development plan is contingent upon approval of the special use permit (Appl. #PL2017-037) for the telecommunication tower.

Other Boards and Commissions Assigned: Planning Commission

Planning Commission Action: On the motion of Mr. DeMoro and seconded by Mr. Rader, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL of Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant;** subject to staff's letter of March 10, 2017, specifically Recommendation Items 1 through 3.

# City of Lee's Summit

## Development Services Department

March 10, 2017

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director of Planning and Special Projects *RGM*  
RE: **PUBLIC HEARING – Appl. #PL2017-036 – PRELIMINARY DEVELOPMENT PLAN – telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant**

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### Commentary

***Both a preliminary development plan and special use permit application were filed with the City in 2016 to locate a cell tower on property located at 244 NW Executive Way. The applications were considered by and subsequently denied by the City Council on July 14, 2016. Based upon that denial, the applicants, T-Mobile and Eco-Site, Inc., filed legal action in federal court challenging the denial of the application. The City and applicants negotiated a settlement that changed the conditions of the T-Mobile cell tower proposal as it relates to the following:***

- ***Location of the tower within the proposed site area (new application proposes to locate the tower further west on the property)***
- ***Reduction of the height of the tower (new application proposes to reduce the tower height from 95 feet to 75 feet overall height)***
- ***Variation of the tower's appearance (new application revises the tower from a monopole to a stealth monopole, meaning there are no exterior antenna mounts)***

This application is for a new 75-foot stealth monopole telecommunication tower located at 244 NW Executive Way. The telecommunication tower will be enclosed within a 40' x 50' fenced area and will be accessed from NW Executive Way.

For the sole purpose of illustrating that the proposed tower does not render the remainder of the property undevelopable, the preliminary development plan also provides a general concept of how the remaining portion of the site could develop as an office use. The approval of the preliminary development plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.

A special use permit application (Appl. #PL2017-037) for a telecommunication tower has been submitted and is also on this agenda for consideration.

### Recommendation

Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. The approval of the preliminary development plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.
2. An access easement shall be recorded with the Jackson County Recorder's Office prior to the issuance of a building permit.
3. Approval of the preliminary development plan is contingent upon approval of the special use permit (Appl. #PL2017-037) for the telecommunication tower.



4. Development shall be in accordance with the preliminary development plan, dated February 21, 2017.

## Project Information

**Proposed Use:** 75-foot stealth monopole wireless communications facility

**Zoning:** PO (Planned Office)

**Land Area:** 62,680 square feet (1.43 acres)

**Site Area:** 40' x 50' tan vinyl fenced area

**Location:** 244 NW Executive Way (Lot 6, Parkway Plaza, 2<sup>nd</sup> Plat)

### Surrounding zoning and use:

**North:** R-1 (Single-Family Residential) and PO (Planned Office)—single-family residence and office

**South:** CP-2 (Planned Community Commercial) and PO (Planned Office)—office

**East (across NW Executive Way):** PO (Planned Office)—office

**West (across NW O'Brien):** CP-2 (Planned Community Commercial)—office

## Background

- December 16, 1956 – The final plat (Appl. #1956-009) for *Broadmoor Addition, Lots 1-65* was recorded with the Jackson County Recorder of Deeds office by Instrument #1956-10675629.
- January 28, 1987 – The final plat (Appl. #1986-196) for *Parkway Plaza, 2<sup>nd</sup> Plat, Lots 1-14* was recorded with the Jackson County Recorder of Deeds office by Instrument #1987-10747599.
- July 14, 2016 – The preliminary development plan (Appl. #PL2016-053) and the special use permit for a telecommunication tower at 244 NW Executive Way (Appl. #PL2016-054), was denied by Ord. Nos. 7921 and 7922, respectively.

## Analysis of the Preliminary Development Plan

The request is for a new 75-foot stealth monopole telecommunications tower located at 244 NW Executive Way. The stealth monopole will be enclosed within a 40' x 50' fenced area and will be accessed from NW Executive Way. The preliminary development plan also provides a general concept of how the remaining portion of the site could develop as an office use. The approval of the Preliminary Development Plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.

**Ordinance Criteria.** The criteria enumerated in Section 4.260 were considered in the analysis of this request.

- The site is a vacant parcel and is surrounded by office development and to the north, south, east and west. In addition, a residential use is located immediately north of this lot.
- The location of the tower on the site meets the UDO requirements for on-site setbacks and provides the opportunity for future office development for the east portion of the site.
- The new telecommunication tower will provide additional cellular service to a needed area of Lee's Summit.

- The tower and associated equipment will be enclosed with an 8-foot tall, tan vinyl fence and screened by landscaping.

In considering all the criteria and regulations, staff finds the use to be appropriate and recommends approval of the preliminary development plan.

### **Code and Ordinance Requirements**

*The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.*

#### **Engineering**

1. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
2. A Land Disturbance Permit shall be obtained from the Public Works Department if ground breaking will take place prior to the issuance of an infrastructure permit or prior to the approval of a Final Development Plan.
3. Any cut and / or fill operations, which cause public infrastructure to exceed the maximum / minimum depths of cover shall be mitigated by relocating the infrastructure vertically and / or horizontally to meet the specifications contained within the City's Design and Construction Manual.
4. Future stormwater detention system and stormwater quality elements shall be required for future phases of work on this property. The basin would need to be constructed when a future phase of the project takes place, along with a detention study and report.
5. The future development should be revised without the north driveway (and a two-way south driveway that has appropriate parking design for two way traffic), in consideration of the City's Access Management Code.

#### **Fire**

6. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety of fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.
7. An approved lock shall be installed on gates or similar barriers when required by the fire code official. A Knox padlock shall be required.

#### **Planning**

8. The security fencing will be reviewed with the building permit and will require engineered drawings.
9. A structural analysis report, liability insurance, and FAA registration shall be submitted as part of the final development plan submittal.
10. Pavement for parking areas and driveway shall comply with the Unified Development Ordinance (UDO) Article 12, in terms of pavement thickness, base, and subgrade stabilization or geogrid.

RGM/jmt

Attachments:

1. Preliminary Development Plan, date stamped February 21, 2017—5 pages
2. Narrative submitted by applicant describing the facility, date stamped February 21, 2017—2 pages
3. Location Map



**The City of Lee's Summit**  
**Action Letter**  
**Planning Commission**

Tuesday, March 14, 2017

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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CALL TO ORDER

ROLL CALL

**Present:** 6 - Board Member Jason Norbury  
Board Member Colene Roberts  
Board Member Fred DeMoro  
Board Member Donnie Funk  
Board Member Herman Watson  
Board Member Brandon Rader

**Absent:** 3 - Board Member Fred Delibero  
Board Member Don Gustafson  
Board Member J.Beto Lopez

APPROVAL OF AGENDA

**A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that the agenda be approved. The motion carried unanimously.**

APPROVAL OF CONSENT AGENDA

[2017-1050](#) Appl. #PL2016-102 - FINAL PLAT - Raintree Pointe, Lots 1-7 and Tracts A thru D; Landrock Development, LLC, applicant

**A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that the Final Plat be approved. The motion carried unanimously.**

[2017-1041](#) Appl. #PL2017-032 - SIGN APPLICATION - The Summit Church, 3381 NW Chipman Rd; Star Signs, LLC, applicant

**A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that the Sign Application be approved. The motion carried unanimously.**

[2017-1030](#) Approval of the February 28, 2017 Planning Commission minutes

**A motion was made by Board Member DeMoro, seconded by Board Member Roberts,**

that the minutes be approved. The motion carried unanimously.

## PUBLIC HEARINGS

### [2017-1049](#)

PUBLIC HEARING - Appl. #PL2017-017 - VACATION OF RIGHT-OF-WAY - an approximately 600' section of NW Lowenstein Dr located at the northwest corner of NW Chipman Rd and NW Pryor Rd; Christie Development Association, LLC, applicant (continued to a date certain of April 25, 2017, at the applicant's request)

A motion was made by Board Member DeMoro, seconded by Board Member Funk, that this application was continued to the Planning Commission, due back on 4/25/2017 The motion carried unanimously.

### [2017-1045](#)

PUBLIC HEARING - Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

Chairperson Norbury opened the hearing at 5:04 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Curtis Holland, attorney of record representing the applicants, gave his address as 6201 College Boulevard in Overland Park, Kansas. EcoSite would be the facility's owner and operator and T-Mobile would be its tenant and carrier. He introduced Mr. Deserel Hager, a radio frequency engineer with T-Mobile who was attending tonight's hearing. Some of the information in tonight's applications came from T-Mobile, especially pertaining to the technology they wanted to install in order to provide coverage and calling capacity to their network. The subsequent application for a Special Use Permit included even more information. Mr. Hager was familiar with all this material and could answer any questions. Mr. Holland emphasized that this development plan was closely tied to the following SUP application. He observed that this matter had first come to the Commission last year; and both applications had been denied by the City Council. An appeal had previously been filed in the US District Court for the Western District of Missouri; and it was still pending. The City and applicants had nevertheless entered into a settlement agreement that had involved some changes and improvements. Mr. Holland illustrated his presentation with PowerPoint.

The first image showed the property outlined in yellow, with yellow markers for the previous year's and new proposed locations of the facility. The new location was about 25 feet southwest of the original, and further from the residential property adjacent to the northwest corner. The UDO required a setback from residential property at least equal to the tower's height. This tower was now shorter and a different "stealth" style. The aerial view showed properties zoned for office or commercial uses to the west, south, east and at the northeast corner. The Overall Site Plan showed the entrance drive off Executive Way. Mr. Holland explained that outlines of buildings were a concept of the kind of development that could occur, according the property's zoning. The plan showed that the tower could be installed on the subject property with plenty of room left for office or commercial uses. The site plan showed a two-story office building.

The design and look of the tower itself had been changed. The first had been a 95-foot tower with a standard top platform with attached antennas. The City had wanted a cleaner look, and the new tower would have "stealth" canister antennas that were located inside the pole. One photo simulation showed a distant view of the pole, whose height had been lowered to 75 feet; and another showed the same view of the previously proposed tower. The net effect of all these changes was that the tower was



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less visually noticeable. Mr. Holland stated that he agreed with the recommendations in staff's letter.

Following Mr. Holland's presentation, Chairperson Norbury asked for staff comments.

Mr. McKay entered Exhibit (A), list of exhibits 1-14 into the record. He confirmed that applications for a telecommunications tower at this location had been submitted and denied in July of 2016. The applicants had filed legal action in Federal court challenging the denial. The City and applicants had subsequently negotiated a settlement which changed the conditions in respect to location, height and appearance that Mr. Holland had described.

Mr. McKay then displayed a somewhat larger version of the aerial view showing the tower's proposed old and new locations. The new location would be 120 feet from the north property line and 75 feet from the west and south property lines. The 40- by 50-foot vinyl fence enclosing the tower would be 8 feet high and would have a double staggered row of white pines for landscape screening on both the northeast and south sides. Existing tree lines to the west along O'Brien would provide natural screening on that side.

Staff's recommendation for approval included four Recommendation Items. Approval was for the tower site and its layout only; so a separate preliminary development plan would have to be submitted for any other development (Item 1). Before a building permit could be issued the applicants would have to get an access easement recorded with the Jackson County Recorder's office (Item 2) and approval of the PDP was contingent on approval of the Special Use Permit (Item 3). The development was required to be in accordance with the PDP dated February 21, 2017 (Item 4).

Following Mr. McKay's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then opened the hearing for Commissioners' questions for the applicant or staff. There were none. Chairperson Norbury then closed the public hearing at 5:20 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2017-036, Preliminary Development Plan: telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant; subject to staff's letter of March 10, 2017, specifically Recommendation Items 1 through 4. Mr. Funk seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member DeMoro, seconded by Board Member Rader, that this preliminary development plan was recommended for approval to the City Council - Regular Session, due back on 4/6/2017 The motion carried unanimously.

[2017-1046](#)

PUBLIC HEARING - Appl. #PL2017-037 - SPECIAL USE PERMIT for a telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

Chairperson Norbury opened the hearing at 5:21 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Curtis Holland, attorney of record representing the applicants, gave his address as 6201 College Boulevard in Overland Park, Kansas. He asked that his testimony from the

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previous PDP application be incorporated into his testimony for this application. What was specific and important to the SUP application was the City's ordinances and their impact on the application. Specifically, the UDO required a 1:1 ratio for the tower's height and the distance from the property line. The plan did meet this requirement; however, another part of the ordinance required this kind of facility to be located at a distance of four times its height away from any residential zoned properties. In this case, one adjacent property did have R-1 zoning and a residence. This requirement was quite difficult to meet in Lee's Summit due to the common pattern of narrow commercial corridors close to residential neighborhoods; and this project did not meet it. At the same time, the facility needed to be located where coverage was needed to avoid a gap in the wireless service network, including in an area without large swaths of commercial ground. The shift in the tower's location added to the separation, but not enough to meet the 4:1 requirement; although the distance had been further enhanced by the tower's redesign.

A section in the code did allow the City to waive this requirement if the applicant could show that wireless service would be, in effect, prohibited by not granting the waiver. Consequently, this application included a request for a waiver, included an affidavit prepared by T-Mobile's RF engineers explaining the service gap in this part of Lee's Summit. Mr. Holland displayed an aerial view that was part of the request, with yellow markers representing properties that T-Mobile had considered as possibilities. They had narrowed it down to the only possible property in the search area. Mr. Holland stated that the applicants agreed with staff's three Recommendation Items.

Following Mr. Holland's presentation, Chairperson Norbury asked for staff comments.

Mr. McKay entered Exhibit (A), list of exhibits 1-19 into the record. Chairperson Norbury announced that the testimony for the preliminary development plan Application PL2017-036 was incorporated into this application's record. Mr. McKay clarified that the settlement agreement had included reducing the tower's height to 75 feet and the tower being located further away from the residential property to the north. He again displayed the aerial view showing the new separation distances to the north, south and west. Recommendation Item 1 granted a modification to the 4:1 distance requirement, allowing a 120-foot separation in lieu of the required 300 feet. Staff recommended an additional modification to the requirement to paint the tower so that it could be galvanized (Recommendation Item 2). Recommendation Item 3 specified that approval of the SUP be contingent on the approval of the preliminary development plan. Mr. McKay remarked that staff had been requesting modifications to the paint requirement for some time. Requests that towers be painted were common when towers first went in; but it had turned out that paint would start to peel and become an eyesore. A galvanized tower blended in much more effectively than a painted one.

Following Mr. McKay's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commissioners had questions for the applicant or staff.

Mr. Funk asked if a T-Mobile phone would fail to work at the intersection of O'Brien and Executive Way. He also wanted to know if the tower would serve only T-Mobile.

Mr. Deserel Hager gave his address as 12980 Foster Street in Overland Park, Kansas. He replied that the phone would not stop working; however, but there would be some weakness in the connection, and have issues with uses such as texting or data streaming. It could also cause sound to 'break up' while talking. The increased load would also cause congestion problems with the other two towers nearby that faced north and south, as they would have enough traffic to become congested.

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Mr. Holland stated that T-Mobile would be the primary tenant but the tower would be available for other carriers to use and they were encouraged to do so; although there was no other carrier planned at this point.

Ms. Roberts stated that she was a T-Mobile customer and in fact her house was shown on the location map. Her primary concern last year had been that this was an area the City had specifically targeted for redevelopment and infill development and the tower would further restrict redevelopment on this lot. The previous PDP had shown office development on the lot, which might or might not happen; and she had the same concerns about this application. She added that the redesign of the tower was a major improvement. Mr. Holland assured that the facility would not impact office development on the property, as this kind of development near tower facilities was now common. Ms. Roberts remarked that if an office building was built on this lot, it would have to be a small one, although she did consider tonight's application an improvement.

Chairperson Norbury asked what the expected life span for a tower of this design would be. Mr. Holland replied that he had never been asked this question; however, he believed it could be a matter of decades. Chairperson Norbury then asked what the standard for inspections was, and Mr. Holland answered that technicians, as well as the tower's owner would visit the site several times a year. Chairperson Norbury remarked that the discussion was about allowing construction which State statute dictated that the City had no authority over, regardless of where the service providers wanted to build it. Further, the City was being told to grant a variance to the ordinance intended to keep towers away from residential property and the City presumably did not adopt that ordinance without reason. If the Commission was granting these waivers he wanted to be sure the interests of the residents; and the Commission was charged with protecting residents' interests, not the interests of cell phone providers' deals. He asked if it was correct that the facility would be visited several times a year by professionals who would be able to spot and correct problems; and Mr. Holland answered that it was. It was in their best interest to maintain the structures. Mr. McKay added that the UDO required a structural analysis at least once every three years.

Chairperson Norbury asked what the City's recourse could be in a situation where a structural analysis indicated that the tower was deficient, or if it became technologically obsolete in a decade or so. Mr. McKay stated that in the event of such an analysis, they would send out a request that the structure be either repaired or removed. He did not recall any safety or neglect issues with the towers currently in Lee's Summit.

Chairperson Norbury asked what the legal basis was for T-Mobile's earlier lawsuit. Mr. Holland summarized that it was based on two or three claims related to the setback and to Missouri law, as well as denial of the waiver that T-Mobile had wanted. They had claimed violation of Missouri State law as well as the Telecommunications Act, which had placed imitations on cities in prohibiting wireless service or taking actions that might have that effect.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:45 p.m. and asked for discussion among the Commission members.

Chairperson Norbury first stated that he was, and would continue to be, a vocal critic of Missouri Revised Statute 67.5094, "Prohibited Acts By Authority For Approval Or Disapproval of Cell Phone Towers." He encouraged anyone watching this meeting to call their Representative, specifically Representative Cierpiot, who had sponsored the bill and explain that it might not be appropriate for a city to be forbidden to limit the length of Special Use Permits for cell phone towers. These might have a long term of use, but they were finite; and Lee's Summit had generally done a good job of approving and allowing

cell phone communication facilities; and the State was now assuming that it was onerous to expect the owners of these facilities to inspect and maintain them at least every decade.

This statute was, at best, a giveaway to the cell phone industry and at worst an act of pandering to special interests. As an attorney he knew he was obligated to follow the law. However, he stated for the benefit of future applicants with new or renewal cell phone tower applications that they would need to be better prepared than Mr. Holland had been; specifically concerning public safety and structural integrity. The City had gone to great lengths to work with the applicant and the Commission had approved the earlier application. He intended to vote to approve this one; however, future applicants needed to be well prepared with this information or he would vote to deny on the ground of public safety.

Hearing no further discussion, Chairperson Norbury called for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2017-037, Special Use Permit for a telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant; subject to staff's letter of March 10, 2017, specifically Recommendation Items 1 through 3. Mr. Funk seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member DeMoro, seconded by Board Member Rader, that this special use permit was recommended for approval to the City Council - Regular Session, due back on 4/6/2017 The motion carried unanimously.

## ITEMS FOR DISCUSSION

### [2017-1039](#)

Discussion - Planned Mixed Use (PMIX) Zoning District - Purpose and Intended Use

Mr. McKay remarked that this kind of discussion provided some insight as to what the Commission's concerns were, and gave staff an opportunity to explain their procedures and goals. The subject tonight was why the City used PMIX so often and where it should be used. Historically the Planned Mixed Use district had come about as a result of the initial applications for the New Longview development, a fairly large area with a mixture of housing types. When he had attended the charette, Mr. McKay met a number of people who had dealt with traditional neighborhood development before; and it eventually became a question of what kind of zoning district could be used for the kind of development proposed for Longview. The existing zoning designations did not fit. For example, RP-4 was primarily for multi-family housing; and CP-2 could not be used if residential was mixed in. City staff accordingly went to work on a new zoning district for a mixture of uses.

Approval would be a negotiation with the Commission and the Council about aspects such as setbacks, types of uses, height of buildings. There had been a lot of discussion about 'vertical mixed use', but Lee's Summit had not actually seen much of it, although Downtown did have some residential uses above retail uses on a ground floor. Staff still considered this a relevant feature for Lee's Summit in certain locations, though it was more commonly used in more densely populated area such as in Kansas City. The Pryor Lakes application had been called planned mixed use and it would have both senior living and conventional apartments, a grocery store, two restaurants and an office. The project had met the requirements but not with the urban approach to mixed use the City wanted to see. The PMIX designation allowed for a number of different types of uses to be placed in the same area with the same zoning. It also provided the City with much more control than a planned district would, as the latter had specific standards a project

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had to meet and this made an application difficult to turn down if there were other reasons. A PMIX zoning enabled the City to set the type of uses desired. At present, a new interchange was coming in at US 50 and M-291, and there were uses the City would want there but others it definitely would not want. Some types of uses were prohibited and others allowed accordingly.

Mr. McKay referred the Commissioners to the intent and purpose set out: to “allow greater flexibility in development standards” in order to develop a site in harmony with its unique conditions; to allow a mixture of uses, which would amount to “a more comprehensive response to market demand” and to “obtain greater economic vitality, higher standards of site and building design, a high level of environmental sensitivity and more satisfying living and working environments.” A PMIX zoning fit well for New Longview. It was not considered for a project like Summit Woods, which was in a CP-2 district; but it was used on the nearby Summit Tech Campus as well as multiple uses allowed for Summit Fair, which had developed a very attractive ambiance. The zoning had been used recently with some apartment complexes due to the density issues. This was not a matter of the City wanting PMIX just in order to get more density; it was because in these cases the development could not occur without higher density due to the apartment market.

The M-150 Corridor overlay was also designed with this economic situation in mind. The City tried to get up to 20 units an acre but had to reduce that to about 12, due to neighborhood concerns. It would not be possible to build today's type of apartments with that density. In these cases, a PMIX district would be possible, but the decisions were made by the Planning Commission and the City Council, with the Council having the final say.

Mr. McKay stated that he had not found a disadvantage of the mixed use designation. This was due to the Planning Commission and City Council to turn down what they did not want. What staff did was take the applications as they came in, work with the developer, and provide the best information they could. There were many applications the Commission did not see because their sponsors had been warned by staff that they could not recommend approval; but many were worth bringing forward. He asked to hear from the Commissioners what questions they had about planned mixed use.

Ms. Roberts acknowledged a difference between PMIX zoning and the kind of mixture of uses included in 'vertical' mixed use, in an environment that was compact and walkable. PMIX did not require that but was rather only a zoning classification. She was not sure how to get to actual mixed use other than keep denying various applications that did not include it; and this would not be a constructive approach to take. The City needed to find a way to encourage that type of true mixed use development. One of the objections to Pryor Lakes, for example was that it was not very walkable and all the various uses were separated.

Mr. McKay felt that a great part of that was just being persistent in making it clear that the City wanted to see that kind of plan. It was similar to attracting certain restaurants and stores to Lee's Summit years ago when people had been asking when Lee's Summit would have them. He'd had to approach these businesses several times before they were ready to open stores in town. Similarly, any time someone came in who was considering redevelopment in particular, the subject of vertical mixed use would be brought up by staff. They could not require mixed use from an applicant. However, EnvisionLS required 3- to 5-story buildings in one particular area; and it was clear that the City was looking at vertical mixed use and more than single-story buildings.

Ms. Roberts noted that a property's surroundings could influence whether mixed use was desirable. It would be a very good fit in property near a school, for example. She asked if



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there was a way the City could identify and target properties whose locations made mixed use a good choice. Mr. McKay replied that this approach had actually started with EnvisionLS. With the Pryor Village conceptual plan, the idea was for the City to initiate rezoning and establish PMIX, following that up with design standards. That was the point where the City could make clear what types of businesses it wanted to accept and what the conditions were. Applicants could know from the beginning what the requirements were. They were not able to do that with Pryor Lakes because when the City issued the RFP for the development of the City-owned land at I-470 and Pryor, they had intended to sell and have someone come in to develop; and the first two applications were rejected by the Council, for good reason. The Council had then directed staff to develop a conceptual development plan. Staff had put in what they would like to see in theory, which the Council found too expensive. After that, another party had purchased the ground with another plan and staff had to put all these ideas together. They eventually rezoned just the 39.5 acres on the original site; and staff was then directed to bring back a revised conceptual plan. This plan would have the design standards attached. Again, getting to the kinds of mixed uses they wanted might take time and would definitely take persistence.

Mr. Funk recalled that much of what they had talked about with Pryor Lakes amounted to putting apartments in next to Summit Fair and Summit Woods. Mr. McKay answered that this conceptual plan had not been approved. Only the four properties along Pryor Road had been rezoned; and the City was still working with the developer to bring back something that a consensus would find acceptable.

Ms. Roberts acknowledged that a huge amount of staff time went into projects like EnvisionLS. She asked if this had held staff back. Mr. McKay replied that Lee's Summit had been growing so fast over the past few decades, and the City's reorganization did give a little more time for long-range planning. M-150 was the first project, where lessons were learned; and the City was actually going to remove some properties because the overlay area had been far too large. The idea now was to concentrate on the intersections of major roadways and on the east side of M-291. He hoped that the design standards staff was working on now would be folded back into the M-150 district. All this took time since staff needed to meet with the people in the area, which was also at the Council's specific direction since there had been so much opposition to the senior living apartments among others. Public input was essential and staff valued it, although they did not always like what they heard or tell the public what they would like to hear. It was part of the City's function to listen to citizens and act accordingly. Mr. McKay noted that the US 50 corridor ran through town and would have plenty of redevelopment possibilities; and 900 acres to the east that were annexed in connection with the Blackwell interchange. Over the next few years staff would very likely be making recommendations for more City-initiated rezoning. This was a good route to take, as property owners knew from the start what the goals were and they had some input. An owner wanting to develop would need to submit a preliminary development plan, but the rezoning would already be done by the City.

Mr. DeMoro asked about a situation when someone brought in a PMIX plan and did not know what they were looking for. He had noticed a provision that if development standards were "not specifically proposed by the applicant or specific standards are not established by the Governing Body" the zoning district applicable to the proposed use would apply. Mr. McKay answered that hopefully after going through other applications, a common baseline set of design standards could be developed. Staff wanted to have a kind of template to offer. In the past, they had relied on asking for elevations, materials and other essentials and this information was incorporated into a preliminary development plan. It was a case-by-case basis. Development standards, on the other hand, needed to be more comprehensive.

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Chairperson Norbury noted that some of the concerns the Commission had raised over time was that the larger picture could be obscured by a spotty assortment of developments. That larger picture included ensuring that the development was consistent with the Comprehensive Plan. While higher density for apartments was necessary, for example, the City would need to guard against this kind of housing being overbuilt. He wanted to make it a practice to make it clear how a specific PMIX related to the Comprehensive Plan, as well as long-range trends and shifts in demand.

Regarding housing, Mr. McKay related that staff had an RP out for housing assessment, in order to get a clear picture of what Lee's Summit already had, what it needed and what might have a surplus in terms of various housing types. They had asked for a quick turnaround. He added that Mr. Heiping Zhan had a 'special development district' classification in the Comprehensive Plan. It might be a good idea to convert some of this classification to PMIX overall. It would be easier to get design standards that the City wanted when it was presented up front in the Comprehensive Plan. There was also the phenomenon of the "Yes In My Back Yard" movement, where people organized against limitations on aspects like density and did not like communities to essentially send out messages that the only residents they wanted were in single-family homes and neighborhoods.

Concerning the housing assessment, Ms. Roberts noted that many studies like this were printed out and put into binders and that was as far as they got. She wanted to know what was planned to actually do with this information when it came back. Mr. McKay answered that staff would work out the direction with the City Council. The idea was to get a view of where the City currently was with housing.

Chairperson Norbury thanked Mr. McKay for the discussion.

PUBLIC COMMENTS

ROUNDTABLE

ADJOURNMENT

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Internet site at "[www.cityofls.net](http://www.cityofls.net)".

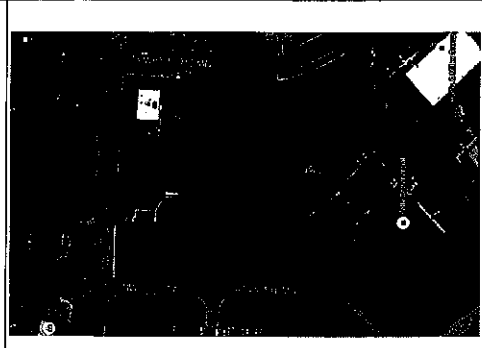
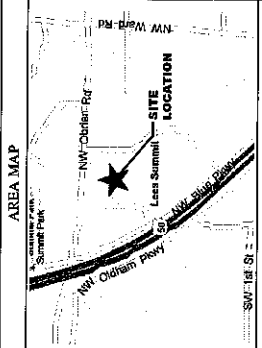
# Eco-Site

# T-Mobile

MLA SITE NAME:  
O'BRIEN ROAD  
MLA SITE NUMBER:  
MO-0007

APPLICANT SITE NAME:  
O'BRIEN ROAD  
APPLICANT SITE NUMBER:  
A5C0465A

PROJECT: NEW SITE BUILD  
RFDS CONFIGURATION: 702G RUN  
RFDS DATE: 12/22/2015  
TOWER MFR: TBD  
TOWER MFR #: TBD  
DRAWING DESCRIPTION: ZONING CD



**JURISDICTION COMPLIANCE**

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE REFERENCED CODES AND THE FOLLOWING CODES AS APPLIED BY THE LOCAL GOVERNMENT. NOTHING IN THESE PLANS IS TO BE CONSIDERED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- INTERNATIONAL BUILDING CODE
- INTERNATIONAL MECHANICAL CODE
- INTERNATIONAL ELECTRICAL CODE
- NFPA 701 - LIGHTNING PROTECTION CODE
- UNIFORM PLUMBING CODE
- INTERNATIONAL FIRE CODE
- 2012 INTERNATIONAL FIRE CODE



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THE UTILITIES SHOWN ON THIS SET OF DRAWINGS WERE DEVELOPED FROM THE INFORMATION PROVIDED TO THE ENGINEER. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE UTILITIES IN THIS AREA. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.

**SITE INFORMATION**

**SITE ADDRESS:** TBD NW EXECUTIVE WAY, LEES SUMMIT, MISSOURI 64083  
**COUNTY:** JACKSON  
**PROPERTY OWNER:** FORTY HIGHWAY PROPERTIES LLC, 12980 S. FOSTER STREET, SUITE 200, OVERLAND PARK, KS 66213, P.O. BOX 68, LEES SUMMIT, MO 64083  
**TOWER INFORMATION:** LATITUDE: 38° 55' 04.24" N (NAD 83), LONGITUDE: 94° 23' 56.75" W (NAD 83), GROUND ELEV: 981.07 AMSL, TOWER HEIGHT: 75.07' AGL, UTILITY LOCATIONS: SEE ATTACHED UTILITY LOCATIONS SHEET, APPLICANT TEL: 703-66-0047 / AGL  
**LESSOR:** ECO-SITE, 240 LEIGH FARM ROAD, SUITE 415, DURHAM, NC 27707  
**APPLICANT:** T-MOBILE, 12980 S. FOSTER STREET, SUITE 200, OVERLAND PARK, KS 66213  
**SURVEYOR:** LOVELACE & ASSOCIATES, LLC

SHEET NO	TITLE SHEET	REV	ENGINEER
T-1.0	TITLE SHEET	E	SC
A-1.0	OVERALL SITE PLAN	E	SC
A-1.1	ENLARGED SITE PLAN	E	SC
A-2.0	TOWER ELEVATION	E	SC

**APPROVALS**

SIGNER	SIGNATURE	DATE
T-MOBILE COMMUNICATIONS MANAGER		
T-MOBILE RF ENGINEER		
ECO-SITE		
LANDLORD		

**CONSULTING TEAM**

**ENGINEERING:** SSC, INC., 800A WEST 100TH STREET, SUITE 300, OVERLAND PARK, KANSAS 66210, PHONE: (913) 438-7700, FAX: (913) 438-7777

**RECEIVED:** M.L. OWENS - LEAD ENGINEER, S.D. KEISLING - LEAD ELECTRICAL, M. THOMAS - PROJECT MANAGER, D.C. PELLAND - LEAD DESIGNER

**CONSULTING TEAM**

**ENGINEERING:** SSC, INC., 800A WEST 100TH STREET, SUITE 300, OVERLAND PARK, KANSAS 66210, PHONE: (913) 438-7700, FAX: (913) 438-7777

**RECEIVED:** M.L. OWENS - LEAD ENGINEER, S.D. KEISLING - LEAD ELECTRICAL, M. THOMAS - PROJECT MANAGER, D.C. PELLAND - LEAD DESIGNER

APPLICANT: T-Mobile

PLANS PREPARED FOR: Eco-Site

PLANS PREPARED BY: SSC  
8900 West 109th Street, Suite 300, Overland Park, Kansas 66210, Phone: 913-438-7700, Fax: 913-438-7777

ENGINEERING LICENSE: [Redacted]

STATUS OF APPLICANT: [Redacted]

DESIGNER: [Redacted]

BY: [Redacted]

FOR: [Redacted]

PROJECT: [Redacted]

DATE: [Redacted]

ISSUANCE NOTICE: [Redacted]

DATE BY REV: [Redacted]

APPLICANT NAME & SITE NUMBER: O'BRIEN ROAD, MO-0007, A5C0465A

SHEET DESCRIPTION: T-Mobile

TITLE SHEET

SHEET NUMBER: T-1.0

FEB 21 2017 - 2017 - 036  
Development Services



APPLICANT:

T-Mobile

PLANS PREPARED FOR:  
Eco-Site

PLANS PREPARED BY:  
SSC  
9800 West 109th Street, Suite 300  
Overland Park, Kansas 66201  
Phone: 913-438-7700  
Fax: 913-438-1777

ENGINEERING LICENSE:  
STATE CERTIFICATE OF AUTHORIZATION # 185  
PROFESSIONAL SEAL  
PROFESSIONAL ENGINEER  
STATE OF KANSAS  
EXPIRES 12/31/2017

THE DRAWING IS NOT BEING REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. ANY REPRODUCTION OR COPIING OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER IS PROHIBITED. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

SUBMITTALS	DESCRIPTION	DATE	BY	REV
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	A
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	B
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	C
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	D
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	E
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	F

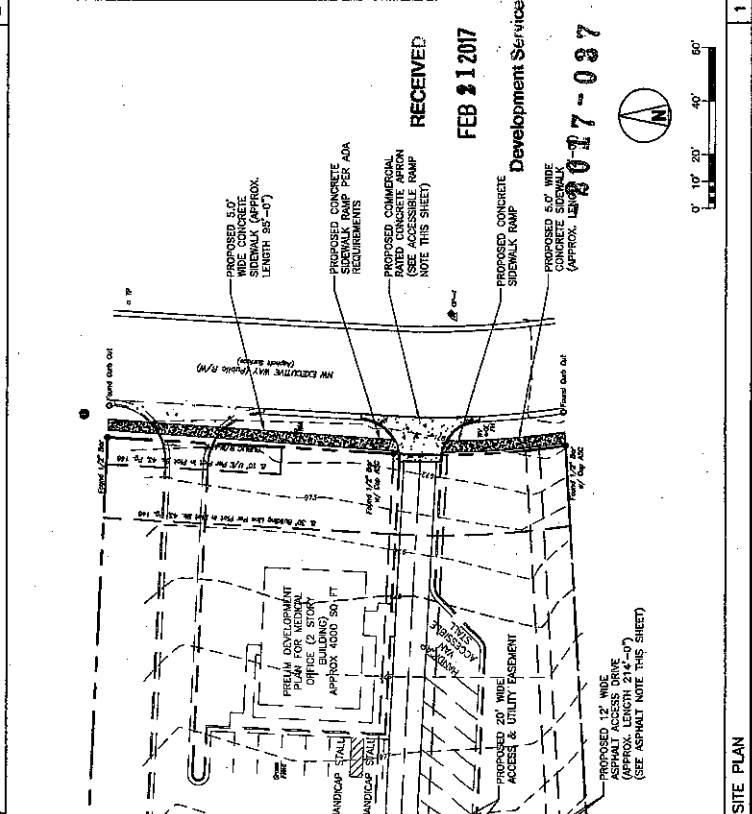
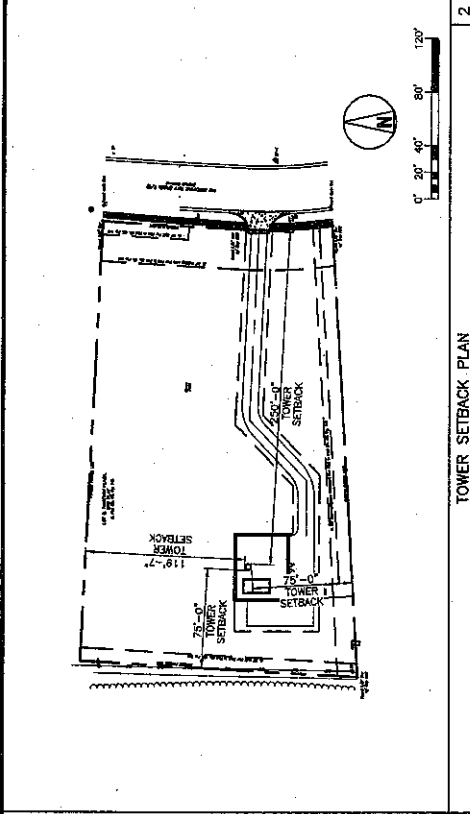
M.A. NUMBER & SITE NUMBER:  
OBRIEN ROAD  
MO-0007

APPLICANT NAME & SITE NUMBER:  
OBRIEN ROAD  
A5C0465A

SITE ADDRESS:  
TBD NW EXECUTIVE WAY  
LEES SUMMIT, MISSOURI  
64063

SHEET DESCRIPTION:  
OVERCALL  
SITE PLAN

SHEET NUMBER:  
A-1.0



RECEIVED  
FEB 21 2017  
Development Services

2017-037

**ASPHALT PAVING REQUIREMENTS**  
PAVEMENT FOR PARKING AREAS & DRIVEWAY SHALL COMPLY WITH THE UNIFIED DEVELOPMENT ORDINANCE (UDO) ARTICLE 12 "PARKING" IN TERMS OF PAVEMENT THICKNESS, BASE & SUBGRADE STABILIZATION OR GEOTEXTILE.

**LEASE AREA & EASEMENT NOTES:**  
PROPOSED CLEAR & GRUB REMOVAL LIMITS:  
40'-0" x 50'-0" LEASE BOUNDARY  
25' WIDE FOR ACCESS DRIVE &  
10' WIDE FOR UTILITY EASEMENT

**ACCESSIBLE RAMP NOTE:**  
CONTINUATION OF  
CROSSWALK MUST PROVIDE FOR  
ACCESSIBLE RAMP TO THE  
BUILDING ENTRANCE IN ACCORDANCE  
WITH THE AMERICANS WITH DISABILITIES ACT  
ACCESSIBILITY GUIDELINES AND MISSOURI ACCESSIBILITY  
STANDARDS. SIDEWALK REQUIREMENTS INCLUDE BUT  
ARE NOT LIMITED TO 2% MAXIMUM CROSS SLOPE.

**LANDSCAPING LEGEND**  
PROPOSED 8' TALL WHITE PINE TREES  
9'-0" O.C. (TYP) (TOTAL OF 33)

**STORMWATER DETENTION  
SYSTEM & QUALITY  
ELEMENT NOTE**  
A FUTURE STORMWATER DETENTION  
SYSTEM & STORMWATER QUALITY  
ELEMENT SHALL BE PROVIDED IN A  
FUTURE PHASE OF WORK ON THIS  
PROPERTY NOT INCLUDING PROPOSED  
TELECOMMUNICATIONS FACILITY

- PROPOSED 5.0' WIDE CONCRETE SIDEWALK PER ADA (APPROX. LENGTH 83'-0")
- PROPOSED CONCRETE SIDEWALK PER ADA REQUIREMENTS
- PROPOSED COMMERCIAL SIDEWALK RAMP (NOTE THIS SHEET)
- PROPOSED 5.0' WIDE CONCRETE SIDEWALK RAMP (APPROX. LENGTH 83'-0")
- PROPOSED 12' WIDE ASPHALT ACCESS DRIVE (APPROX. LENGTH 214'-0") (SEE ASPHALT NOTE THIS SHEET)
- PROPOSED 10' WIDE UTILITY EASEMENT

PROPOSED 75'-0" SQUARE LOT & HANDICAP PLAN (LAW: 38" x 57" 04.24" W (MAD 43) LON: 14" x 23" 56.75" W (MAD 65))

PROPOSED 40'-0" x 50'-0" ECO-SITE LEASE AREA (FENCED COMPOUND)

PROPOSED 38'-0" x 48'-0" FENCED COMPOUND

PROPOSED 20' WIDE ACCESS & UTILITY EASEMENT

PROPOSED 10' WIDE UTILITY EASEMENT

FIELD DEVELOPMENT PLAN FOR MEDICAL OFFICE (2 STORY) APPROX. 4000 SQ. FT.

HANDICAP STAIR

HANDICAP STAIR

PROPOSED 20' WIDE ACCESS & UTILITY EASEMENT

PROPOSED 12' WIDE ASPHALT ACCESS DRIVE (APPROX. LENGTH 214'-0") (SEE ASPHALT NOTE THIS SHEET)

PROPOSED 5.0' WIDE CONCRETE SIDEWALK PER ADA (APPROX. LENGTH 83'-0")

PROPOSED CONCRETE SIDEWALK PER ADA REQUIREMENTS

PROPOSED COMMERCIAL SIDEWALK RAMP (NOTE THIS SHEET)

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PROPOSED CONCRETE SIDEWALK PER ADA REQUIREMENTS

PROPOSED COMMERCIAL SIDEWALK RAMP (NOTE THIS SHEET)

PROPOSED 5.0' WIDE CONCRETE SIDEWALK RAMP (APPROX. LENGTH 83'-0")

PROPOSED 12' WIDE ASPHALT ACCESS DRIVE (APPROX. LENGTH 214'-0") (SEE ASPHALT NOTE THIS SHEET)

PROPOSED 10' WIDE UTILITY EASEMENT









February 21, 2017

**VIA HAND DELIVERY**

City of Lee's Summit  
220 SE Green Street  
Lee's Summit, MO 64063  
Attn: Planning Staff

2017-087

RECEIVED

FEB 21 2017

Development Services

RE: Eco-Site & T-Mobile application for approval of a Special Use Permit for construction of a wireless communications facility to be located on property at 244 NW Executive Way (actual site address TBD) owned by Forty Highway Properties LLC.

Dear City Staff:

As agent for Eco-Site, Inc., ("Eco-Site") and T-Mobile Central, LLC, ("T-Mobile"), (collectively, "Applicant") SSC is applying for a Special Use Permit for the installation of a 75' stealth monopole wireless communications facility located on property at 244 NW Executive Way (actual site address TBD) owned by Forty Highway Properties LLC ("Application").

**SITE DESIGN**

Overall Site Description

The proposed 75' stealth monopole tower and related wireless facilities will be contained within a 50' x 50' lease area (compound) surrounded by brown, vinyl, screening fence, and landscaping on the north, west and east sides of the compound, as well as along the south side of the access drive. The site design plans submitted with this Application further detail the tower and the ground equipment that will be contained within the fenced area. Eco-Site is constructing this facility for initial use by T-Mobile which will be the primary tenant and will collocate its antennas concealed within canisters at the top of the monopole tower and provide for an 8' x 8' ground platform for T-Mobile's outdoor radio equipment. The proposed compound will also provide space for future wireless carriers for collocation (designed for no less than 2 additional collocations). The Applicant will work with the City to provide specific species of trees/shrubs to provide landscape screening for the compound.

Lighting

There will be no lighting on this monopole tower unless required by the Federal Aviation Administration (not expected in this case due to the low height of the structure). There will be no signs at this site except for safety and identification as required by the Federal Communications Commission. These are not lighted and are affixed to the front / gate area of the site.

2017-037

RECEIVED

FEB 21 2017

Development Services

Access and Parking

Parking will be provided within the access easement set forth in the lease agreement with the landowner and will be paved, as required by City Code.

Access to the site will be provided via a 12' wide access drive located on NW Executive Way. Underground utilities will be provided along a proposed utility easement extending to the site from NW Executive Way in a designated 20' wide access/utility easement. The proposed easements are non-exclusive and are designed to become part of a future development of the parent property.

Setbacks/Waiver Request

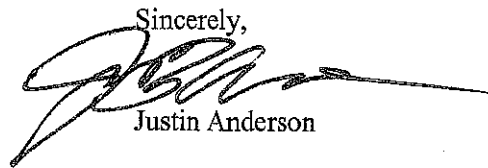
The proposed site meets or exceeds the Lee's Summit Code standard of a 1:1 height of tower setback from all property lines. However, as detailed further in the attached waiver request, there are no alternative land sites in the targeted site search area, including the subject site, that are capable of meeting the 4:1, height of tower, separation distance to single-family and two-family residential properties.

**PRELIMINARY DEVELOPMENT PLAN**

In connection with this Application, City staff requested a Preliminary Development Plan (PDP) to show future development of a building on the property even though the land owner has no current plans for development of the property. Given the commercial and office zoning for the property and surrounding areas, the PDP shows a 2-story medical office building, with the necessary parking matrix. The design is modeled after the office development at the southeast corner of NW O'Brien Road and NW Executive Way. The PDP also includes a 5' sidewalk along the eastern edge of the property as well as an access drive for the building which will have a commercial rated apron and sidewalk ramps. The PDP clearly shows that the proposed monopole tower facility will integrate very well with a future building on the property.

Please direct any further questions or requirements to Justin Anderson.

Sincerely,

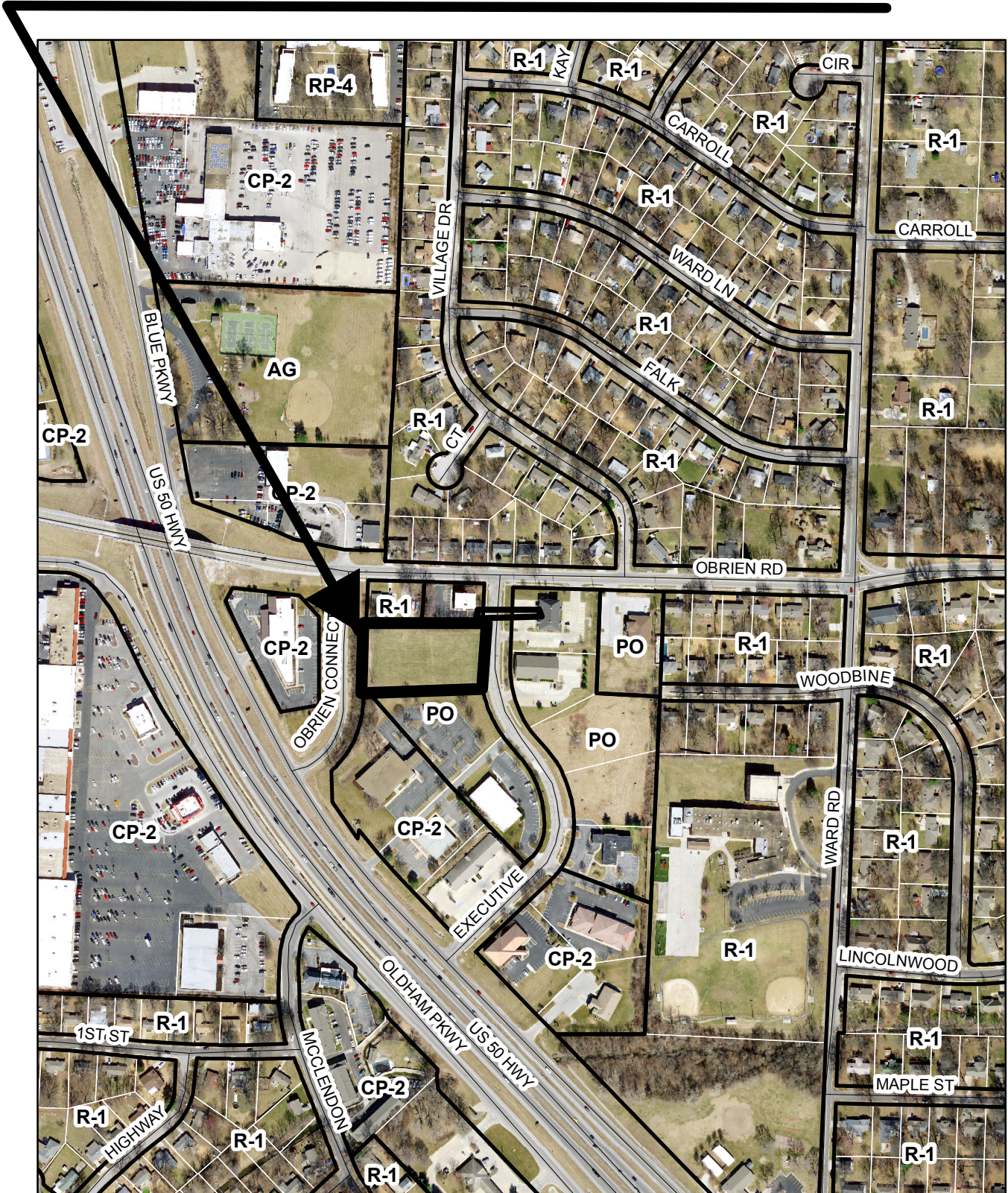


Justin Anderson

Attachments



**PL#2017-036 - PREL DEV PLAN  
244 NW EXECUTIVE WAY  
SELECTIVE SITE CONSULTANTS, INC., APPLICANT**





## Packet Information

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**File #:** 2017-1046, **Version:** 1

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**PUBLIC HEARING - Appl. #PL2017-037 - SPECIAL USE PERMIT for a telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant**

Issue/Request:

*Both a preliminary development plan and special use permit application were filed with the City in 2016 to locate a cell tower on property located at 244 NW Executive Way. The applications were considered by and subsequently denied by the City Council on July 14, 2016. Based upon that denial, the applicants, T-Mobile and Eco-Site, Inc., filed legal action in federal court challenging the denial of the application. The City and applicants negotiated a settlement that changed the conditions of the T-Mobile cell tower proposal as it relates to the following:*

- *Location of the tower within the proposed site area (new application proposes to locate the tower further west on the property)*
- *Reduction of the height of the tower (new application proposes to reduce the tower height from 95 feet to 75 feet overall height)*
- *Variation of the tower's appearance (new application revises the tower from a monopole to a stealth monopole, meaning there are no exterior antenna mounts)*

This application is for a new 75-foot stealth monopole telecommunication tower located at 244 NW Executive Way. The telecommunication tower will be enclosed within a 40' x 50' fenced area and will be accessed from NW Executive Way.

A preliminary development plan application (Appl. #PL2017-036) for the tower site layout has been submitted and is also on this agenda for consideration.

No time limitation for the special use permit is established as part of this approval due to §67.5094 R.S.Mo., Subpart 14. This statute lists "Prohibited Acts by Authority" which states: *In order to ensure uniformity across the state of Missouri with respect to the consideration of every application, an authority shall not: Limit the duration of the approval of an application.*

Proposed City Council Motion:

I move to direct Staff to present an ordinance approving **Appl. #PL2017-037 - SPECIAL USE PERMIT for a telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant**

Recommendation: Staff recommends **APPROVAL** of the special use permit, subject to the following:

1. A modification shall be granted to the required separation distance from single and two-family residential uses and districts. The requirement is 4 times the height of the tower, or 300 feet. The tower is located approximately 120 feet to the nearest residential use to the north.
2. A modification shall be granted to the requirement that the tower be painted, to allow the tower to be galvanized as shown on the plans.
3. Approval of the special use permit is contingent upon approval of the preliminary development plan (Appl. #PL2017-036) for the telecommunication tower.

Other Boards and Commissions Assigned: Planning Commission


Planning Commission Action: On the motion of Mr. DeMoro, seconded by Mr. Rader, the Planning

Commission members voted unanimously by voice vote to recommend **APPROVAL of Appl. #PL2017-037 - SPECIAL USE PERMIT for a telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant**; subject to staff's letter of March 10, 2017, specifically Recommendation Items 1 through 3.

# City of Lee's Summit

## Development Services Department

March 10, 2017

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director of Planning and Special Projects   
RE: PUBLIC HEARING – Appl. #PL2017-037 – SPECIAL USE PERMIT for a telecommunication tower – 244 NW Executive Way; Selective Site Consultants, Inc., applicant

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### Commentary

***Both a preliminary development plan and special use permit application were filed with the City in 2016 to locate a cell tower on property located at 244 NW Executive Way. The applications were considered by and subsequently denied by the City Council on July 14, 2016. Based upon that denial, the applicants, T-Mobile and Eco-Site, Inc., filed legal action in federal court challenging the denial of the application. The City and applicants negotiated a settlement that changed the conditions of the T-Mobile cell tower proposal as it relates to the following:***

- ***Location of the tower within the proposed site area (new application proposes to locate the tower further west on the property)***
- ***Reduction of the height of the tower (new application proposes to reduce the tower height from 95 feet to 75 feet overall height)***
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This application is for a new 75-foot stealth monopole telecommunication tower located at 244 NW Executive Way. The telecommunication tower will be enclosed within a 40' x 50' fenced area and will be accessed from NW Executive Way.

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No time limitation for the special use permit is established as part of this approval due to §67.5094 R.S.Mo., Subpart 14. This statute lists "Prohibited Acts by Authority" which states: *In order to ensure uniformity across the state of Missouri with respect to the consideration of every application, an authority shall not: Limit the duration of the approval of an application.*

### Recommendation

Staff recommends **APPROVAL** of the special use permit, subject to the following:

1. A modification shall be granted to the required separation distance from single and two-family residential uses and districts. The requirement is 4 times the height of the tower, or 300 feet. The tower is located approximately 120 feet to the nearest residential use to the north.
2. A modification shall be granted to the requirement that the tower be painted, to allow the tower to be galvanized as shown on the plans.
3. Approval of the special use permit is contingent upon approval of the preliminary development plan (Appl. #PL2017-036) for the telecommunication tower.

## Project Information

**Proposed Use:** 75-foot stealth monopole wireless communications facility

**Zoning:** PO (Planned Office)

**Land Area:** 62,680 square feet (1.43 acres)

**Site Area:** 40' x 50' tan vinyl fenced area

**Location:** 244 NW Executive Way (Lot 6, Parkway Plaza, 2<sup>nd</sup> Plat)

**Surrounding zoning and use:**

**North:** R-1 (single-family residential) and PO (planned office)—single-family residence and office

**South:** CP-2 (planned community commercial) and PO (planned office)—office

**East (across NW Executive Way):** PO (planned office)—office

**West (across NW O'Brien):** CP-2 (Planned Community Commercial)—office

## Background

- December 16, 1956 – The final plat (Appl. #1956-009) for *Broadmoor Addition, Lots 1-65* was recorded with the Jackson County Recorder of Deeds office by Instrument #1956-10675629.
- January 28, 1987 – The final plat (Appl. #1986-196) for *Parkway Plaza, 2<sup>nd</sup> Plat, Lots 1-14* was recorded with the Jackson County Recorder of Deeds office by Instrument #1987-10747599.
- July 14, 2016 – The preliminary development plan (Appl. #PL2016-053) and the special use permit for a telecommunication tower at 244 NW Executive Way (Appl. #PL2016-054), was denied by Ord. Nos. 7921 and 7922.

## Analysis of the Special Use Permit

**Ordinance Requirement.** Under the Unified Development Ordinance (UDO), a special use permit is required for new telecommunication towers. The request is for a new 75-foot stealth monopole telecommunication tower located at 244 NW Executive Way. The stealth monopole will be enclosed within a 40' x 50' fenced area and will be accessed from NW Executive Way.

**Separation Distance from Residential.** Modification requested.

- Required – 300 feet from single family/ two family uses or zoning districts. The UDO states that,

*"A telecommunications tower shall be located a distance of **four (4) times the tower height** from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two family residential use, and any property where the future use indicated by the Comprehensive Plan is low density residential use."*

and

*"This requirement may be waived if it is found to effectively prevent the provision of wireless telecommunication services within the City."*

- Proposed – The proposed tower is located adjacent to a lot zoned R-1 located approximately 120 feet to the north.

- Recommended – A modification is recommended to the separation distance requirement. Without a modification, no tower could be constructed on this property or in this general vicinity, which would prevent or reduce wireless telecommunication services in this highly traveled area of the city.

**Tower Appearance.** Modification requested.

- Required – A telecommunications tower shall be painted a neutral color so as to reduce visual obtrusiveness, subject to any applicable standards of the FAA.
- Proposed – The applicant proposes an unpainted galvanized pole.
- Recommended – Staff recommends approval of the unpainted galvanized pole. A painted pole creates additional unneeded maintenance issues.

**Surrounding Uses.** The site is a vacant parcel and is surrounded by office development to the north, south, east and west. A single-family residential use is also located immediately north of this property.

**Time Period.** No time limitation for the special use permit is established as part of this approval due to §67.5094 R.S.Mo., Subpart 14. This statute lists "Prohibited Acts by Authority" which states: *In order to ensure uniformity across the state of Missouri with respect to the consideration of every application, an authority shall not: Limit the duration of the approval of an application.*

**Code and Ordinance Requirements**

*The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the permit into compliance with the Codes and Ordinances of the City.*

**Fire**

1. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety of fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.

**Planning**

2. The security fencing will be reviewed with the building permit and will require engineered drawings.
3. A structural analysis report, liability insurance, and FAA registration shall be submitted as part of the final development plan submittal.

RGM/jmt

**Attachments:**

1. Preliminary Development Plan, date stamped February 21, 2017—5 pages
2. Narrative submitted by applicant describing the facility, date stamped February 21, 2017—2 pages
3. Waiver request submitted by applicant, date stamped February 21, 2017—4 pages
4. Photos of surrounding properties, date stamped February 21, 2017—4 pages
5. Photo simulation of the proposed tower as it would be viewed, date stamped February 21, 2017—2 pages
6. Photo simulation of the previously denied tower as it would be viewed, date stamped February 21, 2017—2 pages
7. Towers in Lee's Summit Table—3 pages

8. Location Map





**The City of Lee's Summit**  
**Action Letter**  
**Planning Commission**

Tuesday, March 14, 2017

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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CALL TO ORDER

ROLL CALL

**Present:** 6 - Board Member Jason Norbury  
Board Member Colene Roberts  
Board Member Fred DeMoro  
Board Member Donnie Funk  
Board Member Herman Watson  
Board Member Brandon Rader

**Absent:** 3 - Board Member Fred Delibero  
Board Member Don Gustafson  
Board Member J.Beto Lopez

APPROVAL OF AGENDA

**A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that the agenda be approved. The motion carried unanimously.**

APPROVAL OF CONSENT AGENDA

[2017-1050](#) Appl. #PL2016-102 - FINAL PLAT - Raintree Pointe, Lots 1-7 and Tracts A thru D; Landrock Development, LLC, applicant

**A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that the Final Plat be approved. The motion carried unanimously.**

[2017-1041](#) Appl. #PL2017-032 - SIGN APPLICATION - The Summit Church, 3381 NW Chipman Rd; Star Signs, LLC, applicant

**A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that the Sign Application be approved. The motion carried unanimously.**

[2017-1030](#) Approval of the February 28, 2017 Planning Commission minutes

**A motion was made by Board Member DeMoro, seconded by Board Member Roberts,**

that the minutes be approved. The motion carried unanimously.

## PUBLIC HEARINGS

### [2017-1049](#)

PUBLIC HEARING - Appl. #PL2017-017 - VACATION OF RIGHT-OF-WAY - an approximately 600' section of NW Lowenstein Dr located at the northwest corner of NW Chipman Rd and NW Pryor Rd; Christie Development Association, LLC, applicant (continued to a date certain of April 25, 2017, at the applicant's request)

A motion was made by Board Member DeMoro, seconded by Board Member Funk, that this application was continued to the Planning Commission, due back on 4/25/2017 The motion carried unanimously.

### [2017-1045](#)

PUBLIC HEARING - Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

Chairperson Norbury opened the hearing at 5:04 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Curtis Holland, attorney of record representing the applicants, gave his address as 6201 College Boulevard in Overland Park, Kansas. EcoSite would be the facility's owner and operator and T-Mobile would be its tenant and carrier. He introduced Mr. Deserel Hager, a radio frequency engineer with T-Mobile who was attending tonight's hearing. Some of the information in tonight's applications came from T-Mobile, especially pertaining to the technology they wanted to install in order to provide coverage and calling capacity to their network. The subsequent application for a Special Use Permit included even more information. Mr. Hager was familiar with all this material and could answer any questions. Mr. Holland emphasized that this development plan was closely tied to the following SUP application. He observed that this matter had first come to the Commission last year; and both applications had been denied by the City Council. An appeal had previously been filed in the US District Court for the Western District of Missouri; and it was still pending. The City and applicants had nevertheless entered into a settlement agreement that had involved some changes and improvements. Mr. Holland illustrated his presentation with PowerPoint.

The first image showed the property outlined in yellow, with yellow markers for the previous year's and new proposed locations of the facility. The new location was about 25 feet southwest of the original, and further from the residential property adjacent to the northwest corner. The UDO required a setback from residential property at least equal to the tower's height. This tower was now shorter and a different "stealth" style. The aerial view showed properties zoned for office or commercial uses to the west, south, east and at the northeast corner. The Overall Site Plan showed the entrance drive off Executive Way. Mr. Holland explained that outlines of buildings were a concept of the kind of development that could occur, according to the property's zoning. The plan showed that the tower could be installed on the subject property with plenty of room left for office or commercial uses. The site plan showed a two-story office building.

The design and look of the tower itself had been changed. The first had been a 95-foot tower with a standard top platform with attached antennas. The City had wanted a cleaner look, and the new tower would have "stealth" canister antennas that were located inside the pole. One photo simulation showed a distant view of the pole, whose height had been lowered to 75 feet; and another showed the same view of the previously proposed tower. The net effect of all these changes was that the tower was

Planning Commission

Action Letter

March 14, 2017

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less visually noticeable. Mr. Holland stated that he agreed with the recommendations in staff's letter.

Following Mr. Holland's presentation, Chairperson Norbury asked for staff comments.

Mr. McKay entered Exhibit (A), list of exhibits 1-14 into the record. He confirmed that applications for a telecommunications tower at this location had been submitted and denied in July of 2016. The applicants had filed legal action in Federal court challenging the denial. The City and applicants had subsequently negotiated a settlement which changed the conditions in respect to location, height and appearance that Mr. Holland had described.

Mr. McKay then displayed a somewhat larger version of the aerial view showing the tower's proposed old and new locations. The new location would be 120 feet from the north property line and 75 feet from the west and south property lines. The 40- by 50-foot vinyl fence enclosing the tower would be 8 feet high and would have a double staggered row of white pines for landscape screening on both the northeast and south sides. Existing tree lines to the west along O'Brien would provide natural screening on that side.

Staff's recommendation for approval included four Recommendation Items. Approval was for the tower site and its layout only; so a separate preliminary development plan would have to be submitted for any other development (Item 1). Before a building permit could be issued the applicants would have to get an access easement recorded with the Jackson County Recorder's office (Item 2) and approval of the PDP was contingent on approval of the Special Use Permit (Item 3). The development was required to be in accordance with the PDP dated February 21, 2017 (Item 4).

Following Mr. McKay's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then opened the hearing for Commissioners' questions for the applicant or staff. There were none. Chairperson Norbury then closed the public hearing at 5:20 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2017-036, Preliminary Development Plan: telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant; subject to staff's letter of March 10, 2017, specifically Recommendation Items 1 through 4. Mr. Funk seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member DeMoro, seconded by Board Member Rader, that this preliminary development plan was recommended for approval to the City Council - Regular Session, due back on 4/6/2017 The motion carried unanimously.

[2017-1046](#)

PUBLIC HEARING - Appl. #PL2017-037 - SPECIAL USE PERMIT for a telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

Chairperson Norbury opened the hearing at 5:21 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Curtis Holland, attorney of record representing the applicants, gave his address as 6201 College Boulevard in Overland Park, Kansas. He asked that his testimony from the

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previous PDP application be incorporated into his testimony for this application. What was specific and important to the SUP application was the City's ordinances and their impact on the application. Specifically, the UDO required a 1:1 ratio for the tower's height and the distance from the property line. The plan did meet this requirement; however, another part of the ordinance required this kind of facility to be located at a distance of four times its height away from any residential zoned properties. In this case, one adjacent property did have R-1 zoning and a residence. This requirement was quite difficult to meet in Lee's Summit due to the common pattern of narrow commercial corridors close to residential neighborhoods; and this project did not meet it. At the same time, the facility needed to be located where coverage was needed to avoid a gap in the wireless service network, including in an area without large swaths of commercial ground. The shift in the tower's location added to the separation, but not enough to meet the 4:1 requirement; although the distance had been further enhanced by the tower's redesign.

A section in the code did allow the City to waive this requirement if the applicant could show that wireless service would be, in effect, prohibited by not granting the waiver. Consequently, this application included a request for a waiver, included an affidavit prepared by T-Mobile's RF engineers explaining the service gap in this part of Lee's Summit. Mr. Holland displayed an aerial view that was part of the request, with yellow markers representing properties that T-Mobile had considered as possibilities. They had narrowed it down to the only possible property in the search area. Mr. Holland stated that the applicants agreed with staff's three Recommendation Items.

Following Mr. Holland's presentation, Chairperson Norbury asked for staff comments.

Mr. McKay entered Exhibit (A), list of exhibits 1-19 into the record. Chairperson Norbury announced that the testimony for the preliminary development plan Application PL2017-036 was incorporated into this application's record. Mr. McKay clarified that the settlement agreement had included reducing the tower's height to 75 feet and the tower being located further away from the residential property to the north. He again displayed the aerial view showing the new separation distances to the north, south and west. Recommendation Item 1 granted a modification to the 4:1 distance requirement, allowing a 120-foot separation in lieu of the required 300 feet. Staff recommended an additional modification to the requirement to paint the tower so that it could be galvanized (Recommendation Item 2). Recommendation Item 3 specified that approval of the SUP be contingent on the approval of the preliminary development plan. Mr. McKay remarked that staff had been requesting modifications to the paint requirement for some time. Requests that towers be painted were common when towers first went in; but it had turned out that paint would start to peel and become an eyesore. A galvanized tower blended in much more effectively than a painted one.

Following Mr. McKay's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commissioners had questions for the applicant or staff.

Mr. Funk asked if a T-Mobile phone would fail to work at the intersection of O'Brien and Executive Way. He also wanted to know if the tower would serve only T-Mobile.

Mr. Deserel Hager gave his address as 12980 Foster Street in Overland Park, Kansas. He replied that the phone would not stop working; however, but there would be some weakness in the connection, and have issues with uses such as texting or data streaming. It could also cause sound to 'break up' while talking. The increased load would also cause congestion problems with the other two towers nearby that faced north and south, as they would have enough traffic to become congested.

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Mr. Holland stated that T-Mobile would be the primary tenant but the tower would be available for other carriers to use and they were encouraged to do so; although there was no other carrier planned at this point.

Ms. Roberts stated that she was a T-Mobile customer and in fact her house was shown on the location map. Her primary concern last year had been that this was an area the City had specifically targeted for redevelopment and infill development and the tower would further restrict redevelopment on this lot. The previous PDP had shown office development on the lot, which might or might not happen; and she had the same concerns about this application. She added that the redesign of the tower was a major improvement. Mr. Holland assured that the facility would not impact office development on the property, as this kind of development near tower facilities was now common. Ms. Roberts remarked that if an office building was built on this lot, it would have to be a small one, although she did consider tonight's application an improvement.

Chairperson Norbury asked what the expected life span for a tower of this design would be. Mr. Holland replied that he had never been asked this question; however, he believed it could be a matter of decades. Chairperson Norbury then asked what the standard for inspections was, and Mr. Holland answered that technicians, as well as the tower's owner would visit the site several times a year. Chairperson Norbury remarked that the discussion was about allowing construction which State statute dictated that the City had no authority over, regardless of where the service providers wanted to build it. Further, the City was being told to grant a variance to the ordinance intended to keep towers away from residential property and the City presumably did not adopt that ordinance without reason. If the Commission was granting these waivers he wanted to be sure the interests of the residents; and the Commission was charged with protecting residents' interests, not the interests of cell phone providers' deals. He asked if it was correct that the facility would be visited several times a year by professionals who would be able to spot and correct problems; and Mr. Holland answered that it was. It was in their best interest to maintain the structures. Mr. McKay added that the UDO required a structural analysis at least once every three years.

Chairperson Norbury asked what the City's recourse could be in a situation where a structural analysis indicated that the tower was deficient, or if it became technologically obsolete in a decade or so. Mr. McKay stated that in the event of such an analysis, they would send out a request that the structure be either repaired or removed. He did not recall any safety or neglect issues with the towers currently in Lee's Summit.

Chairperson Norbury asked what the legal basis was for T-Mobile's earlier lawsuit. Mr. Holland summarized that it was based on two or three claims related to the setback and to Missouri law, as well as denial of the waiver that T-Mobile had wanted. They had claimed violation of Missouri State law as well as the Telecommunications Act, which had placed imitations on cities in prohibiting wireless service or taking actions that might have that effect.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:45 p.m. and asked for discussion among the Commission members.

Chairperson Norbury first stated that he was, and would continue to be, a vocal critic of Missouri Revised Statute 67.5094, "Prohibited Acts By Authority For Approval Or Disapproval of Cell Phone Towers." He encouraged anyone watching this meeting to call their Representative, specifically Representative Cierpiot, who had sponsored the bill and explain that it might not be appropriate for a city to be forbidden to limit the length of Special Use Permits for cell phone towers. These might have a long term of use, but they were finite; and Lee's Summit had generally done a good job of approving and allowing

cell phone communication facilities; and the State was now assuming that it was onerous to expect the owners of these facilities to inspect and maintain them at least every decade.

This statute was, at best, a giveaway to the cell phone industry and at worst an act of pandering to special interests. As an attorney he knew he was obligated to follow the law. However, he stated for the benefit of future applicants with new or renewal cell phone tower applications that they would need to be better prepared than Mr. Holland had been; specifically concerning public safety and structural integrity. The City had gone to great lengths to work with the applicant and the Commission had approved the earlier application. He intended to vote to approve this one; however, future applicants needed to be well prepared with this information or he would vote to deny on the ground of public safety.

Hearing no further discussion, Chairperson Norbury called for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2017-037, Special Use Permit for a telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant; subject to staff's letter of March 10, 2017, specifically Recommendation Items 1 through 3. Mr. Funk seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member DeMoro, seconded by Board Member Rader, that this special use permit was recommended for approval to the City Council - Regular Session, due back on 4/6/2017 The motion carried unanimously.

## ITEMS FOR DISCUSSION

### [2017-1039](#)

Discussion - Planned Mixed Use (PMIX) Zoning District - Purpose and Intended Use

Mr. McKay remarked that this kind of discussion provided some insight as to what the Commission's concerns were, and gave staff an opportunity to explain their procedures and goals. The subject tonight was why the City used PMIX so often and where it should be used. Historically the Planned Mixed Use district had come about as a result of the initial applications for the New Longview development, a fairly large area with a mixture of housing types. When he had attended the charette, Mr. McKay met a number of people who had dealt with traditional neighborhood development before; and it eventually became a question of what kind of zoning district could be used for the kind of development proposed for Longview. The existing zoning designations did not fit. For example, RP-4 was primarily for multi-family housing; and CP-2 could not be used if residential was mixed in. City staff accordingly went to work on a new zoning district for a mixture of uses.

Approval would be a negotiation with the Commission and the Council about aspects such as setbacks, types of uses, height of buildings. There had been a lot of discussion about 'vertical mixed use', but Lee's Summit had not actually seen much of it, although Downtown did have some residential uses above retail uses on a ground floor. Staff still considered this a relevant feature for Lee's Summit in certain locations, though it was more commonly used in more densely populated area such as in Kansas City. The Pryor Lakes application had been called planned mixed use and it would have both senior living and conventional apartments, a grocery store, two restaurants and an office. The project had met the requirements but not with the urban approach to mixed use the City wanted to see. The PMIX designation allowed for a number of different types of uses to be placed in the same area with the same zoning. It also provided the City with much more control than a planned district would, as the latter had specific standards a project



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had to meet and this made an application difficult to turn down if there were other reasons. A PMIX zoning enabled the City to set the type of uses desired. At present, a new interchange was coming in at US 50 and M-291, and there were uses the City would want there but others it definitely would not want. Some types of uses were prohibited and others allowed accordingly.

Mr. McKay referred the Commissioners to the intent and purpose set out: to “allow greater flexibility in development standards” in order to develop a site in harmony with its unique conditions; to allow a mixture of uses, which would amount to “a more comprehensive response to market demand” and to “obtain greater economic vitality, higher standards of site and building design, a high level of environmental sensitivity and more satisfying living and working environments.” A PMIX zoning fit well for New Longview. It was not considered for a project like Summit Woods, which was in a CP-2 district; but it was used on the nearby Summit Tech Campus as well as multiple uses allowed for Summit Fair, which had developed a very attractive ambiance. The zoning had been used recently with some apartment complexes due to the density issues. This was not a matter of the City wanting PMIX just in order to get more density; it was because in these cases the development could not occur without higher density due to the apartment market.

The M-150 Corridor overlay was also designed with this economic situation in mind. The City tried to get up to 20 units an acre but had to reduce that to about 12, due to neighborhood concerns. It would not be possible to build today's type of apartments with that density. In these cases, a PMIX district would be possible, but the decisions were made by the Planning Commission and the City Council, with the Council having the final say.

Mr. McKay stated that he had not found a disadvantage of the mixed use designation. This was due to the Planning Commission and City Council to turn down what they did not want. What staff did was take the applications as they came in, work with the developer, and provide the best information they could. There were many applications the Commission did not see because their sponsors had been warned by staff that they could not recommend approval; but many were worth bringing forward. He asked to hear from the Commissioners what questions they had about planned mixed use.

Ms. Roberts acknowledged a difference between PMIX zoning and the kind of mixture of uses included in 'vertical' mixed use, in an environment that was compact and walkable. PMIX did not require that but was rather only a zoning classification. She was not sure how to get to actual mixed use other than keep denying various applications that did not include it; and this would not be a constructive approach to take. The City needed to find a way to encourage that type of true mixed use development. One of the objections to Pryor Lakes, for example was that it was not very walkable and all the various uses were separated.

Mr. McKay felt that a great part of that was just being persistent in making it clear that the City wanted to see that kind of plan. It was similar to attracting certain restaurants and stores to Lee's Summit years ago when people had been asking when Lee's Summit would have them. He'd had to approach these businesses several times before they were ready to open stores in town. Similarly, any time someone came in who was considering redevelopment in particular, the subject of vertical mixed use would be brought up by staff. They could not require mixed use from an applicant. However, EnvisionLS required 3- to 5-story buildings in one particular area; and it was clear that the City was looking at vertical mixed use and more than single-story buildings.

Ms. Roberts noted that a property's surroundings could influence whether mixed use was desirable. It would be a very good fit in property near a school, for example. She asked if

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there was a way the City could identify and target properties whose locations made mixed use a good choice. Mr. McKay replied that this approach had actually started with EnvisionLS. With the Pryor Village conceptual plan, the idea was for the City to initiate rezoning and establish PMIX, following that up with design standards. That was the point where the City could make clear what types of businesses it wanted to accept and what the conditions were. Applicants could know from the beginning what the requirements were. They were not able to do that with Pryor Lakes because when the City issued the RFP for the development of the City-owned land at I-470 and Pryor, they had intended to sell and have someone come in to develop; and the first two applications were rejected by the Council, for good reason. The Council had then directed staff to develop a conceptual development plan. Staff had put in what they would like to see in theory, which the Council found too expensive. After that, another party had purchased the ground with another plan and staff had to put all these ideas together. They eventually rezoned just the 39.5 acres on the original site; and staff was then directed to bring back a revised conceptual plan. This plan would have the design standards attached. Again, getting to the kinds of mixed uses they wanted might take time and would definitely take persistence.

Mr. Funk recalled that much of what they had talked about with Pryor Lakes amounted to putting apartments in next to Summit Fair and Summit Woods. Mr. McKay answered that this conceptual plan had not been approved. Only the four properties along Pryor Road had been rezoned; and the City was still working with the developer to bring back something that a consensus would find acceptable.

Ms. Roberts acknowledged that a huge amount of staff time went into projects like EnvisionLS. She asked if this had held staff back. Mr. McKay replied that Lee's Summit had been growing so fast over the past few decades, and the City's reorganization did give a little more time for long-range planning. M-150 was the first project, where lessons were learned; and the City was actually going to remove some properties because the overlay area had been far too large. The idea now was to concentrate on the intersections of major roadways and on the east side of M-291. He hoped that the design standards staff was working on now would be folded back into the M-150 district. All this took time since staff needed to meet with the people in the area, which was also at the Council's specific direction since there had been so much opposition to the senior living apartments among others. Public input was essential and staff valued it, although they did not always like what they heard or tell the public what they would like to hear. It was part of the City's function to listen to citizens and act accordingly. Mr. McKay noted that the US 50 corridor ran through town and would have plenty of redevelopment possibilities; and 900 acres to the east that were annexed in connection with the Blackwell interchange. Over the next few years staff would very likely be making recommendations for more City-initiated rezoning. This was a good route to take, as property owners knew from the start what the goals were and they had some input. An owner wanting to develop would need to submit a preliminary development plan, but the rezoning would already be done by the City.

Mr. DeMoro asked about a situation when someone brought in a PMIX plan and did not know what they were looking for. He had noticed a provision that if development standards were "not specifically proposed by the applicant or specific standards are not established by the Governing Body" the zoning district applicable to the proposed use would apply. Mr. McKay answered that hopefully after going through other applications, a common baseline set of design standards could be developed. Staff wanted to have a kind of template to offer. In the past, they had relied on asking for elevations, materials and other essentials and this information was incorporated into a preliminary development plan. It was a case-by-case basis. Development standards, on the other hand, needed to be more comprehensive.

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Chairperson Norbury noted that some of the concerns the Commission had raised over time was that the larger picture could be obscured by a spotty assortment of developments. That larger picture included ensuring that the development was consistent with the Comprehensive Plan. While higher density for apartments was necessary, for example, the City would need to guard against this kind of housing being overbuilt. He wanted to make it a practice to make it clear how a specific PMIX related to the Comprehensive Plan, as well as long-range trends and shifts in demand.

Regarding housing, Mr. McKay related that staff had an RP out for housing assessment, in order to get a clear picture of what Lee's Summit already had, what it needed and what might have a surplus in terms of various housing types. They had asked for a quick turnaround. He added that Mr. Heiping Zhan had a 'special development district' classification in the Comprehensive Plan. It might be a good idea to convert some of this classification to PMIX overall. It would be easier to get design standards that the City wanted when it was presented up front in the Comprehensive Plan. There was also the phenomenon of the "Yes In My Back Yard" movement, where people organized against limitations on aspects like density and did not like communities to essentially send out messages that the only residents they wanted were in single-family homes and neighborhoods.

Concerning the housing assessment, Ms. Roberts noted that many studies like this were printed out and put into binders and that was as far as they got. She wanted to know what was planned to actually do with this information when it came back. Mr. McKay answered that staff would work out the direction with the City Council. The idea was to get a view of where the City currently was with housing.

Chairperson Norbury thanked Mr. McKay for the discussion.

PUBLIC COMMENTS

ROUNDTABLE

ADJOURNMENT

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Internet site at "[www.cityofls.net](http://www.cityofls.net)".



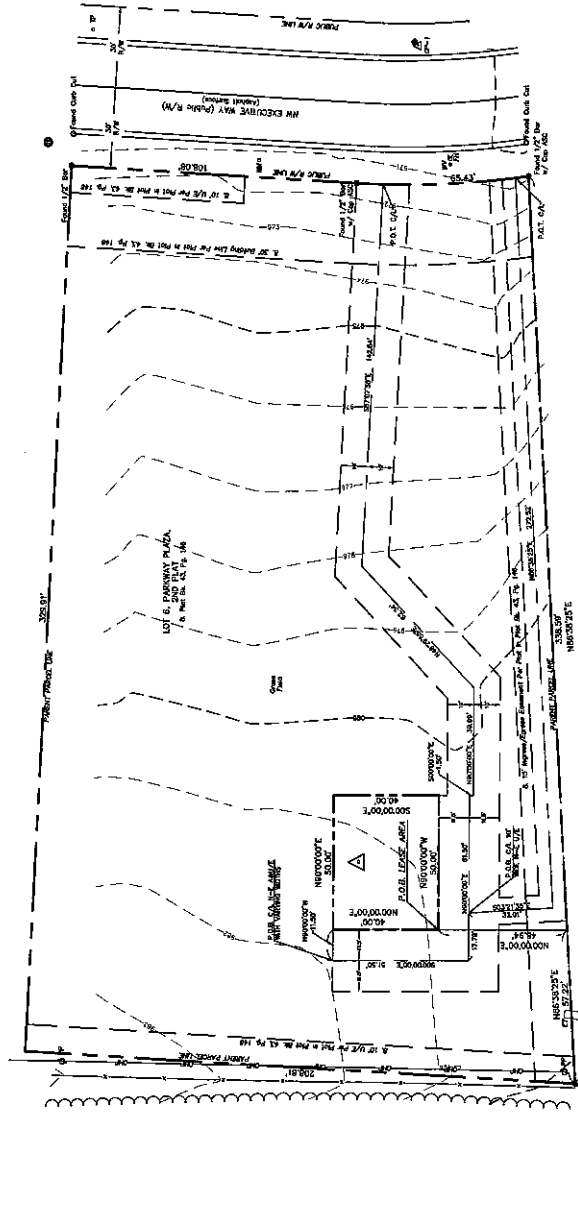
MO-0007 O'BRIEN ROAD  
PART OF THE SE 1/4, SECTION 1, T47N, R32W,  
IN JACKSON COUNTY, MISSOURI

PROPOSED CELL TOWER DATA  
Top of 12' Ant. Rise W/  
Cell 8452326.79' North  
Cell 8452326.79' West  
Ground Elevation = 891.6'

SEARCH MARK  
Top of 12' Ant. Rise W/  
Cell 8452326.79' North  
Cell 8452326.79' West  
Elevation = 874.53'

LEGEND

PROPERTY LINE	---
TELEPHONE FACILITY	---○---
ELECTRIC TRANSMISSION	---□---
WATER MAIN	---◇---
SEWER MAIN	---◇---
RAILROAD	---+---
ROAD	---+---
GENERAL POWER LINE	---○---
BOUNDARY POINT	○
CONCRETE POINT	△



**PROPERTY DESCRIPTION:** LEASE AREA (AS SHOWN)

A 40 foot by 20 foot lease area, shown in Lot 6, Parkway Plaza, 2ND PLAT, part of Section 1, Township 47 North, Range 32 West, in Jackson County, Missouri, is hereby leased to the undersigned for the term of 10 years, commencing on the 1st day of January, 2017, and terminating on the 31st day of December, 2026. The leased area is shown in red on the attached plat. The leased area is bounded by the following bearings and distances: North 89°30'00" East, a distance of 40.00 feet; North 0°00'00" East, a distance of 20.00 feet; South 89°30'00" East, a distance of 40.00 feet; and South 0°00'00" East, a distance of 20.00 feet. The leased area is shown in red on the attached plat.

**PROPERTY DESCRIPTION: NON-EXCLUSIVE ACCESS/EASEMENT (AS SHOWN)**

A Non-Exclusive Access/Easement, shown in Lot 6, Parkway Plaza, 2ND PLAT, part of Section 1, Township 47 North, Range 32 West, in Jackson County, Missouri, is hereby granted to the undersigned for the term of 10 years, commencing on the 1st day of January, 2017, and terminating on the 31st day of December, 2026. The easement is shown in red on the attached plat. The easement is bounded by the following bearings and distances: North 89°30'00" East, a distance of 40.00 feet; North 0°00'00" East, a distance of 20.00 feet; South 89°30'00" East, a distance of 40.00 feet; and South 0°00'00" East, a distance of 20.00 feet. The easement is shown in red on the attached plat.

**PROPERTY DESCRIPTION: NON-EXCLUSIVE UTILITY EASEMENT (AS SHOWN)**

A Non-Exclusive Utility Easement, shown in Lot 6, Parkway Plaza, 2ND PLAT, part of Section 1, Township 47 North, Range 32 West, in Jackson County, Missouri, is hereby granted to the undersigned for the term of 10 years, commencing on the 1st day of January, 2017, and terminating on the 31st day of December, 2026. The easement is shown in red on the attached plat. The easement is bounded by the following bearings and distances: North 89°30'00" East, a distance of 40.00 feet; North 0°00'00" East, a distance of 20.00 feet; South 89°30'00" East, a distance of 40.00 feet; and South 0°00'00" East, a distance of 20.00 feet. The easement is shown in red on the attached plat.

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Development Services

PROPERTY DESCRIPTION: Easement as provided  
Lot 6, Parkway Plaza, 2ND PLAT, a subdivision in Jackson County, Missouri, is hereby leased to the undersigned for the term of 10 years, commencing on the 1st day of January, 2017, and terminating on the 31st day of December, 2026. The leased area is shown in red on the attached plat. The leased area is bounded by the following bearings and distances: North 89°30'00" East, a distance of 40.00 feet; North 0°00'00" East, a distance of 20.00 feet; South 89°30'00" East, a distance of 40.00 feet; and South 0°00'00" East, a distance of 20.00 feet. The leased area is shown in red on the attached plat.

NOTE: The present parcel graphically shown herein, in full or in part, is the same as that shown on the plat of the same parcel, as recorded in the Public Records of Jackson County, Missouri, Book 21, Page 2025, effective December 4, 2012 at 8:00 a.m.

Standard B Information:  
a. Plat in Plat Book 43, Page 148, (Shown herein)  
b. Plat in Plat Book 1700, Page 2025. (Not the plat to be depicted herein)

Notes:  
Easement shown herein are intended to hold terms of the Missouri State Plans Coordinate System. This is not a boundary survey of the Parcel. Obtained by aerial GIS observations and laser measurements for Auto-CAD software.  
Vertical Datum = NAVD83 only (GDN2011)

The purpose of this survey is to establish and describe a Lease Area and associated right of way. This is not a boundary survey of the Parcel.

The utilities shown on this drawing were developed from the information provided by the utility company or a representative thereof. This company has made no attempt to locate or verify the location or depth of any utility lines shown on this drawing. It is the responsibility of the owner or contractor to verify the location and depth of all utilities (whether shown or not) prior to construction of any structure and to protect and maintain same.

JEFFREY A. LOVELACE 804-125290  
DATE: 02-14-16

02-03-17: ADD DESCRIPTIONS  
04-14-16: ADD DESCRIPTIONS

**SSC**  
LOVELACE & ASSOCIATES  
Professional Surveyors  
1201 S. 10th Street, Suite 200  
Olathe, MO 64040  
Phone: 816-251-9999 Fax: 816-251-9997

**LA**  
LOVELACE AND ASSOCIATES, LLC  
Professional Land Surveyors  
1201 S. 10th Street, Suite 200  
Olathe, MO 64040  
Phone: 816-251-9999 Fax: 816-251-9997

**TR Mobile**

**SSC**

**LA**

**SSC**

**PROPERTY COORDINATED BY:**  
LOVELACE AND ASSOCIATES, LLC  
JEFFREY A. LOVELACE, PLS  
1201 S. 10th Street, Suite 200  
Olathe, MO 64040  
Phone: 816-251-9999 Fax: 816-251-9997

**PROPERTY PROVIDED BY:**  
LOVELACE AND ASSOCIATES, LLC  
JEFFREY A. LOVELACE, PLS  
1201 S. 10th Street, Suite 200  
Olathe, MO 64040  
Phone: 816-251-9999 Fax: 816-251-9997

**PROPERTY PROVIDED FOR:**  
SSC  
1201 S. 10th Street, Suite 200  
Olathe, MO 64040  
Phone: 816-251-9999 Fax: 816-251-9997

**DATE:** 02-14-16

**PROJECT NAME:** O'BRIEN ROAD

**CHECKED BY:** JAL

**DATE:** 02-17-16

**PROJECT NO.:** 160035

**DATE:** 02-17-16

**DATE:** 02-17-16

**DATE:** 02-17-16

**DATE:** 02-17-16

**DATE:** 02-17-16

**DATE:** 02-17-16

**DATE:** 02-17-16

**DATE:** 02-17-16

- 2017 - 036

APPLICANT:

T-Mobile

PLANS PREPARED BY:  
Eco-Site

PLANS PREPARED BY:  
SSC  
9800 West 109th Street, Suite 300  
Overland Park, Kansas 66204  
Phone: 913-438-7700  
Fax: 913-438-1777

ENGINEERING LICENSE:  
STATE CERTIFICATE OF AUTHORIZATION # 185  
PROFESSIONAL SEAL  
PROFESSIONAL ENGINEER  
STATE OF MISSOURI  
CIVIL ENGINEERING  
EXPIRES 12/31/2017

THE DRAWING NOT BEING A REVISION AND IS THE ORIGINAL AS SUBMITTED TO THE CITY AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. ANY REVISIONS TO THIS DRAWING SHALL BE MADE BY A SEPARATE SHEET AND SHALL BE REFERENCED TO THIS SHEET. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHER THAN THE ENGINEER.

SUBMITTALS	DESCRIPTION	DATE	BY	REV
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	A
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	B
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	C
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	D
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	E

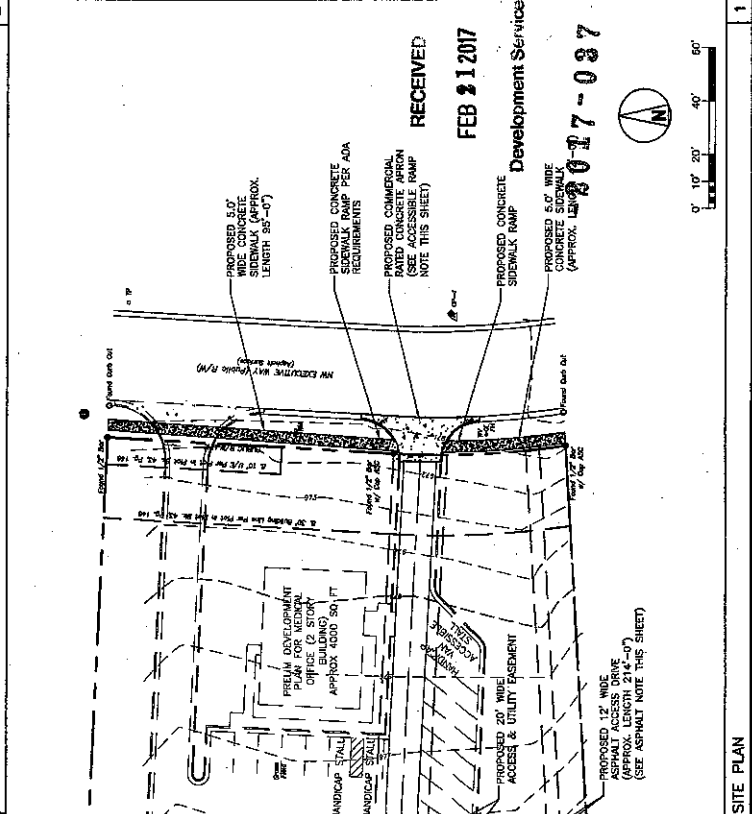
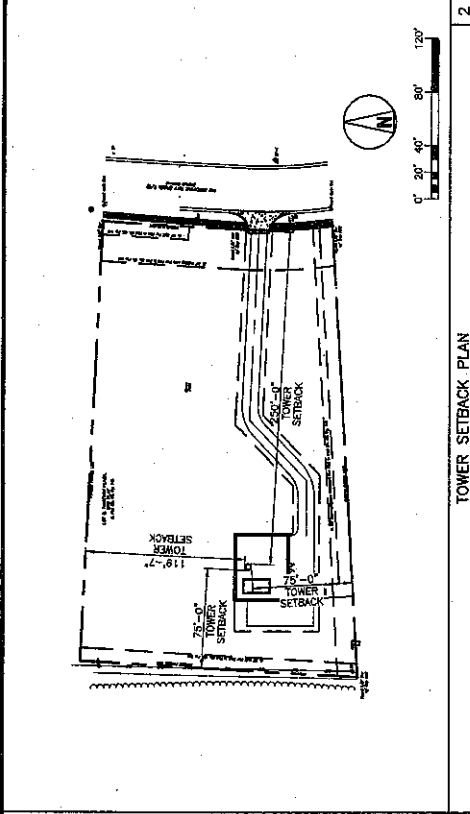
M.A. NUMBER & SITE NUMBER:  
O'BRIEN ROAD  
MO-0007

APPLICANT NAME & SITE NUMBER:  
O'BRIEN ROAD  
A5C0465A

SITE ADDRESS:  
TBD NW EXECUTIVE WAY  
LEES SUMMIT, MISSOURI  
64063

SHEET DESCRIPTION:  
OVERCALL  
SITE PLAN

SHEET NUMBER:  
A-1.0



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FEB 21 2017  
Development Services

2017-037

**ASPHALT PAVING REQUIREMENTS**  
PAVEMENT FOR PARKING AREAS & DRIVEWAY SHALL COMPLY WITH THE UNIFIED DEVELOPMENT ORDINANCE (UDO) ARTICLE 12 "PARKING" IN TERMS OF PAVEMENT THICKNESS, BASE & SUBGRADE STABILIZATION OR GEOTEXTILE.

**LEASE AREA & EASEMENT NOTES:**  
PROPOSED CLEAR & GRUB REMOVAL LIMITS:  
40'-0" x 50'-0" LEASE BOUNDARY  
25' WIDE FOR ACCESS DRIVE &  
10' WIDE FOR UTILITY EASEMENT

**ACCESSIBLE RAMP NOTE:**  
CONTINUATION OF  
CROSSWALK MUST PROVIDE FOR  
ACCESSIBLE RAMP TO THE  
BUILDING ENTRANCE IN  
ACCORDANCE WITH THE  
AMERICANS WITH DISABILITIES ACT  
ACCESSIBILITY GUIDELINES AND MISSOURI ACCESSIBILITY  
STANDARDS. SIDEWALK REQUIREMENTS INCLUDE BUT  
ARE NOT LIMITED TO 2% MAXIMUM CROSS SLOPE.

**LANDSCAPING LEGEND**  
PROPOSED 8' TALL WHITE PINE TREES  
9'-0" O.C. (TYP) (TOTAL OF 33)

**STORMWATER DETENTION  
SYSTEM & QUALITY  
ELEMENT NOTE**  
A FUTURE STORMWATER DETENTION  
SYSTEM & STORMWATER QUALITY  
ELEMENT SHALL BE PROVIDED IN A  
FUTURE PHASE OF WORK ON THIS  
PROPERTY NOT INCLUDING PROPOSED  
TELECOMMUNICATIONS FACILITY

PROPOSED 75'-0"  
LEASABLE AREA  
LAT: 38° 57' 04.24" N (RAD 43)  
LONG: 94° 23' 56.75" W (RAD 65)

PROPOSED 40'-0"  
ECONOMY  
LEASE AREA  
LAT: 38° 57' 04.24" N (RAD 43)  
LONG: 94° 23' 56.75" W (RAD 65)

PROPOSED 20' WIDE  
ACCESS & UTILITY EASEMENT

PROPOSED 12' WIDE  
ASPHALT ACCESS DRIVE  
(APPROX. LENGTH 214'-0")  
(SEE ASPHALT NOTE THIS SHEET)

PROPOSED 5.0' WIDE  
SIDEWALK RAMP  
(APPROX. LENGTH 80'-0")

PROPOSED 5.0' WIDE  
SIDEWALK RAMP  
(NOTE THIS SHEET)

PROPOSED 5.0' WIDE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS  
LENGTH: 80'-0"

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
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REQUIREMENTS

PROPOSED 5.0' WIDE  
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REQUIREMENTS

PROPOSED 5.0' WIDE  
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REQUIREMENTS

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS

PROPOSED 5.0' WIDE  
CONCRETE  
SIDEWALK RAMP PER ADA  
REQUIREMENTS









February 21, 2017

**VIA HAND DELIVERY**

City of Lee's Summit  
220 SE Green Street  
Lee's Summit, MO 64063  
Attn: Planning Staff

2017-087

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Development Services

RE: Eco-Site & T-Mobile application for approval of a Special Use Permit for construction of a wireless communications facility to be located on property at 244 NW Executive Way (actual site address TBD) owned by Forty Highway Properties LLC.

Dear City Staff:

As agent for Eco-Site, Inc., ("Eco-Site") and T-Mobile Central, LLC, ("T-Mobile"), (collectively, "Applicant") SSC is applying for a Special Use Permit for the installation of a 75' stealth monopole wireless communications facility located on property at 244 NW Executive Way (actual site address TBD) owned by Forty Highway Properties LLC ("Application").

**SITE DESIGN**

Overall Site Description

The proposed 75' stealth monopole tower and related wireless facilities will be contained within a 50' x 50' lease area (compound) surrounded by brown, vinyl, screening fence, and landscaping on the north, west and east sides of the compound, as well as along the south side of the access drive. The site design plans submitted with this Application further detail the tower and the ground equipment that will be contained within the fenced area. Eco-Site is constructing this facility for initial use by T-Mobile which will be the primary tenant and will collocate its antennas concealed within canisters at the top of the monopole tower and provide for an 8' x 8' ground platform for T-Mobile's outdoor radio equipment. The proposed compound will also provide space for future wireless carriers for collocation (designed for no less than 2 additional collocations). The Applicant will work with the City to provide specific species of trees/shrubs to provide landscape screening for the compound.

Lighting

There will be no lighting on this monopole tower unless required by the Federal Aviation Administration (not expected in this case due to the low height of the structure). There will be no signs at this site except for safety and identification as required by the Federal Communications Commission. These are not lighted and are affixed to the front / gate area of the site.

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Access and Parking

Parking will be provided within the access easement set forth in the lease agreement with the landowner and will be paved, as required by City Code.

Access to the site will be provided via a 12' wide access drive located on NW Executive Way. Underground utilities will be provided along a proposed utility easement extending to the site from NW Executive Way in a designated 20' wide access/utility easement. The proposed easements are non-exclusive and are designed to become part of a future development of the parent property.

Setbacks/Waiver Request

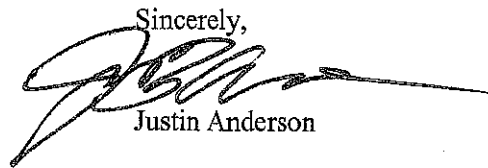
The proposed site meets or exceeds the Lee's Summit Code standard of a 1:1 height of tower setback from all property lines. However, as detailed further in the attached waiver request, there are no alternative land sites in the targeted site search area, including the subject site, that are capable of meeting the 4:1, height of tower, separation distance to single-family and two-family residential properties.

**PRELIMINARY DEVELOPMENT PLAN**

In connection with this Application, City staff requested a Preliminary Development Plan (PDP) to show future development of a building on the property even though the land owner has no current plans for development of the property. Given the commercial and office zoning for the property and surrounding areas, the PDP shows a 2-story medical office building, with the necessary parking matrix. The design is modeled after the office development at the southeast corner of NW O'Brien Road and NW Executive Way. The PDP also includes a 5' sidewalk along the eastern edge of the property as well as an access drive for the building which will have a commercial rated apron and sidewalk ramps. The PDP clearly shows that the proposed monopole tower facility will integrate very well with a future building on the property.

Please direct any further questions or requirements to Justin Anderson.

Sincerely,



Justin Anderson

Attachments

**ECO-SITE/T-MOBILE APPLICATION**  
**4:1 SEPARATION REQUIREMENT WAIVER REQUEST**

This information is submitted in support of the Applicants' request for a waiver authorized under Section 10.600.F.3.c.(3) of the City's Unified Development Ordinance ("UDO").

The City of Lee's Summit ("City") has adopted setback and separation distance requirements for telecommunication towers/antennas as follows:

Section 10.600. Telecommunication towers/antennas

F. General requirements:

3. Special use permit. A telecommunications tower shall be subject to a special use permit, in accordance with the following considerations:

a. Setbacks. No new tower shall be constructed without setbacks from all property lines a distance equal to the height of the tower as measured from the base of the structure to its highest point (**1:1 setback**) or as otherwise authorized by the Governing Body in approval of the special use permit. Accessory structures shall be governed by the setbacks for that particular zoning district. **(Emphasis added)**.

c. Separation Distances. The following are the required separation distances from other towers and residential:

(2) A telecommunications tower shall be located a distance of four (4) times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use indicated by the Comprehensive Plan is low density residential use (**4:1 separation requirement**). **(Emphasis added)**.

(3) **This requirement may be waived if it is found to effectively prevent the provision of wireless telecommunications services within the City. (Emphasis added)**.

As detailed below, Applicant has determined that T-Mobile has a significant gap in its network wireless coverage and network capacity in this area of Lee's Summit and that the Proposed Site (defined below) is the only available site to resolve these network deficiency issues. No other alternative sites are available to remedy these issues. There are no existing support structures of any kind in the Search Area (defined below) and therefore no collocation opportunities available to remedy the network deficiencies.

There are no properties in the Search Area that are "available" (defined below). The Proposed Site meets the UDO 1:1 setback requirement but does not meet the 4:1 separation requirement in

relation to residential property located north of the Proposed Site. The 4:1 separation requirement needed for the Proposed Site is 330' (75' tall tower x 4). The actual separation distance in this case is 134'. The Applicants respectfully request the City grant a waiver of 166' from the 4:1 separation requirement.

Wireless communications systems rely on an overlapping and interconnected network of wireless facilities, or WCF's. WCFs are comprised of radio antennas together with other necessary electronic equipment that receive and transmit low-power radio signals to and from mobile wireless devices, thereby facilitating wireless communications. For the system to function without "gaps" in radio signal coverage and network capacity, the WCF's must be properly located, installed and functioning. If there is no properly functioning WCF within a given area, wireless service will be significantly impaired for customers within such areas. These wireless customers will experience unacceptable levels of wireless service, including failed attempts, busy signals, dropped calls and lack of data transmission.

A WCF must be located on a support structure that is of sufficient height to transmit and receive radio signals and located within a specific geographical area to provide line-of-sight communications with wireless devices. Each WCF has a limited maximum coverage area and limited maximum capacity, the extent of which varies depending upon several factors, including the antenna height, local topography, configuration of various existing structures and population densities.

T-Mobile's radio frequency ("RF") engineers determined that a significant gap in its network wireless coverage and network capacity exists in and around this area of Lee's Summit. See T-Mobile RF Report attached as Addendum 1. To remediate these network deficiencies, T-Mobile engaged Eco-Site to construct a WCF facility in this area of Lee's Summit. The T-Mobile RF engineers defined a geographic area called a "Search Area" near which the new WCF should be located.

Eco-Site engaged the services of SSC to canvass the Search Area to determine if there were any existing support structures upon which the T-Mobile WCF could be collocated. SSC determined that there were no existing support structures of any kind in the Search Area and then canvassed the various tracts of land in the Search Area to investigate whether any of those tracts were "available" to build a new support structure to accommodate T-Mobile's WCF. To be "available" means the land tract (1) is located in the Search Area; (2) meets the requirements of the City's zoning regulations for a WCF; (3) contains sufficient land area to construct a WCF; and (4) the landowner is willing to lease the land under mutually agreeable terms. If the land tract cannot meet all 4 requirements, then it is NOT available for development of a WCF.

After a thorough investigation and serious consideration of all feasible alternative sites, T-Mobile and Eco-Site determined that the Proposed Site is the only site in the Search Area that is "available" for development of a new WCF.

The proposed location of the WCF is legally described is located at 244 NW Executive Way, Lee's Summit and is legally described as follows:



Lot 6, Parkway Plaza, 2<sup>nd</sup> Plat, Jackson County, Missouri (the “Proposed Site”).

The other alternative locations in the Search Area and the reasons they were not available are described below. An aerial map showing the Search Area, the Proposed Site, and the alternative locations is attached as Addendum 2.

1. **Hearth & Home:** There are no undeveloped areas that are practically capable of supporting a new WCF on this property. The property owner refused to allow a new WCF on the undeveloped northern portion of the property. The only other possible location would be along the east side of the property, which does not meet the UDO 1:1 setback requirement. Additionally, there is a significant drainage “ditch” in this area and insufficient ground space available to construct a WCF on this side of the property.
2. **Park Lane West Condominiums:** There are no undeveloped areas that are practically capable of supporting a new WCF on this property. The only undeveloped space is a small green space in the pool/courtyard area that serves as an amenity for the residents. The owner would not approve a new WCF to be constructed in this area. Additionally, this area would not meet either the UDO 1:1 setback or 4:1 separation requirement. Finally, placing a WCF on residential property is not preferred, according to the UDO, due to perceived visual impacts.
3. **Don Kahan Motors:** Multiple attempts were made to contact the owner but the owner was non-responsive.
4. **Summit Park:** There are no undeveloped areas that are practically capable of supporting a new WCF on this property. The west side of the park is developed with a parking lot and active uses (tennis court, ball field, etc.). The only potential option would be to place the WCF in the eastern portion of the property which would be much closer to and in very plain site of multiple single-family houses adjacent to the east side of the park. Additionally, this area of the property would not meet either the UDO 1:1 setback or 4:1 separation requirement.
5. **Summit Shopping Center:** Multiple attempts were made to contact the owner but the owner was non-responsive.
6. **John Knox Village:** There are no undeveloped areas that are practically capable of supporting a new WCF on this property. Also, placing a WCF on residential property is not preferred, according to the UDO, due to perceived visual impacts. Additionally, most areas on the property would not meet both the UDO 1:1 setback and the 4:1 separation requirement.
7. **First Presbyterian Church:** The owner refused to allow a WCF on the only undeveloped portion of the property, which is on the north side. This area is close to and in very plain site of multiple single-family houses adjacent to the west side of the property. Additionally, this area would not meet either the UDO 1:1 setback or 4:1 separation requirement.

- 8. Our Lady of the Presentation Catholic Church:** The owner refused to allow a WCF on the only undeveloped portion of the property, which is on the west side. This area is close to and in very plain site of multiple single-family houses adjacent to the west side of the property. Additionally, this area of the property would not meet either the UDO 1:1 setback or 4:1 separation requirement.

For the reasons stated above, these alternative sites were not “available” according to the 4 criteria above. The Proposed Site is the only site meeting all 4 criteria. Denial of the waiver would effectively prevent the provision of wireless telecommunications services within the City.

**ADDENDUM 1**

**AFFIDAVIT**

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF JOHNSON        )

I, Russell Pope, being of lawful age and duly sworn upon oath, depose and state as follows:

1. I am the RF Manager for T-Mobile Central LLC d/b/a T-Mobile (hereinafter "T-Mobile") in the Kansas and Missouri markets. I have a Bachelor of Science in Electrical Engineering from the University of Kansas, and have been working in the telecommunications industry for over 22 years, with over 20 years in RF engineering at T-Mobile.
2. This Affidavit is intended to support and will accompany an Application for a Special Use Permit to be filed with the Planning and Development Department of the City of Lee's Summit, Missouri (hereinafter "City") to construct, operate, and maintain a wireless telecommunications facility consisting of antennas on a proposed seventy-five (75) feet monopole tower and ground equipment contained within the proposed compound. T-Mobile will install antennas at a seventy (70) feet centerline on said tower and the site will be located within the leased area of the proposed special use permit on property situated at 244 NW Executive Way, Lee's Summit, Missouri 64063 ("Site" or "Facility").
3. This Affidavit is submitted for the purpose of complying with the City of Lee's Summit, Missouri Zoning Ordinance, which governs the procedure and requirements for authorizing Special Uses which authorizes Wireless Communication Towers and Antennae.
4. The purpose of this Affidavit is to explain and demonstrate T-Mobile's significant gap in service and the need for the Site to provide in-vehicle and in-building residential/commercial coverage and capacity necessary to support reliable voice and data services in the area surrounding the Site. In this report, I use key system performance indicator data and capacity charts to scientifically and reliably demonstrate T-Mobile's significant gap in reliable service in accordance with accepted methodology and standards.
5. T-Mobile is licensed by the Federal Communications Commission ("FCC") to operate its network in the 1900 MHz frequency band, 2100 MHz frequency band and the 700 MHz frequency band. T-Mobile currently operates "second generation," so-called 2G (GSM), 3G (UMTS) and 4G (LTE) technologies on these frequency bands. While all technology will eventually migrate to the LTE standard, T-Mobile must support its legacy network technology to allow users' wireless phones and devices to continue to operate as technology advances. Therefore, to implement new technologies, such as LTE, requires T-Mobile (and other wireless service providers) to re-allocate parts of their licensed spectrum for the new technology (4G) that is being shared by the older 2G and 3G networks. T-Mobile's spectrum holdings at 2100 MHz are best suited for deployment of

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high speed LTE technology due to the 15 MHz channel bandwidth available. The significant gap in service, described further herein, is based upon a lack of system capacity in the 2100 MHz frequency band and LTE technology. As set forth below, my analysis demonstrates that the existing data usage in the commercial/residential areas near the proposed Facility is excessively high for T-Mobile's personal wireless facilities at surrounding sites to adequately accommodate, leading to a significant gap due to insufficient capacity to service T-Mobile's customers.

6. T-Mobile has a significant gap in reliable wireless service in the area of the Site. The gap in reliable in-vehicle and in-building service currently exists in the vicinity of the Site and is south of I-470 east from Pryor and west of Donovan Road along Highway 50 down to just north of 3<sup>rd</sup> Street.

7. A gap in reliable wireless service, which includes voice and/or data, can occur if there is: (i) a lack of reliable signal, including poor signal quality; and/or (ii) a lack of system capacity. Since T-Mobile operates on a limited number of radio frequencies licensed by the FCC, each wireless facility is capable of handling only a limited number of wireless users at any given time. T-Mobile's significant gap in this matter is due to a lack of system capacity. Providing quality in-vehicle and in-building voice and data services, with sufficient system capacity and high-speed data rates, is critical to T-Mobile's customers and is essential to T-Mobile's ability to compete effectively with its functionally equivalent competitors.

8. T-Mobile strives to provide all customers with a positive wireless voice and data experience. Simply put, a positive wireless experience includes the customer connecting to the network on their first try, staying connected throughout the call or data transmission, and the customer ending the call or data session when they are ready. For data connections, the speed is as fast as the technology allows. For LTE technology, all services (including voice) are performed as data communications. A gap in reliable service causes a negative experience: customers cannot place calls when they want to; and even when calls are connected, voice call quality does not meet customer expectations or they do not choose when to end the call; or, the call simply drops off (disconnects) without notice. The data experience is not instantaneous or is much slower than the customer requires. This overall customer experience is negative and it is inconsistent with the level of service T-Mobile strives to achieve. Gaps in service such as those present in this area of Lee's Summit are associated with poor or unreliable service due to capacity constraints on the surrounding sites, and thus result in a negative customer experience.

9. T-Mobile has a significant gap in service in the vicinity of the Site caused by a lack of capacity affecting both in-vehicle and in-building services. T-Mobile's significant gap in reliable wireless service is confirmed by reviewing existing site locations and key performance indicator data.

10. Signal strength is not the single most important objective when designing and operating 4G LTE networks; signal quality is of greater importance because the same frequencies are used at each adjoining site. Operating efficient LTE networks requires that signal interference among adjoining sites be strictly controlled. This is accomplished through proper site selection (location) and design (height). When users access the LTE network they are assigned finite LTE resources to perform various applications over the data channel. These applications consist of

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voice, known as voice over LTE or (“VoLTE”), and broadband internet access services, such as streaming video, internet browsing, email, text messages, 911 calls and a host of future applications. The effect of an over-utilized LTE sector causes poor signal quality, resulting in significantly reduced throughput and the inability for users to access the LTE network (high access failure rate) all of which contribute to a significant gap in service.

11. To confirm T-Mobile’s significant gap in service, I have evaluated Key System Performance Indicator Data (“KPI Data”). The KPI Data relied upon consists of downlink utilization. Downlink utilization is a measure of the percentage of physical resource blocks being assigned to users within the coverage area of each sector surrounding the Site. Sound RF engineering practices and standard industry practice dictate that capacity relief for a sector should be investigated when the utilization reaches 65%. Capacity relief is obtained through “cell splitting” which is the installation of another site and/or sectors of coverage to off-load the over-utilized surrounding sites. Such is the purpose and objective of the proposed Facility in this matter.

12. Attached hereto as Exhibit A is a chart that shows the trend of LTE 2100 downlink utilization for the T-Mobile facility near the Site. The chart demonstrates that the neighboring site, A5C0133A21, is experiencing over 65% utilization. Indeed, the chart shows that from May 2016 until approximately October 2016, utilization was at or above 80%. T-Mobile was able to temporarily achieve some improvement through adjustments to neighboring sites, but the chart clearly demonstrates that the trend is going back up and is now averaging above 65% utilization already. Those downlink utilization percentages thus demonstrate that T-Mobile has a significant gap in reliable wireless service in the area surrounding the Site due to insufficient system capacity that is recognizable now and will continue to worsen absent the proposed Facility.

13. The proposed height of the T-Mobile Facility is the minimum necessary to remedy T-Mobile’s significant gap in service. The primary factor in determining an appropriate antenna height is the gap in reliable service that the proposed Facility is intended to resolve. Antenna heights that are too low cause a loss in coverage which typically results in poor quality and loss of service. The correct antenna height in the correct location in relation to existing surrounding on-air sites is essential to delivering a reliable wireless network. The location of the proposed Facility and the 70’ antenna centerline are the lowest appropriate to relieve the significant gap in T-Mobile’s service.

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14. The above and foregoing statements are based on my personal knowledge and belief and I reasonably believe said statements to be accurate and true.

FURTHER AFFIANT SAITH NOT.

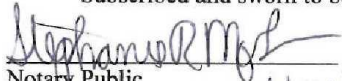
DATED this 21<sup>st</sup> day of February, 2017.



Russell Pope  
T-Mobile Central LLC d/b/a T-Mobile  
12980 Foster, Suite 200  
Overland Park, Kansas 66213

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF JOHNSON    )

Subscribed and sworn to before me on this 21<sup>st</sup> day of February, 2017, by Russell Pope.



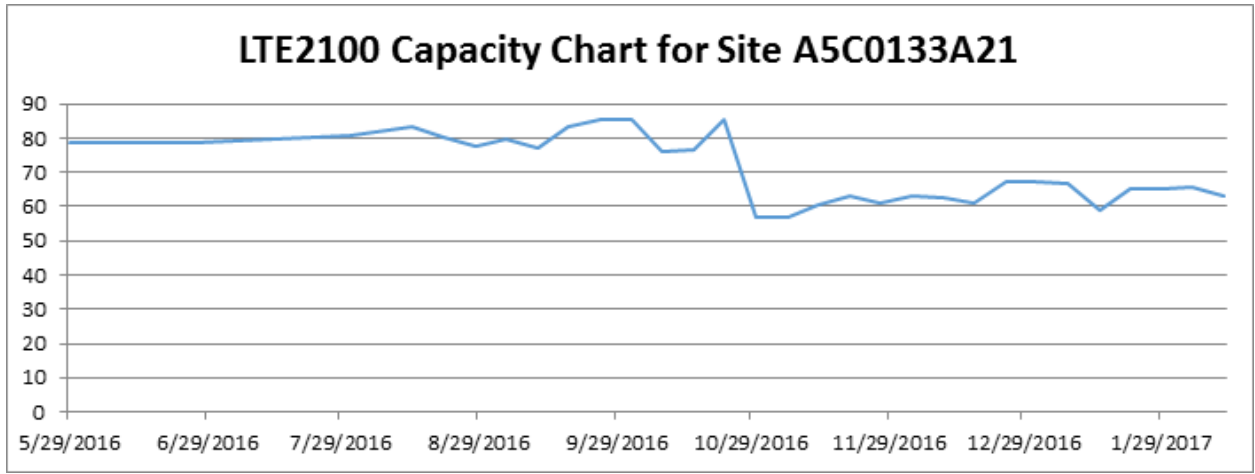
Notary Public  
My commission expires 1/24/21

(SEAL)

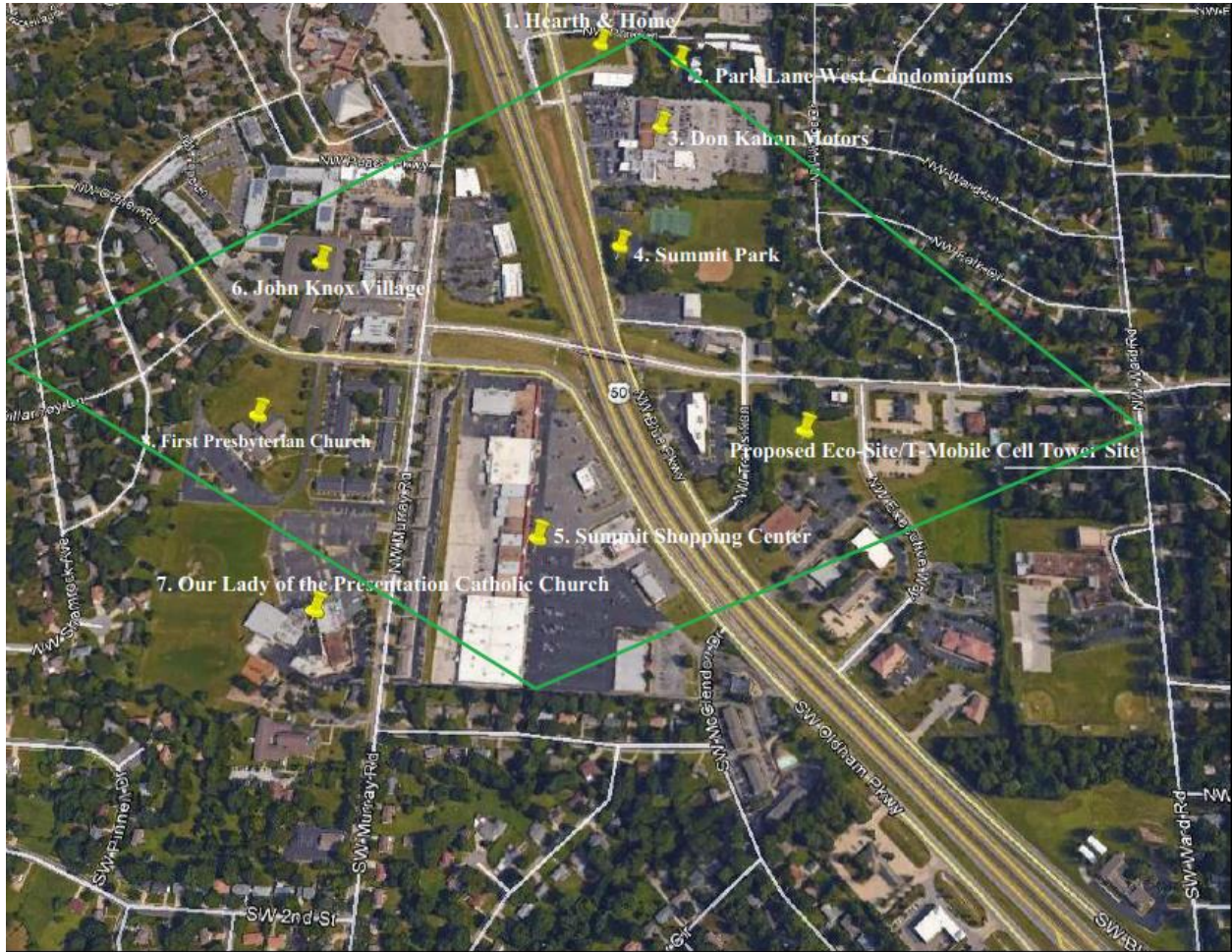




**EXHIBIT A  
TO ADDENDUM 1**



**ADDENDUM 2**





Site Name: A5C0465

### Candidate Photographs



Site facing North



Site facing South

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Planning & Codes Admin

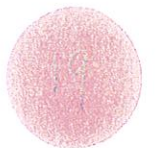
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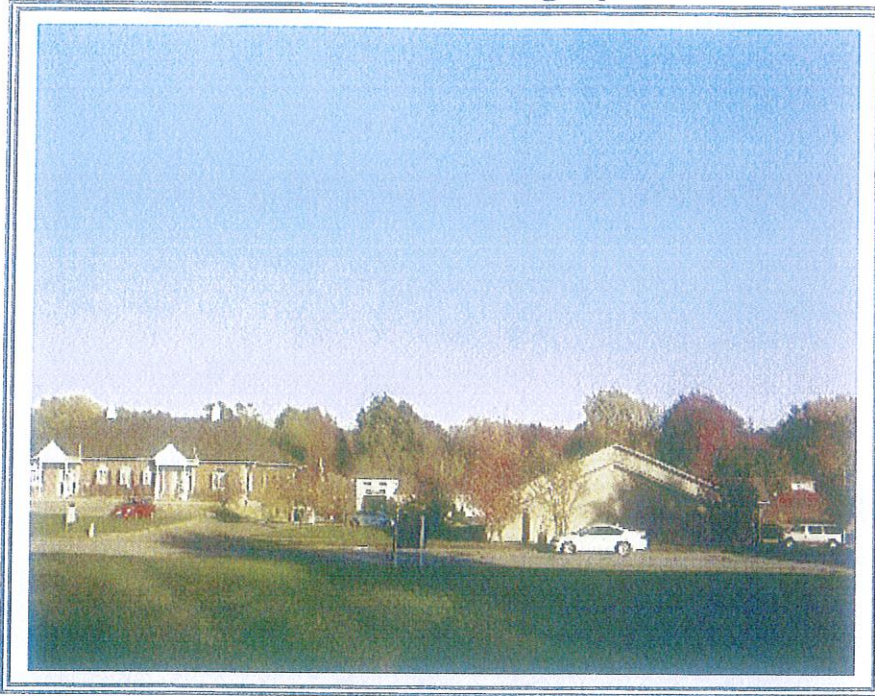
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Site Name: A5C0465

### Candidate Photographs



Site Facing East



Site Facing West

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- 2017-037

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Site Name: A5C0465

### Candidate Photographs



Looking West and North at proposed lease area location and residential structure



Looking East and South at proposed lease area location

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- 2017 - 037 -

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Site Name: A5C0465

### Candidate Photographs



Ingress / Egress off of NW Executive Pkwy South side of parcel



Utilities transformer and overhead power – fiber located western edge of parcel

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Planning & Codes Adm

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- 2017-037 -

Development Services



# Proposed 75' Stealth pole



**T-Mobile**  
Site No: A5C0465  
O'Brien Road  
Lees Summit, Missouri  
855 West 109th St, Suite 500  
Overland Park, Kansas 66210  
913.438.7700



- 2017-037 -

FEB 21 2017



Proposed 75' Stealthpole

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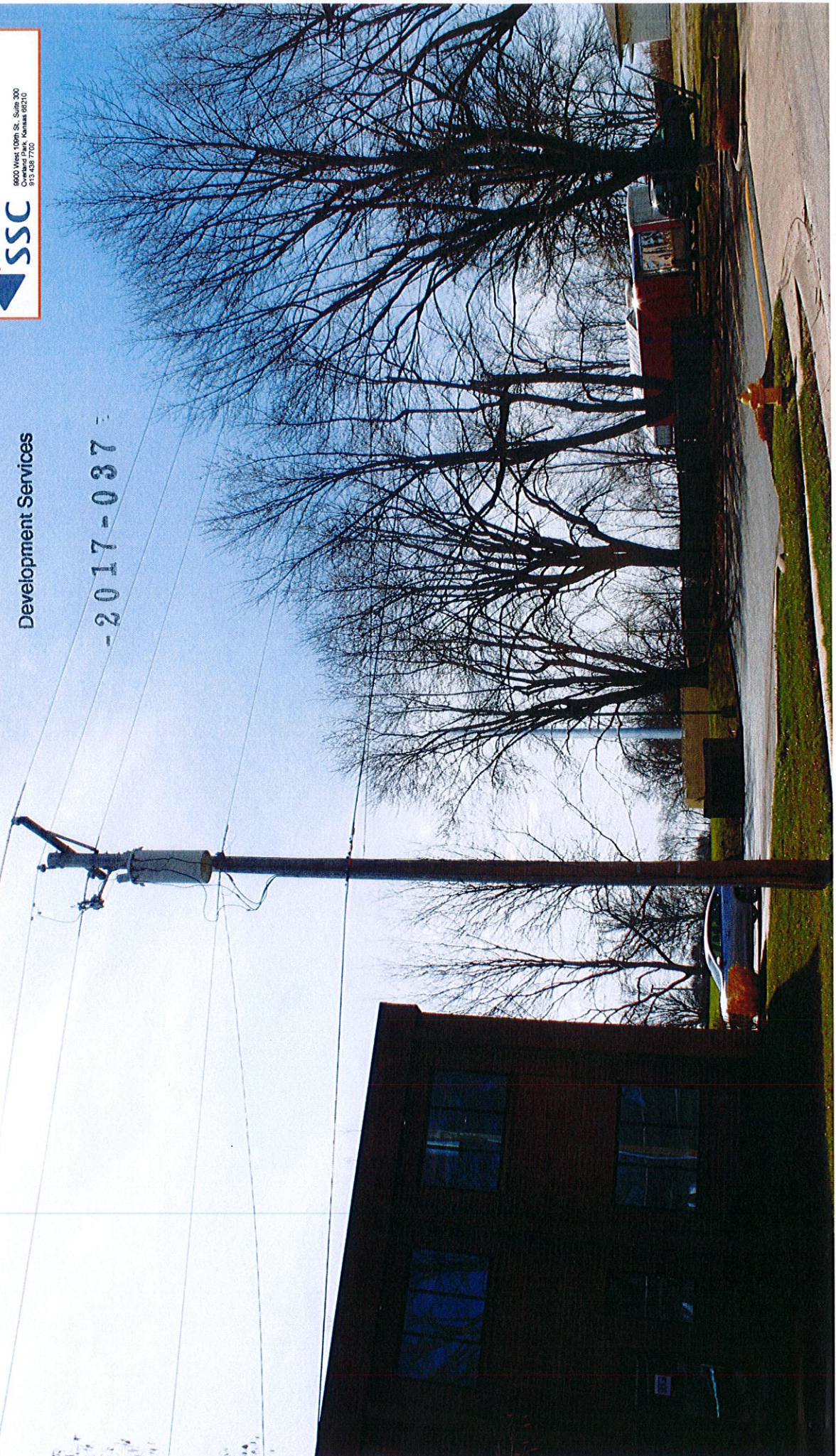
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Development Services

-2017-037-

 T-Mobile®  
Site No: ASC0465  
O'Brien Road  
Lees Summit, Missouri  
6000 West 106th St., Suite 200  
Lees Summit, MO 64062  
913.438.7700

 SSC





Previously proposed 95' Monopole



Site No: ASC0465  
O'Brien Road  
Leas Summit, Missouri



600 West 10th St. Suite 200  
Leas Summit, Missouri 64086

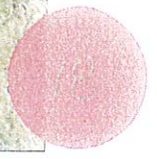


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Development Services





Previously proposed 95' Monopole

T-Mobile

Site No: ABC0505  
O'Brien Road  
Lees Summit, WI 53091



6000 West 102nd St. Suite 200  
Lees Summit, WI 53091  
919.439.1700



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Development Services





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Development Services

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-2017-036



**SPECIAL USE PERMITS  
TELECOMMUNICATION TOWERS IN LEE'S SUMMIT**

Appl. No.	Location/ Applicant	Zoning District	Ord. No.	Date	Approved/ Denied	Years Granted	Expiration Date	Tower Hgt (ft)	Waivers	Current Status
PL2017-037	244 NW Executive Way	PO								In process
PL2016-054	244 NW Executive Way	PO	7922	07/14/2016	Denied	n/a	n/a	95 ft.	n/a	Denied
PL2015-122 1999-007	1310 NE Colbern Road Sprint/Crown Castle (orig. Sprint Spectrum)	AG	7741 4765	11/5/2015 04/15/1999	Approved	10 15	04/15/2024 04/15/2014	100	Gravel Drive	In Effect
PL2014-059	5 SE 16 <sup>th</sup> Street KCP&L Greater Missouri Operations Co.	PI	7494	07/10/2014	Approved	15	07/10/2029	100	Painting; Landscap- ing; Fencing; Separation Distance	In Effect
PL2014-058	1300 SE Hamblen Road KCP&L Greater Missouri Operations Co.	PI	7493	07/10/2014	Approved	15	07/10/2029	100	Painting; Landscap- ing; Fencing; Separation Distance	In Effect
PL2012-068	10 NE Tudor Road City of Lee's Summit Police Department	PO	7217	08/02/2012	Approved	15	08/02/2027	80	Painting; Landscap- ing	In Effect
PL2012-061 2007-055 1984-031	1351 NW Ward Road (orig. 750 NW Missouri Rd.) Aquila/KCP&L (orig. Missouri Public Service)	PI-1	7215 6475 3670 2585	08/02/2012 09/06/2007 06/16/1992 11/20/1984	Approved	10 10 10 8.5	06/13/2022 06/13/2012 06/13/2002 06/13/1992	200	Setbacks; Separation Distance	In Effect
PL2011-118 2001-106	905 NE Rice Road Voice Stream (now T- Mobile)	CP-2	7116 5216	12/1/2011 09/20/2001	Approved	10 10	09/20/2021 09/20/2011	120	Setbacks to property lines; Curbing	In Effect
PL2011-096 1996-005	202 SE 3 <sup>rd</sup> Street AT&T Wireless (orig. SW Bell Mobile)	CP-2	7105 4262	11/03/2011 04/09/1996	Approved	10 15	04/09/2021 04/09/2011	150	Use; Setback	In Effect



Appl. No.	Location/ Applicant	Zoning District	Ord. No.	Date	Approved/ Denied	Years Granted	Expiration Date	Tower Hgt (ft)	Waivers	Current Status
PL2010-018	900 SW Blue Parkway Colt & Garrett	CP-2	7049	05/19/2011	Approved	10	05/19/2021	150	Setbacks; Separation Distance	In Effect
2010-072	400 SW Nichols Road American Tower Corp.	CP-2	----	--/--/----	Denied	--	--/--/----	150	--	--
2010-023	150 NW Space Center Loop Dept. of Homeland Security	AG	6984	10/07/2010	Approved	20	10/07/2030	64	Fencing	In Effect
2010-012 2000-166	1749 SE Langsford Road Cleanwire, LLC (orig. Sprint Spectrum)	CP-2	6973 5043	09/16/2010 10/05/2000	Approved	10 10	10/05/2020 10/05/2010	100	Fall Zone	In Effect
2009-098 2007-027 1989-013	111 SW Hook Road American Tower Corp. (orig. Jeff Hawkins)	AG	6896 6491 3287	03/04/2010 09/20/2007 05/09/1989	Approved	10 10 10	05/09/2019 05/09/2009 05/09/1999	300	--	In Effect
2007-232 1997-053	3650 SW Windemere Drive APT KC Inc.	AG	6578 4528	02/07/2008 10/21/1997	Approved	10 10	10/21/2017 10/21/2007	164	--	In Effect
2007-123 1996-045	1850 SE Hamblen Road Global Signal/Crown Castle (orig. Sprint Spectrum, Inc.)	PI-1	6477 4323	09/06/2007 08/20/1996	Approved	10 10	08/20/2016 08/20/2006	180	--	In Effect
2007-029 1996-042	2750 NW Clifford Road American Tower (orig. Jeff Hawkins)	AG	6493 4358	09/20/2007 11/05/1996	Approved	10 10	11/05/2016 11/05/2006	350	--	Renewal in Process
2007-028 1985-041	900 SW Blue Parkway American Tower (orig. MCI Cellular)	CP-2	6492 2660	09/20/2007 07/09/1985	Approved	10 20	07/09/2015 07/09/2005	167	--	Tower replaced. See PL2010- 018
2006-165 1986-013	2200 NW Lowenstein Drive American Tower (orig. Terry Gerber)	AG	6291 2783	10/19/2006 05/06/1986	Approved	10 20	11/03/2016 05/06/2006	600	Setback	Renewal in Process
2006-165 1991-034	2150 NW Lowenstein Drive American Tower (orig. Terry Gerber)	AG	6291 3620	10/19/2006 03/03/1992	Approved	10 14	11/03/2016 05/06/2006	200	Setback from I-470	Renewal in Process
2006-164 1995-009	1204 NE Woods Chapel Rd. American Tower (orig. SW Bell Mobile)	AG	6290 4128	10/19/2006 06/06/1995	Approved	15 5	06/06/2015 06/06/2000	150	Setbacks; Separation Distance	In Effect
2006-067 1981-004	1710 SE Hamblen Road Union Pacific Railroad (orig. Mo. Pac RR)	PI-1	6283 2203	10/05/2006 04/07/1981	Approved	20 20	09/21/2026 04/07/2001	200	Setback to residential	In Effect

Appl. No.	Location/ Applicant	Zoning District	Ord. No.	Date	Approved/ Denied	Years Granted	Expiration Date	Tower Hgt (ft)	Waivers	Current Status
1998-012	5740 NE Lakewood Way SW Bell Wireless	AG	4598	04/14/1998	Approved	20	04/14/2018	100	--	In Effect
1996-072	404 NW Woods Chapel Rd. Sprint Spectrum	AG	4354	10/08/1996	Approved	20	10/08/2016	120	Setback	In Effect
1996-071	207 SE Douglas Street Sprint Spectrum (replaced two towers with one)	CBD	4353	10/08/1996	Approved	20	10/08/2016	180	Use in CBD	In Effect
1996-055	300 NW Harding Road Sprint Spectrum	AG	----	11/19/1996	Denied	---	-----	150	--	---
1996-002	13100 E. 139th Street TV 32, Inc.	AG	-----	03/19/1996	Denied	---	-----	1,099	--	---
1995-018	5740 NE Lakewood Way SW Bell	AG	-----	12/17/1996	Denied	---	-----	150	--	---
1981-011	2251 SW M-150 Highway Landmark Cablevision	AG	----	--/--/----	Denied	--	--/--/----	225	--	--
1978-006	603 SW Persels Road Poos/Six-Star Cable	R-1	1856	03/21/1978	Approved- Legal non- conforming	20	03/21/1998	100	--	SUP no longer required



**PL#2017-037 - SPECIAL USE PERMIT  
244 NW EXECUTIVE WAY  
SELECTIVE SITE CONSULTANTS, INC., APPLICANT**





## Packet Information

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**File #:** BILL NO. 17-78, **Version:** 1

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 244 NW EXECUTIVE WAY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Proposed City Council Motion:

FIRST MOTION: I move for a ssecond reading of AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 244 NW EXECUTIVE WAY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

SECOND MOTION: I move for adoption of AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 244 NW EXECUTIVE WAY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.



## **BILL NO. 17-78**

---

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 244 NW EXECUTIVE WAY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-036 submitted by Selective Site Consultants, Inc., requesting approval of a preliminary development plan in District PO (Planned Office District) on land located at 244 NW Executive Way, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the subject property was zoned District PO, by the passage of the Unified Development Ordinance, Ordinance No. 5209, on September 6, 2001, which reclassified zoning districts citywide, effective November 1, 2001; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a preliminary development plan by the City following public hearings by the Planning Commission and City Council, and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the preliminary development plan on March 14, 2017, and rendered a report to the City Council recommending that the preliminary development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on April 6, 2017, and rendered a decision to approve the preliminary development plan for said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a preliminary development plan is hereby approved in District PO on the following described property:

*Lot 6, Parkway Plaza, 2<sup>nd</sup> Plat, in Lee's Summit, Jackson County, Missouri.*

SECTION 2. That the following conditions of approval apply:

1. The approval of the preliminary development plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.
2. An access easement shall be recorded with the Jackson County Recorder's Office prior to the issuance of a building permit.
3. Approval of the preliminary development plan is contingent upon approval of the special use permit (Appl. #PL2017-037), for the telecommunication tower.
4. Development shall be in accordance with the preliminary development plan, dated February 21, 2017.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped February 21, 2017, appended hereto and made a part hereof.

SECTION 4. That in granting modifications listed herein, the Governing Body concludes that

**BILL NO. 17-78**

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the development will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent through the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of the Unified Development Ordinance.

SECTION 5. Nonseverability. That all provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 6. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 7. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
*City Attorney Brian W. Head*



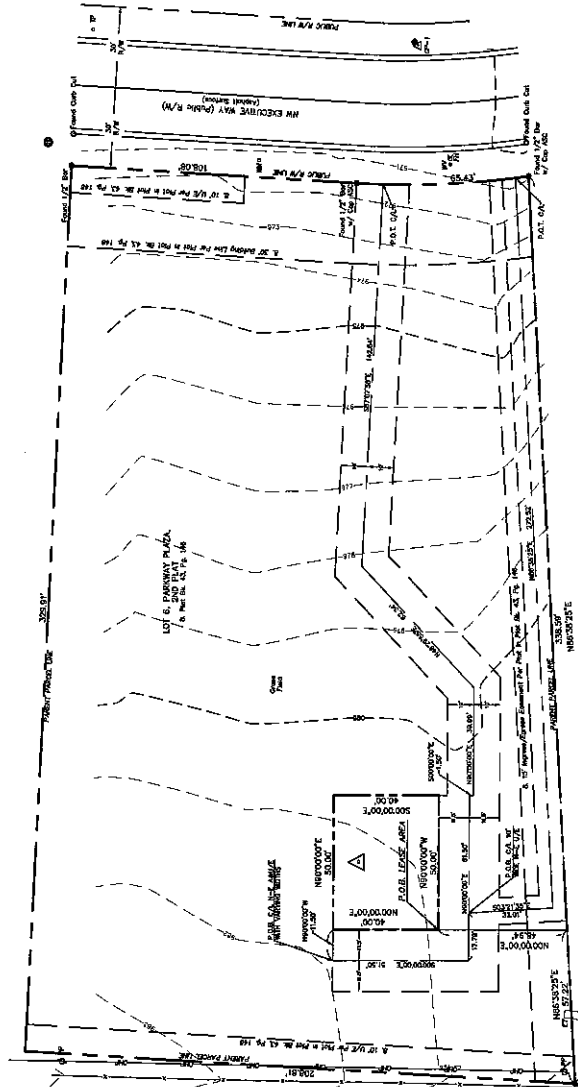
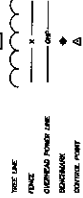
MO-0007 O'BRIEN ROAD  
PART OF THE SE 1/4, SECTION 1, T47N, R32W,  
IN JACKSON COUNTY, MISSOURI

PROPOSED CELL TOWER DATA  
Top of 12' Ant. Rise W/  
Cell 8452326.79' North  
Cell 8452326.79' West  
Ground Elevation = 891.6'

SEARCH MARK  
Top of 12' Ant. Rise W/  
Cell 8452326.79' North  
Cell 8452326.79' West  
Elevation = 874.53'

LEGEND

PROPERTY LINE	---
TELEPHONE FACILITY	---○---
ELECTRIC TRANSMISSION	---□---
WATER MAIN	---◇---
SEWER MAIN	---◇---
RAILROAD	---○---
ROAD	---○---
GENERAL POWER LINE	---○---
BOUNDARY	---○---
CONCRETE PILE	---○---



**PROPERTY DESCRIPTION:** Parcel Parcel as Provided  
Lot 6, PARKWAY PLAZA, 2ND PLAT, a subdivision in Jackson County, Missouri, a Missouri limited liability company, as created by Jackson County, Missouri, Chapter 21, 2011 and amended November 21, 2011 in instrument No. 20110309747E.  
For Parcel No. 52-140-02-15-00-00-00-000

**NOTE:** The parcel parcel graphically shown herein, in full or in part, is the same as that shown on the plat of the Missouri State Plans Coordinate System, Missouri, Chapter 21, 2011 and amended November 21, 2011 in instrument No. 20110309747E.

**Standard B Information:**  
a. Plat in Plat Book 43, Page 148. (Shown hereon)  
b. Plat in Plat Book 43, Page 148. (Shown hereon)

**Notes:**  
Easements shown herein are referenced to old terms of the Missouri State Plans Coordinate System, Missouri, Chapter 21, 2011 and amended November 21, 2011 in instrument No. 20110309747E.  
Vertical Datum = NAVD83 only (GDN2011)  
The purpose of this survey is to establish and describe a Lease area and associated right of way. This is not a boundary survey of the Parcel Parcel.  
The utilities shown on this drawing were developed from the information provided by the utility company or a representative thereof. This company has made no attempt to locate or verify the location and depth of all utilities shown on this plan. It is the responsibility of the client to verify the location and depth of all utilities (whether shown or not) prior to construction of the proposed structure and to protect and maintain same during construction.

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Lot 6, PARKWAY PLAZA, 2ND PLAT, a subdivision in Jackson County, Missouri, a Missouri limited liability company, as created by Jackson County, Missouri, Chapter 21, 2011 and amended November 21, 2011 in instrument No. 20110309747E.  
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**Notes:**  
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The utilities shown on this drawing were developed from the information provided by the utility company or a representative thereof. This company has made no attempt to locate or verify the location and depth of all utilities shown on this plan. It is the responsibility of the client to verify the location and depth of all utilities (whether shown or not) prior to construction of the proposed structure and to protect and maintain same during construction.

**PROPERTY LEGEND**

BOUNDARY	---
CONCRETE PILE	---○---
RAILROAD	---○---
ROAD	---○---
GENERAL POWER LINE	---○---
BOUNDARY	---
CONCRETE PILE	---

**MOBILE**

**SSC**

**LOVELACE & ASSOCIATES**  
Professional Surveyors  
1203 S. 1st Street, Suite 100  
O'Fallon, MO 64457  
Phone: (636) 240-9999 Fax: (636) 240-9997

**LOVELACE AND ASSOCIATES, LLC**  
Professional Surveyors  
1203 S. 1st Street, Suite 100  
O'Fallon, MO 64457  
Phone: (636) 240-9999 Fax: (636) 240-9997

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Professional Surveyors  
1203 S. 1st Street, Suite 100  
O'Fallon, MO 64457  
Phone: (636) 240-9999 Fax: (636) 240-9997

RECEIVED  
FEB 21 2017  
Development Services

MO-0007-17- ADDD DESCRIPTIONS  
04-14-18- ADDD DESCRIPTIONS

JEFFREY A. LOVELACE MO-125290  
DATE: \_\_\_\_\_

STREET NUMBER  
1 OF 1

- 2017 - 036



APPLICANT:

T-Mobile

PLANS PREPARED FOR:  
Eco-Site

PLANS PREPARED BY:  
SSC  
9800 West 109th Street, Suite 300  
Overland Park, Kansas 66201  
Phone: 913-438-7700  
Fax: 913-438-1777

ENGINEERING LICENSE:  
STATE CERTIFICATE OF AUTHORIZATION # 185  
PROFESSIONAL SEAL  
PROFESSIONAL ENGINEER  
STATE OF KANSAS  
EXPIRES 12/31/2017

THE DRAWING IS NOT BEING REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. ANY REPRODUCTION OR COPIING OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER IS PROHIBITED. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

SUBMITTALS	DESCRIPTION	DATE	BY	REV
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	A
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	B
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	C
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	D
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	E
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	F

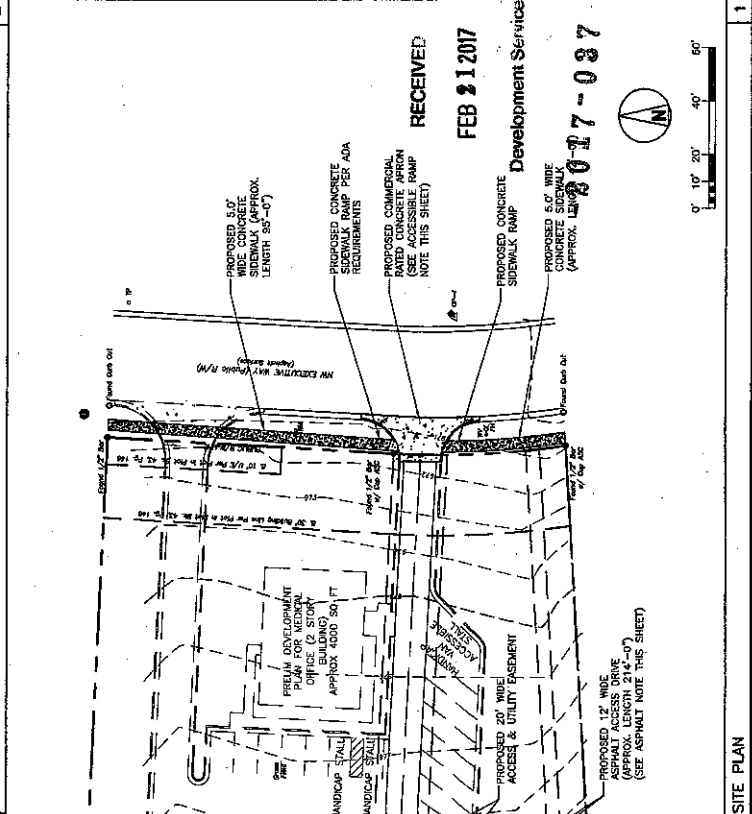
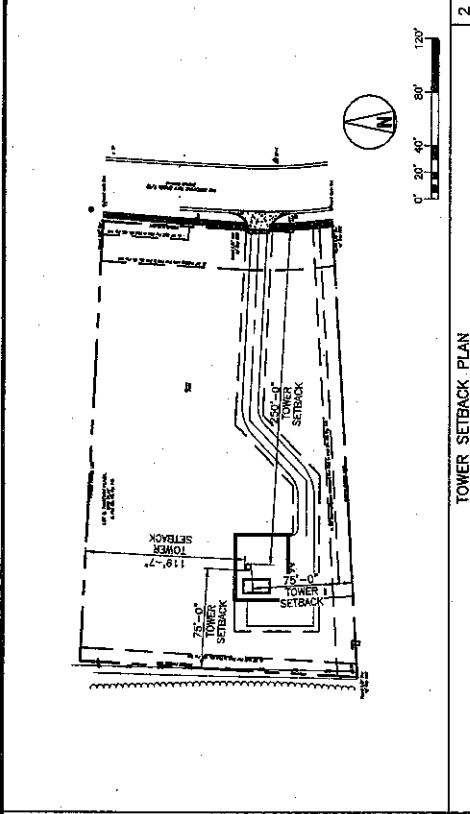
M.A. NUMBER & SITE NUMBER:  
OBRIEN ROAD  
MO-0007

APPLICANT NAME & SITE NUMBER:  
OBRIEN ROAD  
A5C0465A

SITE ADDRESS:  
TBD NW EXECUTIVE WAY  
LEES SUMMIT, MISSOURI  
64063

SHEET DESCRIPTION:  
OVERCALL  
SITE PLAN

SHEET NUMBER:  
A-1.0



**ASPHALT PAVING REQUIREMENTS**  
PARKING FOR PARKING AREAS & DRIVEWAY SHALL COMPLY WITH THE UNIFIED DEVELOPMENT ORDINANCE (UDO) ARTICLE 12 "PARKING" IN TERMS OF PAVEMENT THICKNESS, BASE & SUBGRADE STABILIZATION OR GEOTEXTILE.

**LEASE AREA & EASEMENT NOTES:**  
PROPOSED CLEAR & GRUB REMOVAL LIMITS:  
40'-0" x 50'-0" LEASE BOUNDARY  
25' WIDE FOR ACCESS DRIVE &  
10' WIDE FOR UTILITY EASEMENT

**ACCESSIBLE RAMP NOTE:**  
CONTINUATION OF  
CROSSWALK MUST BE MAINTAINED  
WITH THE AMERICANS WITH DISABILITIES ACT  
ACCESSIBILITY GUIDELINES AND MISSOURI ACCESSIBILITY  
STANDARDS. SIDEWALK REQUIREMENTS INCLUDE BUT  
ARE NOT LIMITED TO 2% MAXIMUM CROSS SLOPE.

**LANDSCAPING LEGEND**  
PROPOSED 8' TALL WHITE PINE TREES  
9'-0" O.C. (TYP) (TOTAL OF 33)

**STORMWATER DETENTION  
SYSTEM & QUALITY  
ELEMENT NOTE**  
A FUTURE STORMWATER DETENTION  
SYSTEM & STORMWATER QUALITY  
ELEMENT SHALL BE PROVIDED IN A  
FUTURE PHASE OF WORK ON THIS  
PROPERTY NOT INCLUDING PROPOSED  
TELECOMMUNICATIONS FACILITY

RECEIVED  
FEB 21 2017  
Development Services

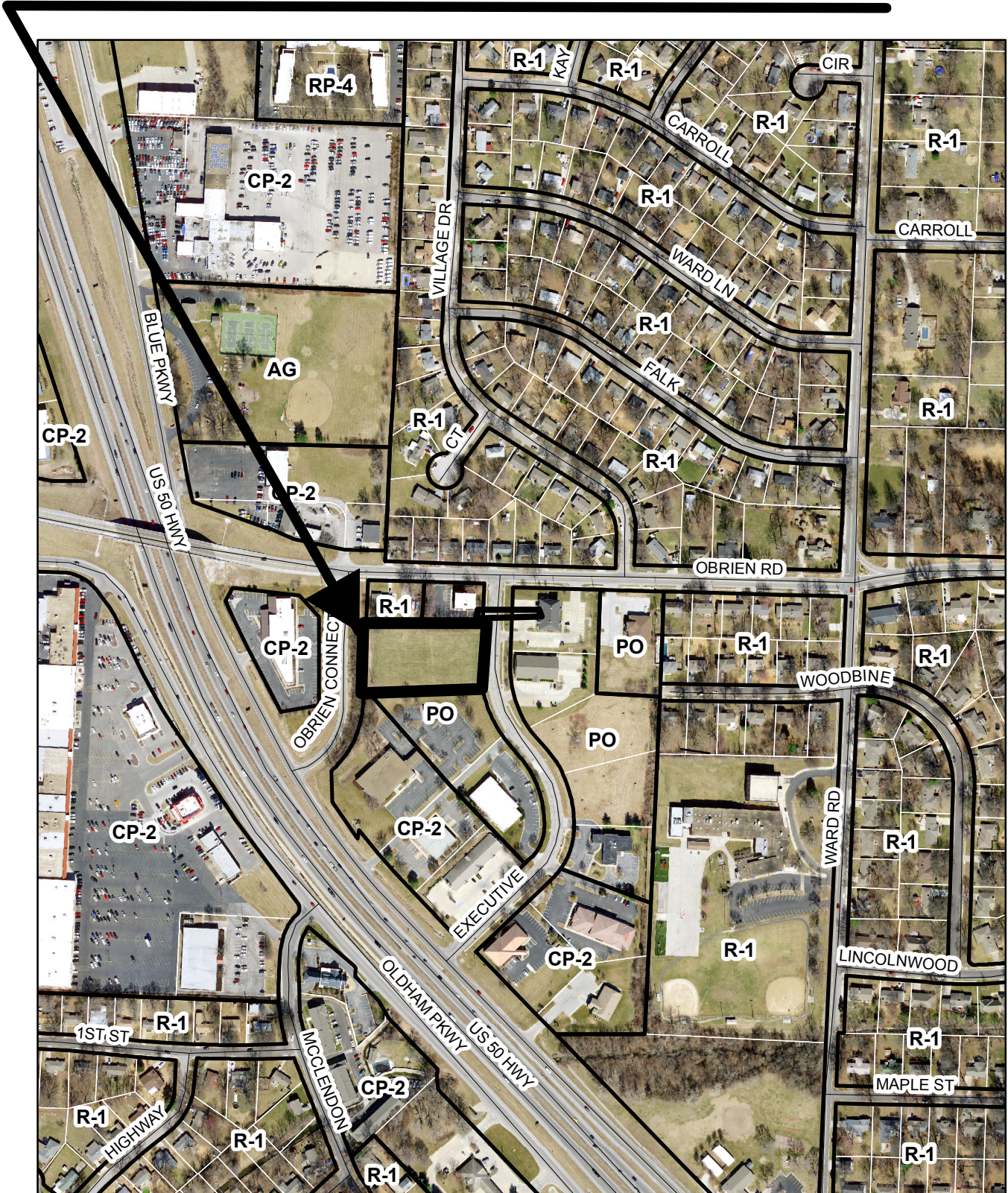
2017-037







**PL#2017-036 - PREL DEV PLAN  
244 NW EXECUTIVE WAY  
SELECTIVE SITE CONSULTANTS, INC., APPLICANT**





## Packet Information

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**File #:** BILL NO. 17-79, **Version:** 1

---

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PO ON LAND LOCATED AT 244 NW EXECUTIVE WAY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PO ON LAND LOCATED AT 244 NW EXECUTIVE WAY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

SECOND MOTION: I move for adoption of AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PO ON LAND LOCATED AT 244 NW EXECUTIVE WAY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

## **BILL NO. 17-79**

---

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PO ON LAND LOCATED AT 244 NW EXECUTIVE WAY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-037, submitted by Selective Site Consultants, Inc., requesting a special use permit for telecommunication tower in District PO on land located at 244 NW Executive Way, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on March 14, 2017, and rendered a report to the City Council with no recommendation; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on April 6, 2017, and rendered a decision to grant said special use permit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the application pursuant to Section District PO 10.050 of the Unified Development Ordinance to allow a telecommunications tower in with a Special Use Permit is hereby granted, with respect to the following described property:

*Lot 6, Parkway Plaza, 2<sup>nd</sup> Plat, in Lee's Summit, Jackson County, Missouri.*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the required separation distance from single and two-family residential uses and districts. The requirement is 4 times the height of the tower, or 300 feet. The tower is located approximately 120 feet to the nearest residential use to the north.
2. A modification shall be granted to the requirement that the tower be painted, to allow the tower to be galvanized as shown on the plans.
3. Approval of the special use permit is contingent upon approval of the preliminary development plan (Appl. #PL2017-036) for the telecommunication tower.

SECTION 3. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 4. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

**BILL NO. 17-79**

---

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*







APPLICANT:

T-Mobile

PLANS PREPARED FOR:  
Eco-Site

PLANS PREPARED BY:  
SSC  
9800 West 109th Street, Suite 300  
Overland Park, Kansas 66201  
Phone: 913-438-7700  
Fax: 913-438-1777

ENGINEERING LICENSE:  
STATE CERTIFICATE OF AUTHORIZATION # 185  
PROFESSIONAL SEAL  
PROFESSIONAL ENGINEER  
STATE OF KANSAS  
EXPIRES 12/31/2017

DESIGNING NOTES:  
THE DRAWING IS NOT BEING PREPARED AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES TO WHICH THE PROJECT IS SUBMITTED. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES TO WHICH THE PROJECT IS SUBMITTED. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES TO WHICH THE PROJECT IS SUBMITTED.

SUBMITTALS	DESCRIPTION	DATE	BY	REV
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	A
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	B
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	C
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	D
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	E
ISSUED FOR ZONING	SW/AV/1	01/11/17	DD	F

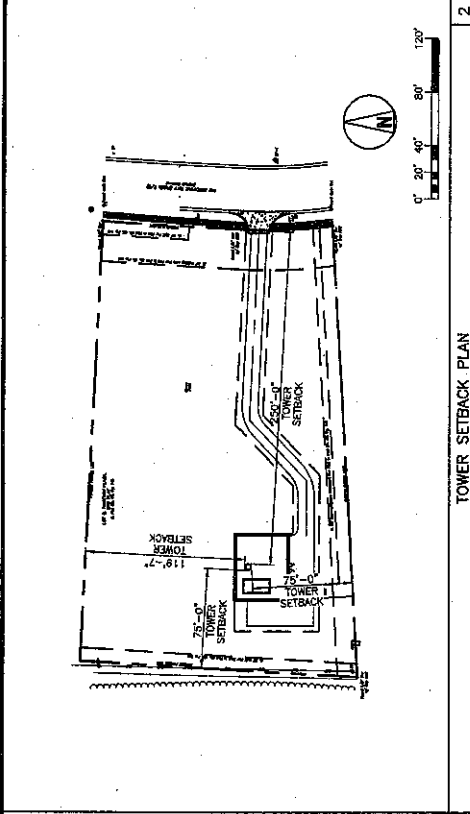
APPLICANT NAME & SITE NUMBER:  
OBRIEN ROAD  
MO-0007

APPLICANT NAME & SITE NUMBER:  
OBRIEN ROAD  
A5C0465A

SITE ADDRESS:  
TBD NW EXECUTIVE WAY  
LEES SUMMIT, MISSOURI  
64063

SHEET DESCRIPTION:  
OVERCALL  
SITE PLAN

SHEET NUMBER:  
A-1.0



TOWER SETBACK PLAN

2

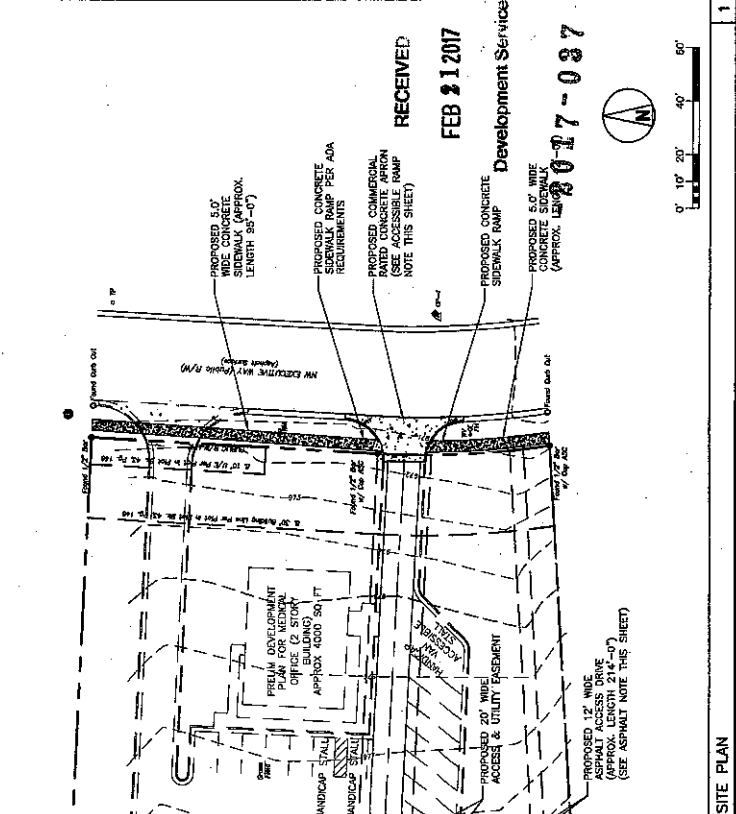
**ASPHALT PAVING REQUIREMENTS**  
PAVEMENT FOR PARKING AREAS & DRIVEWAY SHALL COMPLY WITH THE UNIFIED DEVELOPMENT ORDINANCE (UDO) ARTICLE 12 "PARKING" IN TERMS OF PAVEMENT THICKNESS, BASE & SUBGRADE STABILIZATION OR GEOTEXTILE.

**LEASE AREA & EASEMENT NOTES:**  
PROPOSED CLEAR & GRUB REMOVAL LIMITS:  
40'-0" x 50'-0" LEASE BOUNDARY  
25' WIDE FOR ACCESS DRIVE &  
10' WIDE FOR UTILITY EASEMENT

**LANDSCAPING LEGEND**  
PROPOSED 8' TALL WHITE PINE TREES  
9'-0" O.C. (TYP) (TOTAL OF 33)

**STORMWATER DETENTION SYSTEM & QUALITY ELEMENT NOTE**  
A FUTURE STORMWATER DETENTION SYSTEM & STORMWATER QUALITY ELEMENT SHALL BE PROVIDED IN A FUTURE PHASE OF WORK ON THIS PROPERTY NOT INCLUDING PROPOSED TELECOMMUNICATIONS FACILITY

**ACCESSIBLE RAMP NOTE:**  
CONTINUATION OF DRIVEWAY MUST PROVIDE FOR ACCESSIBLE RAMP TO THE DRIVEWAY WITH THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES AND MISSOURI ACCESSIBILITY STANDARDS. SIDEWALK REQUIREMENTS INCLUDE BUT ARE NOT LIMITED TO 2% MAXIMUM CROSS SLOPE.



OVERALL SITE PLAN

1

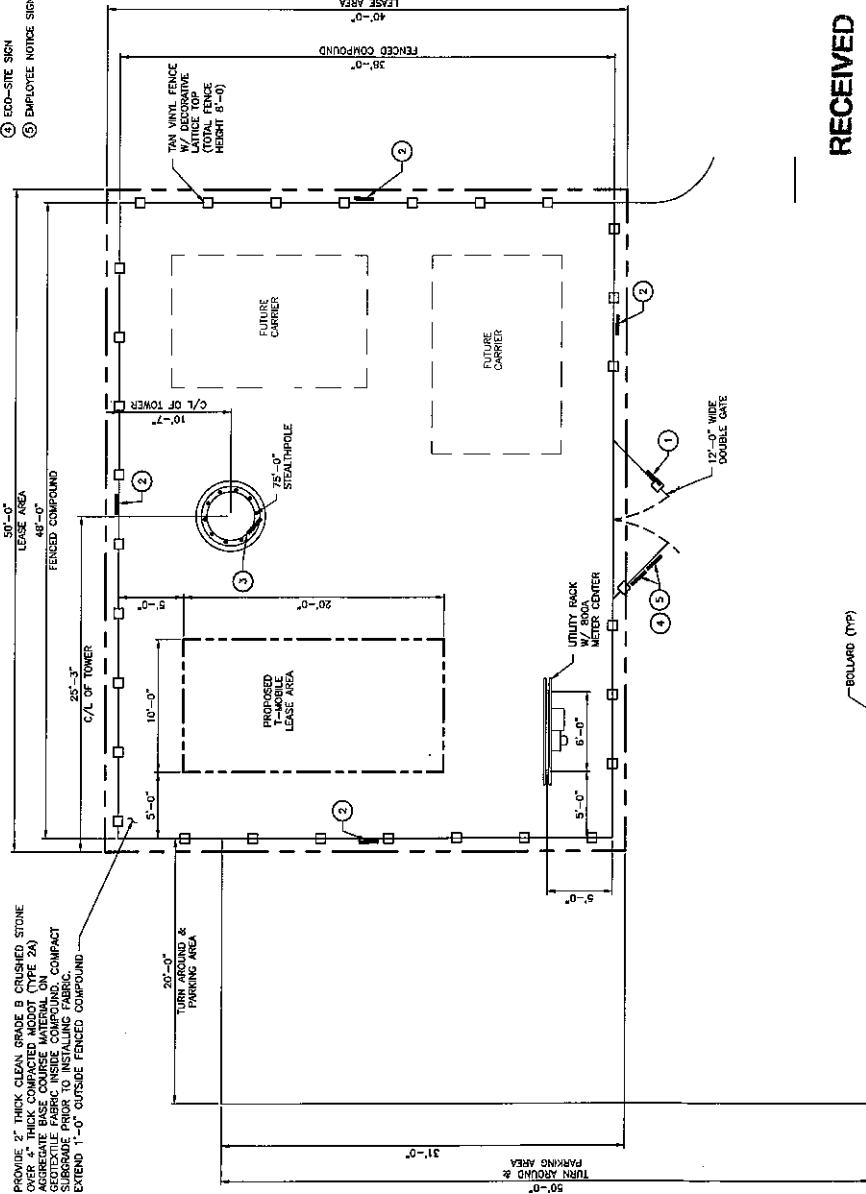
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Development Services

2017-037

**SIGN SCHEDULE** (SIGNS WILL BE FURNISHED & INSTALLED BY ECO-SITE)

- ① YELLOW CAUTION SIGN MOUNTED ON GATE TO COMPOUND
- ② RED & WHITE "HIGH VOLTAGE/NO TRESPASSING" SIGN ON FENCE FACING EXTERIOR OF COMPOUND
- ③ RED WARNING SIGN MOUNTED ON TOWER BY CLIMBING LADDER
- ④ ECO-SITE SIGN
- ⑤ EMPLOYEE NOTICE SIGN

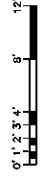
PROVIDE 2" THICK CLEAN GRADE OR CRUSHED STONE OVER 4" THICK COMPACTED AGGREGATE (TYPE 2A) AGGREGATE BASE COURSE MATERIAL ON ALL UTILITIES INSIDE COMPOUND. SURROUND UTILITIES WITH 12" COMPACT SUBGRADE PAVING. ALL UTILITIES SHOULD EXTEND 1'-0" OUTSIDE FENCED COMPOUND.



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**FEB 21 2017**

**Development Services**

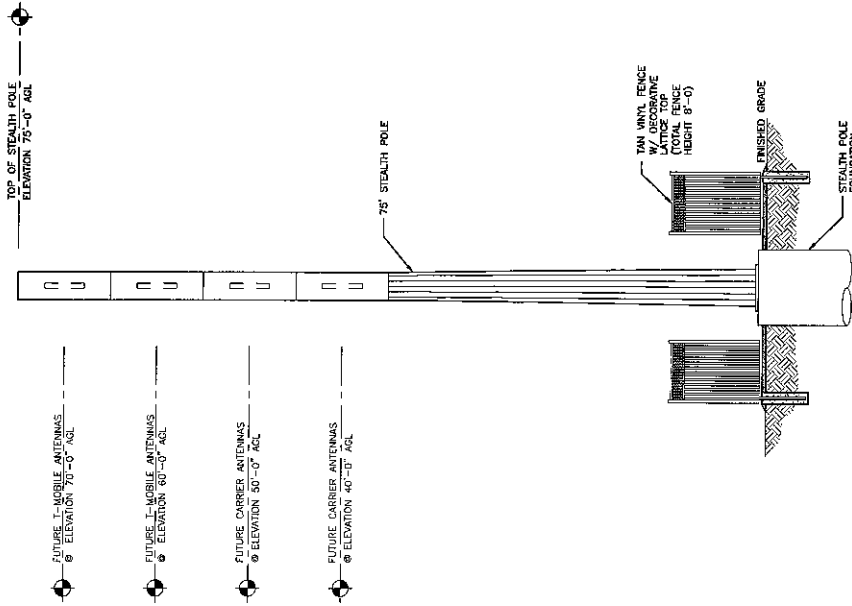


ENLARGED SITE PLAN

APPLICANT: 	PLANS PREPARED FOR: 	PLANS PREPARED BY: 8900 West 108th Street, Suite 300 Overland Park, Kansas 66210 Phone 913-438-7700 Fax 913-438-7777	ENGINEERING LICENSE: STATE OF MISSOURI PROJECT OF APPLICATION BY: PROJECT: DESIGNER: M/O MICHAEL LOWERY EST. STRUCTURAL, MECHANICAL, ELECTRICAL P/O ROBERTA WILSON EST. STRUCTURAL, MECHANICAL, ELECTRICAL SIGN AND GRAPHICS DESIGN: ELECTRICAL	DESIGNER NOTICE: THIS DRAWING HAS BEEN PREPARED AND IS THE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OF THIS DRAWING FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ENGINEER IS STRICTLY PROHIBITED. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.	SUBMITTALS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DESCRIPTION</th> <th>DATE BY REV</th> </tr> </thead> <tbody> <tr> <td>ISSUED FOR PERMITS</td> <td>03/01/17 RFP A</td> </tr> <tr> <td>REVISED FOR ZONING</td> <td>03/07/17 RFP B</td> </tr> <tr> <td>REVISED FOR ZONING</td> <td>03/07/17 RFP C</td> </tr> <tr> <td>REVISED FOR ZONING</td> <td>03/07/17 RFP D</td> </tr> <tr> <td>REVISED FOR ZONING</td> <td>03/07/17 RFP E</td> </tr> </tbody> </table>	DESCRIPTION	DATE BY REV	ISSUED FOR PERMITS	03/01/17 RFP A	REVISED FOR ZONING	03/07/17 RFP B	REVISED FOR ZONING	03/07/17 RFP C	REVISED FOR ZONING	03/07/17 RFP D	REVISED FOR ZONING	03/07/17 RFP E
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REVISED FOR ZONING	03/07/17 RFP D																
REVISED FOR ZONING	03/07/17 RFP E																
MAIN NAME & SITE NUMBER: O'BRIEN ROAD MO-0007		APPLICANT NAME & SITE NUMBER: O'BRIEN ROAD A5C0465A		SITE ADDRESS: TRD NW EXECUTIVE WAY LEAS SUMMIT, MISSOURI 64663													
		SHEET DESCRIPTION: ENLARGED SITE PLAN		SHEET NUMBER: A-1.1													

2017-036

**NOTE:**  
 1. ALL TOWER INFORMATION SHOWN IS FOR ILLUSTRATION PURPOSES ONLY, AND MAY DIFFER FROM THE FINAL DESIGN. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND OTHER RELATED COMPONENTS IN ACCORDANCE WITH THE TOWER MANUFACTURER'S DRAWINGS AND SPECIFICATIONS.  
 2. THE CONTRACTOR SHALL DOCUMENT THE AS-BUILT CONDITION OF THE TOWER.



**RECEIVED**  
**FEB 21 2017**  
 Development Services

APPLICANT:



PLANS PREPARED FOR:  
**Eco-Site**

PLANS PREPARED BY:  
**SSC**  
 8900 West 108th Street, Suite 200  
 Overland Park, Kansas 66210  
 Phone: 913-438-7700  
 Fax: 913-438-7777

ENGINEER'S LICENSE:  
 STATE OF MISSOURI  
 STATE CONTRACTOR OF AUTHORIZATION #1478  
 MICHAEL J. OWENS, LICENSE #1478  
 IN: MECHANICAL, ELECTRICAL, STRUCTURAL, SC  
 RE: ROBERT E. OWENS, LICENSE #1478  
 THESE PLANS WERE PREPARED BY: MECHANICAL, ELECTRICAL, E

THE DRAWING HAS NOT BEEN PUBLISHED AND IS THE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OF THIS DRAWING FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER IS STRICTLY PROHIBITED. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND OTHER RELATED COMPONENTS IN ACCORDANCE WITH THE TOWER MANUFACTURER'S DRAWINGS AND SPECIFICATIONS. THE CONTRACTOR SHALL DOCUMENT THE AS-BUILT CONDITION OF THE TOWER.

SUBMITTALS	DESCRIPTION	DATE	BY
ISSUED FOR ZONING		02/21/17	SP
REVISION FOR ZONING		02/21/17	SP
ISSUED FOR ZONING		02/21/17	SP
REVISION FOR ZONING		02/21/17	SP
ISSUED FOR ZONING		02/21/17	SP
REVISION FOR ZONING		02/21/17	SP

PROJECT NAME & SITE NUMBER:  
**O'BRIEN ROAD**  
**MO-0007**

APPLICANT NAME & SITE NUMBER:  
**O'BRIEN ROAD**  
**A5C0465A**

SITE ADDRESS:  
**1000 N EXECUTIVE WAY**  
**LEAS SUMMIT, MISSOURI**  
**64053**

SHEET DESCRIPTION:  
**EQUIPMENT ELEVATIONS**  
**& ANTENNA PLAN**

SHEET NUMBER:  
**A-2.0**



# Proposed 75' Stealth pole



**T-Mobile**  
Site No: A5C0465  
Cl Brien Road  
Lees Summit, Missouri  
855 West 109th St, Suite 500  
Overland Park, Kansas 66210  
913.438.7700



- 2017-087 -

FEB 21 2017



Proposed 75' Stealthpole

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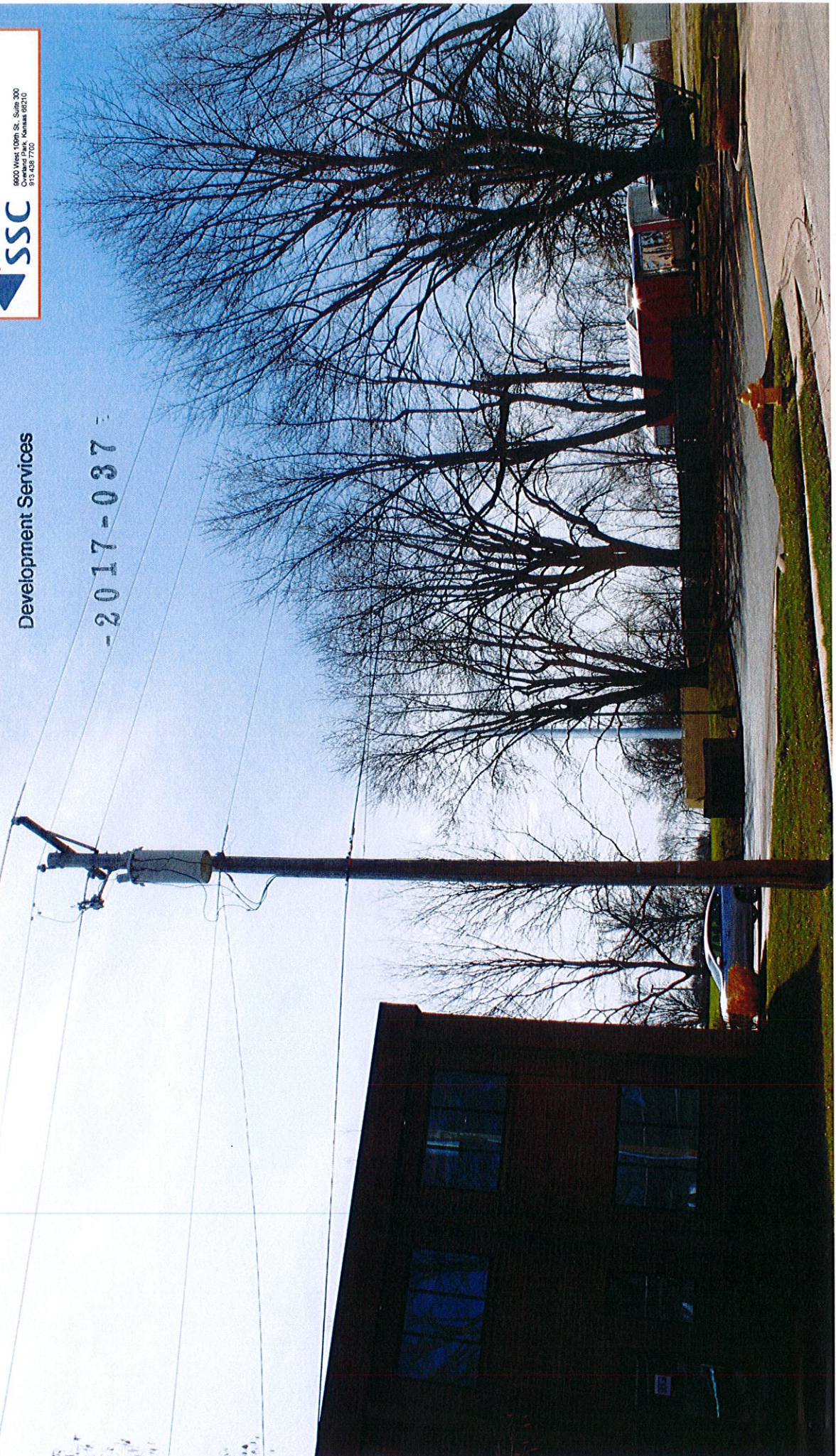
FEB 21 2017

Development Services

-2017-037

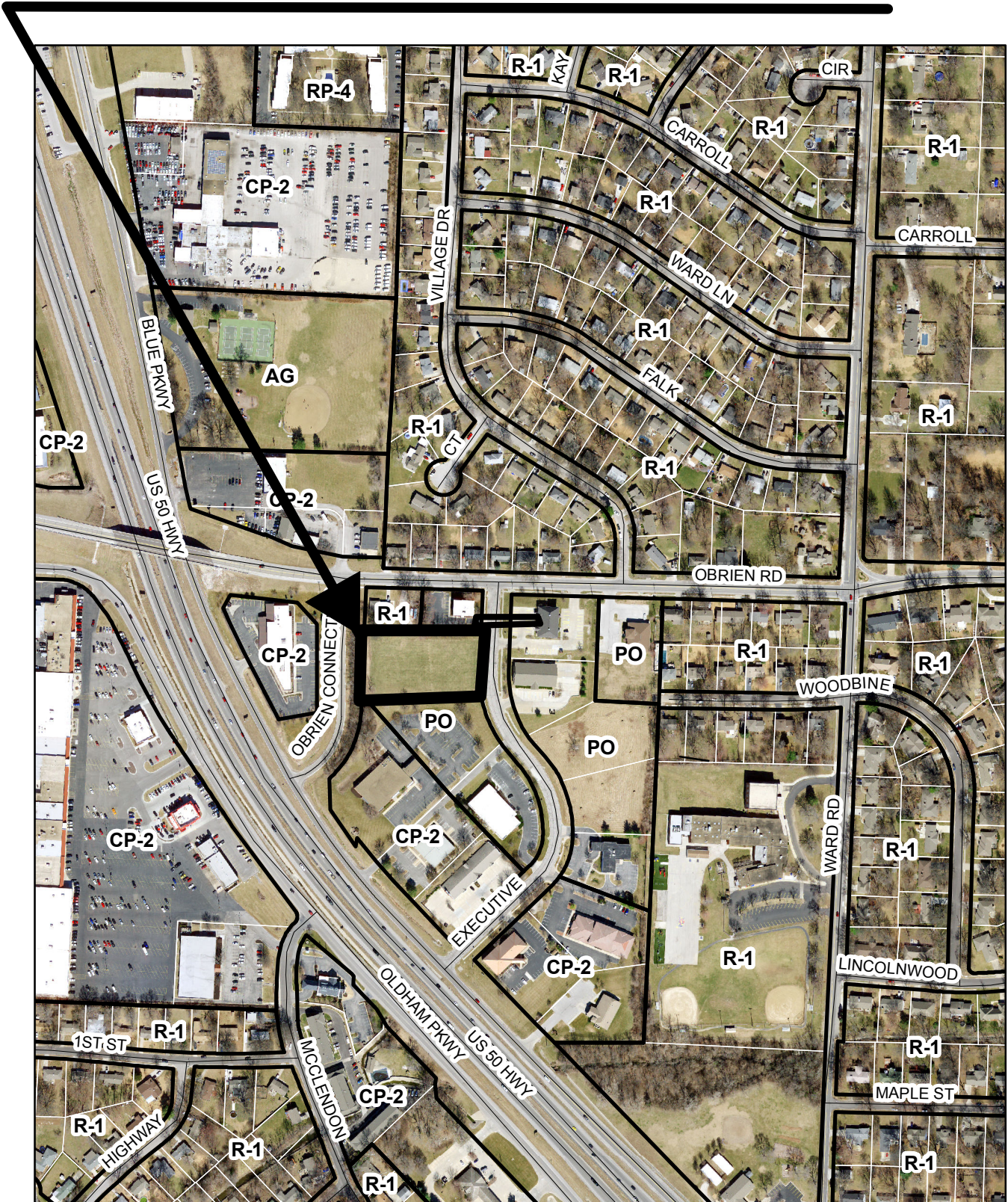
 T-Mobile®  
Site No: ASC0465  
O'Brien Road  
Lees Summit, Missouri  
6000 West 106th St., Suite 200  
Lees Summit, MO 64081  
913.438.7700

 SSC





**PL#2017-037 - SPECIAL USE PERMIT  
244 NW EXECUTIVE WAY  
SELECTIVE SITE CONSULTANTS, INC., APPLICANT**





## Packet Information

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**File #:** BILL NO. 17-80, **Version:** 1

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AN ORDINANCE AWARDDING BID NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT-FY16 TO WIEDENMANN INC., IN THE AMOUNT OF \$1,578,840.00 FOR THE BASE BID AND ALTERNATES 1, 2 AND 3 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME.

Key Issues:

The water mains included in this project have exhibited increased break rates in recent years and are now due for replacement.

In total, there is approximately 14,600 feet of water mains that will be replaced utilizing a combination of trench and trenchless installation methods. The majority of the water mains will be installed by pipe bursting.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of AN ORDINANCE AWARDDING BID NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT-FY16 TO WIEDENMANN INC., IN THE AMOUNT OF \$1,578,840.00 FOR THE BASE BID AND ALTERNATES 1, 2 AND 3 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME.

SECOND MOTION: I move for approval of AN ORDINANCE AWARDDING BID NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT-FY16 TO WIEDENMANN INC., IN THE AMOUNT OF \$1,578,840.00 FOR THE BASE BID AND ALTERNATES 1, 2 AND 3 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME.

Background:

This water main replacement project entails performing work in the following areas: SE 6<sup>th</sup> Street between SE Green Street and SE Independence Avenue, SE Green Street and SE 8<sup>th</sup> Street south of SE 7<sup>th</sup> Street to SE Browning Avenue, SE 7<sup>th</sup> Terrace east of SE Green Street, SE 5<sup>th</sup> Street between SW Warns Street and SW Jefferson Street, NE Noeleen Lane between NE Columbus Street and NE Oak Tree Drive, NE Edgewater Drive west of NE Shoreview Drive, NE Shoreview Drive north of NE Bayview Drive, NE Bayview Drive west of NE Shoreview Drive, NE Brockton Drive between NE Newbury Court and NE Dick Howser Drive, NE Hampstead Drive between NE Dick Howser Drive and NE Brockton Drive, NE Pembroke Lane north of NE Dick Howser Drive, NE Beach Road south of NE Woods Chapel Road. Alternate No. 1 includes replacing the water main along NE Grant Street between NE Chapel Drive and NE Stanton Street and NE Grant Court southwest of NE Grant Street. Alternate No. 2 includes replacing the water main along NE Warrington Court east of NE Dick Howser Drive. Alternate No. 3 includes replacing the water main along NE Woods Chapel Road south of E Liggett Road.

Impact/Analysis:

Funding Source	Current Project Budget	Direct Expense	Prior Encumbrances	This
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**File #: BILL NO. 17-80, Version: 1**

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Request/Contract	Remaining Balance		
20231683-C	1,900,000.00	28,550.25	0
1,578,840.00	292,609.75		

Timeline:

Other Information/Unique Characteristics:

Public Works Engineering issued Bid No. 20231683-C on January 30, 2017. The bid was advertised and potential bidders were notified through QuestCDN, on the City website and in a broadcast e-mail to known contractors. A pre-bid conference was held on February 9, 2017. Four (4) responsive bids were received by the February 23, 2017 bid opening date. Wiedenmann Inc., was determined to be the lowest and most responsible bidder by City Staff. Public Works Engineering and Water Utilities staff have reviewed the bids and recommend awarding the contract to Wiedenmann Inc., in the amount of \$1,578,840.00.

Jeff Thorn, Assistant Director of Engineering Services Lee's Summit Water Utilities

**Staff Recommendation:** Staff recommends approval of AN ORDINANCE AWARDDING BID NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT-FY16 TO WIEDENMANN INC., IN THE AMOUNT OF \$1,578,840.00 FOR THE BASE BID AND ALTERNATES 1, 2 AND 3 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME.

**Committee Recommendation:** The March 21 Public Works Committee meeting was cancelled due to lack of quorum. Chairman Mosby approved this item to be sent directly to City Council.

**BILL NO. 17-80**

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AN ORDINANCE AWARING BID NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT-FY16 TO WIEDENMANN INC., IN THE AMOUNT OF \$1,578,840.00 FOR THE BASE BID AND ALTERNATES 1, 2 AND 3 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME.

WHEREAS, approximately 14,600 feet of existing water mains are planned to be replaced, pursuant to this project; and,

WHEREAS, the water mains included in this project have exhibited increased break rates in recent years and are now due for replacement; and,

WHEREAS, water mains will be replaced using a combination of trench and trenchless installation methods, with most water mains being installed by pipe bursting; and,

WHEREAS, Public Works Engineering issued Bid No. 20231683-C on January 30, 2017; and,

WHEREAS, Wiedenmann Inc., was determined to be the lowest and most responsible bidder by City Staff.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the City Council of the City of Lee's Summit, Missouri hereby authorizes the award of Bid No. 2021683-C to Wiedenmann Inc. in the amount of \$1,578,840.00.

SECTION 2. That the City Council of the City of Lee's Summit hereby authorizes the execution, by the City Manager, of an agreement with Wiedenmann Inc. for the services contained in Bid No. 20231683-C in an amount of \$1,578,840.00. Said agreement is on file with the City of Lee's Summit Public Works Department and is incorporated by reference as if fully set forth herein.

SECTION 3. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_

**BILL NO. 17-80**

---

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
*City Attorney Brian W. Head*



# LEE'S SUMMIT MISSOURI

This is an unofficial bid tabulation.

Bid No. 20231683-C

Project: Water Main Replacement-FY16

Bid Opening Date and Time: February 23, 2017 2:00 p.m.

BIDDER	BID PRICE (BASE BID AND 3 ALTERNATES)
Wiedenmann, Inc.	\$1,578,840.00
Pyramid Excavation & Construction, Inc.	\$2,579,598.00
Lamke Trenching and Excavating, Inc.	\$2,932,295.00
Horseshoe Construction, Inc.	\$3,761,437.50

Engineer's Estimate = \$2,241,712.05
Recommended Award Amount = \$1,578,840.00





Alternate No. 1, NE Grant St. and Grant Ct.

Item No.	Description	Unit	Est. Qty.	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
31	MOBILIZATION	LS	1	\$15,840.00	\$15,840.00	\$5,000.00	\$5,000.00	\$25,000.00	\$25,000.00
32	CLEARING AND GRUBBING	LS	1	\$280.00	\$280.00	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00
33	DEMOLITION AND REMOVAL	LS	1	\$280.00	\$280.00	\$2,500.00	\$2,500.00	\$15,000.00	\$15,000.00
34	POTHOLING WATER MAIN	EA	2	\$830.00	\$1,660.00	\$500.00	\$1,000.00	\$3,600.00	\$7,200.00
35	WATER LINE PIPE - 2" HDPE	LF	248	\$63.00	\$15,624.00	\$85.00	\$21,080.00	\$74.00	\$18,352.00
36	WATER LINE PIPE - 6" PVC	LF	791	\$70.00	\$55,370.00	\$125.00	\$98,875.00	\$125.00	\$98,875.00
37	LOWERING WATER MAIN - 6"	LF	48	\$280.00	\$13,440.00	\$150.00	\$7,200.00	\$185.00	\$8,880.00
38	WATER SERVICE - RE-CONNECTIONS (ALL SIZES)	EA	17	\$550.00	\$9,350.00	\$1,350.00	\$22,950.00	\$1,117.00	\$18,989.00
39	WATER METER WELL	EA	17	\$582.00	\$9,894.00	\$750.00	\$12,750.00	\$488.00	\$8,296.00
40	WATER LINE VALVE - 6" GATE	EA	8	\$1,221.00	\$9,768.00	\$1,500.00	\$12,000.00	\$985.00	\$7,880.00
41	FIRE HYDRANT ASSEMBLY (WITH NEW HYDRANT)	EA	2	\$3,808.00	\$7,616.00	\$4,500.00	\$9,000.00	\$4,104.00	\$8,208.00
42	BLOWOFF ASSEMBLY	EA	1	\$1,284.00	\$1,284.00	\$500.00	\$500.00	\$1,865.00	\$1,865.00
43	PAVEMENT REPAIR	SY	12	\$166.00	\$1,992.00	\$65.00	\$780.00	\$144.00	\$1,728.00
44	CURB AND GUTTER (ALL TYPES)	LF	30	\$63.00	\$1,890.00	\$35.00	\$1,050.00	\$45.00	\$1,350.00
45	SIDEWALK - CONCRETE	SY	79	\$53.00	\$4,187.00	\$55.00	\$4,345.00	\$94.00	\$7,426.00
46	ADA RAMPS - TYPE B	EA	1	\$1,545.00	\$1,545.00	\$2,500.00	\$2,500.00	\$1,825.00	\$1,825.00
47	SOD	SY	353	\$8.50	\$3,000.50	\$6.00	\$2,118.00	\$15.00	\$5,295.00
48	EROSION CONTROL	LS	1	\$306.00	\$306.00	\$500.00	\$500.00	\$4,000.00	\$4,000.00
49	TRAFFIC CONTROL	LS	1	\$1,492.00	\$1,492.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
Total Alternate No. 1 Bid Items				\$154,818.50	\$207,148.00	\$248,169.00			

Alternate No. 2, NE Warrington Ct.

Item No.	Description	Unit	Est. Qty.	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
50	MOBILIZATION	LS	1	\$13,400.00	\$13,400.00	\$2,500.00	\$2,500.00	\$25,000.00	\$25,000.00
51	CLEARING AND GRUBBING	LS	1	\$280.00	\$280.00	\$750.00	\$750.00	\$3,000.00	\$3,000.00
52	DEMOLITION AND REMOVAL	LS	1	\$280.00	\$280.00	\$1,000.00	\$1,000.00	\$15,000.00	\$15,000.00
53	WATER LINE PIPE - 2" HDPE	LF	201	\$46.50	\$9,346.50	\$85.00	\$17,085.00	\$74.00	\$14,874.00
54	WATER LINE PIPE - 6" PVC	LF	494	\$73.00	\$36,062.00	\$125.00	\$61,750.00	\$125.00	\$61,750.00
55	WATER SERVICE LINE - 3/4" and 1" COPPER	LF	45	\$34.00	\$1,530.00	\$35.00	\$1,575.00	\$44.00	\$1,980.00
56	WATER SERVICE - RE-CONNECTIONS (ALL SIZES)	EA	17	\$614.00	\$10,438.00	\$1,350.00	\$22,950.00	\$1,117.00	\$18,989.00
57	RAISE WATER METER	EA	1	\$430.00	\$430.00	\$250.00	\$250.00	\$275.00	\$275.00
58	WATER LINE VALVE - 8" GATE	EA	2	\$1,478.00	\$2,956.00	\$1,750.00	\$3,500.00	\$1,354.00	\$2,708.00
59	FIRE HYDRANT ASSEMBLY (WITH NEW HYDRANT)	EA	2	\$3,808.00	\$7,616.00	\$4,500.00	\$9,000.00	\$4,104.00	\$8,208.00
60	BLOWOFF ASSEMBLY	EA	1	\$1,435.00	\$1,435.00	\$500.00	\$500.00	\$1,865.00	\$1,865.00
61	SIDEWALK - CONCRETE	SY	68	\$64.00	\$4,352.00	\$55.00	\$3,740.00	\$94.00	\$6,392.00
62	SOD	SY	274	\$8.50	\$2,329.00	\$6.00	\$1,644.00	\$15.00	\$4,110.00
63	EROSION CONTROL	LS	1	\$789.00	\$789.00	\$500.00	\$500.00	\$4,000.00	\$4,000.00
64	TRAFFIC CONTROL	LS	1	\$1,492.00	\$1,492.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
Total Alternate No. 2 Bid Items				\$92,735.50	\$128,744.00	\$173,151.00			

Alternate No. 3, NE Woods Chapel Road

Item No.	Description	Unit	Est. Qty.	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
65	MOBILIZATION	LS	1	\$15,000.00	\$15,000.00	\$2,500.00	\$2,500.00	\$25,000.00	\$25,000.00
66	CLEARING AND GRUBBING	LS	1	\$280.00	\$280.00	\$750.00	\$750.00	\$3,000.00	\$3,000.00
67	DEMOLITION AND REMOVAL	LS	1	\$280.00	\$280.00	\$950.00	\$950.00	\$15,000.00	\$15,000.00
68	WATER LINE PIPE - 2" HDPE	LF	1236	\$17.00	\$21,012.00	\$105.00	\$129,780.00	\$74.00	\$91,464.00
69	WATER LINE PIPE - 8" PVC	LF	395	\$65.00	\$25,675.00	\$135.00	\$53,325.00	\$138.00	\$54,510.00
70	WATER SERVICE - RE-CONNECTIONS (ALL SIZES)	EA	2	\$525.00	\$1,050.00	\$1,350.00	\$2,700.00	\$1,117.00	\$2,234.00
71	WATER LINE VALVE - 8" GATE	EA	1	\$1,520.00	\$1,520.00	\$1,750.00	\$1,750.00	\$1,354.00	\$1,354.00
72	FIRE HYDRANT ASSEMBLY (WITH NEW HYDRANT)	EA	1	\$3,700.00	\$3,700.00	\$4,500.00	\$4,500.00	\$4,104.00	\$4,104.00
73	BLOWOFF ASSEMBLY	EA	1	\$1,260.00	\$1,260.00	\$500.00	\$500.00	\$1,865.00	\$1,865.00
74	SOD	SY	62	\$8.50	\$527.00	\$6.00	\$372.00	\$15.00	\$930.00
75	EROSION CONTROL	LS	1	\$800.00	\$800.00	\$500.00	\$500.00	\$4,000.00	\$4,000.00
76	TRAFFIC CONTROL	LS	1	\$1,492.00	\$1,492.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
Total Alternate No. 3 Bid Items				\$72,596.00	\$199,627.00	\$208,461.00			

Total Base Bid and all Alternates **\$1,578,840.00**

**\$2,579,598.00**

**\$2,932,295.00**

This is an unofficial bid tabulation.

Bid No. 20231683-C

Project: Water Main Replacement-FY16

Bid Opening Date and Time: February 23, 2017 2:00 p.m.

		BIDDER			BIDDER			BIDDER		
		Horseshoe Construction, Inc. La Porte, TX			Engineer's Estimate					
Item No.	Description	Unit	Est. Qty.	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	
1	MOBILIZATION	LS	1	\$75,000.00	\$75,000.00	\$143,142.58	\$143,142.58			
2	CLEARING AND GRUBBING	LS	1	\$10,000.00	\$10,000.00	\$36,216.80	\$36,216.80			
3	DEMOLITION AND REMOVAL	LS	1	\$10,000.00	\$10,000.00	\$45,153.41	\$45,153.41			
4	POTHOLING WATER MAIN	EA	2	\$5,000.00	\$10,000.00	\$1,323.30	\$2,646.60			
5	WATER LINE PIPE - 2" HDPE	LF	1361	\$100.00	\$136,100.00	\$41.56	\$56,563.16			
6	WATER LINE PIPE - 6" PVC	LF	7685	\$152.00	\$1,168,120.00	\$100.78	\$774,494.30			
7	WATER LINE PIPE - 8" PVC	LF	2215	\$215.00	\$476,225.00	\$104.60	\$231,689.00			
8	LOWERING WATER MAIN - 6"	LF	36	\$265.00	\$9,540.00	\$168.85	\$6,078.60			
9	LOWERING WATER MAIN - 8"	LF	24	\$375.00	\$9,000.00	\$234.91	\$5,637.84			
10	WATER SERVICE LINE - 3/4" and 1" COPPER	LF	335	\$60.00	\$20,100.00	\$43.09	\$14,435.15			
11	WATER SERVICE - RE-CONNECTIONS (ALL SIZES)	EA	171	\$2,000.00	\$342,000.00	\$840.66	\$143,752.86			
12	WATER METER WELL	EA	29	\$900.00	\$26,100.00	\$352.83	\$10,232.07			
13	WATER METER WELL ADJUSTMENT	EA	2	\$750.00	\$1,500.00	\$382.25	\$764.50			
14	WATER METER RELOCATION WITH REUSE OF EXISTING WATER	EA	3	\$2,800.00	\$8,400.00	\$903.75	\$2,711.25			
15	WATER LINE VALVE - 6" GATE	EA	27	\$4,500.00	\$121,500.00	\$1,014.93	\$27,403.11			
16	WATER LINE VALVE - 8" GATE	EA	8	\$5,500.00	\$44,000.00	\$1,391.41	\$11,131.28			
17	FIRE HYDRANT ASSEMBLY (WITH NEW HYDRANT)	EA	16	\$7,500.00	\$120,000.00	\$4,563.42	\$73,014.72			
18	BLOWOFF ASSEMBLY	EA	4	\$2,000.00	\$8,000.00	\$1,876.42	\$7,505.68			
19	PAVEMENT REPAIR	SY	493	\$275.00	\$135,575.00	\$153.60	\$75,724.80			
20	DRIVEWAYS - CONCRETE RESIDENTIAL	SY	167	\$250.00	\$41,750.00	\$100.24	\$16,740.08			
21	DRIVEWAYS - GRAVEL RESIDENTIAL	SY	146	\$175.00	\$25,550.00	\$29.15	\$4,255.90			
22	BRICK PAVEMENT	SF	16	\$900.00	\$14,400.00	\$110.00	\$1,760.00			
23	CURB AND GUTTER (ALL TYPES)	LF	135	\$75.00	\$10,125.00	\$48.82	\$6,590.70			
24	SIDEWALK - CONCRETE	SY	309	\$175.00	\$54,075.00	\$78.09	\$24,129.81			
25	ADA RAMPS - TYPE A	EA	2	\$10,000.00	\$20,000.00	\$1,430.75	\$2,861.50			
26	ADA RAMPS - TYPE B	EA	1	\$12,500.00	\$12,500.00	\$2,120.58	\$2,120.58			
27	FENCE REMOVAL AND REINSTALLATION	LF	60	\$100.00	\$6,000.00	\$44.00	\$2,640.00			
28	SOD	SY	5862	\$12.50	\$73,275.00	\$11.19	\$65,595.78			
29	EROSION CONTROL	LS	1	\$10,000.00	\$10,000.00	\$8,372.19	\$8,372.19			
30	TRAFFIC CONTROL	LS	1	\$25,000.00	\$25,000.00	\$24,771.66	\$24,771.66			
Total for Base Bid Items				\$3,023,835.00	\$1,828,135.91					



Alternate No. 1, NE Grant St. and Grant Ct.

Item No.	Description	Unit	Est. Qty.	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
31	MOBILIZATION	LS	1	\$5,000.00	\$5,000.00	\$13,976.96	\$13,976.96		
32	CLEARING AND GRUBBING	LS	1	\$500.00	\$500.00	\$3,536.34	\$3,536.34		
33	DEMOLITION AND REMOVAL	LS	1	\$500.00	\$500.00	\$4,408.94	\$4,408.94		
34	POTHOLING WATER MAIN	EA	2	\$5,000.00	\$10,000.00	\$1,323.30	\$2,646.60		
35	WATER LINE PIPE - 2" HDPE	LF	248	\$100.00	\$24,800.00	\$41.56	\$10,306.88		
36	WATER LINE PIPE - 6" PVC	LF	791	\$152.00	\$120,232.00	\$100.78	\$79,716.98		
37	LOWERING WATER MAIN - 6"	LF	48	\$265.00	\$12,720.00	\$168.85	\$8,104.80		
38	WATER SERVICE - RE-CONNECTIONS (ALL SIZES)	EA	17	\$2,000.00	\$34,000.00	\$840.66	\$14,291.22		
39	WATER METER WELL	EA	17	\$900.00	\$15,300.00	\$352.83	\$5,998.11		
40	WATER LINE VALVE - 6" GATE	EA	8	\$4,500.00	\$36,000.00	\$1,014.93	\$8,119.44		
41	FIRE HYDRANT ASSEMBLY (WITH NEW HYDRANT)	EA	2	\$7,500.00	\$15,000.00	\$4,563.42	\$9,126.84		
42	BLOWOFF ASSEMBLY	EA	1	\$2,000.00	\$2,000.00	\$1,876.42	\$1,876.42		
43	PAVEMENT REPAIR	SY	12	\$275.00	\$3,300.00	\$153.60	\$1,843.20		
44	CURB AND GUTTER (ALL TYPES)	LF	30	\$75.00	\$2,250.00	\$48.82	\$1,464.60		
45	SIDEWALK - CONCRETE	SY	79	\$175.00	\$13,825.00	\$78.09	\$6,169.11		
46	ADA RAMPS - TYPE B	EA	1	\$12,500.00	\$12,500.00	\$2,120.58	\$2,120.58		
47	SOD	SY	353	\$12.50	\$4,412.50	\$11.19	\$3,950.07		
48	EROSION CONTROL	LS	1	\$500.00	\$500.00	\$817.49	\$817.49		
49	TRAFFIC CONTROL	LS	1	\$2,500.00	\$2,500.00	\$2,418.79	\$2,418.79		
Total Alternate No. 1 Bid Items				\$315,339.50		\$180,893.37			

Alternate No. 2, NE Warrington Ct.

Item No.	Description	Unit	Est. Qty.	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
50	MOBILIZATION	LS	1	\$5,000.00	\$5,000.00	\$8,851.48	\$8,851.48		
51	CLEARING AND GRUBBING	LS	1	\$500.00	\$500.00	\$2,239.53	\$2,239.53		
52	DEMOLITION AND REMOVAL	LS	1	\$500.00	\$500.00	\$2,792.14	\$2,792.14		
53	WATER LINE PIPE - 2" HDPE	LF	201	\$100.00	\$20,100.00	\$41.56	\$8,353.56		
54	WATER LINE PIPE - 6" PVC	LF	494	\$152.00	\$75,088.00	\$100.78	\$49,785.32		
55	WATER SERVICE LINE - 3/4" and 1" COPPER	LF	45	\$60.00	\$2,700.00	\$43.09	\$1,939.05		
56	WATER SERVICE - RE-CONNECTIONS (ALL SIZES)	EA	17	\$2,000.00	\$34,000.00	\$840.66	\$14,291.22		
57	RAISE WATER METER	EA	1	\$750.00	\$750.00	\$418.00	\$418.00		
58	WATER LINE VALVE - 8" GATE	EA	2	\$5,500.00	\$11,000.00	\$1,391.41	\$2,782.82		
59	FIRE HYDRANT ASSEMBLY (WITH NEW HYDRANT)	EA	2	\$7,500.00	\$15,000.00	\$4,563.42	\$9,126.84		
60	BLOWOFF ASSEMBLY	EA	1	\$2,000.00	\$2,000.00	\$1,876.42	\$1,876.42		
61	SIDEWALK - CONCRETE	SY	68	\$175.00	\$11,900.00	\$78.09	\$5,310.12		
62	SOD	SY	274	\$12.50	\$3,425.00	\$11.19	\$3,066.06		
63	EROSION CONTROL	LS	1	\$500.00	\$500.00	\$517.71	\$517.71		
64	TRAFFIC CONTROL	LS	1	\$2,500.00	\$2,500.00	\$1,531.80	\$1,531.80		
Total Alternate No. 2 Bid Items				\$184,963.00		\$112,882.07			

Alternate No. 3, NE Woods Chapel Road

Item No.	Description	Unit	Est. Qty.	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
65	MOBILIZATION	LS	1	\$5,000.00	\$5,000.00	\$9,393.99	\$9,393.99		
66	CLEARING AND GRUBBING	LS	1	\$500.00	\$500.00	\$2,376.79	\$2,376.79		
67	DEMOLITION AND REMOVAL	LS	1	\$500.00	\$500.00	\$2,963.28	\$2,963.28		
68	WATER LINE PIPE - 2" HDPE	LF	1236	\$100.00	\$123,600.00	\$41.56	\$51,368.16		
69	WATER LINE PIPE - 8" PVC	LF	395	\$215.00	\$84,925.00	\$104.60	\$41,317.00		
70	WATER SERVICE - RE-CONNECTIONS (ALL SIZES)	EA	2	\$2,000.00	\$4,000.00	\$840.66	\$1,681.32		
71	WATER LINE VALVE - 8" GATE	EA	1	\$5,500.00	\$5,500.00	\$1,391.41	\$1,391.41		
72	FIRE HYDRANT ASSEMBLY (WITH NEW HYDRANT)	EA	1	\$7,500.00	\$7,500.00	\$4,563.42	\$4,563.42		
73	BLOWOFF ASSEMBLY	EA	1	\$2,000.00	\$2,000.00	\$1,876.42	\$1,876.42		
74	SOD	SY	62	\$12.50	\$775.00	\$11.19	\$693.78		
75	EROSION CONTROL	LS	1	\$500.00	\$500.00	\$549.44	\$549.44		
76	TRAFFIC CONTROL	LS	1	\$2,500.00	\$2,500.00	\$1,625.69	\$1,625.69		
Total Alternate No. 3 Bid Items				\$237,300.00	\$3,761,437.50	\$119,800.70	\$2,241,712.05		

Total Base Bid and all Alternates

\$3,761,437.50

\$2,241,712.05

**AGREEMENT  
BETWEEN OWNER AND CONTRACTOR FOR  
CONSTRUCTION CONTRACT (STIPULATED PRICE)**

Prepared by

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and

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1420 King Street, Alexandria, VA 22314-2794  
(703) 684-2882  
[www.nspe.org](http://www.nspe.org)

American Council of Engineering Companies  
1015 15th Street N.W., Washington, DC 20005  
(202) 347-7474  
[www.acec.org](http://www.acec.org)

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(800) 548-2723  
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**AGREEMENT  
BETWEEN OWNER AND CONTRACTOR  
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)**

THIS AGREEMENT is by and between \_\_\_\_\_ City of Lee’s Summit, Missouri \_\_\_\_\_ (“Owner”) and  
\_\_\_\_\_ Wiedenmann Inc. \_\_\_\_\_ (“Contractor”).

Owner and Contractor hereby agree as follows:

**ARTICLE 1 – WORK**

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Installation of 14,600 feet of water main, hydrants, valves, fittings, service lines, service connections, connections to existing water mains, surface restoration including all materials, labor, equipment, testing, supervision, and any and all other items necessary to complete the work.

**ARTICLE 2 – THE PROJECT**

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

Bid No. 20231683-C Water Main Replacement – FY16

**ARTICLE 3 – ENGINEER**

3.01 The Project has been designed by the City of Lee’s Summit Public Works Department (Engineer), which is to act as Owner’s representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

**ARTICLE 4 – CONTRACT TIMES**

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Days to Achieve Substantial Completion and Final Payment*

A. The Work will be substantially completed within 210 days after the date when the Contract Times commence to run as provided in Paragraph 2.03 of the General Conditions, and

completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions within 240 days after the date when the Contract Times commence to run.

B. The work associated with the following Milestones, including all site restoration, shall be completed within the timeframes set forth below for each Milestone, with such timeframes being either a period of consecutive calendar days or a completion date; provided, however, that the counting of days for Milestones may be suspended in order to accommodate sod placement and seeding work in the manner specified in this paragraph. Sod shall not be placed during a drought nor during the period from June 1 to September 1, unless authorized by the Engineer, and shall not be placed on frozen ground. The Engineer will make all determination of whether drought or frozen ground conditions exist. All seeding work shall be done between the dates of February 1 and April 15 for the spring planting or August 15 and October 15 for the fall planting. If the Contractor is unable to place sod or seed due to these conditions, then the counting of days to achieve the Milestone shall be suspended only for placing sod or seed until such time sod or seed can be placed. Contract time shall not be suspended for any other work except for placing sod or seed. The days to achieve Milestones are as follows:

1. SE 6<sup>th</sup> Street Milestone: All work shall be completed along SE 6<sup>th</sup> Street as shown in the plans within 60 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3 and in sheets 5 and 6.
2. SE Green Street, SE 7<sup>th</sup> Terrace and SE 8<sup>th</sup> Street Milestone: All work shall be completed along SE Green Street, SE 7<sup>th</sup> Terrace and SE 8<sup>th</sup> Street as shown in the plans within 50 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3 and in sheets 7 and 8.
3. SW 5<sup>th</sup> Street Milestone: All work shall be completed along SW 5<sup>th</sup> Street as shown in the plans within 40 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3 and in sheet 9.
4. NE Noeleen Lane Milestone: All work shall be completed along NE Noeleen Lane as shown in the plans within 40 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3 and in sheet 10.
5. NE Grant Street and NE Grant Court Milestone: All work shall be completed along NE Grant Street and NE Grant Lane as shown in the plans within 50 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3 and in sheet 11.
6. NE Edgewater Drive, NE Shoreview Drive and NE Bayview Drive Milestone: All work shall be completed along NE Edgewater Drive, NE Shoreview Drive and NE Bayview Drive as shown in the plans within 90 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3 and in sheets 12 and 13.

7. NE Warrington Court Milestone: All work shall be completed along NE Warrington Court as shown in the plans within 40 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3 and in sheet 14.
8. NE Brockton Drive, NE Hampstead Drive and NE Pembroke Lane Milestone: All work shall be completed along NE Brockton Drive, NE Hampstead Drive and NE Pembroke Lane as shown in the plans within 110 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3, and sheets 15-18.
9. NE Beach Road Milestone: All work shall be completed along NE Beach Road as shown in the plans within 40 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3, and sheet 19.
10. NE Woods Chapel Road Milestone: All work shall be completed along NE Woods Chapel Road as shown in the plans within 50 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3, and sheets 20 and 21.
11. SW Tucker Ridge Milestone: All work shall be completed along SW Tucker Ridge as shown in the plans within 40 calendar days of the date work commences within the area. The plans pertaining to this Milestone are marked accordingly and are shown on sheet 3 and in sheet 22.

#### 4.03 *Liquidated Damages*

- A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial loss if the Work is not completed within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner \$500.00 for each day that expires after the time specified in Paragraph 4.02 above for Substantial Completion until the Work is substantially complete. For each Milestone, Contractor shall pay Owner \$250.00 per day for each day that expires after the times specified in Paragraph 4.02 for completion of the Milestones until the work associated with the respective Milestone is complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner \$500.00 for each day that expires after the time specified in Paragraph 4.02 above for completion and readiness for final payment until the Work is completed and ready for final payment. In addition, Contractor shall be liable to Owner for all other damages, including, but not limited to attorney's fees and expenses, additional engineering fees and expenses, and time, costs, and/or expense of Owner's personnel.

**ARTICLE 5 – CONTRACT PRICE**

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraphs 5.01.A, 5.01.B, and 5.01.C below:

A. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the actual quantity of that item:

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Price
1	Mobilization	LS	1	\$53,000.00	\$53,000.00
2	Clearing and Grubbing	LS	1	\$300.00	\$300.00
3	Demolition and Removal	LS	1	\$2,000.00	\$2,000.00
4	Potholing Water Main	EA	2	\$1,700.00	\$3,400.00
5	Water Line Pipe - 2" HDPE	LF	1,361	\$37.00	\$50,375.00
6	Water Line Pipe - 6" PVC	LF	7,685	\$67.00	\$514,895.00
7	Water Line Pipe - 8" PVC	LF	2,215	\$90.00	\$199,350.00
8	Lowering Water Main - 6"	LF	36	\$342.00	\$12,312.00
9	Lowering Water Main - 8"	LF	24	\$400.00	\$9,600.00
10	Water Service Line - 3/4" and 1" Copper	LF	335	\$32.00	\$10,720.00
11	Water Service - Re-Connections (All Sizes)	EA	171	\$520.00	\$88,920.00
12	Water Meter Well	EA	29	\$586.00	\$16,994.00
13	Water Meter Well Adjustment	EA	2	\$290.00	\$580.00
14	Water Meter Relocation With Reuse Of Existing Water Meter	EA	3	\$1,600.00	\$4,800.00
15	Water Line Valve – 6" Gate	EA	27	\$1,290.00	\$34,830.00
16	Water Line Valve – 8" Gate	EA	8	\$1,500.00	\$12,000.00
17	Fire Hydrant Assembly	EA	16	\$3,750.00	\$60,000.00
18	Blowoff Assembly	EA	4	\$1,250.00	\$5,000.00
19	Pavement Repair	SY	493	\$120.00	\$59,160.00
20	Driveways – Concrete Residential	SY	167	\$94.00	\$15,698.00
21	Driveways – Gravel Residential	SY	146	\$17.00	\$2,482.00
22	Brick Pavement	SF	16	\$68.00	\$1,088.00
23	Curb and Gutter	LF	135	\$59.00	\$7,965.00
24	Sidewalk – Concrete	SY	309	\$68.00	\$21,021.00
25	ADA Ramps - Type A	EA	2	\$1,250.00	\$2,500.00



26	ADA Ramps - Type B	EA	1	\$1,500.00	\$1,500.00
27	Fence Removal and Reinstallation	LF	60	\$50.00	\$3,000.00
28	Sod	SY	5,862	\$8.50	\$49,827.00
29	Erosion Control	LS	1	\$5,400.00	\$5,400.00
30	Traffic Control	LS	1	\$10,000.00	\$10,000.00
Total Base Bid Items (Items 1-30)					\$1,258,690.00
Alternate No. 1, NE Grant St and NE Grant Ct					
31	Mobilization	LS	1	\$15,840.00	\$15,840.00
32	Clearing and Grubbing	LS	1	\$280.00	\$280.00
33	Demolition and Removal	LS	1	\$280.00	\$280.00
34	Potholing Water Main	EA	2	\$830.00	\$1,660.00
35	Water Line Pipe - 2" HDPE	LF	248	\$63.00	\$15,624.00
36	Water Line Pipe - 6" PVC	LF	791	\$70.00	\$55,370.00
37	Lowering Water Main - 6"	LF	48	\$280.00	\$13,440.00
38	Water Service - Re-Connections (All Sizes)	EA	17	\$550.00	\$9,350.00
39	Water Meter Well	EA	17	\$582.00	\$9,984.00
40	Water Line Valve - 6" Gate	EA	8	\$1,221.00	\$9,768.00
41	Fire Hydrant Assembly	EA	2	\$3,808.00	\$7,616.00
42	Blowoff Assembly	EA	1	\$1,284.00	\$1,284.00
43	Pavement Repair	SY	12	\$166.00	\$1,992.00
44	Curb and Gutter	LF	30	\$63.00	\$1,890.00
45	Sidewalk - Concrete	SY	79	\$53.00	\$4,187.00
46	ADA Ramps - Type B	EA	1	\$1,545.00	\$1,545.00
47	Sod	SY	353	\$8.50	\$3,000.50
48	Erosion Control	LS	1	\$306.00	\$306.00
49	Traffic Control	LS	1	\$1,492.00	\$1,492.00
Total Alternate No. 1, NE Grant St and NE Grant Ct (Items 31-49)					\$154,818.50
Alternate No. 2, NE Warrington Ct					
50	Mobilization	LS	1	\$13,400.00	\$13,400.00
51	Clearing and Grubbing	LS	1	\$280.00	\$280.00
52	Demolition and Removal	LS	1	\$280.00	\$280.00
53	Water Line Pipe - 2" HDPE	LF	201	\$46.50	\$9,346.50
54	Water Line Pipe - 6" PVC	LF	494	\$73.00	\$36,062.00
55	Water Service Line - 3/4" and 1" Copper	LF	45	\$34.00	\$1,530.00
56	Water Service - Re-Connections (All Sizes)	EA	17	\$614.00	\$10,438.00
57	Raise Water Meter	EA	1	\$430.00	\$430.00

58	Water Line Valve – 8” Gate	EA	2	\$1,478.00	\$2,956.00
59	Fire Hydrant Assembly	EA	2	\$3,808.00	\$7,616.00
60	Blowoff Assembly	EA	1	\$1,435.00	\$1,435.00
61	Sidewalk – Concrete	SY	68	\$64.00	\$4,352.00
62	Sod	SY	274	\$8.50	\$2,329.00
63	Erosion Control	LS	1	\$789.00	\$789.00
64	Traffic Control	LS	1	\$1,492.00	\$1,492.00
Total Alternate No. 2, NE Warrington Ct (Items 50-64)					\$92,735.50
Alternate No. 3, NE Woods Chapel Rd					
65	Mobilization	LS	1	\$15,000.00	\$15,000.00
66	Clearing and Grubbing	LS	1	\$280.00	\$280.00
67	Demolition and Removal	LS	1	\$280.00	\$280.00
68	Water Line Pipe - 2" HDPE	LF	1,236	\$17.00	\$21,012.00
69	Water Line Pipe - 8" PVC	LF	395	\$65.00	\$25,675.00
70	Water Service - Re-Connections (All Sizes)	EA	2	\$525.00	\$1,050.00
71	Water Line Valve – 8” Gate	EA	1	\$1,520.00	\$1,520.00
72	Fire Hydrant Assembly	EA	1	\$3,700.00	\$3,700.00
73	Blowoff Assembly	EA	1	\$1,260.00	\$1,260.00
74	Sod	SY	62	\$8.50	\$527.00
75	Erosion Control	LS	1	\$800.00	\$800.00
76	Traffic Control	LS	1	\$1,492.00	\$1,492.00
Total Alternate No. 3, NE Woods Chapel Rd (Items 65-76)					\$72,596.00
Total Base Bid, Alternate 1, Alternate 2 and Alternate 3					\$1,578,840.00

The Bid prices for Unit Price Work set forth as of the Effective Date of the Agreement are based on estimated quantities. As provided in Paragraph 11.03 of the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by Engineer as provided in Paragraph 9.07 of the General Conditions.

## ARTICLE 6 – PAYMENT PROCEDURES

### 6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ~~Engineer~~ Owner as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment ~~monthly on or about the 1st day of each month~~ during performance of the Work as provided in Paragraph 6.02.A.1 below. All such payments will be measured by the schedule of values established as provided in Paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with Paragraph 14.02 of the General Conditions.
    - a. ~~95 percent of Work completed (with the balance being retainage); and. If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and~~
    - b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 95 percent of the Work completed, less such amounts as Engineer shall determine in accordance with Paragraph 14.02.B.5 of the General Conditions and less 150 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 14.07 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 14.07.

**ARTICLE 7 – INTEREST**

- 7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the rate as specified by Missouri State Statute, RSMo 34-057, of \_\_\_\_\_ percent per annum.

**ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS**

- 8.01 In order to induce Owner to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (~~except Underground Facilities~~), if any, that have been identified in Paragraph SC-4.02 of the Supplementary Conditions as containing reliable "technical data," and (2) reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in Paragraph SC-4.06 of the Supplementary Conditions as containing reliable "technical data."
- E. Contractor has considered the information known to Contractor; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Contract Documents; and (3) Contractor's safety precautions and programs.
- F. Based on the information and observations referred to in Paragraph 8.01.E above, Contractor does not consider that further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

## **ARTICLE 9 – CONTRACT DOCUMENTS**

### **9.01 Contents**

- A. The Contract Documents consist of the following:



1. This Agreement (pages 1 to 12, inclusive).
  2. Performance bond (pages 1 to 3, inclusive).
  3. Payment bond (pages 1 to 3, inclusive).
  4. General Conditions (pages 1 to 66, inclusive).
  5. Supplementary Conditions (pages 1 to 5, inclusive).
  6. Specifications as listed in the table of contents of the Project Manual.
  7. Drawings consisting of 29 sheets with each sheet bearing the following general title: Water Main Replacement – FY16 [or] the Drawings listed on attached sheet index.
  8. Addenda (numbers 1 to 2, inclusive).
  9. Exhibits to this Agreement (enumerated as follows):
    - a. Documentation submitted by Contractor prior to Notice of Award (pages \_\_\_\_\_ to \_\_\_\_\_, inclusive).
  10. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
    - a. Notice to Proceed (pages 1 to 1, inclusive).
    - b. Work Change Directives.
    - c. Change Orders.
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 3.04 of the General Conditions.

## **ARTICLE 10 – MISCELLANEOUS**

### 10.01 *Terms*

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

#### 10.02 *Assignment of Contract*

- A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

#### 10.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

#### 10.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

#### 10.05 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:
  - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution;
  - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
  - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
  - 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

10.06 *Other Provisions*

- A. This Agreement and all work related to this Project shall be governed by the laws of the State of Missouri and shall be litigated and/or mediated in Jackson County, Missouri.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement. Counterparts have been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or have been identified by Owner and Contractor or on their behalf.

This Agreement will be effective on \_\_\_\_\_ (which is the Effective Date of the Agreement).

OWNER:

CONTRACTOR

City of Lee's Summit, Missouri \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: City Manager \_\_\_\_\_

Title: \_\_\_\_\_

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Approved as to Form: Nancy K. Yendes \_\_\_\_\_

Attest: \_\_\_\_\_

Title: Chief Counsel of Infrastructure and Planning \_\_\_\_\_

Title: \_\_\_\_\_

Address for giving notices: 220 SE Green Street \_\_\_\_\_

Address for giving notices: \_\_\_\_\_

Lee's Summit, MO 64063 \_\_\_\_\_

\_\_\_\_\_

License No.: \_\_\_\_\_

(Where applicable)

(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)

Agent for service of process: \_\_\_\_\_

\_\_\_\_\_



## Packet Information

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**File #:** BILL NO. 17-81, **Version:** 1

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AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND OLSSON ASSOCIATES INC., IN THE AMOUNT OF \$583,155.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR 3RD STREET IMPROVEMENTS FROM PRYOR RD TO MURRAY RD (RFQ NO. 422-32272)

Issue/Request:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND OLSSON ASSOCIATES INC., IN THE AMOUNT OF \$583,155.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR 3RD STREET IMPROVEMENTS FROM PRYOR RD TO MURRAY RD (RFQ NO. 422-32272)

Key Issues:

- 1) The SW 3rd Street project, from Pryor Rd to Murray Rd, was authorized by Council in February 2016 and then formally approved in June 2016 as part of FY 2017 Capital Improvement Plan (CIP).
- 2) The project will be funded using cost savings from the voter-approved 2007 CIP Sales Tax Renewal.
- 3) City Staff issued RFQ No. 422-32272 to conduct a Qualification Based Selection for professional engineering services, in accordance with state statutes and local procurement Policies.
- 4) Olsson Associates was selected for the project and satisfactorily conducted negotiations for the scope and fee with City Staff.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND OLSSON ASSOCIATES INC., IN THE AMOUNT OF \$583,155.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR 3RD STREET IMPROVEMENTS FROM PRYOR RD TO MURRAY RD (RFQ NO. 422-32272)

SECOND MOTION: I move for approval of AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND OLSSON ASSOCIATES INC., IN THE AMOUNT OF \$583,155.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR 3RD STREET IMPROVEMENTS FROM PRYOR RD TO MURRAY RD (RFQ NO. 422-32272)

Background:

The project will improve safety and capacity of this major arterial corridor. The improvements are recommended in the Thoroughfare Master Plan to address existing and long term operational demand. The improvements also support various City policies, standards and ordinances such as Livable Streets Policy, American with Disabilities Act and Street Light Policy. All existing pavement will be removed, and the current three lane road will be replaced with a new four lane road. Additionally, sidewalks will be built on both sides of the street, street lights will light the corridor and accommodations for left turn lanes and access management will be constructed where appropriate. Based on the design engineer's traffic analysis of the 3rd

and Murray intersection, either a traffic signal or a roundabout will be constructed.

If project funding is available, then additional sidewalk and lighting improvements to SW 3rd St, from SW Murray Rd to SW McClendon Dr, will be considered. The optional services in this proposed contract include the design for these additional improvements.

These improvements were recommended by City Council with remaining funds from the 2007 CIP Sales Tax. The project was included in the adopted CIP, 2017-2022.

Public Works issued RFQ 422-32272. The RFQ was advertised in the City website and [www.PublicPurchase.com](http://www.PublicPurchase.com). Engineering firms were notified by Public Purchase for access to the documents and 14 firms were notified by email. Seven firms submitted statements of qualifications prior to the November 21, 2016 closing date. All submittals were evaluated by a City Staff evaluation team composed of five personnel with representatives from Public Works.

Impact/Analysis:

Timeline:

Estimated Start: April 2017

Estimated Finish: April 2019

Other Information/Unique Characteristics:

[Enter text here]

Presenter: Michael Park, City Traffic Engineer

Staff Recommendation: Staff recommends approval of AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND OLSSON ASSOCIATES INC., IN THE AMOUNT OF \$583,155.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR 3RD STREET IMPROVEMENTS FROM PRYOR RD TO MURRAY RD (RFQ NO. 422-32272)

Committee Recommendation: The March 21 Public Works Committee meeting was cancelled due to lack of quorum. Chairman Mosby approved this item to be sent directly to City Council.

## **BILL NO. 17-81**

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AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND OLSSON ASSOCIATES INC., IN THE AMOUNT OF \$583,155.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR 3RD STREET IMPROVEMENTS FROM PRYOR ROAD TO MURRAY ROAD (RFQ NO. 422-32272).

WHEREAS, the project involves the replacement of approximately 2,600 feet of roadway and will include the construction of new pavement, storm sewers, sidewalk, street lights, access management and other supporting infrastructure; and,

WHEREAS, the City desires to increase the safety and traffic capacity of this section of SW 3rd Street by removing and replacing the existing pavement, widening the road from a three lane section to a four lane section with turn lanes, and constructing sidewalks, street lights and intersection improvements (e.g. traffic signal) with the project; and,

WHEREAS, this project is included in the Thoroughfare Master Plan, approved in the Capital Improvement Plan (CIP), and funded by the CIP Sales Tax; and,

WHEREAS, the City issued RFQ No. 422-32272 for professional engineering services to design the 3rd Street Improvements from Pryor Rd to Murray Rd; and,

WHEREAS, the City and Olsson Associates Inc., desire to enter into an agreement in the amount of \$583,155.00 for Professional Engineering Services for the 3rd Street Improvements from Pryor Road to Murray Road (RFQ No. 422-32272); and,

WHEREAS, Olsson Associates Inc., represents that the firm is equipped, competent, and able to undertake such an assignment.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That an agreement for professional engineering services by and between the City of Lee's Summit, Missouri and Olsson Associates Inc., generally for the purpose of the provision of engineering services to design the 3rd Street Improvements from Pryor Road to Murray Road, a true and accurate copy being attached hereto and incorporated herein by reference as if fully set forth herein, is hereby approved and the City Manager is hereby authorized to execute the same on behalf of the City of Lee's Summit, Missouri.

SECTION 2. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2017.

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*Mayor Randall L. Rhoads*

**BILL NO. 17-81**

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ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

**AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES  
FOR SW 3RD STREET IMPROVEMENTS FROM PRYOR RD TO MURRAY RD  
(RFQ NO. 422-32272)**

**THIS AGREEMENT** made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Lee's Summit, Missouri (hereinafter "City"), and Olsson Associates, Inc., (hereinafter "Engineer").

**WITNESSETH:**

**WHEREAS**, City intends to have engineering services for the 3rd Street Improvements from Pryor Rd to Murray Rd (hereinafter "Project"); and

**WHEREAS**, Engineer has submitted a proposal for the Project and an estimate of engineering costs to perform the Project; and

**WHEREAS**, the City Manager is authorized and empowered by City to execute contracts providing for professional engineering services; and

**WHEREAS**, City desires to enter into an agreement with Engineer to perform the Project; and

**WHEREAS**, Engineer represents that the firm is equipped, competent, and able to undertake such an assignment.

**NOW THEREFORE**, in consideration of the mutual covenants and considerations herein contained, **IT IS HEREBY AGREED** by the parties hereto as follows:

**ARTICLE I  
SCOPE OF BASIC SERVICES TO BE PROVIDED BY ENGINEER**

Engineer shall provide the following professional engineering services to City ("Basic Services") as outlined in Exhibit A.

**ARTICLE II  
OPTIONAL SERVICES TO BE PROVIDED BY ENGINEER**

The following is a list of additional services which will be furnished by Engineer, if needed by City, upon receipt of written authorization by the Director of Public Works ("Optional Services"):

1. Sidewalk improvements on the north side of 3<sup>rd</sup> Street, from Murray Rd to McClendon Dr will include the sidewalk design, redesign of driveways and a possible extension of the existing reinforced concrete box culvert.
2. Design services for street lighting on the north side of 3<sup>rd</sup> Street, from Murray Rd to McClendon Dr.



3. Design services for a roundabout in lieu of a traffic signal at the intersection of 3<sup>rd</sup> and Murray.
4. Design services for waterline reconstruction on 3<sup>rd</sup> Street, from Pryor Rd to Murray Rd.
5. A tributary to Cedar Creek crosses 3<sup>rd</sup> Street, between Murray Road and Rogers Drive. This tributary crossing is located within a FEMA regulated Zone AE floodplain. For the proposed 3<sup>rd</sup> Street improvement project, roadway enhancements are being evaluated that may impact the floodplain in this area. These enhancements include potentially raising the roadway profile and widening the section to include sidewalks and a culvert extension. The impact these enhancements have on the floodplain will be evaluated and the final design will be permitted through FEMA.

### **ARTICLE III SCOPE OF SERVICES TO BE PROVIDED BY CITY**

City shall provide the following services to Engineer:

- Provide as-built drawings, existing studies, aerial photos, contours and other requested information upon the notice to proceed and prior to the kick-off meeting.
- Prepare and mail invitations for Concept Phase and Right of Way Phase Public Meetings.
- Provide City templates for documents or standard details, including but not limited to right of way, easements, bid letting or the construction contract.
- Pay fees for any city, state, and federal permits.
- Allow access to right of way or City controlled easements.
- Any updates to the City's water model based on the planned improvements.
- Any updates to the City's sanitary sewer plan based on the planned improvements.

### **ARTICLE IV PAYMENTS TO THE ENGINEER**

For the services performed by Engineer pursuant to this Agreement, and as full compensation therefore, and for all expenditures made and all expenses incurred by Engineer in connection with this Agreement, except as otherwise expressly provided herein, subject to and in conformance with all provisions of this Agreement, City will pay Engineer a maximum fee for Basic Services and Optional Services in the sum of Five Hundred Eighty Three Thousand and One Hundred Fifty-Five Dollars (\$583,155.00), according to the following provisions:

- A. The cost of all Basic Services covered under Article I shall be billed hourly at the rates set forth in Exhibit B attached hereto and incorporated herein by reference. Expenses incurred to provide the Basic Services shall be billed as set forth in Exhibit C.
- C. The total fees (hourly fees and expenses) for the Basic Services shall not exceed

the total sum of Four Hundred Thirty Four Thousand and Nine Hundred Sixty-Seven Dollars (\$434,967).

- B. The cost of all Optional Services covered under Article II shall be billed hourly at the rates set forth in Exhibit B attached hereto and incorporated herein by reference. Expenses incurred to provide the Optional Services shall be billed as set forth in Exhibit C. The total fees (hourly fees and expenses) for the Optional Services shall not exceed the total sum of One Hundred Forty Eight Thousand and One Hundred Eighty-Eight Dollars (\$148,188.00).
- C. If so requested by Engineer, City will make payment monthly for Basic Services and Optional Services that have been satisfactorily completed. The City shall make payment to Engineer within a period not to exceed thirty (30) days from the date an invoice is received by City. All invoices shall contain the following information:
  - 1. Project Name/Task Name/RFP Number/Description of Agreement.
  - 2. Invoice Number and Date.
  - 3. Purchase Order Number issued by City.
  - 4. Itemized statement for the previous month of Labor (including Personnel Description, Title or classification for each person on the Project, Hours Worked, Hourly Rate, and Amount), Itemized Reimbursable Expenses, and Invoice Total.
  - 5. Description of monthly progress detailing the amount of the services completed to date and projected completion time.
  - 6. Project Billing Summary containing the Contract or Agreed Maximum Fee Amount, Cumulative Amount Previously Billed, Billing Amount this Invoice, Contract or Agreed Amount Remaining, and Percent of Maximum Fee Billed to Date.

All moneys not paid when due as provided herein shall bear interest at a per annum rate equal to one percent (1%) plus the average *Consumer Price Index for All Urban Consumers (CPI-U)-U.S. City Average* for the time period in which payment is past due; provided, however, that in no event will the amount of interest to be paid by the City exceed 9% per annum.

## **ARTICLE V COMPLETION TIME**

The Basic Services shall be completed in accordance with the following schedule:

Start – April 2017  
Finish – April 2019

The Director of Public Works may, with the mutual consent of the parties, amend the deadlines contained in this Article by written authorization upon a showing of cause for amendment by Engineer.

The Optional Services shall be completed in accordance with the deadlines set by the Director of Public Works and accepted by Engineer at the time said Optional Services are authorized by the Director of Public Works.

## **ARTICLE VI INSURANCE**

- A. **CERTIFICATE OF INSURANCE:** The Engineer shall secure and maintain, throughout the duration of this contract, insurance of such types and in at least the amounts that are required herein. Engineer shall provide certificate(s) of insurance confirming the required protection on an ACORD 25 (or equivalent form). The City shall be notified by receipt of written notice from the insurer at least thirty (30) days prior to material modification or cancellation of any policy listed on the certificate(s). The City reserves the right to require formal copies of any Additional Insured endorsement, as well as the right to require completed copies of all insuring policies applicable to the project. The cost of such insurance shall be included in the Engineer's contract price.
- B. **NOTICE OF CLAIM:** The Engineer shall upon receipt of notice of any claim in connection with this contract promptly notify the City, providing full details thereof, including an estimate of the amount of loss or liability. The Engineer shall also promptly notify the City of any reduction in limits of protection afforded under any policy listed in the certificate(s) of insurance in excess of \$10,000.00, whether or not such impairment came about as a result of this contract. If the City shall subsequently determine that the Engineer's aggregate limits of protection shall have been impaired or reduced to such extent that they are inadequate for the balance of the project, the Engineer shall, upon notice from the City, promptly reinstate the original limits of liability required hereunder and shall furnish evidence thereof to the City.
- C. **INDUSTRY RATING:** The City will only accept coverage from an insurance carrier who offers proof that it is licensed to do business in the State of Missouri; carries a Best's policyholder rating of "A" or better; carries at least a Class VII financial rating or is a company mutually agreed upon by the City and the Engineer.
- D. **SUB-CONSULTANT'S INSURANCE:** If any part of the contract is to be sublet, the Engineer shall either:
  - 1. Cover all sub-consultants in the Engineer's liability insurance policy or,
  - 2. Require each sub-consultant not so covered to secure insurance in the minimum amounts required of the Engineer and submit such certificates to the City as outlined herein.
- E. **SELF-INSURED RETENTIONS / DEDUCTIBLES:** Any Engineer that maintains a Self-Insured Retention or Deductible (in excess of \$50,000) must be declared on the Certificates provided to the City. Such amounts shall be the sole responsibility of the

Engineer. The City reserves the right to approve such self-insured retentions/deductibles and may require guarantees from the Engineer for such assumed limits.

F. PROFESSIONAL LIABILITY: Professional Liability, or Errors and Omissions Insurance protection must be carried by Engineer in the minimum amount of \$1,000,000.

G. COMMERCIAL GENERAL LIABILITY POLICY

Limits:

Each occurrence:	\$1,000,000
Personal & Advertising Injury:	\$1,000,000
Products/Completed Operations Aggregate:	\$1,000,000
General Aggregate:	\$1,000,000

Policy must include the following conditions:

- Bodily Injury and Property Damage
- Insured Contract's Contractual Liability
- Explosion, Collapse & Underground (if risk is present)
- Additional Insured: City of Lee's Summit, Missouri

H. AUTOMOBILE LIABILITY: Policy shall protect the Engineer against claims for bodily injury and/or property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle and must include protection for either:

1. Any Auto
2. or all Owned Autos; Hired Autos; and Non-Owned Autos

Limits:

Each Accident, Combined Single Limits, Bodily Injury and Property Damage:	\$500,000
City of Lee's Summit, Missouri does NOT need to be named as additional insured on Automobile Liability	

I. WORKERS' COMPENSATION: This insurance shall protect the Engineer against all claims under applicable state Workers' Compensation laws. The Engineer shall also be protected against claims for injury, disease or death of employees which, for any reason, may not fall within the provisions of a Workers' Compensation law and contain a waiver of subrogation against the City. The policy limits shall not be less than the following:

Workers' Compensation:	Statutory
Employer's Liability:	
Bodily Injury by Accident:	\$100,000 Each Accident
Bodily Injury by Disease:	\$500,000 Policy Limit
Bodily Injury by Disease:	\$100,000 Each Employee

J. GENERAL INSURANCE PROVISIONS

1. The insurance limits outlined above represent the minimum coverage limit and do not infer or place a limit of liability on the Engineer nor has the City assessed the risk that may be applicable to the Engineer.
2. The Engineer's liability program will be primary and any insurance maintained by the City (including self-insurance) will not contribute with the coverage maintained by the Engineer.
3. Coverage limits outlined above may be met by a combination of primary and excess liability insurance programs.
4. Any coverage provided on a Claims Made policy form must contain a 3-year tail option (extended reporting period) or the program must be maintained for 3-years subsequent to completion of the Contract.
5. Any failure on the part of the Engineer with any policy reporting provision shall not affect the coverage provided to the City.
6. When "City" is utilized, this includes its officers, employees and volunteers in respect to their duties for the City.

## **ARTICLE VII MISCELLANEOUS PROVISIONS**

The following miscellaneous provisions are agreed to by both parties to this Agreement:

- A. **COVENANT AGAINST CONTINGENT FEES:** Engineer warrants that Engineer has not employed or retained any company or person, other than a bona fide employee working for the Engineer, to solicit or secure this Agreement, and that Engineer has not paid or agreed to pay any company or person, other than bona fide employee, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the City shall have the right to annul this Agreement without liability or, at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.
- B. **OWNERSHIP OF ENGINEERING DOCUMENTS:** Payment by City to Engineer as aforesaid in Article IV shall vest in City title to all drawings, sketches, studies, analyses, reports, models, and other paper, documents, computer files, and material produced by Engineer exclusively for the services performed pursuant to this Agreement up to the time of such payments, and the right to use the same without other or further compensation, provided that any use for another purpose shall be without liability to the Engineer. Any reuse without written verification or adaptation by Engineer for the specific purpose intended will be at City's risk and without liability or exposure to Engineer, and City shall indemnify and hold harmless, to the extent allowed by the Constitution and Laws of the State of Missouri, Engineer from all claims, damages, losses, expenses, including attorneys' fees arising out of or resulting therefrom.
- C. **MODIFICATIONS TO AGREEMENT:** In the event of any changes in the scope of services contained in this Agreement, prior to commencing the services City and Engineer shall enter into a modification of this Agreement describing the changes in



the services to be provided by Engineer and City, providing for compensation for any additional services to be performed by Engineer, and providing completion times for said services.

- D. **EMERGENCY CHANGES IN SERVICES:** The Director of Public Works, with the consent of the City Manager, is authorized to execute on behalf of the City modification agreements as provided for in subsection C. above where there is an emergency and the overall compensation authorized in Article IV above, and any supplements or modifications thereto, is not increased. For purposes of this subsection, an “emergency” shall mean those unforeseen circumstances that present an immediate threat to public health, welfare, or safety; or when immediate response is necessary to prevent further damage to public property, machinery, or equipment; or when delay would result in significant financial impacts to the City as determined by the Director of Public Works and the City Manager.

In the event an emergency change in services is authorized by the Director of Public Works and the City Manager pursuant to this provision, the modification agreement shall be submitted to the City Council for ratification at its next available meeting.

- E. **TERMINATION:** In the event of termination by City, if there are any services hereunder in progress but not completed as of the date of termination, then said Agreement may be extended upon written approval of the City until said services are completed and accepted.
1. Termination for Convenience: The services called for by this Agreement or any supplements thereto may be terminated upon request and for the convenience of City upon thirty (30) days advance written notice. City shall pay Engineer for all services rendered up to the date of termination.
  2. Termination for Cause: This Agreement may also be terminated for cause by City or Engineer. Termination for cause shall be preceded by a fourteen-(14) day correction period effective upon delivery of written notice. City shall pay Engineer for all services rendered up to the date of termination. In the event of termination for cause by City, compensation for services rendered by Engineer up to the date of termination shall be offset by City’s reasonable cost to mitigate or correct the effects of such termination.
  3. Termination Due to Unavailability of Funds in Succeeding Fiscal Years: When funds are not appropriated or otherwise made available to support continuation of the Project in a subsequent fiscal year, this Agreement shall be terminated and Engineer shall be reimbursed for the services rendered up to the date of termination plus the reasonable value of any nonrecurring costs incurred by Engineer but not amortized in the price of the services delivered under this Agreement.
- F. **COMPLIANCE WITH LAWS:** Engineer shall comply with all Federal, State, and local laws, ordinances, and regulations applicable to the services. Engineer shall secure all

licenses, permits, etc. from public and private sources necessary for the fulfillment of its obligations under this Agreement.

- G. SUBLETTING ASSIGNMENT OR TRANSFER: Engineer shall not sublet, assign, or transfer any interest in the services covered by this Agreement, except as provided for herein and except with the prior written consent of City. The use of subcontractors shall in no way relieve Engineer of his/her primary responsibility for the services. No approval will be necessary for non-professional services such as reproductions, printing, materials, and other services normally performed or provided by others.
- H. CONFERENCES, VISITS TO SITE, INSPECTION OF SERVICES: Upon reasonable advance notice and during normal business hours at Engineer's place of business, representatives of City shall have the privilege of inspecting and reviewing the services being performed by Engineer and consulting with him/her at such time. Conferences are to be held at the request of City or Engineer.
- I. ENGINEER'S ENDORSEMENT: Engineer shall endorse all plans, specifications, estimates, and engineering data furnished by him/her.
- J. INSPECTION OF DOCUMENTS: Engineer shall maintain all records pertaining to its services hereunder for inspection, upon reasonable advance notice and during normal business hours at Engineer's place of business, by a City representative during the contract period and for three (3) years from the date of final payment for each individual project performed pursuant to this Agreement.
- K. INDEMNIFICATION AND HOLD HARMLESS: Engineer shall indemnify and hold harmless City and its officers, employees, elected officials, and attorneys, each in their official and individual capacities, from and against judgments, damages, losses, expenses, including reasonable attorneys' fees, to the extent caused by the negligent acts, errors, omissions, or willful misconduct of Engineer, or its employees, or subcontractors, in the performance of Engineer's duties under this Agreement, or any supplements or amendments thereto.
- L. LIMITATION OF LIABILITY: In no event will City be liable to Engineer for indirect or consequential damages, and in no event will City's liability under this Agreement exceed the amount to be paid to Engineer pursuant to Article IV of this Agreement.
- M. PROFESSIONAL RESPONSIBILITY: Engineer will exercise reasonable skill, care, and diligence in the performance of its services in accordance with customarily accepted professional engineering practices. If Engineer fails to meet the foregoing standard, Engineer will perform at its own cost, and without reimbursement from City, the professional engineering services necessary to correct errors and omissions that are caused by Engineer's failure to comply with above standard, and that are reported to Engineer within one year from the completion of Engineer's services for each individual project performed pursuant to this Agreement.
- N. ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between the parties with respect to its subject matter, and any prior agreements, understandings, or

other matters, whether oral or written, are of no further force or effect. This Agreement may be amended, changed, or supplemented only by written agreement executed by both of the parties hereto.

- O. CONFLICT: In the event of any conflict, ambiguity, or inconsistency between this Agreement and any other document that may be annexed hereto, the terms of this Agreement shall govern.
- P. GOVERNING LAW: This Agreement shall be governed by and construed in accordance with the laws of the State of Missouri.
- Q. OPINION OF PROBABLE CONSTRUCTION COST AND SCHEDULE: Since Engineer has no control over the cost of labor, materials, or equipment, or over contractor's(s') methods of determining prices, or over competitive bidding or market conditions, the estimate of construction cost and schedule provided for herein is to be made on the basis of Engineer's experience and qualifications and represents Engineer's best judgment as a professional engineer familiar with the construction industry, but Engineer cannot and does not guarantee that the bids or the Project construction cost or schedule will not vary from the opinion of probable construction cost and schedule prepared by Engineer.
- R. TAX EXEMPT: City and its agencies are exempt from State and local sales taxes. Sites of all transactions derived from this Agreement shall be deemed to have been accomplished within the State of Missouri.
- S. SAFETY: In the performance of its services, Engineer shall comply with the applicable provisions of the Federal Occupational Safety and Health Act, as well as any pertinent Federal, State and/or local safety or environmental codes.
- T. ANTI-DISCRIMINATION CLAUSE: Engineer and its agents, employees, or subcontractors shall not in any way, directly or indirectly, discriminate against any person because of age, race, color, handicap, sex, national origin, or religious creed.
- U. DELAY IN PERFORMANCE: Neither City nor Engineer shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions, floods, earthquakes, fire, epidemics, war, riots, and other civil disturbances, strikes, lockouts, work slowdowns, and other labor disturbances, sabotage, judicial restraint, and delay in or inability to procure permits, licenses, or authorizations from any local, State, or Federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Engineer under this Agreement. Engineer and City shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances. Should such circumstances occur, the nonperforming party shall within a reasonable time of being prevented from performing, give written notice to the other party describing the

circumstances preventing continued performance and the efforts being made to resume performance of the Agreement.

V. NO THIRD-PARTY RIGHTS: The services provided for in this Agreement are for the sole use and benefit of City and Engineer. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than City and Engineer.

W. NOTICE: Whenever any notice is required by this Agreement to be made, given or transmitted to any party, it shall be enclosed in an envelope with sufficient postage attached to ensure delivery and deposited in the United States Mail, first class, with notices to City addressed to:

City Engineer  
City of Lee's Summit  
220 SE Green Street  
Lee's Summit, MO 64063

Director of Public Works  
City of Lee's Summit  
200 SE Green Street  
Lee's Summit, MO 64063

and notices to Engineer shall be addressed to:

Olsson Associates, Inc.  
Attn: Jamie Fain  
7301 West 133<sup>rd</sup> Street Suite 200  
Overland Park, KS 66213

or such place as either party shall designate by written notice to the other. Said notices may also be personally hand delivered by each party to the other, at the respective addresses listed above. If hand delivered, the date of actual completion of delivery shall be considered the date of receipt. If mailed, the notice shall be considered received the third day after the date of postage.

**ARTICLE VIII  
ALL OTHER TERMS REMAIN IN EFFECT**

Reserved.

THIS AGREEMENT shall be binding on the parties thereto only after it has been duly executed and approved by City and Engineer.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF LEE'S SUMMIT**

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Stephen A. Arbo, City Manager

APPROVED AS TO FORM:

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Deputy City Attorney

**ENGINEER:**

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BY: Sterling Cramer

TITLE: Vice President

ATTEST:

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BY: James Fain



## Scope of Services

### SW 3<sup>RD</sup> STREET IMPROVEMENTS, PRYOR ROAD TO MURRAY ROAD

#### General project description and scope of services (defined in more detail below):

This project is comprised of a base, and five individual optional scope of services as outlined below:

#### Base Scope of Services

The base project will improve 3rd Street from Pryor Road to Murray Road. The roadway will be reconstructed and widened to a five and/or four lane section with turn lanes, or similar configuration as determined by the study and concept phase. Work required for this project includes surveying; preparing easement documents, property tract map exhibits; concept analysis; traffic analysis and engineering; curb and gutter; engineered storm system; sidewalks; intersection modifications; street lighting; traffic signal; access management; minimal water line and sanitary sewer relocation, to include service connections; and minor utility relocation.

#### Optional Scope of Services

The City may include optional services at any time during the design process. Optional design services consist of the following five independent items:

1. Sidewalk improvements on the north side of 3<sup>rd</sup> Street from Murray to McClendon will include sidewalk design, redesign of driveways and an RCB extension to move the headwall out of the clear zone and allow a sidewalk crossing over the RCB.
2. Design services for street lighting on the north side of 3<sup>rd</sup> Street from Murray to McClendon.
3. Design services for roundabout in lieu of signalization at 3<sup>rd</sup> Street and Murray Road.
4. Waterline reconstruction on 3<sup>rd</sup> Street from Pryor Road to Murray Road.
5. A tributary to Cedar Creek crosses third Street, between Murray Road and Rogers Road. This tributary crossing is located within a FEMA regulated Zone AE floodplain. For the proposed Third Street improvement project, roadway enhancements are being evaluated that may impact the floodplain in this area. These enhancements including potentially raising the roadway profile and widening the section to include sidewalks and a culvert extension. The impact these enhancements have on the floodplain will be evaluated and the final design will be permitted through the Federal Emergency Management Agency (FEMA).

## **BASE DETAILED SCOPE OF SERVICES**

### **CONCEPT PHASE**

#### **DATA COLLECTION AND PROJECT KICK-OFF MEETING**

1. The City will provide the design consultant with as-built drawings, existing studies, aerial photos, and other information upon the notice to proceed and prior to the kick-off meeting.
2. Project Kickoff Meeting - Project Manager will meet with the City to discuss project and information disseminated from the City provided information. The goal of the kickoff meeting is to discuss the roadway alignment alternatives and discuss the high-level considerations of the City. The project manager will develop a design memorandum using information from the kickoff meeting, and input from the City.

#### **TOPOGRAPHIC SURVEY**

1. Coordinate with utility locators and Missouri One-Call to identify the existing utilities within the extended project limits. Locate all field marks (paint and flags).
2. Coordinate Topographic Field Survey:
  - a. Establish Horizontal Control Points. Horizontal Project Datum will be referenced to Missouri State Plane Coordinate System NAD 1983 (HARN Adjustment), West Zone.
  - b. Establish Vertical Project Benchmarks. Vertical Project Datum will be referenced to North American Vertical Datum 1988 (NAVD88).
  - c. Conduct topographic survey:
    - i. Design Topography Survey for the project will include field location of all topographic elements determined critical to the design. Low opening and garage floor elevations will be included. Utilities will be shown as marked by Missouri One-Call locators, and supplemented with available mapping.
    - ii. Flow lines and pipe size and material on all storm and sanitary sewer pipes and structures located within the survey limits.
    - iii. Survey limits will be generally from face of structure on each side of proposed centerline of roadway from Pryor to east of Murray, for an estimated 2975 linear feet, and also, from face of structure on the north side to the centerline of 3<sup>rd</sup> street from east of Murray to McClendon, for an estimated 1750 linear feet.
3. Gather base mapping for supplementing the Field Surveys.
4. Determine approximate elevations of existing utilities.
5. Coordinate miscellaneous field check of existing planimetric base map for accuracy.

#### **TRAFFIC OPERATIONS ANALYSIS**

1. Collect Peak hour (7-9AM and 4-6PM) turning movement traffic counts at up to eight (8) intersections. Collect 24-Hour Average Daily Traffic (ADT) traffic volumes at one or two locations along the corridor.
2. Complete Signal Warrant Analysis at the intersection of 3<sup>rd</sup> Street & Murray Road.
3. Complete Evaluation Matrix between Roundabout and Traffic Signal at the intersection of 3<sup>rd</sup> Street and Murray Road.

4. Evaluate a median (restricting turns to right-in/right-out) between SW 2<sup>nd</sup> Street and Murray Road. Left-in and Left-Out trips will be relocated to adjacent full access intersection locations. Capacity, queuing, and overall operational analysis will be completed for the AM and PM peak at the same intersections that traffic counts were completed. Auxiliary left turn lane recommendations, including storage lengths, will be made for Sunset Drive and Murray Road.
5. Future ADT volumes will be projected on 3<sup>rd</sup> Street based on a growth rate (I.e. 1-3% Annual growth). Historical ADT volumes (where available) will be used in comparison to current ADT to assist in establishing the growth rate.
6. The above data will be documented in a short technical memorandum with supporting Figures and Reports. The memorandum will include recommendations on four lane and five lane roadway sections (including any medians) for 3<sup>rd</sup> Street, Traffic Control at Murray Road, turn lanes at Sunset and Murray.

## GEOTECHNICAL EXPLORATION

1. The design consultant will perform borings at 4 selected locations. These borings will be advanced to depths of 15 feet each or to practical auger refusal, whichever occurs first. Samples will be obtained using split barrel or thin walled tube sampling techniques at 2.5 foot intervals in the upper 5 feet and at five foot intervals thereafter in each of these borings.
2. The design consultant will obtain 6 pavement core samples along 3<sup>rd</sup> Street. After completion of the coring, we will obtain a sample of the subgrade soils immediately beneath the pavement. The core and soil samples will be returned to our laboratory and the boreholes and pavement core locations will be patched with an asphaltic concrete cold mix.
3. The design consultant will visually observe the samples. Proposed laboratory testing will include visual soil classification, unconfined compression tests, density tests, moisture content tests, and up to 5 Atterberg limits tests.
4. Upon completion of the laboratory testing program, the design consultant will prepare a geotechnical engineering report for the project. The report will contain a discussion of the subsurface soil and bedrock conditions encountered and will provide pavement subgrade preparation recommendations, including recommendations for stabilization of the subgrade soils. The design consultant will concur with the City standard roadway section, or collaborate with the city to develop an alternative section.
5. The design consultant will perform one boring adjacent to the existing RCB. This boring will be advanced to depths of 10 feet or to practical auger refusal, whichever occurs first. Upon encountering refusal, the borings will be advanced a maximum of five feet into bedrock using rock coring techniques to reach a total depth of 10'.
6. Design Consultant will prepare a geotechnical engineering report for the RCB extension. The report will contain a discussion of the foundation design parameters for the box culvert, including allowable bearing pressures and lateral earth pressure parameters.

## **BASE MAP CREATION**

1. Coordinate and manage survey tasks to maintain schedule and completion of a survey planimetric base map and tin model (DTM) with field data according to design consultant standards.
2. Create 3D TIN of survey data to represent existing ground in electronic format.
3. Review and correlate Title Reports for their content and completeness.
4. Research and field locate found monumentation, Land Section Corners, and physical evidence to assist in the preparation of the ownership map.
5. Prepare existing ownership and right-of-way base map by utilizing title reports, recorded plats acquired from the county courthouse, and processed field data.

## **FINAL CONCEPT DEVELOPMENT**

1. Complete analysis of three concept alternates; four lane, four lane divided, and 5 lane.
2. Prepare a memorandum documenting the concept analysis. The memorandum will discuss the general features of the concept roadway alignments and provide recommendations. Develop engineers recommended alternate for concurrence with the city.
3. Submit memorandum with engineers recommended alternate to city staff for approval.
4. Finalize one concept alternate before beginning preliminary design.

## **CONCEPT PUBLIC MEETING**

1. Public meeting preparation including exhibits, comment forms, sign in sheets, name tags, current plan sets. This meeting will be an open house style meeting. The city will prepare and mail invitations.
2. Project manager and two design personnel will attend the public meeting.

## **PRELIMINARY DESIGN**

### **ENVIRONMENTAL COORDINATION**

1. No environmental analysis is included in the base scope of services.

### **60% ROADWAY DESIGN**

1. Prepare cover sheet.
2. Prepare roadway typical sections.
3. Prepare roadway plan and profiles.
4. Prepare roadway cross section (25' Intervals).
5. Design ADA compliant sidewalks in accordance with PROWAG on both sides of 3<sup>rd</sup> Street.
6. Design driveways to accept ADA compliant sidewalks.
7. Design storm sewers.
8. Design street lighting.
9. Design fiber optic conduit (Pryor to Murray) OR wireless communications.
10. Design Signal at 3<sup>rd</sup> Street and Murray.
11. Design pavement marking and signing.
12. Design Phasing Plan.
13. Design permanent erosion control.
14. Refine preliminary three-dimensional grading model and make adjustments to slopes as needed to minimize impacts to adjacent structures, driveways, and trees.

15. Right-of-way design construction cost estimate.
16. Submit Right-of-Way Plans to City Staff for approval.
17. Attend review meeting.

#### UTILITY COORDINATION

1. Obtain mapping from each utility company.
2. Identify utility conflicts and coordinate with utility companies to develop relocation concepts.
3. Develop utility coordination plans.
4. Create and maintain utility relocation schedule.

#### PREPARATIONS OF LEGAL SURVEY DESCRIPTIONS AND PARCEL EXHIBITS

1. Prepare survey descriptions for proposed Right-of-way, Temporary Construction Easements, and other easements necessary to construct the project. It is estimated that there will be survey descriptions for 46 tracts necessary for acquisition process by others.
2. Preparation and review of the survey exhibit maps outlining the Right-of-way and Temporary Construction Easements necessary to construct the project. The survey exhibit maps will be prepared according to design consultant standards and created as a color plot. One (1) survey exhibit map will be prepared for each parcel along project limit corridor. The survey exhibit maps and survey descriptions will be utilized for acquisition process by others.
3. Stake takings for condemnation hearing.

#### RIGHT OF WAY PUBLIC MEETING

1. Public meeting preparation including exhibits, comment forms, sign in sheets, name tags, current plan sets. This meeting will be an open house style meeting. The city will prepare and mail invitations.
2. Project Manager and two design personnel will attend the public meeting.

#### FINAL DESIGN

##### FINAL ROADWAY DESIGN

1. Complete final design and plans.
2. Develop Job Special Provisions and bid form for inclusion in City standard contract documents.
3. Final design construction cost estimate.
4. Submit final plans, specifications, and engineers estimate to City Staff for approval.

#### UTILITY COORDINATION

1. Identify utility conflicts and coordinate with utility companies to develop final relocation plans.
2. Develop final utility coordination plans.
3. Create and maintain utility relocation schedule.
4. Stake right of way for utility relocations.



## **BIDDING PHASE**

1. Coordinate plan room implementation for bidding and provide plans and specs to additional plan rooms.
2. Submit electronic files of the bid set to the City
3. Answer Contractor questions during the bid period and prepare written addenda to the bidding documents.
4. Attend and prepare for the pre bid meeting and prepare minutes.
5. Attend bid letting, and assist the City in analyzing bids and making recommendations

## **OPTIONAL ITEM #1**

### **(SIDEWALK AND STREET LIGHTING DESIGN, 3<sup>RD</sup> STREET - EAST OF MURRAY TO MCCLENDON)**

#### **SIDEWALK DESIGN**

1. Sidewalk Plan and Profiles
2. Cross Section (25' Intervals)
3. Design ADA compliant sidewalks in accordance with PROWAG on north sides of 3<sup>rd</sup> Street.
4. Design driveways to accept ADA compliant sidewalks.
5. Refine preliminary three-dimensional grading model and make adjustments to slopes as needed to minimize impacts to adjacent structures, driveways, and trees.

#### **ENVIRONMENTAL COORDINATION (PERMITTING)**

1. Design Consultant will investigate US Army Corps of Engineers permit requirements. It is anticipated that the RCB extension will fall within the requirements of a Nationwide Permit.

#### **UTILITY COORDINATION**

1. Obtain mapping from each utility company.
2. Identify utility conflicts and coordinate with utility companies to develop relocation concepts.
3. Develop utility coordination plans.
4. Create and maintain utility relocation schedule.

#### **PREPARATIONS OF LEGAL SURVEY DESCRIPTIONS AND PARCEL EXHIBITS**

1. Prepare survey descriptions for proposed Right-of-way, Temporary Construction Easements, and other easements necessary to construct the project. It is estimated that there will be survey descriptions for 12 tracts necessary for acquisition process by others.
2. Preparation and review of the survey exhibit maps outlining the Right-of-way and Temporary Construction Easements necessary to construct the project. The survey exhibit maps will be prepared according to design consultant standards and created as a color plot. One (1) survey exhibit map will be prepared for each parcel along project limit corridor. The survey exhibit maps and survey descriptions will be utilized for acquisition process by others.

## **OPTIONAL ITEM #2**

### **(STREET LIGHTING DESIGN, 3<sup>RD</sup> STREET - EAST OF MURRAY TO MCCLENDON)**

#### **STREET LIGHTING DESIGN**

1. Complete and extend street lighting design from just East of Murray to McClendon. Both preliminary and final lighting plans will be completed for this roadway section.

## **OPTIONAL ITEM #3**

### **(ROUNDBOUT DESIGN, 3<sup>RD</sup> AND MURRAY)**

Complete roundabout design for the intersection of 3<sup>rd</sup> and Murray in lieu of signalization including the following:

#### **PRELIMINARY DESIGN**

1. Size and layout roundabout
2. Perform speed differential checks
3. Establish fastest path for each movement for multiple iterations
4. Run Truck turning templates for the design vehicle for multiple iterations
5. Check sight distance
6. Preliminary Roundabout Grading/modeling
7. Additional Pavement Marking & Signing
8. Submittal to City for review

#### **FINAL DESIGN**

1. Roundabout geometric layout sheet including grades
2. Roundabout central Island and curb return profile sheets
3. Submittal to City for review

## **OPTIONAL ITEM #4**

### **(WATERLINE RECONSTRUCTION, 3<sup>RD</sup> STREET – PRYOR TO MURRAY)**

#### **PRELIMINARY DESIGN**

1. Waterline designer meet with City's Water staff to review existing conditions, maps and design criteria for the location of the proposed waterline. Discussion will include determining extents of required relocations due to grade changes required by the new roadway improvements, determining extents of facilities that will remain in place, determining what facilities will be reconnected or abandoned, and determining extents of relocations due to horizontal alignment of the new roadway facilities.
2. Design water and sanitary facilities for preliminary review.

#### **FINAL DESIGN**

1. Finalize waterline design, including profiles.

## **OPTIONAL ITEM #5 (FEMA MAP REVISION)**

1. Obtain the most recent flood study files from FEMA. These files will include HEC-HMS and HEC-RAS data. If files are not available in the specified formats, additional services to convert the file formats will be requested.

2. Review the hydrology data and peak flow rates. It is assumed that no further detailed hydrologic analysis will be completed.
3. A hydraulic analysis will be completed of the existing and proposed conditions utilizing HEC-RAS software. The results of this analysis will be shared with the city in evaluating alternatives and assessing impacts to surrounding structures.
4. Complete a Conditional Letter of Map Revision (CLOMR) – following the submittal of field check plans. A CLOMR package will be prepared and submitted for review by the City for the stream crossing located in the FEMA Zone AE floodplain. The package will include:
  - a. City Flood Development Permit – see City permit requirements, to be completed upon completion of final plans
  - b. No-Rise Certificate (if applicable) – completed upon completion of final plans
5. Complete Letter of Map Revision (LOMR) – following the construction of the project, an as-built survey of the improvements will be completed. Modelling updates will be made from the CLOMR submittal and a LOMR package will be prepared and submitted to the City for review.

**This scope of services was prepared based on the following assumptions:**

1. General
  - a. No federal funding is associated with this project.
  - b. All plan sets submitted are full-size (22"x34"), and half-size (11"x17") black and white plans on bond.
  - c. Permit fees for city, state, and federal permits will be paid directly by City.
  - d. City will agree to allow geotech access and right of entry to necessary areas via City right-of-ways, subject to City right of way and traffic control permits.
  - e. Design consultant electronic release contract shall be signed by non-City entities receiving CAD files.
  - f. All available as-built drawings, existing studies, aerial photos, and other information will be delivered to Design consultant upon the notice to proceed and prior to the kick-off meeting.
2. Standards
  - a. The roadway design will follow the City's Design and Construction Manual, supplemented by APWA – Kansas City Specifications and Standard Plans or MoDOT standards and specifications.
  - b. No specific plan format or CAD workspace is required.
3. Surveys
  - a. City will provide current electronic CAD / GIS data including aerials, contours and available planimetrics, as well as current available floodplain data (modeling, digital GIS layers, etc).
  - b. Consultant to provide Title Reports for an estimated 46 base parcels and 12 parcels for additional design east of Murray.

4. Traffic Forecasting
  - a. Collecting existing and collecting new traffic counts are included in the scope. The Consultant will work with the City to develop a growth rate (i.e. 1-2% Annual) to determine 20-year future volumes. The City will provide traffic counts and/or projections from any current development or other traffic studies.
  - b. No Simulation (i.e. VISSIM) or Travel Demand Modeling (TransCAD/VISUM) is included in the scope.
5. Environmental
  - a. The City will be responsible for all permit and mitigation fees, if required.
6. Waterline and Sanitary Sewer
  - a. The City will be responsible for updates to the City water model to ensure that the planned improvements meet the necessary standards and requirements.
  - b. The City will be responsible for updates to the sanitary sewer master plan, if necessary, to ensure that the planned improvements align with the City's plan.
7. Design Consultant Project Management
  - a. Coordination with City staff will take place on a continual basis via phone conversations, emails, and meetings.
8. Construction services are not included in this scope of services and will be negotiated at a future date.
9. Irrigation restoration plans are not included.
10. No retaining Wall design included (assumed Standard S/W retaining walls only with no plan or profile).
11. No FEMA analysis or submittals included in Base Scope, but is included as an optional item.
12. USACE Nationwide permit is assumed for the RCB extension.
13. City will provide current GIS data including aerials, contours and available planimetrics, as well as current available floodplain data (modeling, digital GIS layers, etc).
14. City to pay all permit fees and FEMA submittal fees related to the project.
15. Condemnation preparation and total takings are not included. They will be added to the scope and fee at a later date if required.
16. Property acquisition services are not included in this scope of services.

**END OF SCOPE**

**EXHIBIT B**

<b>LABOR RATES (2017-2018)</b>				
<b>Personnel</b>	<b>Abbreviation</b>	<b>Total Hr.</b>	<b>\$ Per Hr.</b>	<b>Labor Cost</b>
Team Leader	Team Lead	68	\$197.00	\$13,396
Senior Engineer	Senior Engineer	333	\$165.00	\$54,945
Senior Project Engineer	Senior Project Engineer	63	\$149.00	\$9,387
Project Engineer	Project Engineer	237	\$134.00	\$31,758
Associate Engineer	Associate Engineer	993	\$113.00	\$112,209
Assistant Engineer	Assistant Engineer	914	\$94.00	\$85,916
Senior Technician	SrTech	385	\$88.00	\$33,880
Associate Technician	Associate Tech	1338	\$74.00	\$99,012
Design Associate	Design Assoc.	94	\$107.00	\$10,058
Associate Scientist	Associate Scientist	16	\$93.00	\$1,488
Surveyor	Surveyor	5	\$90.00	\$450
Senior Suveyor	Senior Suveyor	121	\$115.00	\$13,915
Admin Coordinator	Admin Coord	22	\$80.00	\$1,760
GeoTech Drill Crew	GeoTech Drill Crew	24	\$200.00	\$4,800
Survey Crew, 1-person	Survey Crew 1 Person	191	\$100.00	\$19,100
Survey Crew, 2-person	Survey Crew 2 Person	61	\$135.00	\$8,235
		<b>4865</b>		<b>\$500,309</b>



**EXHIBIT E - EXPENSES**

<b>BASE TOTAL EXPENSES 3rd Street Improvements - Murray Road to Pryor Road</b>				
<b>Expenses</b>	<b>Amount</b>		<b>\$ Ea.</b>	<b>Cost</b>
Travel, mile (car)	2016	MILES	0.57	\$1,140.00
Full Size Plots (each)	3100	EA.	0.8	\$2,480.00
Half Size Plots (each)	6300	EA.	0.2	\$1,260.00
Public Meeting Exhibits	9	EA.	350	\$3,150.00
Misc	1	LS	\$2,000.00	\$2,000.00
O&E reports (46@\$400)	46	EA.	\$400.00	\$18,400.00
Turning Movement Counts (7-9am, 4-6pm) [4-hours x 8 locations]	32	Hours	\$100.00	\$3,200.00
24-Hour Traffic Counts (upto 2-locations)	2	EA.	\$800.00	\$1,600.00
Pot holing existing utilities	1	LS	\$10,000.00	\$10,000.00
ROW Appraisal (Donoho)	1	LS	\$44,600.00	\$44,600.00
Arborist	10	HRS.	\$150.00	\$1,500.00
			<b>Total</b>	<b>\$89,330.00</b>

<b>OPTIONAL EXPENSES 3rd Street Improvements - Murray Road to Pryor Road</b>				
<b>Expenses</b>	<b>Amount</b>		<b>\$ Ea.</b>	<b>Cost</b>
<b>Option #1</b>				
O&E reports (12@\$400)	12	Ea	\$400.00	\$4,800.00
ROW Appraisal (Donoho)	1	LS	\$12,200.00	\$12,200.00
			<b>Total =</b>	<b>\$17,000.00</b>
<b>Option #2</b>				
<b>None</b>				
<b>Option #3</b>				
<b>None</b>				
<b>Option #4</b>				
<b>None</b>				
<b>Option #5</b>				
Survey Milage				\$675.00
			<b>Total =</b>	<b>\$675.00</b>

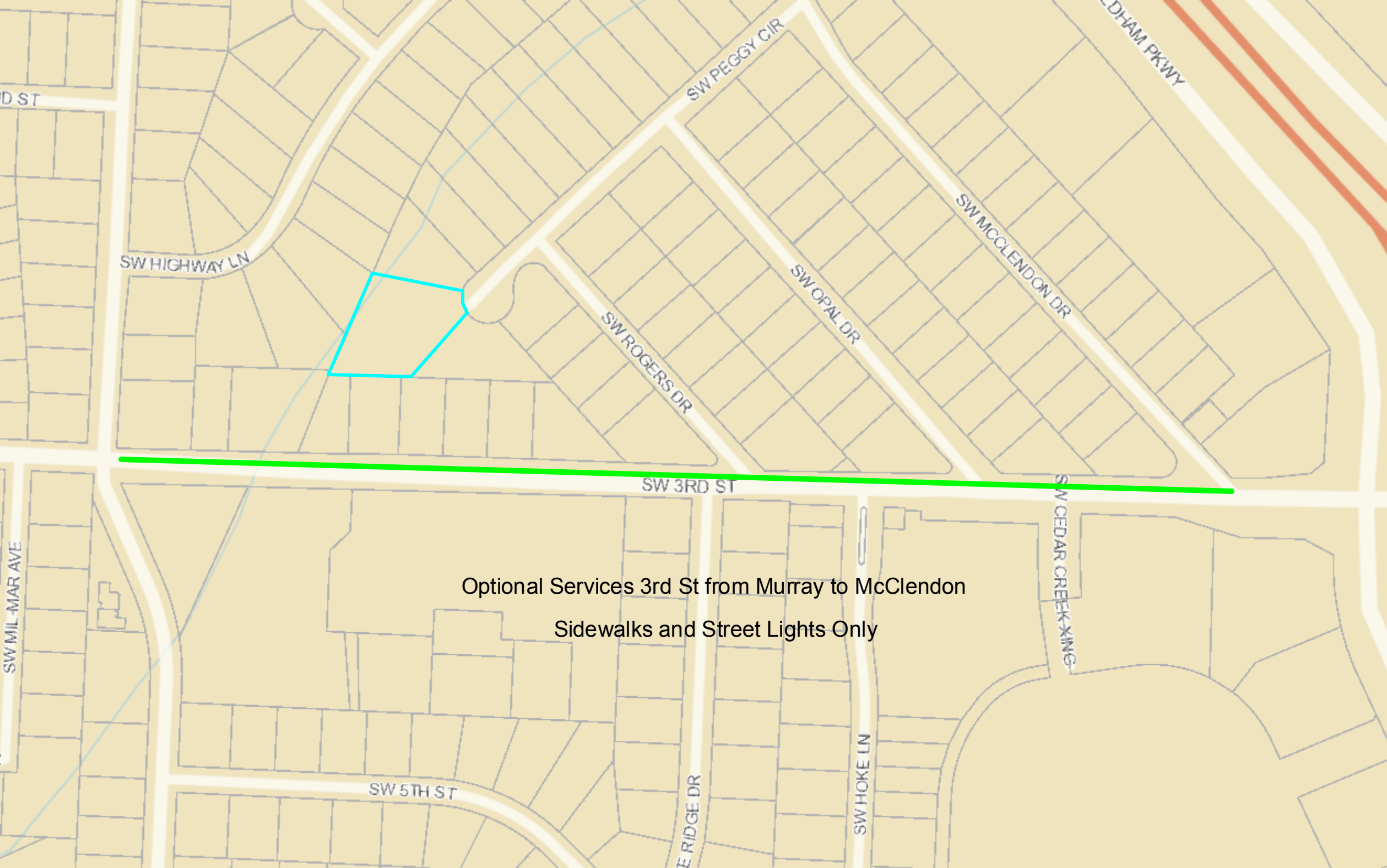
<b>EXHIBIT D - FEE SUMMARY</b>	
<b>BASE SUMMARY</b>	
Total Labor	\$369,796.00
Total Expenses	\$89,330.00
<b>Total Project Fee</b>	<b>\$459,126.00</b>
<b>OPTION #1 SUMMARY</b>	
Total Labor	\$58,980.00
Total Expenses	\$17,000.00
<b>Total Option #1 Fee</b>	<b>\$75,980.00</b>
<b>OPTION #2 SUMMARY</b>	
Total Labor	\$3,597.00
Total Expenses	\$0.00
<b>Total Option #2 Fee</b>	<b>\$3,597.00</b>
<b>OPTION #3 SUMMARY</b>	
Total Labor	\$21,699.00
Total Expenses	\$0.00
<b>Total Option #3 Fee</b>	<b>\$21,699.00</b>
<b>OPTION #4 SUMMARY</b>	
Total Labor	\$17,278.00
Total Expenses	\$0.00
<b>Total Option #4 Fee</b>	<b>\$17,278.00</b>
<b>OPTION #5 SUMMARY</b>	
Total Labor	\$28,959.00
Total Expenses	\$675.00
<b>Total Option #5 Fee</b>	<b>\$29,634.00</b>
<b>TOTAL BASE AND OPTIONS SUMMARY</b>	
Total Labor	\$500,309.00
Total Expenses	\$107,005.00
<b>Total Project Fee</b>	<b>\$607,314.00</b>



Basic Services 3rd St from Pryor to Murray



Winterset Nature Area



Optional Services 3rd St from Murray to McClendon  
Sidewalks and Street Lights Only

## Packet Information

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**File #:** BILL NO. 17-82, **Version:** 2

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AN ORDINANCE AUTHORIZING THE EXECUTION OF ADDENDUM NO. 1 TO AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND HDR ENGINEERING, INC. FOR THE DESIGN OF THE SCADA RADIO COMMUNICATIONS SYSTEM IN THE AMOUNT OF \$103,108 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH HDR ENGINEERING, INC BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI.

### Key Issues:

- The current SCADA communications system is in need of replacement as AT&T is providing a reduced level of support and reliability for the leased copper communication lines.
- The Water Utilities Department will spend nearly \$450,000 this year on the leased copper lines.
- The Water Utilities Department is scheduled to move into the new facility this fall and AT&T has indicated it will not relocate the leased copper line service to the new facility.
- The Water Utilities Department engaged HDR Engineering, Inc to create a SCADA Master Plan which evaluated the future needs of our SCADA program as well as various methods of communications.
- HDR reviewed several possible options for communicating with the remote sites and determined that radio communications are the most cost effective and reliable way to provide this communication.
- The radio system will be augmented with fiber connections at the largest facilities to support the increased level of data and opportunity for expansion at those sites.
- This contract will fund the full design of the SCADA communications system as recommended in the SCADA Master Plan

### Proposed City Council Motion:

FIRST MOTION: I move for a second reading of AN ORDINANCE AUTHORIZING THE EXECUTION OF ADDENDUM NO. 1 TO AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND HDR ENGINEERING, INC. FOR THE DESIGN OF THE SCADA RADIO COMMUNICATIONS SYSTEM IN THE AMOUNT OF \$103,108 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH HDR ENGINEERING, INC BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI.

SECOND MOTION: I move for approval of AN ORDINANCE AUTHORIZING THE EXECUTION OF ADDENDUM NO. 1 TO AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND HDR ENGINEERING, INC. FOR THE DESIGN OF THE SCADA RADIO COMMUNICATIONS SYSTEM IN THE AMOUNT OF \$103,108 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH HDR ENGINEERING, INC BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI.

### Background:



The SCADA System was originally constructed using AT&T leased POTs (Plain Old Telephone) lines for its communications backbone to all the remote water and waste water sites. These lines have worked well for many years but over time the utility's systems have become more complex and the data files are now larger and more numerous than ever before which is causing the lines to reach their limit at several of the larger remote sites.

To compound this issue AT&T is moving towards retiring these lines and encouraging the utility to seek other alternatives by increasing the lease rates while decreasing support. Water Utilities has been reviewing alternatives for several years to find the correct technology to replace the leased copper lines. The utility has worked with public safety to review microwave transmission, has reviewed the possibility of fiber connections, has piloted a cellular communication option and had a varieties of issues with consistency and potential costs with all of those options.

The proposed radio communications will operate a lower licensed commercial frequency in the 173-450 mhz range and provide good coverage to all the remote facilities. This type of communication has been used for years and is quite reliable and cost effective. The draw back to the use of radio frequencies is bandwidth and speed of the signal, which is why this plan will also employ the use of fiber at the larger facilities.

Presenter: Jeff Thorn, P.E. Assistant Director of Engineering Services, Lee's Summit Water Utilities

Staff Recommendation: Staff recommends approval of AN ORDINANCE AUTHORIZING THE EXECUTION OF ADDENDUM NO. 1 TO AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND HDR ENGINEERING, INC. FOR THE DESIGN OF THE SCADA RADIO COMMUNICATIONS SYSTEM IN THE AMOUNT OF \$103,108 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH HDR ENGINEERING, INC BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI.

Committee Recommendation: The Public Works Committee March 21 meeting was cancelled for lack of quorum. This item has been approved by Chairman Mosby to be sent straight to City Council.

## **BILL NO. 17-82**

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AN ORDINANCE AUTHORIZING THE EXECUTION OF ADDENDUM NO. 1 TO AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND HDR ENGINEERING, INC. FOR THE DESIGN OF THE SCADA RADIO COMMUNICATIONS SYSTEM IN THE AMOUNT OF \$103,108 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH HDR ENGINEERING, INC. BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the Water Utilities Department operates and maintains the Supervisory Control and Data Acquisition (SCADA) system as part of the operation of the water and wastewater systems in Lee's Summit; and,

WHEREAS, the City of Lee's Summit hired HDR Engineering, Inc. to provide a master plan for the future of the SCADA system in Lee's Summit; and,

WHEREAS, AT&T is currently planning to phase out the phone lines which provide the backbone for the communications system for SCADA; and,

WHEREAS, the SCADA Master Plan Recommends a radio system to replace the leased copper lines that are being phased out; and,

WHEREAS, based upon the current Contract for On-Call Engineering, SCADA services are within the scope of HDR's work; and,

WHEREAS, the On-Call Engineering Contracts Water and Wastewater were renewed on January 17, 2017, and this is the First Addendum to such contract.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Addendum No. 1 to the On-Call Agreement for professional engineering services by and between the City of Lee's Summit, Missouri and HDR Engineering, Inc. generally for the purpose of designing a SCADA Radio Communications System for the Water Utilities Department, for a contract amount of \$103,108, a true and accurate copy of said Addendum and the scope of work attached hereto as Exhibit "A" and both incorporated herein by reference,, be and the same are hereby approved, and the City Manager is hereby authorized to execute the same by and on behalf of the City of Lee's Summit, Missouri.

SECTION 2. That this Ordinance shall be in full force and effect from and after the date of its adoption, passage, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri this \_\_\_\_ day of \_\_\_\_\_, 2017.

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*Mayor Randall L. Rhoads*

**BILL NO. 17-82**

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ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
Chief Counsel of Management and  
Operations/Deputy City Attorney  
*Jackie McCormick Heanue*

ADDENDUM NO. 1  
TO ON-CALL AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES NO. 2016-042-2

**SCADA SYSTEM – RADIO COMMUNICATIONS SYSTEM**

THIS ADDENDUM NO. 1 TO ON-CALL AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES NO. 2016-042-1 is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the City of Lee's Summit, Missouri (hereinafter "City"), and HDR Engineering, Inc. (hereinafter "Engineer").

WITNESSETH:

WHEREAS, City and Engineer entered into an Agreement dated January 13, 2017 (RFQ No. 2016-042-2) for professional engineering services for On-Call Professional Engineering Services (hereinafter "Base Agreement"); and,

WHEREAS, City desires to engage Engineer for a specific scope of engineering services which are covered by the Base Agreement; and,

WHEREAS, Engineer has submitted a proposal for the engineering services and an estimate of engineering costs to perform said services in compliance with the Base Agreement; and,

NOW, THEREFORE, in consideration of the mutual covenants and considerations herein contained, IT IS HEREBY AGREED by the parties hereto as follows:

ARTICLE I  
SCOPE OF ON-CALL SERVICES TO BE PROVIDED BY THE ENGINEER

Pursuant to Article I of the Base Agreement, Engineer is hereby engaged to provide the following scope of services:

Additional services related to communications design for the SCADA System for the City of Lee's Summit as described in Exhibit A of the Modification No. 1 attached hereto and incorporated herein by reference. All other provisions of the Base Agreement shall remain in full force and effect.

ARTICLE II  
COMPENSATION FOR SCOPE OF SERVICES

Payment to the Engineer for the services identified herein shall not exceed \$103,108, pursuant to the rates set forth in Exhibit A to the Base Agreement.

ARTICLE III  
TERMS OF BASE AGREEMENT TO APPLY

All terms of the Base Agreement shall remain in full force and effect and shall apply to this Addendum No. 1.

This Addendum No. 1 shall be binding on the parties thereto only after it has been duly executed and approved by City and Engineer.

IN WITNESS WHEREOF, the parties have caused this Modification to On-Call Agreement to be executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF LEE'S SUMMIT

\_\_\_\_\_  
STEPHEN A. ARBO, CITY MANAGER

APPROVED AS TO FORM:

\_\_\_\_\_  
JACKIE MCCORMICK HEANUE  
CHIEF COUNSEL OF MGMT & OPS/DEPUTY CITY ATTORNEY

ENGINEER: HDR ENGINEERING, INC.

\_\_\_\_\_  
BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

Attest:

\_\_\_\_\_



**EXHIBIT A**  
**DESIGN PHASE SERVICES**  
**SCADA SYSTEM – RADIO COMMUNICATIONS SYSTEM**  
**CITY OF LEE’S SUMMIT (Water Utilities)**

**SCOPE OF SERVICES**

This scope of services describes the work to be performed by HDR on behalf of the City of Lee’s Summit (Water Utilities) for the replacement of the City’s existing T1 telecommunications system with a radio communications system.

***TASK 1 – Project Management***

**Services Provided by HDR:**

- Project management and administration (Project setup)
- Budget and invoice management

**Deliverables:**

- Project Invoices

**Meetings:**

- None

***TASK 2 – On-site Radio Path Studies***

**Services Provided by HDR:**

- Management of the Radio Path Studies subcontract
  - On-site Wireless Data Communications Systems Analysis and Viability Survey to include the following services:
    - Analysis of proposed wireless network based upon 450 MHz radios
    - Temporary installation of system radio to confirm performance
    - Site suitability evaluation
    - Site evaluation of actual radio signal strength
    - Site specification recommendation for antenna systems
    - Summary report

**Deliverables:**

- Summary report

**Meetings:**

- Meeting with City to review site access

### ***TASK 3 – Radio Replacement Design Drawings***

#### **Services Provided by HDR:**

- Create drawing bid set for radio communications system
  - Site map of locations
  - Modifications to Operational Building
  - Modifications to Water Utilities Building
  - Modifications to Water Towers
  - Site upgrades
- Internal QA/QC review of drawing bid set
- Issue to Owner for review
- Respond to any comments from the Owner
- Issue for Bid

#### **Deliverables:**

- Drawing Bid Set

#### **Meetings:**

- Review meeting with Owner to review Bid Set

### ***TASK 4 – Radio Replacement Specifications***

#### **Services Provided by HDR:**

- Create bidding documents for radio communications system
  - Utilize City of Lee’s Summit Front End and Division 1 specifications
  - Technical specifications
- Internal QA/QC review of bidding documents
- Issue to Owner for review
- Respond to any comments from the Owner
- Issue for Bid

#### **Deliverables:**

- Bidding documents

#### **Meetings:**

- Review meeting with Owner to review Bidding Documents

### ***TASK 5 – Bidding Phase Services***

#### **Services Provided by HDR:**

- Assist Owner with Bidding Phase Services
  - Coordinate with Owner to distribute the bidding documents
  - Answer Bidder’s questions
  - Prepare and distribute addenda
  - Attend and assist at the Pre-bid Conference

- Assist in the bid opening and evaluate the bids
- Make a recommendation of award

**Deliverables:**

- Addenda
- Recommendation of Award

**Meetings:**

- Pre-bid Conference

***TASK 6 – Construction Phase Services***

**Services Provided by HDR:**

- Assist Owner with Construction Phase Services
  - Assist with the administration of the Contract Documents
  - Provide shop drawing reviews
  - Respond to Contractor’s Request for Information
  - Assist the Owner with Change Orders
  - Review Payment Applications
  - Attend Construction Progress Review Meetings
  - Conduct Construction Inspection
  - Assist in the development of punch list at substantial completion
  - Assist with closeout documentation

**Deliverables:**

- Contract Documents
- Construction administration documents

**Meetings:**

- Construction Progress Review Meetings

**City of Lee's Summit, Missouri**  
**SCADA System - Radio Communications System**  
**Scope and Fee**

		Pat Young	J. Riley	K. Boyd	B. Reuss					
		Senior PM	Senior Electrical	Electrical	Technician	Admin	Sr. Support Staff	HDR Expenses	Subconsultants	
Allowable Billing Rates per Client Contract		225.00	200.00	115.00	90.00	75.00	85.00			
TASKS										
<b>Task 1 - Project Management</b>										
1	Project Management and Administration	8					4	\$50		\$2,190
2	Budget and invoice management	8					4	\$50		\$2,190
<b>Subtotal Hours</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>			
<b>Subtotal Dollars</b>		<b>3600</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>680</b>	<b>\$100</b>	<b>\$0</b>	<b>\$4,380</b>
<b>Total Task 1</b>										<b>\$4,380</b>
<b>Task 2 - On-site Radio Path Studies</b>										
1	On-Site Radio Path Study Subcontractor (Larson Data)								\$24,500	\$24,500
2	HDR Subcontractor Management		8	8						\$2,520
<b>Subtotal Hours</b>		<b>0</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>			
<b>Subtotal Dollars</b>		<b>0</b>	<b>1600</b>	<b>920</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$24,500</b>	<b>\$27,020</b>
<b>Total Task 2</b>										<b>\$27,020</b>
<b>Task 3 - Radio Replacement Design Drawings</b>										
1	Cover Sheet/Index			4	2					\$640
2	General Legands			4	2					\$640
3	Standard Details		1	2	2					\$610
4	Existing System Architecture- Demo Plan		2	12	4					\$2,140
5	Revised System Architecture		2	12	4					\$2,140
6	Site Map/Locations		2	20	10					\$3,600
7	Operational Building- Demo and Sequencing Notes		2	16	4					\$2,600
8	Water Utilities Building- Additions and Sequencing Notes		2	16	4					\$2,600
9	Water Towers-Additions and Sequencing Notes		3	14	4					\$2,570
10	Site Upgrade Types 1 through 5- Details and Notes		4	50	8					\$7,270
11	QA/QC Review		8	3	3			\$100		\$2,315
12	Issue for Owner Review		1	4	4	8				\$1,620
13	Respond to Owner Comments		2	10	4					\$1,910
14	Issue for Bids			4		8		\$200		\$1,260
<b>Subtotal Hours</b>		<b>0</b>	<b>29</b>	<b>171</b>	<b>55</b>	<b>16</b>	<b>0</b>			
<b>Subtotal Dollars</b>		<b>0</b>	<b>5800</b>	<b>19665</b>	<b>4950</b>	<b>1200</b>	<b>0</b>	<b>\$300</b>	<b>\$0</b>	<b>\$31,915</b>
<b>Total Task 3</b>										<b>\$31,915</b>
<b>Task 4 - Radio Replacement Specifications</b>										
1	26 05 00 Electrical Basic Requirements			2		1				\$305
2	26 05 13 Wire & Cable			4		2				\$610
3	26 05 27 Grounding			3		1				\$420
4	26 05 33 Racways & Boxes			3		2				\$495
5	26 43 13 Low Voltage Surge Protection Devices			4		2				\$610
6	26 41 14 Lightning Protection System			4		2				\$610
7	27 21 00 Radios			16		4				\$2,140
8	40 99 00 Instrumentation Surge Protection Devices			6		3				\$915
9	QA/QC		12					\$100		\$2,500
<b>Subtotal Hours</b>		<b>0</b>	<b>12</b>	<b>42</b>	<b>0</b>	<b>17</b>	<b>0</b>			
<b>Subtotal Dollars</b>		<b>0</b>	<b>2400</b>	<b>4830</b>	<b>0</b>	<b>1275</b>	<b>0</b>	<b>\$100</b>	<b>\$0</b>	<b>\$8,605</b>
<b>Total Task 4</b>										<b>\$8,605</b>
<b>Task 5 - Bidding Phase Services</b>										
1	Coordinate with the Owner for the distribution of the bidding documents		2			4		\$80		\$780
2	Answer bidder's questions		2	8						\$1,320
3	Prepare and distribute addenda		2	8	4					\$1,680
4	Attend and assist at the Pre-bid Conference	2	4							\$1,250
5	Assist in the public openings of bids and evaluate the bids per the City approval	2								\$450
6	Make recommendation of Award	2				4				\$750
<b>Subtotal Hours</b>		<b>6</b>	<b>10</b>	<b>16</b>	<b>4</b>	<b>8</b>	<b>0</b>			
<b>Subtotal Dollars</b>		<b>1350</b>	<b>2000</b>	<b>1840</b>	<b>360</b>	<b>600</b>	<b>0</b>	<b>80</b>	<b>0</b>	<b>\$6,230</b>
<b>Total Task 5</b>										<b>\$6,230</b>
<b>Task 6 - Construction Phase Services</b>										
1	Assist the Owner in the administration of the Contract Documents	4				2				\$1,050
2	Provide Shop Drawing reviews		8	40		24				\$8,000
3	Respond to Contractor's Requests for Information		12	24						\$5,160
4	Assist the Owner with Change Orders		4	8						\$1,720
5	Review Payment Applications			6						\$690
6	Attend Construction Progress Review Meetings	2	2	6				\$50		\$1,590
7	Conduct Construction Inspection		4	20				\$50		\$3,150
8	Assist Owner in the development of punch list at substantial completion		4	20		2		\$50		\$3,300
9	Assist the Owner with closeout documentation	2				2				\$600
<b>Subtotal Hours</b>		<b>8</b>	<b>34</b>	<b>124</b>	<b>0</b>	<b>30</b>	<b>0</b>			
<b>Subtotal Dollars</b>		<b>1800</b>	<b>6800</b>	<b>14260</b>	<b>0</b>	<b>2250</b>	<b>0</b>	<b>150</b>	<b>0</b>	<b>\$25,260</b>
<b>Total Task 6</b>										<b>\$25,260</b>
<b>Total Hours</b>		<b>30</b>	<b>93</b>	<b>361</b>	<b>59</b>	<b>71</b>	<b>8</b>			<b>622</b>
<b>Total Billing Amount</b>		<b>\$6,750</b>	<b>\$18,600</b>	<b>\$41,515</b>	<b>\$5,310</b>	<b>\$5,325</b>	<b>\$680</b>	<b>\$500</b>	<b>\$24,500</b>	<b>\$103,180</b>

Estimated Project Fee

\$103,180

## Packet Information

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**File #: BILL NO. 17-83, Version: 2**

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AN ORDINANCE APPROVING CHANGE ORDER #7 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION, L.L.C. FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF \$198,936.72 FOR A REVISED CONTRACT PRICE OF \$6,479,099.95.

### Key Issues:

- A significant amount of unsuitable material was discovered within the project limits, which had to be hauled off and replaced with contractor furnished borrow material.
- Utility delays early in the project necessitated significant changes to the phasing of the project in order to keep the project moving. These changes required additional traffic control to account for the Scherer Road connection between Market Street and Jefferson Street, which was constructed well ahead of the original plan.
- Change Order #7 also provides for multiple contract adjustments necessary to match existing field conditions.

### Proposed City Council Motion:

FIRST MOTION: I move for a second reading of AN ORDINANCE APPROVING CHANGE ORDER #7 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION, L.L.C. FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF \$198,936.72 FOR A REVISED CONTRACT PRICE OF \$6,479,099.95.

SECOND MOTION: I move for approval of AN ORDINANCE APPROVING CHANGE ORDER #7 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION, L.L.C. FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF \$198,936.72 FOR A REVISED CONTRACT PRICE OF \$6,479,099.95.

### Background:

During construction of the project, it was anticipated that dirt excavated from high areas would be available to fill low areas. As the material was excavated, however, it was discovered to be unsuitable for fill due to the high organic content of the soil. Once the contractor removed the unsuitable material, the project was surveyed to determine how much material was necessary to complete construction. Once this was determined, the contractor furnished the material required to complete the project.

Early in the project, there were many utility conflicts, which required the original phasing of the project to change significantly. Additionally, the decision was made to route traffic on Jefferson Street northbound to provide signalized access to M291 at Persels to provide a safer connection to M291. As a result, signs had to be relocated and more needed to be fabricated and installed than what was originally shown in the plans.



This Change Order also provides for many quantity adjustments necessary to match existing field conditions.

Presenter: Mike Anderson, Construction Manager

Recommendation: Staff recommends approval of AN ORDINANCE APPROVING CHANGE ORDER #7 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION, L.L.C. FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF \$198,936.72 FOR A REVISED CONTRACT PRICE OF \$6,479,099.95.

Committee Recommendation: The March 21 Public Works Committee meeting was cancelled due to lack of quorum. Chairman Mosby approved this item to be sent directly to City Council.

**BILL NO. 17-83**

---

AN ORDINANCE APPROVING CHANGE ORDER NO. 7 TO THE CONTRACT WITH MIDWEST HEAVY CONSTRUCTION, L.L.C. FOR THE JEFFERSON STREET IMPROVEMENTS PROJECT, AN INCREASE OF \$198,936.72 FOR A REVISED CONTRACT PRICE OF \$6,479,099.95.

WHEREAS, the City of Lee's Summit, Missouri ("City") has previously entered into a contract with Midwest Heavy Construction, L.L.C. ("Midwest") for the Jefferson Street Improvements Project (the "Project") being undertaken by the City's Public Works Department; and,

WHEREAS, an additional change order to the contract with Midwest is necessary; and,

WHEREAS, this Change Order No. 7 authorizes additional removal and replacement of unsuitable material; and,

WHEREAS, this Change Order No. 7 authorizes additional work zone traffic control; and,

WHEREAS, this Change Order No. 7 authorizes several routine quantity adjustments; and,

WHEREAS, City Council approval is required because the cumulative value of Change Orders 1 through 7 exceed 5% of the awarded base contract amount.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the Change Order No. 7 to the contract between the City of Lee's Summit, Missouri and Midwest Heavy Construction, L.L.C.. (City of Lee's Summit Contract No. 11003-C) for the Jefferson Street Improvements Project, for an increase in price of \$198,936.72 for a revised contract price of \$6,479,099.95, a true and accurate copy attached hereto as Exhibit "A" and incorporated by reference as if fully set forth herein, be and the same is hereby approved.

SECTION 2. That the City Manager is hereby authorized to execute the same by and on behalf of the City of Lee's Summit, Missouri.

SECTION 3. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

**BILL NO. 17-83**

---

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
*City Attorney Brian W. Head*

**Jefferson St. Improvements  
Decker Street extension  
BID No. 11003-C**

**Change Order No. 7**

**Reason for Change:**

**Increase Item 4 -Unclassified Excavation**

**Increase Item 5 -Embankment**

**Increase Item 6 -Borrow (Contractor Furnished)**

**Increase Item 7 -Waste (Haul-Off)**

Additional excavation resulted in additional waste haul-off, as well as requiring more borrow material and embankment to be placed to compensate for the unsuitable material discovered to exist during construction.

**Increase Item 15 Temp Asphalt Pavement (Concrete used instead of Asphalt)**

Quantity adjustments to match actual quantities measured to date.

**Increase Item 43 –Storm Sewer Manhole 4’ Diameter**

Due to an alignment interference with a waterline Storm line 1-2 to 1-3 was redesigned to utilize a Junction Box/Manhole to provide separation from a conflict with waterline.

Modification to storm line connecting 1-7 will utilize a 4’MH junction to avoid At&t ductbanks conflict.

**Increase Item 55 – 15” HDPE Storm sewer pipe**

**Item 232C -15” HDPE 45° bend**

**Item 233C -15” HDPE 90° bend**

Commercial Property T&W Steel site drainage was discovered to be connected to the old storm infrastructure. The new Storm water system was modified to accommodate the existing drainage from this site.

**Increase Item 56 –Storm sewer Pipe (18” RCP)**

Extended storm line G-2 & PC4 to MH4 replacing an existing CMP that was deteriorating.

**Increase Item 119 -Traffic Control Signing**

**Increase Item 120 –Traffic Control Barricade, Type II**

**Increase Item 121 – Traffic Control Channelizers**

Additional signage was needed to route traffic in a safer manner than planned; using northbound traffic patterns utilizing existing signaling at MO291 intersection locations.

Also scheduling/phasing was modified at the intersection of Scherer and Jefferson resulting in ‘special’ signage needed due to the creation of the “new” Scherer connector to M291.

**Increase Item 226C - 4” Aggregate Base**

**Increase Item 227C - 8” Concrete Pavement**

Change Order #4 added these items for the Stewart Road pavement over the RCB that was to be removed and replaced. Upon closer inspection of the existing pavement, it was determined that additional pavement will be required in order to maintain a constant width along Stewart Road. These items represent a contract increase of \$11,088.00.

**Add Item 230C- 2” Waterline Service**

A portion of a service line was in poor condition and was replaced to avoid continual repairs, this cost also includes replacement of the service line that had to be lowered in order for the RCB to be constructed.

**Add Item 231C -Field Entrance**

An existing farming access point was not indicated on the planned design, this agricultural field entrance is utilized by the farming group that leases the land.

**Add Item 234C –Storm water Headwall**

Modifications made to provide surface drainage from Church property under multiuse path and inlet 2-12 connection to drainage ditch

**Add Item 235C –Pedestrian Traffic control**

Provided additional traffic control measures for pedestrian traffic, closing new sidewalk during construction and extension to Bailey Road East of M291 until completed.

**Increase Item 202C – Temp. Seed**

This item was discovered missing on a previous change order, this is a correction for the pay application quantities.



# Change Order

No. 7

Date of Issuance: February 17, 2017 Effective Date: February 17, 2017

Project: <b>Jefferson Street Improvements</b>	Owner: <b>City of Lee's Summit, MO</b>	Owner's Contract No.: <b>11003-C</b>
Contract: <b>Jefferson Street Improvements</b>		Date of Contract: <b>July 6, 2015</b>
Contractor: <b>MidWest Heavy Construction</b>		Engineer's Project No.:
17001 291 Hwy, Pleasant Hill, MO 64080		

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description: **Refer to Reasons for Change and Change Spreadsheet (Attached).**

Attachments: (List documents supporting change):

**Reasons for Change**

**Change Spreadsheet**

<b>CHANGE IN CONTRACT PRICE:</b>	<b>CHANGE IN CONTRACT TIMES:</b>
Original Contract Price:  \$ 6,008,491.59	Original Contract Times: <input type="checkbox"/> Working days x Calendar days Substantial completion (days or date): <u>500 days = (Nov. 17<sup>th</sup>, 2016)</u> Ready for final payment (days or date): <u>530 days = (Dec. 17<sup>th</sup>, 2016)</u>
Increase from previously approved Change Orders No. 1 to No. 6  \$ 271,681.64	<b>Increase</b> from previously approved Change Orders No. 5 to No. 5 : 208 days Substantial completion (days): <u>208</u> Ready for final payment (days): <u>238</u>
Contract Price prior to this Change Order:  \$ 6,280,163.23	Contract Times prior to this Change Order: Substantial completion (days or date): <u>708</u> Ready for final payment (days or date): <u>738</u>
Increase of this Change Order:  \$ 198,936.72	<b>Increase</b> of this Change Order: Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Contract Price incorporating this Change Order:  \$ 6,479,099.95	Contract Times with all approved Change Orders: 708 days Substantial completion (days or date): <u>June 14<sup>th</sup>, 2017</u> Ready for final payment (days or date): <u>July 14<sup>th</sup>, 2017</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Date: _____	Date: _____	Date: _____
Approved by Funding Agency (if applicable): _____		Date: _____

CONTRACTOR'S NAME AND ADDRESS:  
 MidWest Heavy Construxtion  
 17001 291 Hwy  
 Pleasant Hill, MO 64080  
 (816) 623-9680

**CHANGE ORDER SPREADSHEET - CO # 7**

Jefferson Street Improvements  
 Lee's Summit, MO  
 Bid No. 11003 - C

February 17, 2017

Item No.	Description	CONTRACT AMOUNT BEFORE CO # 6				CHANGE THIS CO		REVISED CONTRACT AMOUNT		%
		Quantity	Units	Unit Cost	Total Cost	Quantity	UNIT Cost	Quantity	Total Cost	
4	Unclassified Excavation	16,775.00	CY	\$3.09	\$51,834.75	4,850.0	\$14,986.50	21,625.00	\$66,821.25	
5	Embankment	14,388.00	CY	\$2.54	\$36,545.52	4,850.0	\$12,319.00	19,238.00	\$48,864.52	
6	Borrow Contractor Furnished	4,816.00	CY	\$12.76	\$61,452.16	4,850.0	\$61,886.00	9,666.00	\$123,338.16	
7	Waste (Haul Off)	4,585.00	CY	\$8.38	\$38,422.30	4,850.0	\$40,643.00	9,435.00	\$79,065.30	
15	Temp Asphalt Pavement (Concrete used instead of Asphalt)	629.00	SY	\$31.22	\$19,637.38	33.0	\$1,030.26	662.00	\$20,667.64	
43	Storm Sewer Manhole, 4' Diameter (1-2 to 1-3 and	2.00	EA	\$3,333.49	\$6,666.98	2.0	\$6,666.98	4.00	\$13,333.96	
55	15" HDPE (Church & T&W Steel)	14.00	LF	\$79.68	\$1,115.52	72.0	\$5,736.96	86.00	\$6,852.48	
56	Storm Sewer Pipe (18" RCP)	954.00	LF	\$55.41	\$52,861.14	50.0	\$2,770.50	1,004.00	\$55,631.64	
119	Traffic Control Signing (Revised Qty per Dave Hurt Review)	1,091.00	SF	\$46.20	\$50,404.20	240.1	\$11,092.62	1,331.10	\$61,496.82	
120	Traffic Control Barricade, Type III	20.00	EA	\$404.23	\$8,084.60	6.0	\$2,425.38	26.00	\$10,509.98	
121	Traffic Control, Channelizer	61.00	EA	\$98.18	\$5,988.98	60.0	\$5,890.80	121.00	\$11,879.78	
227C	8" Concrete Pavement (Stuart Box estimated overrun qty. Could Change slightly up or down)	112.00	SY	\$59.00	\$6,608.00	168.0	\$9,912.00	280.00	\$16,520.00	
226C	4" Aggregate Base (Stuart Box estimated overrun qty. Could Change slightly up or down)	112.00	SY	\$7.00	\$784.00	168.0	\$1,176.00	280.00	\$1,960.00	
230C	2" Water service repair (Service to farm house on Stuart Rd - 1,110 LF, plus under new RCB)	0.00	LS	\$11,299.80	\$0.00	1.0	\$11,299.80	1.00	\$11,299.80	
231C	Field Ent	0.00	EA	\$1,950.00	\$0.00	1.0	\$1,950.00	1.00	\$1,950.00	
232C	15" HDPE 45 Bend	0.00	EA	\$238.00	\$0.00	1.0	\$238.00	1.00	\$238.00	
233C	15" HDPE 90 Bend	0.00	EA	\$262.00	\$0.00	1.0	\$262.00	1.00	\$262.00	
234C	Headwall @ Church Ditch	0.00	LS	\$5,450.00	\$0.00	1.0	\$5,450.00	1.00	\$5,450.00	
235C	MO 291 & Persels Traffic Control	0.00	LS	\$2,225.00	\$0.00	1.0	\$2,225.00	1.00	\$2,225.00	
202C	Seed, Temporary *** Scherer Road (PA#3)	0.00	AC	\$750.71	\$0.00	1.3	\$975.92	1.30	\$975.92	
					<b>Total C.O. # 7 =</b>		<b>\$198,936.72</b>			
					Original Contract		\$6,008,481.59			
					Changes before CO#7		\$271,681.64			
					Contract before CO#7		\$6,280,163.23			
					Changes in CO#7		\$198,936.72			
					Contract after CO#7		\$6,479,099.95			
					Total Contract Changes		\$470,618.36			
					% change to contract		7.833%			

## Packet Information

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**File #:** 2017-1092, **Version:** 1

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CONTINUED DISCUSSION OF STRATEGIC PLANNING FRAMEWORK AND PROCESS, STEP 1

Issue/Request:

CONTINUED DISCUSSION OF STRATEGIC PLANNING FRAMEWORK AND PROCESS, STEP 1

Key Issues:

The following departments will discuss their program alignment with the current Strategic Planning Framework and Council goals:

Development Services  
Fire Department  
Planning and Special Projects

Presenter: Stephen Arbo

Recommendation: N/A

Committee Recommendation: N/A