



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

Thursday, December 15, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 21 - AMENDED

CALL TO ORDER

Mayor Rhoads called the December 15, 2016, City Council Regular Session No. 21 to order at 6:15 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 7 - Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Dave Mosby
Councilmember Diane Seif

Absent: 1 - Councilmember Chris Moreno

APPROVAL OF AGENDA

Mayor Rhoads noted that Item #7.B. Presentation of Special Audit Report, was to be removed from the agenda and will be placed on a future agenda.

On motion of Councilmember Mosby, second by Councilmember Seif, the Council voted 5 "Aye", 2 "No" (Councilmembers Forte and Binney), 1 "Absent" (Councilmember Moreno) to approved the published Amended Agenda as amended by Mayor Rhoads.

1. PUBLIC COMMENTS:

There were no Public Comments.

2. COUNCIL COMMENTS:

Councilmember Faith commented on the motion from last week calling for an investigation by the Jackson County Sheriff's Department of City procedures. He believed an investigation was premature. Section 3.11 of

the City Charter gives the Council the ability to conduct investigations but the motion was to have another agency conduct the investigation. The Council did receive an outside audit, which was received this week and continued from this evening's agenda to a future agenda to allow the Council an opportunity to review the audit. Also, the Missouri Ethics Commission was performing an audit on Personal Financial Disclosures and a report should be submitted soon.

He suggested the Council first see if there is a need for such or if any necessary improvements in the policies and practices could be handled internally, saving Lee's Summit a lot of undo embarrassment.

Motion was made by Councilmember Carlyle, seconded by Councilmember Forte, to WITHDRAW the authority given to the City Manager in the last meeting to conduct an investigation.

ROLL CALL:

Councilmember Carlyle	Aye	Councilmember Forte	Aye
Councilmember Binney	Aye	Councilmember Edson	No
Councilmember Seif	Aye	Councilmember Mosby	No
Councilmember Faith	Aye	Councilmember Moreno	Absent

Motion PASSED

In response to a question from Council, Mr. Head responded if the authority given to the City Manager is withdrawn, the City Manager would convey that direction to the Jackson County Sheriff's office. Since the Sheriff has already been contacted, the decision would be up to him on whether or not to continue, depending mainly on any action already taken by his office. Councilmember Binney thought the Sheriff would think this direction was not within their purview but he understood the City would still cooperate with any investigation.

3. APPROVAL OF CONSENT AGENDA:

- A. [2016-0774](#) Approval of Type G-3 Liquor License for Smoke Brewing Co., 209 SE Main 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 (Councilmember Moreno "Absent".)

4. PROPOSED ORDINANCES:

- A. [BILL NO. 16-266](#) AN ORDINANCE APPROVING AMENDMENT NO. 10 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2016, AS ADOPTED BY ORDINANCE

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NO. 7662, BY REVISING THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF LEE'S SUMMIT, MO. (F&BC 12/5/16)

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Binney, that Bill No. 16-266 be adopted and numbered Ord. No. 8043. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8043

B. [BILL NO. 16-267](#) AN ORDINANCE APPROVING AMENDMENT NO.6 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2017, AS ADOPTED BY ORDINANCE NO. 7894, BY REVISING THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF LEE'S SUMMIT, MISSOURI. (F&BC 12/5/16)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 16-267 be adopted and numbered Ord. No. 8044. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8044

C. [BILL NO. 16-268](#) 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 12/5/16)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 16-268 be adopted and numbered Ord. No. 8045. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8045

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- D. [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A REIMBURSEMENT
[16-269](#) AGREEMENT BETWEEN PARROT PROPERTIES, INC. AND THE CITY OF
LEE'S SUMMIT, MISSOURI FOR EXPENSES INCURRED IN THE
ACQUISITION OF CERTAIN SANITARY SEWER AND TEMPORARY
CONSTRUCTION EASEMENTS.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 16-269 be adopted and numbered Ord. No. 8046. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8046

- E. [BILL NO.](#) AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF
[16-270](#) ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND
TEMPORARY CONSTRUCTION EASEMENTS FOR SANITARY SEWER
IMPROVEMENTS ASSOCIATED WITH THE PROPOSED VILLAGE AT VIEW
HIGH DEVELOPMENT IN THE AREA OF THIRD STREET AND VIEW HIGH
DRIVE; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEES TO
NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY
INTERESTS IN LAND; AND AUTHORIZING THE CITY ATTORNEY AND HIS
DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH
INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH
GOOD FAITH NEGOTIATIONS.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 16-270 be adopted and numbered Ord. No. 8047. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8047

- F. [BILL NO.](#) AN ORDINANCE APPROVING THE SURETY BOND DEPOSIT AGREEMENT
[16-272](#) GUARANTEEING INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR
THE QUIKTRIP NO. 0191 SUBDIVISION BY AND BETWEEN QUIKTRIP
CORPORATION, AN OKLAHOMA CORPORATION AND THE CITY OF LEE'S

SUMMIT, MISSOURI AND APPROVING THE USE OF A SURETY BOND AS SECURITY FOR THE INSTALLATION AND CONSTRUCTION OF SAID SUBDIVISION IMPROVEMENTS.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Binney, that Bill No. 16-272 be adopted and numbered Ord. No. 8048. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8048

5. RESOLUTIONS:

- A. [RES. NO. 16-25](#) A RESOLUTION ADOPTING STATE INTERGOVERNMENTAL PROGRAM.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Resolution No. 16-25 be adopted. The motion carried by a unanimous vote (Councilmember Moreno "Absent".)

6. PROCLAMATIONS:

- A. [2016-0769](#) Proclamation for Laurence Pressly

Mayor Rhoads presented Mr. Laurence Pressly with a proclamation commorating over 55 years of volunteer service to the City of Lee's Summit.

This Proclamation was received and filed.

7. PRESENTATIONS:

- A. [2016-0781](#) Presentation by the 2016 Lee's Summit Charter Review Commission.

Ms. Gladys Bratton, Chair, and Mr. Ron Williams, Co-Chair, of the 2016 Charter Review Commission presented the proposed amendments to the Charter. An ordinance calling for an election in April of 2017 for voter consideration of the 12 questions was also on the agneda.

This Presentation was received and filed.

- B. [2016-0729](#) Presentation of Special Audit Report

This item was continued to January 5, 2017.

This Report was continued.to the City Council - Regular Session due back on 1/5/2017

8. PUBLIC HEARINGS (Sworn):

- A. [2016-0770](#) Public Hearing - Plan for an Industrial Development Project for M150 Echelon Land Development LLC, for the Residences at Echelon Apartment Project

Mr. Rich Wood with Gilmore and Bell discussed the procedures, specifically the PILOTS (Payment In Lieu of Taxes).

Mark Dunning, Assistant City Manager, provided an analysis on the method used to determine the PILOTS.

Mr. Evan Fitts with Polisinelli was present on behalf of the applicant.

Motion was made by Councilmember Seif, seconded by Councilmember Forte, to direct staff to PRESENT AN ORDINANCE approving a plan for an industrial development project for M150 Echelon Land Development, LLC, a Missouri Limited Liability Company, consisting of the construction and improvement of a commercial facility for the company; authorizing the City of Lee's Summit, Missouri to issue its taxable Industrial Development Revenue Bonds (Residences at Echelon Project), Series 2017, in a principal amount not to exceed \$27,000,000 to finance the costs of such project; authorizing and approving certain documents; and authorizing certain other actions in connection with the issuance of the bonds.

Councilmember Binney moved to AMEND the motion to increase the PILOT amount to \$1,051 per unit. Motion was seconded by Councilmember Forte. The Council voted 6 "aye", 1 "no" (Councilmember Edson), 1 "absent" (Councilmember Moreno), to approve the amendment to the original motion.

With approval of this amendment, Mr. Wood noted an amended Plan, Cost Benefit Analysis, and PILOT schedule notice would have to be provided to the taxing jurisdictions before bringing an amended ordinance back to the Council. The notice must be sent at least 20 days in advance of the consideration, therefore this matter would likely need to be scheduled for approximately 30 days from today's date. Staff suggests removing the consideration of the ordinance placed on tonight's agenda, in order to allow for the new proposal to be brought forward and properly noticed.

On the original motion, as amended, the Council voted 6 "aye", 1 "no" (Councilmember Edson), 1 "absent" (Councilmember Moreno) to approve.

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

Nay: 1 - Councilmember Edson

Absent: 1 - Councilmember Moreno

9. OTHER BUSINESS:

- A. [2016-0756](#)** Discussion of a Compensation and Benefit Philosophy for the City of Lee's Summit.

Mr. T.L. Cox, Vice President with Springsted, presented an overview of their process for a compensation study. He stated there were two considerations for the Council:

1. What should be the council's compensation benefit philosophy? He suggested the Council think about this and he will return in a few weeks to discuss.

2. Who are the City's competitors and who should be included in the comparison? He submitted the following as consideration for comparison:

City of Olathe, KS LS R-7 School District* City of Columbia, MO*
City of Springfield, MO* City of Lawrence, KS City of Springfield Utilities
WaterOne
City of Shawnee, KS City of West Des Moines, IA City of O'Fallon, MO City
of Ankeny, IA
City of Kansas City, KS City of St. Charles, MO Johnson County KS Waste
Water District Johnson County, KS Fire Protection District 2

*Council chose to REMOVE the cities of Springfield and Columbia because they are isolated and would not have the competition for positions that is found in a metropolitan area such as Kansas City. Councilmember Edson thought perhaps Lawrence should be removed for the same reason. They also removed the R-7 School District because they would rather see cities than schools.

This Other Business - Presentation was received and filed.

B. [BILL NO.](#)
[16-273](#)

AN ORDINANCE CALLING AN ELECTION FOR APRIL 4, 2017, IN THE CITY OF LEE'S SUMMIT, MISSOURI, A CONSTITUTIONAL CHARTER CITY, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY QUESTIONS OF AMENDING THE CHARTER FOR THE CITY OF LEE'S SUMMIT AND AUTHORIZING THE ELECTION AUTHORITIES OF JACKSON AND CASS COUNTIES TO CONDUCT SAID ELECTION; PRESCRIBING THE FORM OF QUESTION TO BE USED AND PROVIDING THAT NOTICE OF SAID ELECTION BE GIVEN AND SAID ELECTION BE HELD IN ACCORDANCE WITH ALL APPLICABLE MISSOURI LAW.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 16-273 be adopted and numbered Ord. No. 8049. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8049

C. [BILL NO.](#)
[16-274](#)

AN ORDINANCE APPROVING A PLAN FOR AN INDUSTRIAL DEVELOPMENT PROJECT FOR M150 ECHELON LAND DEVELOPMENT, LLC, A MISSOURI

LIMITED LIABILITY COMPANY, CONSISTING OF THE CONSTRUCTION AND IMPROVEMENT OF A COMMERCIAL FACILITY FOR THE COMPANY; AUTHORIZING THE CITY OF LEE'S SUMMIT, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS (RESIDENCES AT ECHELON PROJECT), SERIES 2017, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000 TO FINANCE THE COSTS OF SUCH PROJECT; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

ACTION: With approval of the amendment on the Public Hearing, Mr. Wood noted an amended Plan, Cost Benefit Analysis, and PILOT schedule notice would have to be provided to the taxing jurisdictions before bringing an amended ordinance back to the Council. The notice must be sent at least 20 days in advance of the consideration, therefore this matter would likely need to be scheduled for approximately 30 days from today's date. Staff suggests removing the consideration of the ordinance placed on tonight's agenda, in order to allow for the new proposal to be brought forward and properly noticed. This ordinance will be placed on the January 19, 2017 City Council Regular Session agenda. (Note: After discussion with Mr. Wood, this item will be placed as a new Public Hearing and new Bill on the January 12, 2017 Regular Session Agenda. Due to the amendments, a new Public Hearing must be held and a new Bill would need to be considered.)

- D. [BILL NO. 16-275](#) AN ORDINANCE APPROVING A RIGHT OF ENTRY AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 16-278 be adopted and numbered Ord. No. 8051. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8051

- E. [BILL NO. 16-276](#) AN ORDINANCE APPROVING THE FIRST AMENDMENT TO LICENSE AGREEMENT FOR MAIN STREET AND SCHERER ROAD LOCATIONS BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 16-279 be adopted and numbered Ord. No. 8052. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8052

- F.** [BILL NO. 16-277](#) AN ORDINANCE APPROVING THE FIRST AMENDMENT TO LICENSE AGREEMENT FOR THE MAYBROOK SUBSTATION BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 16-277 be adopted and numbered Ord. No. 8053. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8053

- G.** [BILL NO. 16-278](#) AN ORDINANCE APPROVING THE FIRST AMENDMENT TO NETWORK COOPERATION AND SERVICES AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Carlyle, that Bill No. 16-278 be adopted and numbered Ord. No. 8054. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8054

- H.** [BILL NO. 16-279](#) AN ORDINANCE CALLING AN ELECTION FOR APRIL 4, 2017, IN THE CITY OF LEE'S SUMMIT, MISSOURI, A CONSTITUTIONAL CHARTER CITY, FOR

THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER TO RECALL DISTRICT 4 COUNCILMEMBER CHRISTOPHER MORENO AND AUTHORIZING THE ELECTION AUTHORITY OF THE COUNTY OF JACKSON, MISSOURI, TO CONDUCT SAID ELECTION; PRESCRIBING THE FORM OF QUESTION TO BE USED THEREAT AND PROVIDING THAT NOTICE OF SAID ELECTION BE GIVEN AND SAID ELECTION BE HELD IN ACCORDANCE WITH ALL APPLICABLE MISSOURI LAW.

Councilmember Mosby noted that, per the City Attorney, this ordinance was administrative and clarified that, although he will be voting for this ordinance, his vote does not necessary mean he approves or disapproves.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 16-279 be adopted and numbered Ord. No. 8055. The motion carried by the following vote:

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

Absent: 1 - Councilmember Moreno

Enactment No: Ord. No. 8055

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

There were no committee reports.

11. COUNCIL ROUNDTABLE:

Councilmember Forte moved to prohibit motions to be made in Council Roundtable, beginning January 5, 2017. Motion was seconded by Councilmember Carlyle and discussed in detail. Councilmembers Mosby and Seif requested the issue be sent to the Rules Committee. The vote on the motion was 3 "aye" (Councilmembers Carlyle, Binney and Forte), 4 "no" (Councilmembers Seif, Mosby, Faith and Edson), 1 "absent" (Councilmember Moreno).

Councilmember Edson requested a presentation on the Fire Accreditation process. Chief advised they would be discussing long-term planning in January and he would be happy to make a presentation to the Council when completed.

Councilmember Mosby asked Mr. Head about the earlier motion in Council Comments. After lengthy discussion, Councilmember Mosby requested a transcript of Mr. Head's comments during Council Comments and Roundtable.

Councilmember Binney attended the opening of the Kady Trail in Pleasant Hill on Saturday. He felt this was a good opportunity for Lee's Summit to continue working with Jackson County and find a way to connect Lee's Summit with Pleasant Hill, bringing the trail all the way from Lee's Summit to St. Louis.

12. STAFF ROUNDTABLE:

There was no Staff Roundtable.

13. ADJOURNMENT

There being no further business, Mayor Rhoads ADJOURNED the December 15, 2016, Lee's Summit City Council Regular Session No. 21 at 9:05 p.m.

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".