



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

Thursday, June 16, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 4 (AMENDED)

CALL TO ORDER

Mayor Rhoads called Regular Session No. 4 to order at 6:35 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

On motion of Councilmember Mosby, second by Councilmember Seif, the Council voted unanimously to approved the agenda with the amendment of removing Item 3.C. from the Consent Agenda with discussion.

1. PUBLIC COMMENTS:

Mrs. Teresa Fick thanked Councilmember Faith for helping her and taking time to listen to her. She feels she is not being listened to by staff, or be represented by her councilmembers.

Mrs. Pat Thompson voiced her complaints about WCA trash haulers not picking up trash in a timely fashion and feels they should be held accountable for their actions.

Mr. Dale Coy agreed with the complaint about WCS. He also commended

the LS360 for thier final report and made recommendations on future reports.

2. COUNCIL COMMENTS:

Councilmember Forte stated her concern for Council making motions in strange places on the agenda and would like Council to conduct business in the order it is posted on the agenda.

Councilmember Mosby would like the Public Works Committee (PWC) to discuss further parameters of trash companies. He would also like to have the CEDC look at how the city can attract more housing and retail in the down town area. He also told Mrs. Fick that he is sorry for the way she feels, but he feels the Codes Department has done everything possible to assist her.

Councilmember Faith stated he was not aware of any motion brought up in Council Comments or Roundtable prior to the meeting, but admitted he could see how it may appear that way.

Councilmember Moreno stated he and Councilmember Mosby have had several conversations and site visits with Mrs. Fick and also believes Codes has done everything they can to help her. He also stated he also feels WCA has shown great disrespect for the city by not improving its work within the city and would like the PWC to find a way to hold trash haulers accountable.

3. APPROVAL OF CONSENT AGENDA:

- A. [2016-0244](#) Approval of Action Letters for May 5, May 12 and May 19, 2016.

Attachments: [Action Letter for May 5, 2016](#)
[Action Letter for May 12, 2016](#)
[Action Letter for May 19, 2016](#)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, that this Action Letters be approved as part of the Consent Agenda.

- B. [2016-0268](#) Mayor's Appointments:
Human Services Advisory Board: Appoint Rexanne Hill to replace Matt Miller and Michael Straughn to replace Lois Belser, terms to expire 1-20-17.
Livable Streets Advisory Board: Appoint Justin Larson to replace Craig Faith, term to expire 2-17-18.

Attachments: [Mayor's Memo to Council 5-27-16](#)

[Rexanne Hill Interest Form](#)

[Michael Straughn Interest Form](#)

[Justin Larson Interest Form](#)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, that the Mayor's Appointments be approved as part of the Consent Agenda.

C. [2016-0296](#) Mayor Pro Tempore's Council Committee Appointments

Attachments: [Committee and Liaison Assignments](#)

After discussion on assigning Vice Chairs and Alternates, Mayor Pro Tem Binney agreed to have these assignments made in in the packet for approval at the June 23rd Special Session.

On motion of Councilmember Forte, second by Councilmember Carlyle, the Council voted 7 "Aye", 1 "No" (Councilmember Moreno) for approval of the Mayor Pro Tempore's Council Committee Assignments.

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

Nay: 1 - Councilmember Moreno

D. [2016-0263](#) Approval of change of address for Minsky's Pizza to 1251 NE Rice Road. (Currently holding a Type "G3" and "S" Liquor License.)

Attachments: [Letter of request and approval](#)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, that this Liquor License be approved as part of the Consent Agenda.

4. **PROPOSED ORDINANCES:**

A. [BILL NO. 16-114](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 4401-20C FOR THE FY2017 MILL & OVERLAY PROGRAM TO SUPERIOR BOWEN ASPHALT COMPANY, L.L.C. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO TO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$2,109,071.32.

Recommendation: Recommendation:
Staff recommends approval of AN ORDINANCE APPROVING THE AWARD OF BID NO. 4401-20C FOR THE FY2017 MILL & OVERLAY PROGRAM TO SUPERIOR BOWEN ASPHALT COMPANY, L.L.C. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO TO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$2,109,071.32.

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Presenter: Presenter: Vince Schmoeger

Attachments: [Ordinance](#)
[Unofficial Bid Tab](#)
[Proposed Form of Agreement](#)
[Proposed Street List Quantities](#)
[Proposed Street Maps](#)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that this Ordinance be adopted and numbered.Ord. No. 7891 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

- B.** [BILL NO. 16-115](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE ON CALL WORK ZONE ENFORCEMENT PROGRAM FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Recommendation: Recommendation: Staff recommends passage

Presenter: Presenter: Curt Mansell

Committee Recommendation: Committee Recommendation: I move to recommend to City Council approval of an AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE ON CALL WORK ZONE ENFORCEMENT PROGRAM FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Attachments: [Ordinance](#)
[Agreement](#)
[Work Zone Enforcement Program Order](#)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that this Ordinance be adopted and numbered.Ord. No. 7892 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

- C.** [BILL NO. 16-116](#) AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE I. IN GENERAL, SEC. 2-1. OFFICIAL CITY SEAL, OF THE CODE OF ORDINANCES

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FOR THE CITY OF LEE'S SUMMIT BY REDEFINING THE OFFICIAL CORPORATE SEAL FOR THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.

Recommendation: Recommendation: [Enter Recommendation Here]

Presenter: Presenter: [Enter Presenter Here]

Committee Recommendation: Committee Recommendation: [Enter Committee Recommendation text Here]

Attachments: [Ordinance](#)
[Picture of proposed seal](#)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered.Ord. No. 7893 The motion carried by the following vote:

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

Nay: 1 - Councilmember Moreno

D. [BILL NO. 16-117](#) AN ORDINANCE APPROVING, ADOPTING AND APPROPRIATING THE BUDGET OF THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE FISCAL YEAR ENDING JUNE 30, 2017.

Recommendation: Recommendation: Staff recommends approval of AN ORDINANCE APPROVING, ADOPTING AND APPROPRIATING THE BUDGET OF THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE FISCAL YEAR ENDING JUNE 30, 2017.

Presenter: Presenter: Stephen Arbo

Committee Recommendation: Committee Recommendation: The Finance and Budget Committee directed staff to prepare an ordinance and public hearing to review and adopt the FY17 Annual Budget for the City of Lee's Summit.

Attachments: [Ordinance](#)
[FY17 Pay Plan](#)
[Parks Full Time Staff Compensation FY17](#)
[Parks Part Time Pay Schedule 2016-2017](#)

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Carlyle, that this Ordinance be adopted and numbered.Ord. No. 7894 The motion carried by the following vote:

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

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Nay: 3 - Councilmember Binney
Councilmember Moreno
Councilmember Mosby

- E.** [BILL NO.](#) AN ORDINANCE APPROVING THE EXECUTION OF A PUBLIC SERVICE
[16-118](#) AGREEMENT BY AND BETWEEN LEE'S SUMMIT ECONOMIC
 DEVELOPMENT COUNCIL. AND THE CITY OF LEE'S SUMMIT, MISSOURI,
 FOR SERVICES TO BE PROVIDED TO THE CITY.

Presenter: Presenter: Mark Dunning

Attachments: [Ordinance](#)
[EDC Agreement 2016-2017](#)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that this Ordinance be adopted and numbered. Ord. No. 7895 The motion carried by the following vote:

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

Nay: 1 - Councilmember Moreno

5. RESOLUTIONS:

- A.** [RES. NO.](#) A RESOLUTION OF SUPPORT FOR LEE'S SUMMIT CARES IN THEIR
[16-12](#) MISSION TO REDUCE MARIJUANA RELATED PROBLEMS.

Recommendation: Recommendation: N/A

Presenter: Presenter: [Lee's Summit Cares]

Committee Recommendation: Committee Recommendation: N/A

Attachments: [Resolution](#)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that this Resolution be adopted. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Moreno

6. PRESENTATIONS:

- A.** [2016-0249](#) Presentation regarding state legislation on cell tower regulations.

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Recommendation: Recommendation: N/A - Presentation

Presenter: Presenter: Trevor Stiles, Chief of Litigation, Office of the City Attorney

Committee Recommendation: Committee Recommendation: N/A.

Attachments: [Presentation](#)

This Presentation was received and filed.

- B. [2016-0269](#) Presentation of the License Tax Review Committee Annual report for 2015

Presenter: Presenter: [George Binger]

Attachments: [2015 License Tax Council Presentation](#)
[2015 License Tax Council Report](#)

This Presentation was continued.

Council reached a consensus to direct staff to draft an ordinance to amend Section 28-179 by increasing license tax rates, as recommended by the License Tax Committee for FY2017.

- C. [2016-0157](#) LS 360 Final Report

Presenter: Presenter: Jon Ellis and Vicki Cundiff, Co-Chairs, LS 360 Strategic Plan

Attachments: [Presentation](#)
[LS360 Strategic Plan](#)

This Presentation was received and filed.

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

- A. [2016-0194](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant.

Recommendation: 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. #PL2016-054), for the telecommunication tower.
4. Development shall be in accordance with the preliminary development plan, dated April 19, 2016.

Presenter: Presenter: [Enter Presenter Here]

Committee Recommendation: Planning Commission Recommendation: On motion of Mr. DeMoro and seconded by Mr. Delibero, the Planning Commission voted five "yes" and three "no" by voice vote to

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recommend APPROVAL of Appl. #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, subject to staff's letter dated May 6, 2016, recommendation items 1-4.

Attachments: [Staff Letter](#)
[Planning Commission Minutes](#)
[Preliminary Development Plan](#)
[Narrative](#)
[Neighborhood Meeting Notice](#)
[Location Map](#)

After lengthy discussion, a motion was made by Councilmember Moreno, seconded by Councilmember Mosby, that this Public Hearing be continued. The to a date certain of June 23, 2016. The motion carried by a unanimous vote.

- B. [2016-0195](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-054 - SPECIAL USE PERMIT- telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

Recommendation: 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 380 feet. The tower is located approximately 95-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. #PL2016-053), for the telecommunication tower.

Presenter: Presenter: [Enter Presenter Here]

Committee Recommendation: Planning Commission Recommendation: On the motion of Mr. DeMoro and seconded by Mr. Rader, the Planning Commission members voted six "yes" and two "no" by voice vote to refer Appl. #PL2016-054 -SPECIAL USE PERMIT- telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, to the City Council with no recommendation from the Planning Commission.

Attachments: [Staff Letter](#)
[Planning Commission Minutes](#)
[Site Plan](#)
[Narrative](#)
[Neighborhood Meeting Notice](#)
[Correspondence from neighbor](#)
[Photos of surrounding property](#)
[Photo Simulation](#)
[Site Justification Plan](#)
[Tower Table](#)
[Missouri State Satutes](#)
[Location Map](#)

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After lengthy discussion, a motion was made by Councilmember Mosby, seconded by Councilmember Seif, that this Public Hearing be continued. The to a date certain of June 23, 2016. The motion carried by a unanimous vote.

- C. [2016-0295](#) PUBLIC HEARING - Appl. #PL2016-045 - VACATION OF RIGHT-OF-WAY - a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, applicant

Recommendation: Recommendation: Staff recommends APPROVAL of the vacation of right-of-way, subject to the following:

1. The vacation shall not become effective until the existing infrastructure is relocated and necessary easement dedicated. Documentation of the recorded easement shall be provided to the Planning and Codes Administration Department.

Committee Recommendation: Committee Recommendation: On the motion of Mr. DeMoro, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL2016-045, Vacation of Right-Of-Way: a section of SW Flintrock Drive south of SW Napa Valley Drive located within the Napa Valley subdivision, Toscano Investments LLC, applicant; subject to staff's letter of May 20, 2016, specifically Recommendation Item 1.

Attachments: [Legal Description and Exhibit](#)

[Planning Commission Letter](#)

[Planning Commssion Minutes from May 24, 2016](#)

[Location Map](#)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, to direct staff to present an ordinance approving application #PL2016-045 - VACATION OF RIGHT-OF-WAY - a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, applicant. The motion carried by the following vote:

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

Away FT: 3 - Councilmember Binney
Councilmember Moreno
Councilmember Mosby

8. **OTHER BUSINESS:**

- A. [CONT'D BILL NO. 16-119](#) 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.

Recommendation: Recommendation: [Enter Recommendation Here]

Presenter: Presenter: [Enter Presenter Here]

Committee Recommendation: Committee Recommendation: [Enter Committee Recommendation text Here]

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Attachments: [Ordinance](#)
[Preliminary Development Plan](#)
[Location Map](#)

Due to the continuation of the Public Hearing, this ordinance was also continued to June 23, 2016.

- B. [CONT'D BILL NO. 16-120](#) 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.

Recommendation: Recommendation: [Enter Recommendation Here]

Presenter: Presenter: [Enter Presenter Here]

Committee Recommendation: Committee Recommendation: [Enter Committee Recommendation text Here]

Attachments: [Ordinance](#)
[Preliminary Development Plan](#)
[Location Map](#)

Due to the continuation of the Public Hearing, this ordinance was also continued to June 23, 2016.

- C. [BILL NO. 16-121](#) AN ORDINANCE APPROVING THE FY2017 PROPERTY AND LIABILITY INSURANCE PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH TRAVELERS INSURANCE, ONE BEACON INSURANCE AND PHYSICIANS PROFESSIONAL INDEMNITY ASSOCIATION FOR THE PROCUREMENT OF PROPERTY AND LIABILITY INSURANCE COVERAGE FOR FY2017.

Recommendation: Recommendation: STAFF RECOMMENDS AN ORDINANCE APPROVING THE FY2017 PROPERTY AND LIABILITY INSURANCE PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH TRAVELERS INSURANCE, ONE BEACON INSURANCE AND PHYSICIANS PROFESSIONAL INDEMNITY ASSOCIATION FOR THE PROCUREMENT OF PROPERTY AND LIABILITY INSURANCE COVERAGE FOR FY2017.

Presenter: Presenter: Jackie McCormick Heanue, Chief Counsel of Management and Operations

Committee Recommendation: Committee Recommendation: N/A

Attachments: [Ordinance](#)

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that this Ordinance be adopted and numbered. Ord. No. 7896 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

- D.** [BILL NO. 16-122](#) AN ORDINANCE APPROVING A COOPERATIVE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND SHOW ME PACE, A MISSOURI CLEAN ENERGY DEVELOPMENT BOARD, AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATED TO THE SHOW ME PACE PROGRAM FOR PARTICIPATION BY THE CITY OF LEE'S SUMMIT, MISSOURI.

Recommendation: Recommendation: STAFF RECOMMENDS ADOPTION OF AN ORDINANCE APPROVING A COOPERATIVE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND SHOW ME PACE, A MISSOURI CLEAN ENERGY DEVELOPMENT BOARD, AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATED TO THE SHOW ME PACE PROGRAM FOR PARTICIPATION BY THE CITY OF LEE'S SUMMIT, MISSOURI.

Presenter: Presenter: [Enter Presenter Here]

Committee Recommendation: Committee Recommendation: [Enter Committee Recommendation text Here]

Attachments: [Ordinance](#)
[EXHIBIT A SHOW ME PACE](#)
[Missouri PACE District - Bylaws Signed](#)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, that this Ordinance be adopted and numbered. Ord. No. 7897 The motion carried by the following vote:

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

Nay: 1 - Councilmember Moreno

- E.** [BILL NO. 16-123](#) AN ORDINANCE APPROVING THE PROCUREMENT OF EXCESS WORKERS COMPENSATION COVERAGE FROM MIDWEST EMPLOYERS CASUALTY COMPANY FOR FISCAL YEAR 2017 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS AND OTHER DOCUMENTS NECESSARY FOR SAID INSURANCE COVERAGE.

Recommendation: Recommendation: It is staff's recommendation that the City Council approve contracting with Midwest Employers Casualty Company for excess Workers Compensation insurance coverage in the amount of \$68,635, effective July 1, 2016 through June 30, 2017 and standard, annual renewal cycle effective July 1 thereafter.

Presenter: Presenter: Nanci White, Human Resources Risk Management Officer

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Committee Recommendation: Committee Recommendation: [Enter Committee Recommendation text Here]

Attachments: [Ordinance](#)

FY2017 Excess WC Insurance Quote TPA Recommendation

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that this Ordinance be adopted and numbered. Ord. No. 7898 The motion carried by the following vote:

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

Away FT: 1 - Councilmember Moreno

F. [2016-0225](#) Appeal of Lee's Summit Code of Ordinance (LSCO) Chapter 25, Article IV Storage - Section 86.B (Solid Waste Container Storage provision)

Recommendation: Recommendation: If the City Council wishes to require the solid waste containers to be screened, staff will continue to work with Mr. Willis to gain compliance. If the City Council wishes to allow the condition to remain, the Council may consider one of the following options:
- grant the appeal and allow the condition to remain with no further action being taken
- consider directing staff to amend LSCO Chapter 25, Article IV, Section 25-86B by deleting the term "public or private alley" from the current language contained in the provision.

Presenter: Presenter: Mark Dunning, Assistant City Manager and Mr. Willis Clark, appellant

Committee Recommendation: Committee Recommendation: [Enter Committee Recommendation text Here]

Attachments: [Notice of Violation \(Combo\)](#)
[Willis Clark 4-21-16 Appeal Letter](#)
[Solid Waste Containter Site Map](#)
[LSCO Chapter 25 Section 25-86](#)
[LSCO Chapter 25 Section 25-6](#)
[NHS Case pictures 4-19-16](#)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that the appeal of Lee's Summit Code of Ordinance (LSCO) Chapter 25, Article IV Storage - Section 86.B (Solid Waste Container Storage provision) The motion carried by the following vote:

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

Nay: 2 - Councilmember Carlyle
Councilmember Edson

- G. [2016-0253](#) Appeal Request to Resolution No. 16-05 for the suspension and delay the acceptance and processing of development applications and applications for building permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway.

Recommendation: Recommendation: [Staff recommends authorization to proceed with a SUP application]

Presenter: Presenter: Brian Brooks, applicant and Christopher Hughey, Project Manager in the Development Center Department

Committee Recommendation: Committee Recommendation: [Enter Committee Recommendation text Here]

Attachments: [Roberts Co Motor Mart - Administrative Delay Appeal Request \(rec 6-1-15\)](#)

[Roberts Co Motor Mart - Business Plan](#)

[1302 SW Market St - Photos](#)

[Resolution No. 16-05](#)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Appeal Request to Resolution No. 16-05 for the suspension and delay the acceptance and processing of development applications and applications for building permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway. be denied.

The motion failed by the following vote:

Aye: 5 - Mayor Rhoads
Councilmember Binney
Councilmember Forte
Councilmember Moreno
Councilmember Mosby

Nay: 4 - Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Seif

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

Councilmember Faith advised of a change in officers for the Arts Council. Also, the June 23rd Council meeting includes a presentation by Duncan Webb with Webb Management to provide a cultural arts plan.

10. **COUNCIL ROUNDTABLE:**

Councilmember Moreno extended congratulations to Nick and Jennie

Swearngin who were named as "Citizens of the Year". They were nominated by Mayor Rhoads for the 2016 Truman Heartland Community Foundation Citizen of the Year and the Missouri Municipal League Civic Leadership Award.

Councilmember Mosby stated the City Manager and the City Attorney presented violations and penalties for councilmembers during two Charter Review Commission meetings. He wanted to know if there they would be present violations and penalties for Staff at the Charter Commission. Mr. Head responded a Staff member would could be fired if they violate the Charter. The Council has little ability to police their members. In reviewing the Charter as a whole, he looked for places where there was no recourse for violations. The Charter is silent on procedures to remove a councilmember. Including a process in the Charter will provide the Council with procedures if a violation occurs. One requirement considered by the Charter Commission is for the Council to adopt an Ethics Code. ". Mr. Mosby repeated the above question. Mr. Head said "no".

Councilmember Forte requested the CEDC Committee review the UDO, Article 12, Section 12.160.A.1), which regulates the parking of all forms of recreational vehicles. There are certain HOAs that allow boats and boat trailers in driveways.

Councilmember Binney:

- Suggested Staff inspect the archway at New Longview for stability. He also asked for an update on the New Longview TIF, including information on whether or not the New Longview Foundation was responsible for upkeep on the arch.
- The Tour de Lakes bicycle race will be held July 5th.
- Since the Council acted during Council Comments on video taping the Charter Commission meetings, Councilmember Binney thought perhaps a resolution would be best to finalize the action. Although taping all the boards and commissions is good in theory, the Council should ask for all costs entailed to film those meetings.
- There will be an open house at the Lee's Summit Municipal Airport this weekend.

Councilmember Binney also asked about UDO requirements for downtown murals. Mr. Mark Dunning, Assistant City Manager, advised this issue was referred back to the CEDC.

Councilmember Moreno noted that Charter Commission members stated their proposed changes to the Charter are presented directly to the voters. Mr. Head explained the provisions in the Charter that state this is true. The Council will be presented with an ordinance calling for the election for the issues on which the citizens will vote.

Councilmember Mosby moved to DENY the instructions to Staff to bring back a resolution restricting the motion abilities of councilmembers. Motion

was seconded by Councilmember Moreno.

DISCUSSION: Councilmember Binney explained his comment was for a resolution to confirm the action taken by the Council in an earlier meeting to require Charter Commission meetings to be broadcast.

Councilmember Mosby WITHDREW his motion and Councilmember Moreno withdrew his second.

Councilmember Edson was concerned about the difficulty of reading Public Hearing signs placed on properties. Mr. Arbo stated Staff will look at alternatives, perhaps a QR Code that people could download.

In answer to a question from Councilmember Moreno, Mr. Arbo advised there are plans to provide shoulders for Todd George Parkway. Mr. George Binger, City Engineer, stated there are plans to start construction this year.

11. STAFF ROUNDTABLE:

Mr. Arbo provided an update on the improvements to Lee's Summit Road. Although Staff was expecting the road to be opened in the next couple of days, the Kansas City Water Authority has four crossing that need to be in place before opening. Initial plans were to bore beneath the roadway but could not because of rock and now need to trench. Plans now are to open the road either early next week or the first of July.

12. ADJOURNMENT

There being no further business, Mayor Rhoads adjourned the City Council Regular Session No. 4 at 11:35 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".