

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

Thursday, May 17, 2018

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 3

Preliminaries:

- A. Invocation
- B. Pledge of Allegiance
- C. Call to Order

Mayor Baird called Regular Session No. 3 to order at 6:21 p.m. in the City Council Chambers.

D. Roll Call

Present: 9 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez

E. Approval of Agenda

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, to approve the published agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

1. Public Comments:

Ms. Geraldine Amoto shared her opinions on the economy, specific flags and social classes.

Ms. Teresa Vollenweider spoke regarding baseball fields in Lee's Summit.

Councilmember Johnson asked for clarification regarding who is putting baseball fields in subdivisions.

2. Council Comments:

There were no Council Comments

3. Approval of Consent Agenda:

- A. [2018-2031](#) Approval of a Type G3 & S Liquor License for The Historic LVM (Previously Longview Mansion), 1200 SW Longview Park Drive. (New Owner)

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that this Liquor License be approved as part of the consent agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B. [2018-2032](#) Approval of a Type G3 & S Liquor License for Pearl Tavern, 1672 NW Chipman Road.

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that this Liquor License be approved as part of the consent agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- C. [2018-2051](#) Approval of a Type B2, G1 & S Liquor License for New Axiom Brewing Company, 949 NE Columbus Street.

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that this Liquor License be approved as part of the consent agenda. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- D. [2018-2034](#) Change of Managing Officer for Big Whiskeys located at 860 NW Blue Parkway, currently holding a Type G3 & S.

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that this Change of Managing Officer be approved as part of the consent agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- E. [BILL NO. 18-73](#) An Ordinance approving the award of Bid No. 41732272 for the NE Gateway Drive, NE Delta School Road to NE Georgian Drive project to Freeman Concrete Construction, LLC in the amount of \$604,357.6
(Note: First reading on May 3, 2018. Passed by unanimous vote).

A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 18-73 be adopted and numbered Ordinance No. 8390 as part of the consent agenda. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

4. Proclamations:

- A. [2018-2041](#) National Public Works Week, May 20 - 26, 2018

Bob Hartnett, Deputy Director of Public Works announced:

-The Big Truck and Equipment Show will be held Saturday morning, May 19, 2018 on SE Green Street in front of City Hall.

-There will be a metro wide American Public Works Association luncheon next week and the Lee's Summit Airport Runway project will be recognized as the

transportation project of the year.

-There will be an Airport Open House on June 23, 2018.

This Proclamation was presented

5. Presentations:

- A. [2018-2030](#) Conceptual Economic Development Incentive Request Presentation - Summit Orchards Community Improvement District, Summit Orchards Partners, LLC.
- The Council discussed concerns about access to the west side of Ward Road due to the proposed median and the possibility of the City being at risk if the CID stops managing or funding the private roads. The developer is ready to move forward with the development, but more research will need to be done to determine if it would be cost effective to include a portion to the north that would require reclamation of a detention pond. Staff advised curbs and sidewalks have been included in a TIF before, but not private streets. This would be new for this type of project in Lee's Summit.

This presentation was received and filed

6. Resolutions:

- A. [RES NO. 18-06](#) A resolution approving the Summit Fair Community Improvement District budget for fiscal year ending June 30, 2019. (F&BC 5/7/18)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Resolution 18-06 be adopted. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Councilmember Carlyle

- B. [RES NO. 18-07](#) A resolution authorizing the Mayor to appoint successor directors to the I-470 and View High Community Improvement District.

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Resolution 18-07 be adopted. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Councilmember Carlyle

7. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 18-74](#) An ordinance authorizing the waiver of Lee's Summit Housing Authority's payment in lieu of taxes for the authority's fiscal year ended September 30, 2017 in the amount of \$33,874.16. (F&BC 5/7/18)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Faith, that Bill No. 18-74 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Abstain: 1 - Councilmember Binney

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Faith, that Bill No. 18-74 be adopted and numbered Ordinance No. 8391. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B. [BILL NO. 18-75](#) An ordinance authorizing execution of an intergovernmental agreement for confinement of prisoners by and between the City of Lee's Summit, Missouri and Johnson County, Missouri by and through the Johnson County Sheriff's Office. (F&BC 5/7/18)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Lopez, that Bill No. 18-75 be second read. The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Abstain: 1 - Mayor Baird

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Binney, that Bill No. 18-75 be adopted and numbered Ordinance No. 8392. The motion carried

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by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- C. [BILL NO. 18-79](#) An ordinance approving the City of Lee's Summit Entitlement Community Development Block Grant (CDBG) 2018-2019 Annual Action Plan. (CEDC 3/21/18)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember DeMoro, that Bill No. 18-79 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 18-79 be adopted and numbered Ordinance No. 8393. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

8. Public Hearings:

- A. [2018-1846](#) Public Hearing - Appl. #PL2017-234 - Rezoning from AG to RLL - 5261 NE Maybrook Rd.; Derek D. Collins, applicant.

- 1) [BILL NO. 18-61](#) An ordinance granting a change in zoning classification from district Agricultural (AG) to district Residential Large Lot (RLL), approximately 3.85 acres located at 5261 NE Maybrook Road, all in accordance with the provisions of the Unified Development Ordinance No. 5209 for the City of Lee's Summit, Missouri. (Note: First reading on May 17, 2018. Passed by unanimous vote).

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, that Bill No. 18-61 be advanced to second reading. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

B. [2018-2014](#) Public Hearing - Application #PL2018-027 - Special Use Permit renewal for a telecommunication tower - 5740 NE Lakewood Way; American Tower Asset Sub II, LLC, applicant.

1) [BILL NO. 18-76](#) An ordinance granting a Special Use Permit for a Telecommunication Tower in District AG on land located at 5740 NE Lakewood Way, all in accordance with Article 10 within the Unified Development Ordinance, for the City of Lee's Summit, Missouri. (Note: First reading by City Council on May 17, 2018).

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 18-76 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 2 - Councilmember Binney
Councilmember Carlyle

C. [2018-2015](#) Public Hearing - Application #PL2018-032 - Preliminary Development Plan and Application #PL2018-034 - Special Use Permit for major automotive repair and automotive sales - McCarthy Chevrolet, 1000 SE Century Drive; WRL Investments, LP, applicant.

1) [BILL NO. 18-77](#) An ordinance approving a Preliminary Development Plan located at 1000 SE Century Drive in District CP-2, proposed McCarthy Chevrolet Automotive Service and Sales Facility in accordance with the provisions of the Unified Development Ordinance No. 5209, for the City of Lee's Summit, Missouri. (Note: First reading on May 17, 2018. Passed by unanimous vote as amended).

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Carlyle, that Bill No. 18-77 be advanced to second reading. This Bill was amended before a vote was taken.

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Carlyle, that Bill No. 18-77 be amended to Section 2, Paragraph 4 by adding a new section 5 to read "Sidewalk shall be provided along the lot frontage of SE Century Drive within 90 days after notification that a sidewalk on the abutting property is scheduled to be constructed." The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Carlyle, that Bill No. 18-77 be advanced to second reading as amended. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- 2) [BILL NO. 18-78](#) An ordinance granting a Special Use Permit for major automotive repair and automotive sales in District CP-2 on land located at 1000 SE Century Drive for a period of thirteen and a half (13.5) years, all in accordance with Article 10 within the Unified Development Ordinance, for the City of Lee's Summit, Missouri. (Note: First reading on May 17, 2018. Passed by unanimous vote).

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, that Bill No. 18-78 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

9. Proposed Ordinances - First Reading:

- A. [BILL NO. 18-80](#) An ordinance vacating a certain fire access easement located on Lots 6, 7 and Tract B of the Fairfield Woods Subdivision in the City of Lee's Summit, Missouri. (Note: First reading May 17, 2018. Passed by unanimous vote).

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 18-80 be advanced to second reading. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B.** [BILL NO. 18-81](#) An ordinance amending Section 28-179 of the Code of Ordinances of the City of Lee's Summit by Revising the Tax Rates by Land Use Category for Calculation of the License Tax on Building Contractors. (Note: First reading on May 17, 2018. Passed by unanimous vote).

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Faith, that Bill No. 18-81 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- D.** [BILL NO. 18-82](#) An ordinance approving a funding agreement between the City of Lee's Summit, Missouri and Summit Orchards Partners, LLC, for the proposed Summit Orchards Community Improvement District and authorizing the City Manager to execute said agreement on behalf of the City. (Note: First reading on May 17, 2018. Passed by unanimous vote).

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Lopez, that Bill No. 18-82 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- E.** [BILL NO. 18-83](#) An ordinance approving the award of Bid No. 324-18/19 (Surface Seal) for the Surface Seal 18/19 program to Vance Brothers Inc. and authorizing the City Manager to enter into the agreement for the same in the amount of \$1,035,886.42. (Note: First reading on May 17, 2018. Passed by unanimous vote).

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that Bill No. 18-83 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- F.** [BILL NO. 18-84](#) An ordinance approving the award of Bid No. 324-18/19 (Overlay) for the Mill & Overlay 18/19 program to Ideker, Inc. and authorizing the City Manager to enter into the agreement for the same in the amount of \$2,735,916.58. (Note: First reading on May 17, 2018. Passed by unanimous vote).

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Lopez, that Bill No. 18-84 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

10. Committee Reports

Councilmember Faith announced that a Public Works Committee meeting will be held June 19, 2018 at 5:30 p.m. and the Public Safety Advisory Board elected officers at their last meeting.

Councilmember Johnson announced that the Finance and Budget Committee will hold their next meeting Monday, May 21, 2018 at 4:00 p.m. They will be finalizing their budget recommendations for presentation to the full Council for public hearing.

Mayor Pro Tem Lopez reported that the Community Economic Development Committee will meet on June 13, 2018.

Councilmember Carlyle announced that the Rules Committee will not have any meetings in May or June.

11. Council Roundtable

Councilmember Faith thanked the Mayor for the special attention he gives to his invocations. He then announced that it is National Law Enforcement Week and there was a ceremony for fallen officers that he was unable to attend. Also, next week is EMS week and he thanked Councilmember Johnson as he was the sponsor for the original legislation that created EMS and EMT in the state of Missouri.

Councilmember Forte asked Mayor Pro Tem Lopez to send to the Rules Committee to move the City Council meetings from Thursday nights to Tuesday nights. She also shared statistics from the March 28, 2108 Big Bash event in Downtown Lee's Summit.

Councilmember Carlyle congratulated the high school class of 2018 on their graduation.

Councilmember Binney announced the Big Truck and Equipment Show will be held Saturday, May 19, 2018 from 10:00 a.m. to 2 p.m. in front of City Hall.

Mayor Pro Tem Lopez thanked the Lee's Summit Chamber of Commerce, CEDC and Main Street for a reception that he attended. He stated that it was a very positive experience.

Mayor Baird mentioned that Downtown Days will be in a few weeks. He shared that he did attend the memorial for fallen officers and he recited a prayer that Chief Forbes had shared with him.

12. Staff Roundtable

There was no Staff Roundtable.

13. Adjournment

Mayor Baird adjourned Regular Session No. 3 at 10:30 p.m.

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 Legislative Information Center website at "lsmo.legistar.com"