



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

Thursday, January 5, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 22 - AMENDED

CALL TO ORDER

Mayor Rhoads called Regular Session No. 22 to order at 6:16 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Note: Councilmember Moreno was not Present at the time of the Roll Call, but did show up right after Roll Call was completed.

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

Mayor Rhoads advised the Council and public there are ongoing Audio Visual issues. ITS is working on resolving the issues but the microphones and document readers are not working properly. In addition, a few councilmembers are sick so everyone will do their best to be clear when speaking.

COUNCIL ACTION: On motion of Councilmember Binney, Second by Councilmember Forte, the Council voted unanimously to approve the published amended agenda.

1. PUBLIC COMMENTS:

Mr. Pickering stated he had previously contacted Councilmember Seif regarding his concerns with the Lee's Summit Municipal Airport traffic. He

would like the council to look at what can be done with regard to increased airport traffic flow.

2. COUNCIL COMMENTS:

Councilmember Moreno asked if the Public Works Committee had included stormwater improvements on the upcoming proposed tax extension for the CIP (Capital Improvement Projects).

Councilmember Mosby, Chair of the Public Works Committee, stated the CIP has been reviewed by the Public Works Committee and they did look at stormwater as well. This will be before Council for inclusion in the April election ballot.

Councilmember Moreno asked how long stormwater has been discussed as part of the CIP.

Councilmember Mosby said it has been discussed since at least 2015.

Councilmember Moreno asked when this would be brought before Council.

Mr. Steve Arbo, City Manager, advised this will be present to Council next Thursday, January 12, 2017.

Councilmember Moreno asked Mr. Arbo if he would be proposing a new ethics and conflict of interest proposal in January.

Mr. Arbo advised the employees already have an ethics policy. The Purchasing and Procurement policy is being reviewed with the audit by RubinBrown. The audit recommendations will be reviewed by Management Team next Tuesday, January 10, and the recommendations and suggestions by Management Team will be brought to Council at a later date.

Councilmember Moreno asked if that would be brought to the full Council or through the Rules Committee first.

Mr. Arbo advised it is likely it would through the Finance and Budget Committee first as the recommendations would be regarding the Purchasing and Procurement Policy.

3. APPROVAL OF CONSENT AGENDA:

- A. [2016-0810](#) Approval of Action Letters from December 1, 8 and 15, 2016.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Action Letters for December 1, 8 and 15, 2017 be approved as part of the Consent Agenda. The motion carried by a unanimous vote (Councilmember Moreno "Away From Table").

- B. [2016-0825](#) Mayor's Appointments:
Health Education Advisory Board: Appoint Rhonda Canning to replace Stewart Chase, term to expire 07-01-19.
Public Safety Advisory Board: Appoint Neil Ullery to replace James Preisig, term to expire 05-01-17.
TIF Commission: Appoint Allison Burns to replace Jaclyn Malony, term to expire 12-15-18.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Mayor's Appointments be approved as part of the Consent Agenda. The motion carried by a unanimous vote (Councilmember Moreno "Away From Table").

- C. [2016-0814](#) Approval of Type H and S Liquor License for Wal-Mart #4590, 3410 SW Market 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 "Away From Table").

4. **PROPOSED ORDINANCES:**

- A. [BILL NO.](#)
[17-01](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A BREAK IN LIMITED ACCESS LICENSE AGREEMENT BETWEEN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR A BREAK IN ACCESS ON M-291 HIGHWAY.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 17-01 be adopted and numbered Ord. No. 8056. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Mosby

Enactment No: Ord. No. 8056

- B. [BILL NO.](#)
[17-02](#) AN ORDINANCE APPROVING SOLE SOURCE NO. 2017-058 AND APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT AND PHYSIO CONTROL, INC. FOR THE MAINTENANCE OF LIFE-PAK DEFIBRILLATORS, LUCAS COMPRESSION DEVICES AND ASSOCIATED EQUIPMENT FOR A PERIOD OF ONE YEAR WITH A ONE YEAR RENEWAL OPTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICE AGREEMENT FOR THE SAME. (F&BC 12/5/16)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-02 be adopted and numbered Ord. No. 8057. The motion carried by the following vote:

City Council - Regular Session

Action Letter

January 5, 2017

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

Away FT: 1 - Councilmember Mosby

Enactment No: Ord. No. 8057

- C.** [BILL NO. 17-03](#) AN ORDINANCE APPROVING AWARD OF RFQ 2017-042 TO HDR ENGINEERING, INC., TO OLSSON ASSOCIATES INC. AND TO BURNS AND MCDONNELL ENGINEERING COMPANY, INC. FOR ON-CALL YEARLY ENGINEERING SERVICES FOR WATER AND WASTEWATER. A ONE-YEAR WITH TWO POSSIBLE ONE-YEAR RENEWAL OPTIONS. (PWC 12/19/16)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-03 be adopted and numbered Ord. No. 8058. 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. 8058

- D.** [BILL NO. 17-04](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE EASEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND KCP&L GREATER MISSOURI OPERATIONS COMPANY. (PWC 12/19/16)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 17-04 be adopted and numbered Ord. No. 8059. 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. 8059

- E.** [BILL NO. 17-05](#) AN ORDINANCE APPROVING CHANGE ORDER #4 - FINAL TO THE CONTRACT WITH LINAWEAVER CONSTRUCTION, INC. FOR THE WARD ROAD IMPROVEMENTS PROJECT, AN INCREASE OF \$25,761.75 FOR A REVISED CONTRACT PRICE OF \$1,817,980.09. (PWC 12/19/16)

City Council - Regular Session

Action Letter

January 5, 2017

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Binney, that Bill No. 17-05 be adopted and numbered Ord. No. 8060. 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. 8060

F. [BILL NO. 17-06](#)

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL CONTRACT FOR TRANSIT SERVICES BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE KANSAS CITY AREA TRANSPORTATION AUTHORITY (KCATA) IN THE AMOUNT OF \$100,632.00 AND COMMITMENT OF \$299,579.00 OF FEDERAL TRANSIT ADMINISTRATION SECTION 5307 FORMULA FUNDS TO THE KCATA FOR THE #152 - LEE'S SUMMIT COMMUTER EXPRESS SERVICE. (PWC 12/19/16)

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 17-06 be adopted and numbered Ord. No. 8061. 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. 8061

G. [BILL NO. 17-07](#)

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL CONTRACT FOR TRANSIT SERVICE BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE KANSAS CITY AREA TRANSPORTATION AUTHORITY (KCATA) IN THE AMOUNT OF \$21,922.00 AND COMMITMENT OF \$59,795 OF ITS FEDERAL TRANSIT ADMINISTRATION SECTION 5307 FORMULA FUNDS TO THE KCATA FOR THE #252 - LEE'S SUMMIT METROFLEX CIRCULATOR SERVICE. (PWC 12/19/16)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Binney, that Bill No. 17-07 be adopted and numbered Ord. No. 8062. The motion carried by the following vote:

- A. [RES. NO. 17-01](#) A RESOLUTION DIRECTING STAFF TO EXTEND THE TIME PERIOD FOR THE SUSPENSION AND DELAY OF THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND APPLICATIONS FOR BUILDING PERMITS 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 TO A DATE OF FEBRUARY 17, 2017.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Resolution 17-01 be adopted. The motion carried by a unanimous vote (Councilmember Moreno "Away From Table").

6. **PRESENTATIONS:**

- A. [2016-0832](#) Dr. Martin Luther King Jr. Celebration

COUNCIL ACTION: No Council Action Required.

- B. [2016-0817](#) Conceptual Economic Incentive Request Presentation; Cowork - Lee's Summit, SF003, LLC, Applicant.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, to authorize the applicant and staff to proceed with the preparation of a Land Clearance for Redevelopment Authority Redevelopment Project Application in accordance with the adopted Economic Development Incentive Policy and Land Clearance for Redevelopment Authority procedures and processes as proposed by the applicant. The motion carried by a unanimous vote (Councilmember Carlyle "Away From Table").

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

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Technical Report dated November 2016 by RubinBrown be made a public document. The motion carried by a unanimous vote.

RubinBrown provided a PowerPoint presentation regarding their audit, findings, suggestions and recommendations.

After lengthy discussion, Councilmember Moreno asked to table the discussion to February 2nd, 2017 for full and final report to include additional query information that was requested. Motion was seconded by Councilmember Edson. After additional discussion and clarification, it was decided there was no need to postpone the acceptance of this audit report and the motion and second were withdrawn.

Mr. Arbo advised the recommendations made in this audit will be reviewed by Management Team on January 10th. At that time, Management Team will discuss the next steps to improve and update the Purchasing and Procurement Policy. That information will then be present to Council at a later date.

7. PUBLIC HEARINGS (Sworn):

- A. [2016-0827](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-184 - SPECIAL USE PERMIT renewal for outdoor storage of temporary storage containers - Walmart, 1000 NE Sam Walton Lane; Walmart Real Estate Business Trust, applicant. (NOTE: This item was CONTINUED from January 5, 2017, per the applicant's request.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Public Hearing be CONTINUED to a date certain of February 2, 2017 per the applicant's request. The motion carried by a unanimous vote (Councilmember Moreno "Away From Table").

- B. [2016-0687](#) PUBLIC HEARING - Appl. #PL2016-195 - PRELIMINARY DEVELOPMENT PLAN - Bob Sight Quick Lane, 607 NW Blue Parkway; Davidson Architecture & Engineering, applicant.

COUNCIL ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, to direct staff to present an ordinance approving Application #PL2016-195 - PRELIMINARY DEVELOPMENT PLAN - Bob Sight Quick Lane, 607 NW Blue Parkway; Davidson Architecture & Engineering, applicant, subject to staff's letter dated December 9, 2016, Items 1 - 4. The motion carried by a unanimous vote.

8. OTHER BUSINESS:

- A. [BILL NO. 17-10](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 607 NW BLUE PARKWAY IN DISTRICT CP-2, PROPOSED BOB SIGHT QUICK LANE, 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 Forte, seconded by Councilmember Seif, that Bill No. 17-10 be adopted and numbered Ord. No. 8065. 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. 8065

- B. [BILL NO. 17-11](#) AN ORDINANCE APPROVING THE 2017 LABOR AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 2195 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Edson, that Bill No. 17-11 be adopted and numbered Ord. No. 8066. The motion carried by the following vote:

City Council - Regular Session

Action Letter

January 5, 2017

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Enactment No: Ord. No. 8066

D. [BILL NO.](#)
[17-13](#)

AN ORDINANCE AMENDING CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, OF THE LEE'S SUMMIT CODE OF ORDINANCES, BY REPEALING, ARTICLE I. - IN GENERAL, SECTIONS 29-1 DEFINITIONS, 29-7 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS, ARTICLE III. - OPERATION OF VEHICLES, SECTIONS 29-141 DEFINITIONS, 29-142 DRIVING WHILE INTOXICATED, 29-143 DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT, 29-144 IMPLIED CONSENT TO TESTS FOR ALCOHOL AND DRUGS, 29-150 CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN, EFFECT OF AND ARTICLE X. - CRASHES, SECTION 29-656 LEAVING THE SCENE OF A MOTOR VEHICLE CRASH; AND ENACTING IN LIEU THEREOF EIGHT NEW SECTIONS OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS RELATING TO THE TRAFFIC AND MOTOR VEHICLES IN ACCORDANCE WITH REVISIONS TO STATE LAW. (PSAB 12/20/16)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-13 be adopted and numbered Ord. No. 8067. 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. 8067

E. [BILL NO.](#)
[17-14](#)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, BY REPEALING, CHAPTER 17, OFFENSES IN ITS ENTIRETY; AND ENACTING IN LIEU THEREOF A NEW CHAPTER 17, OFFENSES, OF LIKE NUMBER AND SUBJECT, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO REVISE THE PROVISIONS IN ACCORDANCE WITH REVISIONS TO THE REVISED CRIMINAL CODE OF MISSOURI. (PSAB 12/20/16)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Binney, that Bill No. 17-14 be adopted and numbered Ord. No. 8068. 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. 8068

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

Councilmember Forte (Liaison Report for Downtown Lee's Summit Main Street) noted the gift certificate sales for the downtown Lee's Summit area exceeded \$15,000 this holiday season. They will be having the Chocolate Crawl on February 4, 2017 and there are many other exciting events coming up soon.

Councilmember Carlyle advised the Finance and Budget Committee will be meeting on Monday, January 9 at 4:00 p.m.

10. COUNCIL ROUNDTABLE:

Councilmember Binney noted that Bill No.'s 17-06 through 17-09 for the KCATA were a product of the hard work driven by Councilmember Whitley several years ago. He stated the City continues to see this through annually and this provides a cost savings with increased service to citizens in Lee's Summit.

Councilmember Seif stated she would like Management Team to look at the pro's and con's of having an internal audit and when they felt this might be effective for the City. Council agreed this would be something they would like to have information on as part of this process. Councilmember Carlyle stated the Budget Committee looked at this a year or so ago. She asked that staff talk to Mr. Lamb as he may have more information.

Councilmember Moreno acknowledged and thanked the street team on clearing the roads after the first real snow event which happened last night and earlier in the day. He also stated he was moved by a recent video of officers acknowledging the loss and saluting the son of a fallen police officer in Florida. He asked that we all remember the importance of police officers.

11. STAFF ROUNDTABLE:

There was no Staff Roundtable.

12. ADJOURNMENT

There being no further business, Mayor Rhoads adjourned the January 5,

City Council - Regular Session

Action Letter

January 5, 2017

2017 Regular Session No. 22 at 10:00 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".