



**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)**

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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.

**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.

**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

**After discussion on assigning Vice Chairs and Alternates, Mayor Pro Tem Binney agreed to**

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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.)

**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.

**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

Enactment No: Ord. No. 7902

- 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.

**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:**

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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. 7903

- C.**     [BILL NO.](#)     AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE I. IN  
[16-116](#)           GENERAL, SEC. 2-1. OFFICIAL CITY SEAL, OF THE CODE OF ORDINANCES  
FOR THE CITY OF LEE'S SUMMIT BY REDEFINING THE OFFICIAL  
CORPORATE SEAL FOR THE CITY OF LEE'S SUMMIT, JACKSON COUNTY,  
MISSOURI.

**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

Enactment No: Ord. No. 7904

- D.**     [BILL NO.](#)     AN ORDINANCE APPROVING, ADOPTING AND APPROPRIATING THE  
[16-117](#)           BUDGET OF THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE FISCAL  
YEAR ENDING JUNE 30, 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:** 6 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif

**Nay:** 2 - Councilmember Moreno  
Councilmember Mosby

Enactment No: Ord. No. 7905

- 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.

**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

Enactment No: Ord. No. 7906

**5. RESOLUTIONS:**

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

**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.

**This Presentation was received and filed.**

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

**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

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

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

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

**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.

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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.

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.

**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:**

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

Enactment No: Ord. No. 7907

- 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.

**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:**

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

**Nay:** 1 - Councilmember Moreno

Enactment No: Ord. No. 7908

- 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.

**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

Enactment No: Ord. No. 7909

- 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)

**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.

**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 penalties for councilmembers during the Charter Review Commission meeting. He wanted to know if there would be penalties for Staff. Mr. Head responded a Staff member would 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.

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