



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

Thursday, August 24, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 42**

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INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Mayor Rhoads called Regular Session No. 42 to order at 6:15 p.m.

ROLL CALL

Note: Councilmember Faith absent at the time of Roll Call but arrived at 6:18 p.m.

**Present:** 8 - Councilmember Rob Binney  
Councilmember Trish Carlyle  
Councilmember Phyllis Edson  
Councilmember Craig Faith  
Councilmember Diane Forte  
Councilmember Dave Mosby  
Councilmember Diane Seif  
Councilmember Fred DeMoro

APPROVAL OF AGENDA

**ACTION:** On motion of Councilmember Binney, second by Councilmember Carlyle, the Council approved the Published Agenda. The motion carried the following vote:

7 Aye -  
Councilmember Binney  
Councilmember Carlyle  
Councilmember Forte  
Councilmember Edson  
Councilmember Seif  
Councilmember Demoro  
Councilmember Mosby

1 Absent -  
Councilmember Faith

**1. PUBLIC COMMENTS:**

Mr. Keith Foster asked Council to reconsider an item regarding a sign that was approved by the Planning Commission and granted variances on the size of the signs. He also had questions regarding a retention basin close to his home he hoped Council would help him with his problems regarding both.

**2. COUNCIL COMMENTS:**

Councilmember Binney noted the motion made and action taken at the end of the meeting last week was against a Charter provision and he asked the Mayor to assist in taking measure to assure this does not happen in the future.

Councilmember Carlyle stated the motion that was made at the end of the meeting last week was in direct violation of the Charter. She wanted citizens to know that the reason she left the dais was because she did not want to be a part of this type of violation. She asked Mayor Pro Tem Binney to assign the matter of making motions in Council Roundtable to the Rules Committee.

Councilmember Forte would like the Council to consider listening to the City Attorney on these matters and adhering to his advice regarding Council Actions.

Mayor Rhoads stated that he accepted responsibility for his inaction on the motion made last week during Roundtable. He apologized and said he would work to improve on these matters in the future.

**3. APPROVAL OF CONSENT AGENDA:**

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that the Consent Agenda Items 3.A. & 3.B. be approved. The motion carried by the following vote:

6 Aye -  
Councilmember Carlyle  
Councilmember Forte  
Councilmember Binney  
Councilmember Seif  
Councilmember Faith  
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2 Nay -  
Councilmember Edson  
Councilmember Mosby

A. [2017-1446](#) Mayor's Appointments:

Community Advisory Committee of the Health Care Foundation of Greater Kansas City: Appoint Robin McCain, term to expire 6-1-20.

Health Education Advisory Board: Appoint Tammy Landrum, term to expire 7-1-20.

Water Utilities Advisory Board: Appoint Cynda Rader, term to expire 3-1-20.

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that this Appointment be approved. The motion carried by the following vote:**

**Aye:** 6 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 2 - Councilmember Edson  
Councilmember Mosby

B. [BILL NO. 17-177](#) AN ORDINANCE APPROVING A SPACE LEASE AND PUBLIC SERVICE AGREEMENT TERMINATION BY AND BETWEEN CERNER PROPERTIES, INC, THE LEE'S SUMMIT R-VII SCHOOL DISTRICT, AND THE CITY OF LEE'S SUMMIT, MISSOURI.

(NOTE: First reading done on August 10, 2017.)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that this Bill No. 17-177 be adopted and numbered Ord. No. 8225 as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 6 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 2 - Councilmember Edson  
Councilmember Mosby

4. **RESOLUTIONS:**

A. [RES. NO. 17-12](#) A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING THE APPEAL OF THE DENIAL OF AN EXTERIOR

RENOVATION PERMIT FOR 6 SW 3RD STREET (Appeal No. PRERP2017-004).

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Binney, that Resolution No. 17-12 be approved. The motion carried by the following vote:**

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

**5. PROPOSED ORDINANCES FORWARDED FROM COMMITTEE:**

- A.**      [BILL NO. 17-185](#)      AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO A REAL PROPERTY AND MONOPOLE SITE LEASE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT AND T-MOBILE CENTRAL, LLC EXTENDING THE LEASE TERM AND INCREASING THE ANNUAL RENTAL PAYMENT. (F&BC 8-7-17)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 17-185 be second read. The motion carried by the following vote:**

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

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 17-185 be adopted and numbered Ord. No. 8226. The motion carried by the following vote:**

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

- B.**      [BILL NO. 17-186](#)      AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE KANSAS BUREAU OF INVESTIGATION AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE USE OF MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA AWARD FUNDS. (F&BC 8-7-17)

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, that Bill No. 17-186 be second read. The motion carried by the following vote:**

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

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, that Bill No. 17-186 be adopted and numbered Ord. No. 8227. The motion carried by the following vote:**

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

- C.**     [BILL NO.](#)     AN ORDINANCE AUTHORIZING THE EXECUTION OF AN  
[17-187](#)           INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LEE'S  
SUMMIT, MISSOURI AND THE UNITED STATES DEPARTMENT OF JUSTICE,  
DRUG ENFORCEMENT ADMINISTRATION FOR PARTICIPATION IN THE  
HIDTA TASK FORCE GROUP (KC) (GP43). (F&BC 8-7-17)

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-187 be second read. The motion carried by the following vote:**

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

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-187 be adopted and numbered Ord. No. 8228. The motion carried by the following vote:**

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

- D.**     [BILL NO.](#)     AN ORDINANCE AUTHORIZING THE EXECUTION OF A SOLE SOURCE  
[17-188](#)           AGREEMENT WITH ANALYSTS INTERNATIONAL CORPORATION (AIC)  
APPROVING SCOPE OF WORK AGREEMENTS WITH AIC IN A TOTAL  
AMOUNT NOT TO EXCEED \$43,300.00 AND AUTHORIZING THE CITY

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MANAGER TO EXECUTE DOCUMENTS NECESSARY FOR THE SAME BY  
AND ON BEHALF OF THE CITY. (F&BC 8-7-17)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-188 be second read. The motion carried by the following vote:**

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

**Nay:** 1 - Councilmember Mosby

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that Bill No. 17-188 be adopted and numbered Ord. No. 8229. The motion carried by the following vote:**

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

**Nay:** 1 - Councilmember Mosby

**E.**     [BILL NO. 17-189](#)     AN ORDINANCE AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE STONEY CREEK ESTATES HOMEOWNERS' ASSOCIATION AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE INSTALLATION AND MAINTENANCE OF IMPROVEMENTS TO A PORTION OF THE CITY'S RIGHTS-OF-WAY ALONG STONEY CREEK DRIVE. (PWC 8-15-17)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 17-189 be second read. The motion carried by the following vote:**

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

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, that Bill No. 17-189 be adopted and numbered Ord. No. 8230. The motion carried by the following vote:**

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

**6. PUBLIC HEARINGS:**

- A. [2016-0806](#)** CONTINUED PUBLIC HEARING - Appl. #PL2016-185 - SPECIAL USE PERMIT renewal for a telecommunication tower - 2750 NW Clifford Rd; American Tower Asset Sub, LLC, applicant.  
(NOTE: This item was continued from April 6th, May 18th, June 1st and July 13th City Council meetings per the applicant's request.  
The applicant has WITHDRAWN this application on August 16, 2017.)

Note: No Council Action is necessary as this item was WITHDRAWN by the applicant.

**This Public Hearing - Sworn was withdrawn.**

**7. PROPOSED ORDINANCES - FIRST READING:**

- A. [BILL NO. 17-190](#)** AN ORDINANCE APPROVING A PUBLIC SERVICE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MO FOR THE SUPPORT OF THE MCC-LONGVIEW CAMPUS FLIGHTS OF FANCY MEGA KITE FESTIVAL AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 8-7-17)  
(NOTE: First reading - City Council - August 24, 2017.)

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Binney, that Bill No. 17-190 be advanced to second reading. The motion carried by the following vote:**

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

**Nay:** 1 - Councilmember Mosby

- B. [BILL NO. 17-191](#)** AN ORDINANCE APPROVING THE AWARD OF A SOLE SOURCE FOR THE ONE TIME PROCUREMENT OF FOUR BMW R1200 RT-P POLICE MOTORCYCLES AND ASSOCIATED FACTORY INSTALLED EMERGENCY RESPONSE PACKAGES IN THE TOTAL AMOUNT OF \$97,445.76 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO ANY AGREEMENTS NECESSARY TO EFFECTUATE THE PROCUREMENT OF THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 8-7-17)

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(NOTE: First reading - City Council - August 24, 2017.)

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Faith, that Bill No. 17-191 be advanced to second reading. The motion carried by the following vote:**

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

**Nay:** 1 - Councilmember Mosby

- C.**     [BILL NO.](#)     AN ORDINANCE APPROVING THE DUAL AWARD OF BID NO. 2017-120  
[17-192](#)           FOR A ONE YEAR CONTRACT WITH FOUR (4) POSSIBLE ONE-YEAR  
CONTRACT RENEWALS FOR FIBER OPTIC NETWORK INSTALLATION AND  
REPAIR TO LAN-TEL COMMUNICATIONS SERVICES, LLC AS CONTRACT  
NO. 2017-120-1 AND TO MARTIN UNDERGROUND CONSTRUCTION AS  
CONTRACT NO. 2017-120-2 BASED ON THE ATTACHED BID TABULATION  
AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND  
ON BEHALF OF THE CITY. (F&BC 8-7-17)

(NOTE: First reading - City Council - August 24, 2017.)

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that Bill No. 17-192 be advanced to second reading. The motion carried by the following vote:**

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

**Nay:** 1 - Councilmember Edson

- D.**     [BILL NO.](#)     AN ORDINANCE APPROVING THE AWARD OF A SOLE SOURCE TO FDM  
[17-193](#)           SOFTWARE FOR THE IMPLEMENTATION OF AUTOMATIC VEHICLE  
LOCATION & CLOSEST UNIT RECOMMENDATION SOFTWARE  
IMPLEMENTATION SERVICES, APPROVING AN AGREEMENT FOR  
SERVICES AND AMENDED AND RESTATED SOFTWARE SUPPORT AND  
MAINTENANCE AGREEMENT BY AND BETWEEN FDM SOFTWARE LTD.  
AND THE CITY OF LEE'S SUMMIT, MISSOURI, AND AUTHORIZING THE  
CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO EFFECTUATE  
THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 8-7-17)

(NOTE: First reading - City Council - August 24, 2017.)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 17-193 be advanced to second reading. The motion carried by the following vote:**



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

**Nay:** 1 - Councilmember Mosby

**E.** [BILL NO.](#)  
[17-194](#)

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SOLE SOURCE AGREEMENT WITH URETEK, USA, INC. FOR PROVIDING SOIL STABILIZATION AND PAVEMENT LIFTING SERVICES IN THE AMOUNT OF \$129,600, AND APPROVING AMENDMENT NO. 2 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2018, AS ADOPTED BY ORDINANCE NO. 8162, BY REVISING THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF LEE'S SUMMIT, MISSOURI WITH FUNDS TO BE BUDGETED FOR AND PAYMENT TO BE ISSUED IN FY2018 FROM THE CAPITAL IMPROVEMENT SALES TAX AND TRANSPORTATION SALES TAX. (PWC 8-15-17)

(NOTE: First reading - City Council - August 24, 2017.)

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 17-194 be advanced to second reading. The motion carried by the following vote:**

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

**Nay:** 1 - Councilmember Edson

**F.** [BILL NO.](#)  
[17-195](#)

AN ORDINANCE APPROVING CHANGE ORDER #4 TO THE CONTRACT WITH WIEDENMANN INC., PROJECT NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT FY16, AN INCREASE OF \$249,656.50 AND AN ADDITIONAL 25 CALENDAR DAYS FOR A REVISED CONTRACT PRICE OF \$1,915,176.59 AND 245 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 275 CALENDAR DAYS TO REACH FINAL COMPLETION. (PWC 8-15-17)

(NOTE: First reading - City Council - August 24, 2017.)

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Forte, that Bill No. 17-195 be advanced to second reading. The motion carried by the following vote:**



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INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH OLSSON ASSOCIATES ENGINEERING, INC. BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI. (PWC 8-15-17)

(NOTE: First reading - City Council - August 24, 2017.)

NOTE: Councilmember Mosby left the meeting at 6:53 p.m.

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-198 be advanced to second reading. The motion carried by the following vote:**

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

**Absent:** 1 - Councilmember Mosby

- J. [BILL NO. 17-199](#) AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT AMONG THE CITY OF LEE'S SUMMIT, THE JOHN KNOX VILLAGE REDEVELOPMENT CORPORATION AND JOHN KNOX VILLAGE FOR THE 2015 JOHN KNOX VILLAGE CHAPTER 353 DEVELOPMENT PLAN.

(NOTE: First reading - City Council - August 24, 2017.)

NOTE: Councilmember Faith stated he would recuse himself from this vote prior to the motion.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, that Bill No. 17-199 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 5 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

**Absent:** 1 - Councilmember Mosby

**Recused:** 1 - Councilmember Faith

8. **PROPOSED ORDINANCES - SECOND READING:**

- A. [BILL NO. 17-176](#) AN ORDINANCE RENEWING THE CITY OF LEE'S SUMMIT'S PROCEDURE FOR DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS, PURSUANT TO SEC. 261 OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(NOTE: First reading done on August 10, 2017.)

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 17-176 be adopted and numbered Ord. No. 8231. The motion carried**

by the following vote:

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

**Absent:** 1 - Councilmember Mosby

- B.** [BILL NO. 17-178](#) AN ORDINANCE APPROVING THE VILLAGE AT VIEW HIGH TAX INCREMENT FINANCING PLAN, ESTABLISHING A REDEVELOPMENT AREA AND DESIGNATING THE REDEVELOPMENT AREA AS A BLIGHTED AREA.

**ACTION:** A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-178 be adopted and numbered Ord. No. 8232. The motion carried by the following vote:

**Aye:** 6 - Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Binney

**Absent:** 1 - Councilmember Mosby

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

Councilmember Binney stated the next Finance and Budget Committee meeting would normally be held on September 4th, 2017. However, that is Labor Day so the next date the committee member were available was September 18th.

**10. COUNCIL ROUNDTABLE:**

Councilmember Faith stated that he, Mayor Rhoads and Mayor Pro Tem Binney all attended the services for fallen Officer Thomas Orr. He complimented Chief Forbes for his address at the services and thanked the community for their support of this officer and all officers in the city.

Councilmember Carlyle asked what would happen with the tower at Clifford Road now that the applicant had withdrawn. Mr. Ryan Elam stated the city will open a case as they are now in violation of the Code and would hold the applicant to the timeline they had previously provided. They still had one provider still located on the pole, they will have them moved within three months and the tower should be down within 6 months.

**11. STAFF ROUNDTABLE:**

Mr. George Binger provided Council and update on Scherer Road. A section of the road had recently collapsed due to water damage. The repairs will be complete and staff hopes to have the road re-opened tomorrow, Friday, August 25th by 5:00 p.m.

Chief Forbes thanked the Mayor and Council for their support of Officer Orr and the police department. He also thanked the community for their continued support. He said Mr. Orr's family definitely felt the appreciation of thier son through the community support.

**12. ADJOURNMENT**

There being no further business, Mayor Rhoads adjourned Regular Session No. 42 at 7:05 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](http://www.cityofls.net)".