



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

Thursday, April 5, 2018

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

*****AMENDED*** REGULAR SESSION NO. 60**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Mayor Rhoads called Regular Session No. 60 to order at 6:41 p.m.

ROLL CALL

Present: 7 - Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Phyllis Edson
Councilmember Diane Forte
Councilmember Dave Mosby
Councilmember Diane Seif
Councilmember Fred DeMoro

Absent: 1 - Councilmember Craig Faith

APPROVAL OF AGENDA

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

AYE:

Councilmember Binney
Councilmember Carlyle
Councilmember Seif
Councilmember Forte
Councilmember DeMoro
Councilmember Mosby
Councilmember Edson

ABSENT:

Councilmember Faith

1. **PUBLIC COMMENTS:**

Ms. Geraldine Amato shared her thoughts on the state of the Republic.

Mr. Chad Anderson spoke regarding Bill No. 18-40 and 18-41, asking Council not to approve these two bills.

2. **COUNCIL COMMENTS:**

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Edson, to reconsider Bill No. 18-20 at the correct place on the agenda. The motion carried by the following vote:

AYE:

Councilmember Seif
Councilmember Edson
Councilmember Mosby
Councilmember DeMoro

NAY:

Councilmember Binney
Councilmember Carlyle
Councilmember Forte

ABSENT:

Councilmember Faith

3. **APPROVAL OF CONSENT AGENDA:**

- A. [2018-1967](#) Approval of Action Letters from March 1 and March 15, 2018.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, to approve the Action Letters from March 1 and March 15, 2018 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- B. [BILL NO. 18-56](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR IN HOME MASSAGE THERAPY IN DISTRICT R-1 ON LAND LOCATED AT 1613 SE 2ND TERRACE FOR A PERIOD OF TEN (10) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: First reading on March 15, 2018. Passed by unanimous vote).

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember

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Carlyle, to adopt Bill No. 18-31 be adopted and numbered Ord. No. 8373 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

4. **PROCLAMATIONS:**

- A. [2018-1971](#) Fair Housing Month Proclamation

This Proclamation was read into the record.

5. **PRESENTATIONS:**

- A. **2018-1779** Lee's Summit CARES "State of the Youth" Presentation

No one was there to present, so this item has been moved to a later date.

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

- A. [BILL NO. 18-58](#) AN ORDINANCE APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT WITH B. DEAN CONSTRUCTION COMPANY FOR THE NORTHWEST QUADRANT T-HANGAR DEVELOPMENT PROJECT, AN INCREASE OF \$395,084.44 FOR A REVISED CONTRACT PRICE OF \$2,547,940.49. (PWC 3/20/18)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 18-58 be second read. The motion carried by the following vote:

Aye: 6 - Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Absent: 2 - Councilmember Binney
Councilmember Faith

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 18-58 be adopted and numbered Ord. No. 8374. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- B. [BILL NO. 18-59](#) AN ORDINANCE AUTHORIZING EXECUTION OF MODIFICATION NO. 10 TO THE AGREEMENT WITH CRAWFORD, MURPHY AND TILLY, INC. FOR ON-CALL ENGINEERING SERVICES FOR THE AIRPORT (RFQ 2015-300) IN THE AMOUNT OF \$66,630.00 FOR THE DESIGN AND CONSTRUCTION PHASE OF NORTHWEST T-HANGAR AND TAXILANE DEVELOPMENT - PHASE 2. (PWC 3/20/18)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Carlyle, that Bill No. 18-59 be second read. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Seif
Councilmember DeMoro

Nay: 1 - Councilmember Mosby

Absent: 1 - Councilmember Faith

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 18-59 be adopted and numbered Ord. No. 8375. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Seif
Councilmember DeMoro

Nay: 1 - Councilmember Mosby

Absent: 1 - Councilmember Faith

- C. [BILL NO. 18-60](#) AN ORDINANCE AWARDING BID NO. 20331683-C AND 20431683-C, FOR THE WATER MAIN REPLACEMENT-FY17 AND FY18 TO HAVENS CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$2,313,313.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME. (PWC 3/20/18)

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Carlyle, that Bill No. 18-60 be second read. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Carlyle, that Bill No. 18-60 be adopted and numbered Ord. No. 8376. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

8. PUBLIC HEARINGS:

- A. [2018-1846](#)** PUBLIC HEARING - Appl. #PL2017-234 - REZONING from AG to RLL - 5261 NE Maybrook Rd.; Derek D. Collins, applicant.

Ms. Theresa Bolinwider addressed the Council regarding the abuse of the special use permit for years. She did not approve of the baseball field and stated the septic systems have a 30% failure rate. She is a neighbor that is opposed granting to this Special Use Permit.

This Public Hearing - Sworn was received and filed.

- 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 UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

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

Aye: 3 - Councilmember Binney
Councilmember Carlyle
Councilmember Forte

Nay: 4 - Councilmember Edson
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

Absent: 1 - Councilmember Faith

- B. [2018-1957](#)** PUBLIC HEARING - Appl. #PL2017-257 - SPECIAL USE PERMIT for outdoor secondary sales of motor vehicles - Genuine Auto Repair, 520 SW 3rd Street; Gary Serville, Jr., applicant.

This Public Hearing - Sworn was received and filed.

- 1) [BILL NO. 18-62](#)** AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AUTOMOTIVE SALES, GENUINE AUTO, IN DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) ON LAND LOCATED AT 520 SW 3rd ST FOR A PERIOD OF FIVE (5) YEARS, 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 April 5, 2018.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 18-62 be advanced to second reading. The motion carried by the following vote:

Aye: 5 - Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Mosby
Councilmember DeMoro

Nay: 2 - Councilmember Binney
Councilmember Seif

Absent: 1 - Councilmember Faith

9. PROPOSED ORDINANCES - FIRST READING:

- A.** [BILL NO. 18-40](#) AN ORDINANCE AMENDING THE CITY'S ACCESS MANAGEMENT CODE AS ADOPTED AND MADE A PART OF THE CODE OF ORDINANCES BY SECTION 26-308 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI.

(NOTE: First reading by City Council on April 5, 2018.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 18-40 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: 2 - Councilmember Edson
Councilmember Mosby

Absent: 1 - Councilmember Faith

- B.** [BILL NO. 18-41](#) AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR ROAD IMPROVEMENTS ASSOCIATED WITH THE JEFFERSON STREET IMPROVEMENT PROJECT (OLDHAM ROAD TO PERSELS ROAD); AUTHORIZING THE CITY MANAGER AND HIS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN LAND; AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

(Note: This item was CONTINUED on March 1, 2018 per City Council vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 18-41 be tabled. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- C.** [BILL NO.](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT
[18-63](#) AGREEMENT BETWEEN DYMON WOOD AND THE CITY OF LEE'S
SUMMIT, MISSOURI FOR SIDEWALK IMPROVEMENT OBLIGATIONS
RELATING TO THE PLAT HEARNE'S ADDITON, LOTS 18A, 18B, AND 18C
DEVELOPMENT.

(NOTE: First reading by City Council on April 5, 2018. Passed by
unanimous vote.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember
Seif, that Bill No. 18-63 be advanced to second reading. The motion carried by the
following vote:**

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

Absent: 1 - Councilmember Faith

- D.** [BILL NO.](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "ASH GROVE, TRACT
[18-64](#) A-1", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.
(NOTE: First reading by City Council on April 5, 2018. Passed by
unanimous vote.)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember
Binney, that Bill No. 18-64 be advanced to second reading. The motion carried by the
following vote:**

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

Absent: 1 - Councilmember Faith

- E.** [BILL NO.](#) AN ORDINANCE APPROVING THE EXECUTION OF AN AMENDED GRANT
[18-65](#) AGREEMENT BY AND BETWEEN THE STATE OF MISSOURI, DEPARTMENT
OF TRANSPORTATION TRAFFIC AND HIGHWAY SAFETY DIVISION AND
THE CITY OF LEE'S SUMMIT MISSOURI FOR THE MISSOURI HIGHWAY
SAFETY PROGRAM HAZARDOUS MOVING VIOLATION PROJECT.

(NOTE: First reading by City Council on April 5, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Carlyle, that Bill No. 18-65 be advanced to second reading. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

10. PROPOSED ORDINANCES - SECOND READING:

- A.** [BILL NO. 18-57](#) AN ORDINANCE APPROVING THE TAX INCREMENT FINANCING REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT AND PARROT PROPERTIES, LLC, FOR THE VILLAGE AT VIEW HIGH TAX INCREMENT FINANCING PLAN.

(Note: First reading by Council on March 15, 2018).

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Forte, that Bill No. 18-57 adopted and numbered Ord. No. 8377. The motion carried by the following vote:

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

Nay: 2 - Councilmember Binney
Councilmember Mosby

Absent: 1 - Councilmember Faith

- B.** [BILL NO. 18-48](#) Reconsideration of Bill No. 18-48 previously vetoed by the Mayor. AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, CHAPTER 16, LEE'S SUMMIT PROPERTY MAINTENANCE CODE, BY ADOPTING REGULATIONS PERTAINING TO VEHICLE PARKING AND STORAGE REGULATIONS FOR PRIVATE PROPERTY.

(Note: First reading on March 1, 2018. Passed by unanimous vote. Second Reading on March 15, 2018. Mayor Vetoed.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, to override the Mayor's veto of Bill No. 18-48. The motion failed by the following vote:

Aye: 2 - Councilmember Forte
Councilmember Mosby

Nay: 5 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Seif
Councilmember DeMoro

Absent: 1 - Councilmember Faith

2018-1998 Bill No. 18-20

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Edson, to adopt Bill No. 18-20. The motion failed by the following vote:

AYE:

Councilmember Seif
Councilmember Edson
Councilmember Mosby
Councilmember DeMoro

NAY:

Councilmember Binney
Councilmember Carlyle
Councilmember Forte

ABSENT:

Councilmember Faith

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

Councilmember Binney advised the Finance and Budget Committee did not have a quorum. They did hear the dashboards as no action was needed. The one ordinance on their agenda was moved straight to Council.

12. COUNCIL ROUNDTABLE:

Councilmember Edson stated the City Manager, Mr. Steve Arbo, and former Councilmember Jim Hallam as well as citizens from Lee's Summit travelled to Whiteman Air Force Base to visit the sister squadron. In the past year they have participated in several events in Lee's Summit and she feels it has been a great relationship. She appreciates them and looks forward to working with them for many years to come.

13. STAFF ROUNDTABLE:

There was no Staff Roundtable.

14. ADJOURNMENT

Mayor Rhoads adjourned Regular Session No. 60 at 8:12 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".