

## The City of Lee's Summit Action Letter

## **City Council - Regular Session**

Thursday, June 7, 2018 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\*\*\*

### **Preliminaries:**

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

Mayor Baird called Regular Session No. 4 to Order at 6:31 p.m.

D. Roll Call

Present: 6 - Mayor Bill Baird

Councilmember Rob Binney Councilmember Trish Carlyle Councilmember Craig Faith Councilmember Diane Forte Councilmember Bob Johnson

Absent: 3 - Councilmember Fred DeMoro

Councilmember Phyllis Edson Councilmember Beto Lopez

E. Approval of Agenda

ACTION:

Mayor Baird removed Item 3.B. from the Consent Agenda to be voted on separately. He also switched Council Comments and Council Roundtable on the agenda.

A motion was made by Councilmember Binney, seconded by Councilmember Forte, to approve the Published Amended Agenda as further amended by Mayor Baird.

The motion carried by the following vote:

Aye: 6-

Mayor Baird Councilmember Binney Councilmember Carlyle Councilmember Faith

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Councilmember Forte
Councilmember Johnson

Absent: 3 -

Councilmember DeMoro Councilmember Edson Councilmember Lopez

#### 1. Public Comments:

Ms. Geraldine Amoto stated her feelings on an armed rebellion to get the United States back in order, ritual murders and friendly fire in the field.

#### 2. Council Comments:

Councilmember Johnson noted The Mama's and the Papa's would be playing at Legacy Amphitheater on June 15th and invited the public to attend.

Councilmember Binney stated the Tour De Lakes would be held on June 23rd starting at Longview Lake. He also wanted to recognize Councilmember Edson, DeMoro and Lopez were absent this evening to attend the New Elected Officials training provided by Missouri Municipal League.

Councilmember Forte noted LS Cares would be holding the Lee's Summit's Got Talent contest this Saturday and invited the public to attend.

Councilmember Faith thanked Mr. Mark Schaufler and the Water Department for assisting John Knox Village with a water main break that occurred over Memorial Day weekend. He appreciated their help and professionalism.

Mayor Baird recognized Benjamin Zelk, a Boy Scout that stayed for the entire Council meeting this evening. He thanked him for his time and commitment in staying for the duration of the meeting. Mayor Baird also stated that during the storm on Saturday, June 2nd, he was taken to the Emergency Operations Center (EOC) and thanked staff for their time and appreciated the hard work during the event.

## 3. Approval of Consent Agenda:

ACTION:

A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, to approve the Consent Agenda as Amended (by removing Mayor's Appointments).

The motion carried by the following vote:

Aye: 6 -

Mayor Baird

Councilmember Binney

Councilmember Faith

Councilmember Forte

Councilmember Johnson

Councilmember Carlyle

#### Absent: 3-

Councilmember DeMoro

Councilmember Edson

Councilmember Lopez

:

### **A.** 2018-2054

Approval of Action Letters from May 3, May 10 and May 17, 2018.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, to approve the Action Letters from May 3, May 10 and May 17, 2018 as part of the Consent Agenda. The motion carried by the following vote:

#### Ave: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte

Councilmember Johnson

### Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

## **B.** 2018-2071

Mayor's Appointments:

Housing Authority: Appoint Tameka Bryant to replace Nick Swearngin, and reappoint Emmet Pierson, Jr., terms to expire 5-4-22.

Industrial Development Authority: Appoint John Elkin to replace Gene Gamber, term to expire 11-4-20.

Jackson County Board of Equalization: Appoint Doug Bates, term to expire 5-31-19.

Parks and Recreation Board: Appoint Jim Huser to replace Steve Hardin and Casey Crawford to replace Hope Davis, and reappoint Tyler Morehead and Nancy Kelley terms to expire 5-31-21.

Planning Commission: Appoint Jake Loveless to replace Beto Lopez, term to expire 4-15-20.

Public Safety Advisory Board: Appoint Fred Delibero to replace Jack Volz, reappoint Kenneth Davis and Fred Pickard, terms to expire 5-1-21.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, to approve the Mayor's Appointments The motion carried by the following vote:

#### Aye: 5 - Mayor Baird

Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Nay: 1 - Councilmember Binney

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

C. 2018-2056 Approval of a Type G1 & S Liquor License for Hand In Glove, 6 SW 3rd Street

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that this Liquor License be approved as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

D. 2018-1938 Approval of change in Managing Officer for La Fuente #3, 899 SW LeMans Lane

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that this Liquor License be approved as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

E. 2018-2069 Approval of change of Managing Officer for HyVee East, 301 NE Rice Road;

HyVee Gas #2, 1201 SW 3rd Street; HyVee West, 310 SW Ward Road; and,

HyVee Gas #1, 920 E. Langsford Road.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that this Liquor License be approved as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Edson Councilmember Lopez

F. 2018-2095 Change in Liquor License Type for Grains & Taps (by adding A1 to the existing

licenses of Typess G3 & S), 10 SW 3rd Street.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that this Liquor License be approved as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

**G.** 2018-2096 Change in Liquor License for Headquarters (by adding Type B1 and B3 to the current G1 & S license), 127 SE 3rd Street.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that this Liquor License be approved as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

H. 2018-2097 Change in Liquor License for Smoke Brewery Company (by adding addition Type S Liquor License to the current Type G3 & A1), 209 SE Main Street.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that this Liquor License be approved as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Edson Councilmember Lopez

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 Forte, seconded by Councilmember Carlyle, that Bill No. 18-61 be adopted and numbered Ord. No. 8394 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

J. 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 Forte, seconded by Councilmember Carlyle, that Bill No. 18-77 be adopted and numbered Ord. No. 8395 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro Councilmember Edson Councilmember Lopez

K. 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 Forte, seconded by Councilmember Carlyle, that Bill No. 18-78 be adopted and numbered Ord. No. 8396 as part of the Consent Agenda. The motion carried by the following vote:

Ave: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

L. BILL NO.

An ordinance vacating a certain fire access easement located on Lots 6, 7 and 18-80 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 Carlyle, that Bill No. 18-80 be adopted and numbered Ord. No. 8397 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

M. 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 Forte, seconded by Councilmember Carlyle, that Bill No. 18-81 be adopted and numbered Ord. No. 8398 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

**Councilmember Binney** Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

N. 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 Forte, seconded by Councilmember Carlyle,

that Bill No. 18-82 be adopted and numbered Ord. No. 8399 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

O. BILL NO.

<u>18-83</u>

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 Forte, seconded by Councilmember Carlyle, that Bill No. 18-83 be adopted and numbered Ord. No. 8400 as part of the Consent Agenda. The motion carried by the following vote:

Ave: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson
Councilmember Lopez

P. 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 Forte, seconded by Councilmember Carlyle, that Bill No. 18-84 be adopted and numbered Ord. No. 8401 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

4. Proclamations:

A. 2018-2073 National Flag Week

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Mayor Baird presented a Proclamation to the Prairie Chapter of the Daughters of the American Revolution to proclaim the week of June 11, 2018, as National Flag Week in the City of Lee's Summit, Missouri.

This Proclamation was presented.

## 5. Presentations:

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

Two students from the Lee's Summit CARES Youth Advisory Board (in partnership with LSR7 School District) presented to the Mayor and Council extensive data from 8th, 10th, and 12th graders regarding their overall health and wellness.

This Presentation was presented.

#### 6. Resolutions:

**A.** RES. NO. 18-08

A resolution adopting the FY2019 - FY2023 Capital Improvement Plan (CIP) in accordance with the City of Lee's Summit Charter.

#### ACTION:

Mr. Michael Anderson, Construction Manager, presented to Council the FY2019-FY2023 CIP Plan.

A motion was made by Councilmember Carlyle, seconded by Councilmember Binney, that Resolution No. 18-08 be adopted. The motion carried by the following vote:

Aye: 5 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte

Nay: 1 - Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

**B.** RES. NO. 18-09

A resolution authorizing the Mayor to appoint successor directors to the I-470 Community Improvement District.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Resolution No. 18-09 be adopted. The motion carried by the following vote:

Ave: 6 - Mayor Baird

Councilmember Edson Councilmember Lopez

### 7. Public Hearings:

A. 2018-2035 Public Hearing - Application #PL2018-042 - Rezoning from R-1 to AG - 3530 SW

Pryor Road; Paula Diehl, applicant.

This Public Hearing was received and filed.

1) BILL NO. An ordinance approving a Rezoning from District R-1 to District AG located at
 18-85 3530 SW Pryor Road in accordance with the provisions of Unified Development

Ordinance No. 5209 for the City of Lee's Summit, Missouri.

(First Reading by City Council on June 7, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that Bill No. 18-85 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

B. 2018-2036 Continued Public Hearing - Application #PL2018-033 - Rezoning from PI to CP-2

and Preliminary Development Plan - Oakview Storage Development Phase II,

1410 NE Douglas Street; Oakview Capital Partners, LLC, applicant.

This Public Hearing was received and filed.

1) <u>BILL NO.</u> An ordinance approving a Rezoning from District PI to District CP-2 and

Preliminary Development Plan located at 1410 NE Douglas Street, proposed

Oakview Storage Development Phase II in accordance with the provisions of the Unified Development Ordinance No. 5209, for the City of Lee's Summit,

Missouri.

(First Reading by City Council on June 7, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 18-86 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird

**18-86** 

Councilmember Edson
Councilmember Lopez

C. 2018-2087 Public Hearing - Summit Orchards Community Improvement District; Summit

Orchards Partners LLC, applicant

This Public Hearing was received and filed.

1) BILL NO. An ordinance approving the Petition for Establishment of the Summit Orchards

<u>18-87</u> Community Improvement District.

(First Reading by City Council on June 7, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 18-87 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

D. 2018-2089 Public Hearing: Appropriating the budget of the City of Lee's Summit, Missouri, for the Fiscal Year ending June 30, 2019.

ACTION:

A motion was made by Councilmember Johnson that the Business and Industry Fund expenditures will not exceed the Business and Industry Fund Revenues for Fiscal Year 2019. Second by Councilmember Carlyle for discussion.

After discussion it was determined the expenditures for the Public Service Agreements that are already in place would exceed the revenues.

After further discussion, Councilmember Carlyle withdrew her Second. Councilmember Johnson withdrew his motion.

A motion was made by Councilmember Johnson to direct staff to change the assumption of the amount of increase in sales tax revenues from 2% to 3.5%. Second by Councilmember Carlyle.

The motion carried by the following vote:

Aye: 5 Mayor Baird
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Carlyle

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Nay: 1 -

**Councilmember Binney** 

Absent: 3-

Councilmember DeMoro Councilmember Edson Councilmember Lopez

1) <u>BILL NO.</u> 18-88 An ordinance approving, adopting and appropriating the Budget of the City of Lee's Summit, Missouri, for the Fiscal Year ending June 30, 2019.

(First Reading by City Council on June 7, 2018. Passed by unanimous vote.)

#### **ACTION:**

A motion was made by Councilmember Forte to advance Bill No. 18-88 for second reading. The motion was seconded by Councilmember Carlyle.

A motion was made by Councilmember Johnson to increase the pool of funds available for employee wage increases from \$1.4 Million to \$1.6 Million. Second by Councilmember Carlyle.

The motion carried by the following vote:

Aye: 6 -

**Mayor Baird** 

**Councilmember Binney** 

Councilmember Carlyle

**Councilmember Faith** 

**Councilmember Forte** 

**Councilmember Johnson** 

Absent: 3 -

Councilmember DeMoro Councilmember Edson Councilmember Lopez

The motion for to advance Bill No. 18-88 for second reading as amended carried by the following vote:

Aye: 6 -

**Mayor Baird** 

**Councilmember Binney** 

**Councilmember Carlyle** 

**Councilmember Faith** 

**Councilmember Forte** 

**Councilmember Johnson** 

Absent: 3 -

Councilmember DeMoro Councilmember Edson Councilmember Lopez

### 8. Proposed Ordinances - First Reading:

**A.** BILL NO. 18-89

An ordinance authorizing the execution of a Development Agreement between Whispering Woods Land, LLC, a Missouri Limited Liability Corporation and the City of Lee's Summit, Missouri.

(First Reading by City Council on June 7, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Faith, that Bill No. 18-89 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro Councilmember Edson Councilmember Lopez

B. BILL NO. 18-90

An ordinance approving the procurement of Excess Workers Compensation Coverage from Midwest Employers Casualty Company for Fiscal Year 2019 and authorizing the City Manager to execute agreements and other documents necessary for said insurance coverage.

(First Reading by City Council on June 7, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 18-90 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

**C.** BILL NO. 18-91

An ordinance approving the FY2019 Property and Liability Insurance Program, authorizing the City Manager to enter into agreements with CNA Insurance, One Beacon Insurance, Physicians Professional Indemnity Association, Traveler's Insurance and Thomas McGee, I.C. for the procurement of property and liability insurance coverage and related services for FY2019, and authorizing the City Attorney to approve individual claim expenses and/or settlements in amounts not to exceed \$20,000.00 per claim. (First Reading by City Council on June 7, 2018. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 18-91 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember Binney Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

## 9. Proposed Ordinances - Second Reading:

**A.** 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 Johnson, seconded by Councilmember Forte, that Bill No. 18-79 be Tabled until the next Legislative Session after June 19th, 2018. The motion carried by the following vote:

Aye: 5 - Mayor Baird

Councilmember Carlyle Councilmember Faith Councilmember Forte Councilmember Johnson

Nay: 1 - Councilmember Binney

Absent: 3 - Councilmember DeMoro

Councilmember Edson Councilmember Lopez

### 10. Committee Reports

Councilmember Binney noted the BOAC will meet on Monday, June 11 at 7:00 p.m. at City Hall.

Councilmember Forte stated the CEDC will meet on Wednesday, June 13 at 4:00 p.m. at City Hall.

#### 11. Council Roundtable

There was no Council Roundtable. (This item was moved to Item 2 by Mayor Baird prior to the approval of the agenda.)

## 12. Staff Roundtable

Mr. Steve Arbo, City Manager recognized and expressed his gratitude for Mrs. Jackie McCormick Heanue. She has worked for the City for the past 6 and 1/2 years. She served the City as an attorney and more recently stepping in as the Intermin Human Resources Director. She has saved the City a tremendous amount of money. Friday, June 8th, will be her last day under his supervision. She starts with the Parks & Recreation Department on Monday as Superintendant for Legal and Human Resources.

### 13. Adjournment

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

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