

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

Tuesday, February 5, 2019

6:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 21**

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**Preliminaries:**

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

Mayor Baird called Regular Session No. 21 to order at 6:56 p.m.

- D. Roll Call

**Present:** 9 - Mayor Bill Baird  
Councilmember Rob Binney  
Councilmember Trish Carlyle  
Councilmember Fred DeMoro  
Councilmember Phyllis Edson  
Councilmember Craig Faith  
Councilmember Diane Forte  
Councilmember Bob Johnson  
Councilmember Beto Lopez

**1. Approval of Agenda**

**ACTION:** A motion was made by Councilmember Binney, seconded by Councilmember Forte, to approve the agenda as published. The motion carried by the following vote:

9 Aye:  
Councilmember Binney  
Councilmember Forte  
Councilmember Edson  
Councilmember DeMoro  
Councilmember Carlyle  
Councilmember Johnson  
Councilmember Lopez  
Councilmember Faith  
Mayor Baird

## 2. Council Roundtable

Mayor Baird apologized to Chief Poeschl for what he said during the Public Hearing for Allera last week. He stated he was trying to be humorous about things that were said on social media, but it was delivered poorly.

Councilmember Binney noted that he and Mayor Baird recently attended a meeting with the National Historic Trust and Downtown Main Street staff, Missouri Main Street and investors and Downtown Lee's Summit Main Street received their state and national accreditation again this year for their Main Street organization.

Councilmember Binney also stated the American Planning Association chose Lee's Summit as its 2019 Missouri Neighborhood.

Councilmember Binney thanked the Sunrise Rotary for the Empty Bowls event for the four different charities that was held at Longview prior to the big game. This is an annual fundraiser that helps local organizations that feed those in need.

Councilmember DeMoro recognized the passing of a former Councilmember, Diane J. Seif, a dedicated member of the Council and supporter of Lee's Summit. He shared a quote from her funeral that was held earlier in the day.

Councilmember Carlyle reminded Council there will be a Rules Committee meeting on Thursday, February 7 at 6 pm.

## 3. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Faith, to approve the Consent Agenda.

The motion carried by the following vote:

9 Aye:

Councilmember Lopez  
Councilmember Faith  
Councilmember Johnson  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Forte  
Mayor Baird

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- A. [2019-2527](#) Approval of Action Letters from January 8, January 15 and January 22, 2019.

**ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Faith, that the Action Letters from January 8, January 15 and January 22, 2019 be approved as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

- B. [2018-2488](#) Mayor's Appointments:

Arts Council: Appoint John Hardesty to replace Hopper Thomas, term to expire 7-22-20.

Planning Commission: Appoint Mark Kitchens, to replace Allan Gardner, term to expire 4-15-23.

TIF Commission: Appoint Clint Haynes, term to expire 12-15-22.

Water Utilities Advisory Board: Appoint Colleen Fullerton, term to expire 3-1-21.

**ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Faith, that the Mayor's Appointments be approved as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

4. Public Hearings:

- A. [2018-2408](#) Public Hearing - Application #PL2018-194 Unified Development Ordinance Amendment #3 - Article 6 Use Standards - Accessory Uses and Structures - Table 6.IV-1. Accessory Structures - amending detached garage size limitations and setbacks in all residential districts; City of Lee's Summit Applicant

Council Discussion:

Lots at current maximum with a detached garage, can a second one be built?

Only one per lot but can be added on to

Barn restricted to 40 foot maximum?

No, separate type of structure classification

Setbacks

- 1) [BILL NO. 19-17](#) An Ordinance approving Application #PL2018-194 Unified Development Ordinance (UDO) Amendment #3 Article 6 Use Standards - Accessory Uses and Structures - Table 6.IV-1. Accessory Structures - amending detached garage size limitations and setbacks in all residential districts; City of Lee's Summit Applicant.

(First Reading by Council on February 5, 2019. Passed by unanimous vote.)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Binney, that Bill No. 19-17 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

- B. [2018-2506](#) Public Hearing - New Longview Community Improvement District

Council Discussion:

30 Year CID effective in October 2019

Economic Incentive Taxes

Assessed value of theater improvement

TDD Extension

- 1) [BILL NO. 19-18](#) An Ordinance approving the petition for establishment of the New Longview Community Improvement District.  
(First Reading by Council on February 5, 2019. Passed by unanimous vote.)

**ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, that Bill No. 19-18 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

## 5. Resolutions:

- A. [RES. NO. 19-03](#) A Resolution supporting an extension of the duration of the New Longview Transportation Development District Sales Tax.

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Lopez, that this Resolution No. 19-03 be adopted. The motion carried by the following vote:**

**Aye:** 7 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Lopez

**Nay:** 2 - Councilmember DeMoro  
Councilmember Johnson

## 6. Public Comments:

Mr. Paul Danaher spoke in opposition to the proposed Bill No. 19-01 regarding the Allera project. He does not feel it is the right development for this community.

Ms. Geraldine Amato spoke once again on the fall of the republic, federalism, police and masonic murders.

## 7. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 19-19](#) An Ordinance approving Change Order #2 to the contract with Second Sight Systems, L.L.C. for the SCADA System Improvements Project, an increase of \$6,487.42 for a revised contract price of \$420,405.66. (PWC 1/29/19)

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Binney, that Bill No. 19-19 be second read. The motion carried by the following vote:**

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**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 19-19 be adopted and numbered Ord. No. 8552. The motion carried by the following vote:**

**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**B. [BILL NO. 19-20](#)**

An Ordinance authorizing execution of an agreement by and between the City of Lee's Summit, Missouri, and Garver, LLC in an amount not to exceed \$1,462,127.00 for Professional Engineering Services for the Colbern Road Improvements from M350 Highway to Douglas Street (RFQ No. 569-32272), and authorizing the City Manager to enter into an agreement for the same. (PWC 1/29/19)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Binney, that Bill No. 19-20 be second read. The motion carried by the following vote:**

**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Binney, that Bill No. 19-20 be adopted and numbered Ord. No. 8553. The motion carried by the following vote:**

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**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

- C. [BILL NO. 19-21](#) An Ordinance amending Sections 28-175, 28-176, 28-177, 28-179 and 28-181 of the Code of Ordinances of the City of Lee's Summit governing the License Tax on Building Contractors by deleting outdated or expired content and clarify applicable use of the I.T.E. Trip Generation Manual for traffic generation calculations based on land use categories. (PWC 1/29/19)

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 19-21 be second read. The motion carried by the following vote:**

**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 19-21 be adopted and numbered Ord. No. 8554. The motion carried by the following vote:**

**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

**8. Proposed Ordinances - First Reading:**

- A. [BILL NO. 19-22](#) An Ordinance authorizing the City of Lee's Summit, Missouri to issue Taxable Industrial Development Revenue Bonds in a principal amount not to exceed \$60,000,000 in connection with the Streets of West Pryor Commercial Project; and authorizing certain documents and actions in connection therewith. (First Reading by Council on February 5, 2019.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 19-22 be advanced to second reading. The motion carried by the following vote:**

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**Aye:** 8 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Lopez

**Nay:** 1 - Councilmember Johnson

- B.** [BILL NO. 19-23](#) An Ordinance authorizing the City of Lee's Summit, Missouri to issue Taxable Industrial Development Revenue Bonds in a principal amount not to exceed \$17,000,000 in connection with the Streets of West Pryor Grocery Store Development; and authorizing certain documents and actions in connection therewith.

(First Reading by Council on February 5, 2019.)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 19-23 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 7 - Mayor Baird  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Lopez

**Nay:** 2 - Councilmember Binney  
Councilmember Johnson

- C.** [BILL NO. 19-24](#) An Ordinance authorizing the City of Lee's Summit, Missouri to issue Taxable Industrial Development Revenue Bonds in a principal amount not to exceed \$48,000,000 in connection with the Streets of West Pryor Apartment Development; and authorizing certain documents and actions in connection therewith.

(First Reading by Council on February 5, 2019.)

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 19-24 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 7 - Mayor Baird  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Lopez

**Nay:** 2 - Councilmember Binney  
Councilmember Johnson

- D. [BILL NO. 19-25](#) An Ordinance determining and declaring the necessity of acquiring for public use certain Permanent Easements and Temporary Construction Easements for streambank stabilization improvements associated with the Streambank Stabilization Projects in Lee's Summit, Missouri; 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.

(First Reading by Council on February 5, 2019. Passed by unanimous vote.)

**ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, that Bill No. 19-25 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 9 - Mayor Baird  
Councilmember Binney  
Councilmember Carlyle  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Johnson  
Councilmember Lopez

## 9. Proposed Ordinances - Second Reading:

- A. [BILL NO. 19-01](#) An Ordinance approving rezoning from District AG and R-1 to District RP-3 and Preliminary Development Plan located at the southwest corner of SW Pryor Road and SW MO-150 Highway, proposed Allera development in accordance with the provisions of Chapter 33 of the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.  
(Note: This Bill was first read by City Council on January 22, 2019.)

**ACTION: After lengthy discussion a motion was made by Councilmember Johnson, seconded by Councilmember Lopez, that Bill No. 19-01 be adopted. An affirmative vote by 6 members of Council was required to approve this ordinance due to a valid protest petition.**

**The motion failed as it carried by the following vote:**

**Aye:** 5 - Mayor Baird  
Councilmember DeMoro  
Councilmember Edson  
Councilmember Johnson  
Councilmember Lopez

**Nay:** 4 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte

## 10. Council Comments:

Councilmember Johnson would like Council to consider when appointments are made to various Boards and Commissions to look for those volunteers that participate in the electoral process. He also stated he hoped to see a City appointed member of the TIF (Tax Increment Finance) Commission actually vote no on a TIF.

Mayor Pro Tem Lopez asked Council for guidance and consensus on assigning Council requests to CEDC.

- 1) Councilmember Edson suggested Apprenticeship rule or policy for projects involving incentive requests. After discussion, Council agreed to have CEDC review this further.
- 2) Councilmember Forte asked to look into downtown festival scheduling. There was a citizen committee previously assigned to looking into this. Would like to have them meet again to come up with suggestions and bring those forward to CEDC.
- 3) Councilmember Carlyle had asked to have the Fireworks policy reviewed again. Council also agreed to have CEDC discuss this.

Councilmember Binney stated the Community Counts Newsletter created by the Creative Services department shares news and information on projects throughout Lee's Summit. He noted the most recent newsletter also explains the snow plan.

Mayor Baird would like Council to work on not making any negative comments regarding other cities or other school districts. He would also like Council to respect one another and debate accordingly.

## 11. Committee Reports

Councilmember Lopez stated the next Community and Economic Development Committee will meet on February 13, 2019 at 4pm.

Councilmember Carlyle advised the next Rules Committee will meet on February 7, 2019 at 6pm.

Councilmember Johnson noted that the next Finance and Budget Committee will meet on February 11, 2019 at 5pm.

## 12. Staff Roundtable

Chief of Police, Travis Forbes, invited the Mayor and Councilmembers to the Police Awards Ceremony that will be held next Tuesday, February 12, 2019 at Legacy Church at 7pm.

Mr. Steve Arbo, City Manager, also noted the American Planning Association, Missouri Chapter named Lee's Summit as one of 2019's Great Places in Missouri. He also stated the Stanley Cup will be at Summit Ice on February 26, 2019 from 4-6pm and on February 27, 2019 from 8-11pm.

## 13. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 21 to Closed Session at 8:59 pm.

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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