



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

Thursday, December 21, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 51 **AMENDED**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Mayor Rhoads called Regular Session No. 51 to order at 6:15 p.m.

ROLL CALL

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

Aye:

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

1. PUBLIC COMMENTS:

Mr. Joe Ross, manager of Cricket Wireless located by the Walmart on M-150, asked Council to consider amendments to the UDO regarding signs and fees for signs to attract more business.

2. COUNCIL COMMENTS:

Councilmember Mosby asked Mr. Ross what type of advertisements they would like to use for their business that has not been allowed. Mr. Ross advised of some of the items they would like to use that are prohibited by the UDO. Councilmember Mosby asked the City Manager to look into this further with Mr. Ross.

3. APPROVAL OF CONSENT AGENDA:

- A. [2017-1729](#) Mayor's Appointments:
Board of Appeals: Re-appoint Karen Sallee, John Brown and Dana Miller, and appoint Sarah Knights as an alternate, terms to expire 12-1-20.
Human Relations Commission: Appoint Benjamin Tonga, term to expire 7-6-19.

ACTION: A motion was made by Councilmember Forte, 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: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif
Councilmember DeMoro

- B. [2017-1744](#) Approval of Type H & S Liquor License for Summit Liquors, 543 SE Melody Lane.

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

4. PROPOSED ORDINANCES FORWARDED FROM COMMITTEE:

- A. [BILL NO. 17-273](#) AN ORDINANCE AMENDING CHAPTER 34, STORMWATER DISCHARGE CONTROL REGULATIONS, TO BE IN COMPLIANCE WITH STATE REGULATIONS AND THE NATIONAL POLLUTANT DISCHARGE

ELIMINATION SYSTEM (NPDES) PROGRAM. (PWC 12/19/17)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 17-273 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 Edson, seconded by Councilmember Binney, that Bill No. 17-273 be adopted and numbered Ord. No. 8311. 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. 17-274](#)

AN ORDINANCE APPROVING A MEMORANDUM OF AGREEMENT NO. 697DCM-18-L-00034 WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) PROVIDING FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF FEDERAL AVIATION ADMINISTRATION (FAA) OWNED NAVIGATION, COMMUNICATION, AND WEATHER AIDS FOR THE SUPPORT OF AIR TRAFFIC OPERATIONS AT THE LEE'S SUMMIT MUNICIPAL AIRPORT AND AUTHORIZING THE MAYOR TO ENTER INTO SAID AGREEMENT FOR THE SAME FOR A PERIOD OF 20 YEARS. (PWC 12/19/17)

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-274 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. 17-274 be adopted and numbered Ord. No. 8312. 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

- C.** [BILL NO.](#) AN ORDINANCE AWARDING BID NO. 47632185 FOR NORTHWEST
[17-275](#) QUADRANT T-HANGARS DEVELOPMENT - PHASE I IN THE AMOUNT OF
\$2,152,856.05 TO B. DEAN CONSTRUCTION AND AUTHORIZING THE CITY
MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY
FOR THE SAME. (PWC 12/19/17)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-275 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 Carlyle, seconded by Councilmember Forte, that Bill No. 17-275 be adopted and numbered Ord. No. 8313. 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 EXECUTION OF MODIFICATION NO. 9 TO
[17-276](#) THE AGREEMENT WITH CRAWFORD, MURPHY AND TILLY, INC. FOR
ON-CALL ENGINEERING SERVICES FOR THE AIRPORT (RFQ 2015-300) IN
THE AMOUNT OF \$92,093.00 FOR THE CONSTRUCTION PHASE OF
NORTHWEST QUADRANT T-HANGAR DEVELOPMENT - PHASE 1. (PWC
12/19/17)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 17-276 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 Seif, that Bill No. 17-276 be adopted and numbered Ord. No. 8314. 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

- E.** [BILL NO.](#) AN ORDINANCE AUTHORIZING EXECUTION OF MODIFICATION NO. 8 TO
[17-277](#) THE AGREEMENT WITH CRAWFORD, MURPHY AND TILLY, INC. FOR ON
CALL ENGINEERING SERVICES FOR THE AIRPORT (RFQ 2015-300) IN THE
AMOUNT OF \$165,310.00 FOR THE DESIGN AND BIDDING DOCUMENTS
FOR THE NEW FUEL FACILITY DEVELOPMENT. (PWC 12/19/17)

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 17-277 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 Mosby, seconded by Councilmember Seif, that Bill No. 17-277 be adopted and numbered Ord. No. 8315. 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

- F.** [BILL NO.](#) AN ORDINANCE AUTHORIZING EXECUTION OF A MUNICIPAL
[17-278](#) AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI
AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
FOR MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

GLOBAL NAVIGATION SATELLITE REAL TIME NETWORK FOR CONTINUOUSLY OPERATING REFERENCE STATIONS USER'S RESPONSIBILITY AND AGREEMENT FOR THE USE AND ACCESS OF DATA, WITHIN THE CITY LIMITS OF LEE'S SUMMIT, MISSOURI. (PWC 12/19/17)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-278 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 DeMoro, seconded by Councilmember Seif, that Bill No. 17-278 be adopted and numbered Ord. No. 8316. 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

5. PUBLIC HEARINGS:

- A.** [2017-1643](#) Continued PUBLIC HEARING - Application #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant. (Note: The item was to be CONTINUED from December 21, 2017 per the applicant's request.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Public Hearing be continued to January 4, 2018. 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

- 1)** [BILL NO. 17-279](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO CP-2 AND APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 4.3 ACRES ABUTTING 1850 NE US 40 HIGHWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT,

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MISSOURI.

(Note: The item was to be CONTINUED from December 21, 2017 per the applicant's request.)

NOTE: Due to the continuation of the Public Hearing, Bill No. 17-279 will also be continued to January 4, 2018.

This Ordinance - Public Hearing was continued to the City Council - Regular Session due back on 1/4/2018

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

- A. [BILL NO. 17-280](#) AN ORDINANCE AMENDING THE ECONOMIC DEVELOPMENT INCENTIVE POLICY FOR THE CITY OF LEE'S SUMMIT.

(Note: This Bill was first read on December 21, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 17-280 be advanced to second reading on January 4, 2018. 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. 17-281](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "THE MANOR AT STONEY CREEK, 2ND PLAT, LOTS 42-81 & TRACTS N-P", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: This Bill was first read on December 21, 2017 and passed by unanimous vote.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that Bill No. 17-281 be advanced to second reading on January 4, 2018. 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. 17-282](#) AN ORDINANCE APPROVING AN INTERGOVERNMENTAL FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MISSOURI FOR THE USE OF THE LONGVIEW RECREATION CENTER AQUATICS FACILITY FOR LIFEGUARD TRAINING AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

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(Note: This Bill was first read on December 21, 2017 and passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 17-282 be advanced to second reading on January 4, 2018. 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

7. PROPOSED ORDINANCES - SECOND READING:

- A.** [AMENDED](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 2018-001 FOR A
[BILL NO.](#) YEARLY TERM FOR CITY ORDERED TOW SERVICES TO RON'S AUTO &
[17-270](#) TRUCK TOWING, LLC AND AUTHORIZING THE CITY MANAGER TO
EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.
(F&BC 12-4-17)
(Note: First Read by Council on December 14, 2017.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Amended Bill No. 17-270 be adopted and numbered Ord. No. 8317. The motion carried by the following vote:

Aye: 5 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Seif

Nay: 3 - Councilmember Edson
Councilmember Mosby
Councilmember DeMoro

- B.** [BILL NO.](#) AN ORDINANCE AUTHORIZING THE CREATION OF A COMMUNITY
[17-271](#) FOUNDATION TO BE KNOWN AS THE CITY OF LEE'S SUMMIT
COMMUNITY FOUNDATION; AND APPROVING THE BYLAWS OF THE
SAME. (F&BC 12-4-17)
(Note: First Read by Council on December 14, 2017.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-271 be adopted and numbered Ord. No. 8318. 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. 17-272](#) AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN TOWNSEND SUMMIT, LLC AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE SUMMIT ORCHARD DEVELOPMENT.

(Note: First Read by Council on December 14, 2017.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 17-272 be adopted and numbered Ord. No. 8319. 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

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

Councilmember Carlyle stated she had been given feedback about the January 2, 2018 Rules Committee meeting being too close to the holiday and asked to move the meeting to January 9, 2018. Other members of the Rules Committee agreed to that date. (After the meeting concluded the City Clerk found the meeting time would need to be changed as there was already a meeting in Council Chambers on that day and time.)

Councilmember Faith advised the Public Works Committee met this week and several of the ordinances from that meeting were already heard during the Council meeting tonight. He did advise they will continue to meet and discuss the 2017 CIP Sales Tax Prioritization of Projects and Programs.

9. **COUNCIL ROUNDTABLE:**

Councilmember Binney asked that the Law Department provide a quarterly update of legal proceedings with the city. Mr. Head, City Attorney, advised that was being done and they will continue to do so.

Councilmember Binney stated he would like have proceed with an RFQ to find out how to engage more citizens during the strategic planning process, see what other cities do and how this can be utilized by the city.

Councilmember Faith advised Congress adjourned today and a piece of legislation is set to expire on December 31, 2017. This legislation was for reimbursement of ambulance services by medicare. He believes Congress will reconsider when in session again, but would like to have to see how this affects the city while the 2% reimbursement is lost during this adjournment.

Councilmember Forte encouraged more people to go out and shop at actual stores and less online. She was disappointed to see so few people out shopping this holiday season as more and more are turning to online shopping.

Councilmember Forte stated she appreciates the smooth transition from Deputy City Clerk to City Clerk for Mrs. Fowler Arcuri and thanked her for her efforts.

Mayor Rhoads reminded everyone to come to City Hall to pay their taxes as the city receives a 1% stipend for these payments. He also advised the Treasury Department is providing extended hours through the end of the year to accommodate people paying their taxes.

10. STAFF ROUNDTABLE:

Mr. Steve Arbo, City Manager, advised Council the Public Works Department was already preparing the roads for a possible small storm that could bring freezing rain, snow and ice to Lee's Summit over the holiday weekend. A crew of 5 employees have already begun and will continue to treat the city streets with brine to assist with any possible accumulation on roadways.

11. ADJOURNMENT

There being no further business, Mayor Rhoads adjourned Regular Session No. 51 at 6:52 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".