

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

Tuesday, August 20, 2019

6:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 36 \*\*\*AMENDED\*\*\***

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**Preliminaries:**

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

Mayor Baird called Regular Session No. 36 to order at 6:40 p.m.

- D. Roll Call

Councilmember Carlyle was away from the table at the time of Roll Call but was present at 6:41 p.m.

**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 DeMoro, seconded by Councilmember Edson, to approve the Amended Agenda as published. 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

**2. Approval of Consent Agenda:**

- A. [2019-2968](#) Approval of Liquor Licenses G3 and S for the new owner of Westside Grill & Bar, 221 SE M 291 Highway, Lee's Summit, MO 64063

**ACTION:** A motion was made by Councilmember Binney, seconded by Councilmember Edson, that this Liquor License 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

### 3. Council Roundtable

Councilmember Edson stated, Monday, September 9, Lee's Summit North (LSN) is having their annual Music Social fundraiser that will include hotdogs, ice cream, etc. to sponsor band, strings and choir for LSN. The event will be held at the LSN Football Stadium. She also noted on September 21st the Lee's Summit Symphony will be playing at John Knox Village. Tickets are still available.

Councilmember Binney congratulated the Lee's Summit Parks & Rec for a very successful concert last Friday at Legacy Park featuring Sarah Evans, almost sold out at 1500 tickets. He advised Julian Vaughn would be performing there this weekend and there will be one more free concert, 18th and Vine, in September.

Mayor Baird joked that Mayor Pro Tem Lopez was suffering from near depression after sending his second daughter off to school.

### 4. Public Hearings:

- A. [2019-2911](#) Continued Public Hearing: Application #PL2019-020 - Rezoning from RP-2 to RP-3 and Preliminary Development Plan - Burton Townhomes, 408 & 500 NW Olive Street; Cherokee Flight, LLC, applicant.

(Note: This application was continued from July 23, 2019 pending an additional hearing at the Planning Commission.)

Exhibit A, List of Exhibits 1-22 were entered into the record.

City Council discussions included:

- Dimensions of the buildings
- Improvements to Olive and Orchard (street is torn up and new construction from new curb to new curb)
- Current 4 plex lot sizes
- Density for current zonings
- Prices and number of bedrooms/bathrooms
- Is it a historic area
- Requirements on new construction for the historic area
- Road Improvements, south of Orchard (dead end)

- Detention areas
- Compatible neighborhood recommendation
- Utility pole moved so driveway can line up with Orchard
- HOA to maintain detention basins and guest parking
- Fencing
- Prohibition on rentals
- Exterior materials

Ms. Pat Vanbebber feels HOA's don't always do what they are supposed to and new owners can do whatever they want to. She asked who will maintain the detention ponds if the HOA doesn't. She also asked who profits from changing the zoning. She feels the streets are a big problem and there is only one entrance in and one entrance out of the proposed plan.

Mr. Kathy McClintock stated Olive is a busy street, dead end with a business at the end. She feels the intersection is dangerous. She noted some of the ditches were allowed to be filled in north to allow for parking. She does not feel this project is the right fit for this location.

Ms. Diana Peoples noted her concerns of increase in traffic, detention ponds and screening, and dangerous and deteriorating road. She feels there is already too much traffic for the roads the way they are.

Ms. Tammy Neal stated her concern for the truck traffic during construction and feels the road is going to give way or someone is going to get hurt.

There were no speakers in favor of this application.

**ACTION: After lengthy discussion, a motion was made by Councilmember Binney, seconded by Councilmember Faith, that this Public Hearing be continued to a date certain of October 1, 2019. 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

**1) [BILL NO. 19-185](#)**

An Ordinance approving a Rezoning from District RP-2 to District RP-3 and Preliminary Development Plan for approximately 3.76 acres located at 408 & 500 NW Olive St, proposed Burton Townhomes in accordance with the provisions of Chapter 33, The Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

This item was continued to October 1, 2019 with the continuation of the Public

Hearing.

**5. Public Comments:**

Ms. Jean Burbank stated she was here 5 weeks ago regarding the creek behind her house and she has not heard from anyone. She advised the trees continue to fall on her fence and the property behind her continues to erode and fall into the creek. Spoke with the owner of the property a month ago and he said he has someone coming out to clear north which will only make her situation worse. She would like the city to do more to help her situation.

Councilmember Forte noted she did feel for Ms. Burbank and asked staff if there was more that could be done.

Mr. Steve Arbo, City Manager, stated there is really nothing more that can be done. Stormwater issues are not funded and this is on personal property and is a civil matter between two neighbors. He suggested Ms. Burbank contact an attorney for assistance as the property she is talking about is Jackson County owned property and not City owned property. Staff would be happy to help when possible, but there is nothing they can do to help with this situation.

**6. Resolutions:**

- A. [RES. NO. 19-12](#) A Resolution adopting the City of Lee's Summit Community Strategic Plan (Ignite!) framework.
- ACTION:** After discussion, a motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that this Resolution be adopted. 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

**7. Presentations:**

- A. [2019-2951](#) Velocity Lee's Summit Update
- Mr. Jon Cundiff provided the City Council with an update on Velocity and their successes in the City. They are rapidly growing and connecting with several individuals in the Lee's Summit area. They are excited for future growth and look forward to continuing their relationship with the City and the citizens of Lee's Summit.

**8. Proposed Ordinances Forwarded from Committee:**

- A. [BILL NO. 19-186](#) An Ordinance authorizing the Mayor to enter into an intergovernmental agreement with Cass County, Missouri to provide property tax billing and

collection services for City of Lee's Summit residents living in the Cass County.  
(F&BC 8-12-19)

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 19-186 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 Forte, seconded by Councilmember Carlyle, that Bill No. 19-186 be adopted and numbered Ord. No. 8704. 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. 19-187](#) An Ordinance approving the Award of ITN 2019-075 for the Multi-Function Devices, Service and Solutions to Toshiba Financial Services not to exceed \$70,000.00 annually and Authorizing the City Manager to execute the same by and on behalf of the City. (F&BC 8-12-19)

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 19-187 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. 19-187 be adopted and numbered Ord. No. 8705. 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. 19-188](#) An Ordinance approving the use of a Cooperative Contract between Sourcewell and John Deere Construction Sales to purchase heavy equipment and accessories and authorizing the City Manager to execute the same by and on behalf of the City. (F&BC 8-12-19)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, that Bill No. 19-188 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 Binney, seconded by Councilmember DeMoro, that Bill No. 19-188 be adopted and numbered Ord. No. 8706. 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

- D. [BILL NO. 19-189](#) An Ordinance approving Amendment No. 3 to the Budget for the Fiscal Year ending June 30, 2020, as adopted by Ordinance No. 8643 and Ordinance No. 8652, by Amending the Authorized Allocation of Full Time Equivalents for Certain Positions within the Development Services Department. (F&BC 8-12-19)

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 19-189 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 DeMoro, that Bill No. 19-189 be adopted and numbered Ord. No. 8707. 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

- E. [BILL NO. 19-190](#) An Ordinance amending Chapter 17, Offenses, Article VIII of the Code of Ordinances for the City of Lee's Summit, Missouri, to update provisions regarding Controlled Substances and Comply with Article XIV of the Missouri Constitution. (CEDC 8-14-19)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Faith, that Bill No. 19-190 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 Edson, that Bill No. 19-190 be adopted and numbered Ord. No. 8708. 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

- F. [BILL NO. 19-191](#) An Ordinance amending Chapter 1, General Provisions, Section 1-13 of the Code of Ordinances for the City of Lee's Summit, Missouri, to update penalty

provisions in accordance with Missouri law. (CEDC 8-14-19)

**ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Forte, that Bill No. 19-191 be second read. The motion carried by the following vote:**

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

**Nay:** 1 - Councilmember Binney

**ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Forte, that Bill No. 19-191 be adopted and numbered Ord. No. 8709. The motion carried by the following vote:**

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

**Nay:** 1 - Councilmember Binney

## **9. Proposed Ordinances - First Reading:**

- A. [BILL NO. 19-192](#) An Ordinance canvassing and declaring the results of the August 6, 2019, Special Election for the City of Lee's Summit, Missouri.

**ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 19-192 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. [BILL NO. 19-193](#) An Ordinance accepting final plat entitled Whispering Woods, 1st Plat, Lots 1-33, and Tracts A, B, C & D, as a subdivision to the City of Lee's Summit, Missouri.

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 19-193 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

## **10. Committee Reports**

Councilmember Forte gave an update on LS Cares and a grant they recently recieved.

Councilmember Fait stated the Public Works Committee will meet next Tuesday, August 27, at 5:30 p.m.

Planning Commission - August 22, 2019 - 5:00 p.m.

Health Education Advisory Board - August 22, 2019 - 6:30 p.m.

Industrial Development Authority - August 23 - 8:15 a.m.

Velocity - August 26, 2019 - 2:30 p.m.

Human Relations Commission - August 26, 2019 - 6:30 p.m.

Arts Council - August 26, 2019 - 6:30 p.m.

Human Services Advisory Board - August 27, 2019 - 12:00 p.m.

Public Works Committee - August 27, 2019 - 5:30 p.m.

Parks and Recreation Board - August 28, 2019 - 6:00 p.m.

## **11. Council Comments:**

Mayor Baird stated he was taking next week off for his anniversary.

## **12. Staff Roundtable**

Mr. Steve Arbo, City Manager, note this Friday is Fourth Friday Art Walk and Artist reception had been moved to the Fourth Friday Art Walk to be included as part of the event. Creative Services invited city employees to show their art and that art can be seen in the City Hall lobby as well as in the second floor hallway. There will be a reception for these staff members on Friday in the City Hall lobby from 5:30 - 7:00 p.m.

Mr. Arbo invited the Mayor and Council to attend the swearing in the ninth Fire Chief, Mr. Michael Snider next Monday, August 26th at 4:00 p.m. in the City Council Chambers. Mr. Arbo also thanked Interm Chief Dan Manely for all of his hard work since Chief Poeschl retired earlier this year.

## **13. Adjournment**

Hearing no further business, Mayor Baird adjourned Regular Session No. 36 at 10:14 p.m.

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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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