

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

Tuesday, July 16, 2019

6:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 33

Preliminaries:

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

Mayor Baird called Regular Session No. 33 to order at 7:07 p.m.

- D. Roll Call

Present: 8 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez

Absent: 1 - Councilmember Craig Faith

1. Approval of Agenda

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

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

Absent: 1 - Councilmember Faith

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Edson, to adopt the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- A. [BILL NO. 19-144](#)** An Ordinance approving a rezoning from District AG to District RP-4 and CP-2, Preliminary Development Plan and Conceptual Plan generally located at the northwest corner of NE Douglas St and NW Colbern Rd, proposed Aria and Summit Village North development in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the for the City of Lee's Summit, Missouri.
(Note: This ordinance was first read on July 9, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Forte, seconded by Councilmember Edson, that Bill No. 19-144 be adopted and numbered Ordinance No. 8674 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- B. [BILL NO. 19-145](#)** An Ordinance approving the Redevelopment Plan for the Princeton Redevelopment Area Pursuant to the Land Clearance for Redevelopment Authority Act.
(Note: This ordinance was first read on July 9, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Forte, seconded by Councilmember Edson, that Bill No. 19-145 be adopted and numbered Ordinance No. 8675 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- C. [BILL NO. 19-158](#) An Ordinance vacating a certain utility easement located at 4032 SW Benziger Drive in the City of Lee's Summit, Missouri.
(Note: This ordinance was first read on July 9, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Forte, seconded by Councilmember Edson, that Bill No. 19-158 be adopted and numbered Ordinance No. 8676 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- D. [BILL NO. 19-159](#) An Ordinance approving the First Amendment to the Development Agreement between Whispering Woods Land, LLC, and the City of Lee's Summit, Missouri for the Whispering Woods Development.
(Note: This ordinance was first read on July 9, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Forte, seconded by Councilmember Edson, that Bill No. 19-159 be adopted and numbered Ordinance No. 8677 as part of the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

3. Council Roundtable

Councilmember Forte stated she loves the City of Lee's Summit. She likes that she can bring friends and family from St. Louis to downtown Lee's Summit and see so many people walking around.

Mayor Pro Tem Lopez commended the Lee's Summit EDC (Economic Development Council) for their annual luncheon last week. He stated it was very well attended and they had a great speaker with a very motivating topic. He believes there is a lot of positive momentum happening with all these groups right now.

Councilmember Johnson announced there are 46 girls softball teams from across the country playing for a national title at the Legacy Park softball venue today through Friday.

Mayor Baird mentioned the MML (Missouri Municipal League) Civic Leader Award was announced today. This years award went to Chip Moxley. He noted Mr. Moxley is a member of the EDC (Economic Development Council), the Lee's Summit Chamber of Commerce, the Velocity group and many non-profit boards. He went on to say Mr. Moxley embodies the spirit of community; he participates and gives back as a civic leader over and over again. He said Mr. Moxley is an amazing person.

4. Proclamations:

- A. [2019-2910](#) July 2019 Parks and Recreation Month

This Proclamation was presented.

5. Public Hearings:

- A. [2019-2746](#) Continued Public Hearing: Application #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4 - Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant.
(NOTE: This item was continued from June 4 and June 18, 2019 per staff's request.)

Exhibit A, list of exhibits 1-10 were entered into the record.

City Council discussions included:

- Height limitations
- Insurance requirements

There were no speakers in favor of, or opposed to, this application.

- 1) [BILL NO. 19-135](#) An Ordinance approving Application #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4, Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant.
(Note: First reading by Council on July 16, 2019. Passed by unanimous vote.)

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ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 19-135 be advanced to second reading. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- B. [2019-2744](#) Continued Public Hearing: Application #PL2019-134 - Unified Development Ordinance Amendment #5 - Article 5 Overlay Districts - Division VIII EnVision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant.

(NOTE: This item was continued from June 4 and June 18, 2019 per staff's request.)

Exhibit A, list of exhibits 1-10 were entered into the record.

City Council discussions included:

- Clarification of the proposed process
- Standards for conceptual presentations
- Definition of Development Community
- Does this amendment change the list of prohibited uses
Answer - No
- Does this amendment change the quality or design standards
Answer - No
- Philosophy of modification requests
- Would repairs and alterations to existing buildings have to have a PDP and come before Council
Answer - As the code stands now, yes, but if the amendment is passed then minor repairs and alterations would only require a building permit and could be handled administratively.
- If the amendment is passed, what types of modifications to existing buildings would require a PDP be brought before Council
Answer - An expansion, a tear down and rebuild or a change of use to a prohibited use.

Mr. Chad Anderson spoke in favor of this application. He addressed the Council regarding repairs and alterations to an existing building in the area. He would like to turn his existing two metal buildings into one building with one roof, replace the exterior with a metal stucco product and remove an internal gutter.

There were no speakers in opposition to this application.

- 1) [BILL NO. 19-136](#) An Ordinance approving Application #PL2019-134 - Unified Development Ordinance (UDO) Amendment #5, Article 5 Overlay Districts - Division VIII Envision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant.

DISCUSSION: Mayor Baird asked staff to define the minimal standards for a conceptual development plan for the appeals process when this proposed ordinance is split and brought back to council on July 23, 2019.

Mr. Steve Arbo, City Manager, confirmed the request is to establish some minimal standards so it is not up to the applicant to define what a conceptual presentation is; but not necessarily include it in the ordinance. Staff will provide applicants with good models of other outstanding conceptual presentations and let them know that is what is expected. If the applicant refuses, staff will, with Council's permission, advise applicants that Council will be informed they chose not to provide a quality presentation.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Lopez, that Bill No. 19-136 be continued to a date certain of July 23, 2019 with direction to staff to split the ordinance by the two subjects of the appeals provisions and the repairs and alterations provision. The motion carried by the following vote:

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

Away FT: 1 - Councilmember Binney

Absent: 1 - Councilmember Faith

- C. [2019-2693](#) Continued Public Hearing: Application #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant.

(NOTE: This item was continued from June 4 and June 18, 2019 per staff's request.)

Exhibit A, list of exhibits 1-10 were entered into the record.

City Council discussions included:

-Clarification of the proposed materials

-How many developers have requested these proposed design standards

- Did staff look at other cities when preparing this amendment
- Would maintenance need to be added to this amendment
- Was the picture of the masonry accurate
- This amendment calls for adding a 4 inch ballard to the rear of the enclosures, do the current standards include that requirement

Mr. Chad Anderson spoke in favor of this application. He shared pictures of what is allowed now and what the proposed materials would look like.

There were no speakers in opposition of this application.

1) [BILL NO. 19-137](#)

An Ordinance approving Application #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant.

(Note: First reading by Council on July 16, 2019.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 19-137 be advanced to second reading. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Faith

6. Public Comments:

Ms. Jean Burbank addressed the Council regarding the creek behind her house. She stated it has been eroding and has almost consumed her fence and a culvert has been added north of the Summit Ridge subdivision that drains into it's detention pond. She asked that Lee's Summit mitigate the problem. She had spoken to Public Works and was unsatisfied with their response stating the creek is on private property and the new development up-stream has detention ponds which negate stormwater downstream. She disagreed and pointed out her neighbor's private property does not include a drainage easement. She stated she believes the creek erosion was caused by the City of Lee's Summit by not truly considering the down-stream effects of the subdivision and private owners should not have to pay to fix it.

Ms. Monica Meeks asked Council if medical marijuana would be allowed in the Envision LS Area Development Plan because it isn't listed as a prohibited use but payday loan businesses are prohibited in the plan. She thanked the Mayor, City Council, Planning Commission and city staff for giving careful deliberation

to marijuana zoning. She went on to say the state really didn't allow municipalities much latitude for making decisions. She encouraged them to continue to make good public health and safety decisions that include the thousand foot buffer and dispensary hours passed at last week's City Council meeting. She thanked staff for the time they have put in to make reasonable regulations that ensure children and families are put first and foremost in the community when considering issues that effect public safety and public health.

Mr. Michael Deeker, a Board Certified Pharmacotherapist, that has been a Pharmacist for almost 30 years spoke regarding medical marijuana. He stated that medicine is very complicated and mental health is even more complicated. He feels everyone wants citizens in Lee's Summit to have access to healthcare. He is pro CBD and pro cannabis, in very controlled situations, but very anti-smoking anything. He doesn't believe the citizens understand how dangerous this substance is to the youth. He quoted an article as stating "repeated marijuana use during adolescence may lead to long lasting changes in brain function that adversely effect educational, professional and social outcomes". He added there are three other articles in medical journals that state how bad marijuana is for youth and he hopes the Council takes that information into consideration.

7. Presentations:

- A. [2019-2914](#) National Flood Insurance Program and the Community Rating System

ACTION: There was a consensus of the Mayor and City Council to direct the Public Works Department to move forward with the application to join the CRS (Community Rating System).

8. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 19-163](#) An Ordinance approving an Intergovernmental Agreement by and between the City of Lee's Summit, Missouri, by and through the Parks and Recreation Board, and the Lee's Summit R-7 School District outlining the Mutual Sheltering and Reunification Agreement for the Great Beginnings Early Childhood Center and Legacy Park Community Center for the 2019-2020 School Year. (F&BC 7-9-19)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 19-163 be second read. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Faith

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 19-163 be adopted and numbered Ordinance No. 8678. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Faith

- B.** [BILL NO. 19-164](#) An Ordinance approving the award of RFP No. 2019-071 for the Emergency Dispatch Center Performance Audit to Mission Critical Partners LLC for an Amount not to exceed \$53,500.00 and Authorizing the City Manager to execute the same by and on behalf of the City. (F&BC 7-9-19)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 19-164 be second read. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 19-164 be adopted and numbered Ordinance No. 8679. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- C.** [BILL NO. 19-165](#) An Ordinance approving the Second Amendment to the FDM Software Support and Maintenance Agreement to extend the term of the Agreement for five years and updating other terms and authorizing the City Manager to Execute the same by and on behalf of the City. (F&BC 7-9-19)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 19-165 be second read. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Carlyle, that Bill No. 19-165 be adopted and numbered Ordinance no. 8680. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

- D. [BILL NO. 19-166](#) An Ordinance Amending Chapter 28. Taxation, Article II of the Code of Ordinances for the City of Lee's Summit, Missouri, By Creating Division 8 - Medical Marijuana Facilities; City of Lee's Summit, Applicant. (CEDC 7-10-19)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 19-166 be second read. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Faith

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Johnson, that Bill No. 19-166 be adopted and numbered Ordinance No. 8681. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Faith

9. Proposed Ordinances - First Reading:

- A. [BILL NO. 19-167](#) An Ordinance approving the Award of RFP No. 2019-062 to U.S. Bank N.A. and UMB Bank N.A. for specific components of banking services and Authorizing the City Manager to execute agreements to secure the same by and on behalf of the City.

(Note: First reading by Council on July 16, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Carlyle, that Bill No. 19-167 be advanced to second reading. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

10. Proposed Ordinances - Second Reading:

- A. [BILL NO. 19-143](#) An Ordinance vacating a segment of SW Blackstone Place located between 4028 SW Benziger Dr and 4032 SW Benziger Dr, in the City of Lee's Summit, Missouri.

(Note: First reading by Council on July 9, 2019.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, that Bill No. 19-143 be adopted and numbered Ordinance no. 8682. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Faith

- D. [BILL NO. 19-146](#) An Ordinance approving Appl. #PL2019-194 - Unified Development Ordinance (UDO) Amendment #8 - Medical Marijuana affecting the following ordinance sections - Article 6 Use Standards - Division I General Provisions and Division II Uses Permitted with Conditions, Article 8 Site Standards - Division I Design Standards- Subdivision 6 Crime Prevention Through Environmental Design, Article 15 Rules of Interpretation and Definitions- Division II Definitions ; City of Lee's Summit, applicant.

(Note: First reading by Council on July 9, 2019.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 19-146 be adopted and numbered Ordinance No. 8683. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Faith

- C. [BILL NO. 19-84](#) An Ordinance approving Redevelopment Project J1 for the New Longview Tax Increment Financing Plan and activating the collection of Tax Increment Financing revenues therein.

(Note: First reading by Council on April 2, 2019)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 19-84 be adopted and numbered Ordinance No. 8684. The motion carried by the following vote:

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

Absent: 1 - Councilmember Faith

11. Resolutions:

- A. [RES. NO. 19-10](#) A Resolution repealing Resolution 18-20 and directing staff to accept and process applications for activities related to medical marijuana as required by Article 14, Section 1 of the Missouri Constitution.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, to adopt Resolution No. 19-10. The motion carried by the following vote:

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

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Faith

12. Committee Reports

Councilmember Forte shared CEDC (Community and Economic Development Council) discussed medical marijuana at their meeting last week and they will be discussing medical marijuana criminal codes at their August 14 meeting. They have also been having discussions about limiting the number of Special

Events in the downtown area.

Councilmember Johnson stated the Finance and Budget Committee heard the presentation on banking from Bette Wordelman, Director of Finance, at their meeting last week. He added that discussions regarding Special Events in downtown should also be sent to Finance and Budget Committee to consider subsidies that are being used. The next Finance and Budget Committee meeting is scheduled for August 12, 2019.

Councilmember Binney reported attendance has been off at Summit Waves and pre-construction of Summit Park and Howard Park are a little behind due to the weather. Also, the Parks Board is really excited about the line up of concerts they have at Legacy Park Amphitheater this summer including Jamaica Jam, a free concert for the community this Friday evening, and some paid concerts coming up with Sarah Evens and Julian Vaughn, both at Legacy Amphitheater.

Mayor Baird announced upcoming meetings.

13. Council Comments:

Councilmember Forte mentioned she has been working with Councilmember Binney and staff to research Ms. Burbank's concerns. The creek is unplatted land by the developer and is now owned by Jackson County. Situations like this are very hard for all involved, staff, Councilmembers but most of all for the constituent.

14. Staff Roundtable

Mr. Steve Arbo, City Manager, appreciated Councilmember Forte's comments regarding Ms. Burbank's situation. He stated it is difficult when situations come up that staff is unable to resolve for the residents. He encouraged Ms. Burbank, and her neighbors, to meet with staff to go over what their options are in this situation. He went on to say there were some conversations, and requests for information, at the Finance and Budget Committee meeting regarding the city's P-Card program which was implemented in 2008. The purpose of the P-Card (purchasing card) program is to create a higher level of convenience, documentation and to conserve the city's resources by having fewer invoices to process. A two year history report has been compiled and will be e-mailed to Council.

Councilmember Binney found it interesting that there has always been so much interest in the purchasing card program and the response is always to provide more reports. He then asked staff for an update on the Blackwell Interchange Project, specifically people's accusations the city is not taking care of the maintenance conditions and keeps pointing fingers at MoDOT.

Mr. George Binger, Deputy Director of Public Works/City Engineer, responded by stating the Blackwell Interchange maintenance areas are all MoDOT

right-of-way. MoDOT has not accepted the project from the contractor so they have instructed the contractor to mow the area.

Councilmember Binney clarified, the contractor that MoDOT is not satisfied with their work, is now the same contractor instructed to mow the areas. Mr. Binger answered affirmatively.

Councilmember DeMoro reported that he and Councilmember Johnson received several phone calls and e-mails regarding the Blackwell Interchange area so about three and a half weeks ago he started the process of finding out that MoDOT had not yet accepted the Right-of-Way so he started calling MoDOT and spoke with several engineers. He eventually spoke with Matt Killion, the area engineer for Jackson and Cass Counties, who said he was not aware of the tremendous weed problem. The mowers had mowed the round-abouts but left all the weeds in the islands. Mr. Killion got a crew out there and they finished it up today. He thanked Matt Killion, and MoDOT for stepping up and helping the situation.

Mayor Baird expressed frustration about Matt Killion stating he was unaware of an issue at the Blackwell Interchange even though it has been ongoing for at least a year. He stated he would like to get on the same page with MoDOT and not have them telling citizens, staff and Councilmembers all different things. He told Councilmember DeMoro he appreciated his work in getting them out there to mow it. He then asked staff for some consistency when dealing with contractors that are working for someone else and aren't fulfilling their responsibilities.

15. Adjournment

There being no further agenda items, at 10:06 p.m., a motion was made by Councilmember DeMoro, seconded by Councilmember Edson, to adjourn into Closed Session pursuant to Section 610.021(1) of the Revised Statutes of the State of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys; and, pursuant to Section 610.021(2) of the Revised Statutes of the State of Missouri pertaining to the leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. The motion carried by a 7-1 vote (Councilmember Binney "No" and Councilmember Faith "Absent").

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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