CITY COUNCIL ACTION LETTER
CITY OF LEE’S SUMMIT
Thursday, October 10, 2013
REGULAR SESSION NO. 35

5:45 P.M. CLOSED SESSION: On motion of Councilmember Whitley, second by Councilmember Hofmann, the Council voted unanimously to hold a closed session pursuant to Section 610.021(2) of the Revised Statutes of the State of Missouri.

6:15 P.M. Mayor Rhoads called Regular Session No. 35 to order.

Invocation – Mayor Rhoads

Roll Call –

Councilmember Rob Binney  Present  Councilmember Kathy Hofmann  Present
Councilmember Dave Mosby  Present  Mayor Pro-Tem Allan Gray  Present
Councilmember Derek Holland  Present  Councilmember Ed Cockrell  Absent
Councilmember Brian Whitley  Present  Councilmember Bob Johnson  Present

City Manager Steve Arbo and City Attorney Teresa Williams were also present.

APPROVAL OF AGENDA: On motion of Councilmember Whitley, second by Mayor Pro-Tem Gray, the Council voted unanimously (Councilmember Cockrell “absent”) to approve the published amended agenda.

NOTE: Councilmember Cockrell now present.

1. PUBLIC COMMENTS: The following citizens addressed the Mayor and Council:

   Ms. Carol Siegrist, 972 NW Highpoint Drive, requested the Council rescind the ordinance granting a special use permit for The Family Ranch and submitted a report from Charles Spencer, Ph.D., R.G., consulting Geologist.

   Mr. Joe Pickard, 1 SE 30th, questioned the delay on the development of the Wal Mart in the south part of the city, particularly the status of the lawsuit filed by citizens in protest to the store.

   As co-chair of the Future Bond committee, Ms. Christine Bushyhead, 513 SE Miller, stated the committee was supportive of Board action on the issue.

   Mr. Jim Tosser, 837 NW Highpoint Drive, was also opposed to the special use permit granted to The Family Ranch.

2. COUNCIL COMMENTS: Councilmember Johnson requested an update on the lawsuit regarding the proposed new Wal Mart. MS. Williams advised that a status conference is scheduled for November 14th.
3. **APPROVAL OF CONSENT AGENDA:**
   **COUNCIL ACTION:** On motion of Councilmember Whitley, second by Councilmember Binney, the Council voted unanimously to approve the Consent Agenda as follows:

   A. **MAYOR’S APPOINTMENTS:**
      Livable Streets Advisory Board: Appoint Molly Wichman to replace Ryan Philyaw, term to expire 2-17-16.

4. **PROPOSED ORDINANCES:**
   The following proposed ordinances, submitted as bills, are often passed with little or no discussion. All items were previously discussed by the Council or Council Committee. This is a formal reading of proposed ordinances, as required by the City Charter.

   A. **BILL NO. 13-110** AN ORDINANCE APPROVING AMENDMENT NO. 6 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2013, AS ADOPTED BY ORDINANCE NO. 7198, BY REVISING THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF LEE’S SUMMIT, MISSOURI.
      **COUNCIL ACTION:** On motion of Mayor Pro Tem Gray, second by Councilmember Hofmann, the Council voted unanimously to approve and numbered ORDINANCE NO. 7379.

5. **ORDINANCES – PREVIOUS PUBLIC HEARING:**
   The following proposed ordinances, submitted as bills, are passed with little or no discussion, as staff was directed by City Council, after a public hearing on the matter, to draft the proposed ordinance. No additional public comments are heard regarding these bills. This is a formal reading of proposed ordinances, as required by the City Charter.

   A. **BILL NO. 13-107** AN ORDINANCE GRANTING A REZONING TO ESTABLISH M-150 CORRIDOR DEVELOPMENT OVERLAY (CDO) DISTRICT ON CERTAIN PROPERTIES WITHIN THE M-150 CORRIDOR, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE’S SUMMIT, MISSOURI.
      **COUNCIL ACTION:** On motion of Councilmember Whitley, second by Mayor Pro-Tem Gray, the Council voted 5 “aye” (Councilmembers Binney, Cockrell, Whitley, Mayor Pro-Tem Gray and Mayor Rhoads), 4 “no” (Councilmembers Holland, Hofmann, Mosby and Johnson) to approve and numbered ORDINANCE NO. 7380.

6. **RESOLUTIONS:**
   A. **RES. NO. 13-12** A RESOLUTION ADOPTING THE CITY COUNCIL SCHEDULE OF MEETINGS FOR 2014.
      **COUNCIL ACTION:** Councilmember Cockrell suggested amending the schedule of meetings by adding a Council meeting on April 24, 2014, to swear in newly elected officials. On motion of Mayor Pro-Tem Gray, second by Councilmember Cockrell, the Council voted unanimously to approve RESOLUTION NO. 13-12, AS AMENDED.

7. **PRESENTATIONS:**
   A. Review of Comprehensive Planning Documents.
      **COUNCIL ACTION:** Presented by Nick Edwards, Management Analyst. No Council Action required.

   B. Presentation / Discussion - Development Center - Planning, Development and Codes Administration
      **COUNCIL ACTION:** Presented by Daren Fristoe, Assistant City Manager. No Council Action required.

   C. Presentation / Discussion - Update on Downtown Lee’s Summit Main Street activities
      **COUNCIL ACTION:** Mr. John Beaudoin with The Lee’s Summit Journal reported on Downtown Lee’s Summit Main Street activities. No Council Action required.
D. Presentation of City Business Plan as part of Performance Excellence Program.

**COUNCIL ACTION:** City Manager Steve Arbo advised the Council of the progress on the program. No Council Action required.

8. **PUBLIC HEARINGS (Sworn):**

In an effort to assist applicants who travel from outside the Kansas City Metropolitan Area, every effort will be made to hear the application on the scheduled meeting date.

A. SPECIAL USE PERMIT renewal for automotive sales – Summit Autoplex, 712 NW O’Brien Road; Summit Autoplex, applicant. (Appl. #13-094)

**(NOTE:** This item was continued from October 3, 2013 per the applicant’s request.)

**COUNCIL ACTION:** On motion of Councilmember Johnson, second by Councilmember Mosby, the Council voted unanimously direct staff to **PRESENT AN ORDINANCE** approving Appl. #PL2013-094 - SPECIAL USE PERMIT renewal for automotive sales - Summit Autoplex, 712 NW O’Brien Road; Summit Autoplex, applicant, according to staff’s letter dated October 2, 2013, with the four conditions.

B. REZONING from CP-2 to CS and PRELIMINARY DEVELOPMENT PLAN – Don Kahan Motors warehouse and distribution facility, 505 NW Blue Parkway; Engineering Solutions, applicant. (Appl. #13-108)

**COUNCIL ACTION:** On motion of Councilmember Whitley, second by Councilmember Holland, the Council voted unanimously to direct staff to **PRESENT AN ORDINANCE** approving Application #PL2013-108 - REZONING from CP-2 to CS and PRELIMINARY DEVELOPMENT PLAN – Don Kahan Motors warehouse and distribution facility, 505 NW Blue Parkway; Engineering Solutions, applicant, subject to staff’s letter dated October 2, 2013, Items 1-3.

C. SPECIAL USE PERMIT for outdoor secondary (accessory) automotive sales – Empire Auto Glass, 1300 SW Market Street; Robert Shearer, applicant. (Appl. #13-114)

**COUNCIL ACTION:** On motion of Councilmember Whitley, second by Councilmember Johnson, the Council voted unanimously to direct staff to **PRESENT AN ORDINANCE** approving Application #PL2013-114 - SPECIAL USE PERMIT for outdoor secondary (accessory) automotive sales – Empire Auto Glass, 1300 SW Market Street; Robert Shearer, applicant, subject to staff’s letter dated October 2, 2013, Item 1-3.

D. Land Clearance for Redevelopment Authority (LCRA) Application - Grider Orthodontics Urban Renewal Project, 101 SW 3rd Street; Grider Properties LLC, Applicant. (LCRA Application #2013-001).

**COUNCIL ACTION:** On motion of Mayor Pro-Tem Gray, second by Councilmember Mosby, the Council voted 5 “aye”, 3 “no” (Councilmembers Hofmann, Cockrell and Johnson) to direct staff to **PRESENT AN ORDINANCE** approving LCRA Application #2013-001; Grider Orthodontics Urban Renewal Project, 101 SW 3rd Street; Grider Properties LLC, applicant, at an amount not to exceed $141,000 which equates to 62% tax abatement over a ten-year period.

9. **PUBLIC HEARINGS (Legislative):**

A. Public Hearing on the Assignment of the Missouri Gas Energy Franchise Agreement to the Laclede Gas Company.

**COUNCIL ACTION:** On motion of Councilmember Whitley, second by Mayor Pro-Tem Gray, the Council voted unanimously to direct staff to **PRESENT AN ORDINANCE** approving the assignment of the Missouri Gas Energy Franchise Agreement to Laclede Gas Company.
10. OTHER BUSINESS:

A. BILL NO. 13-111 AN ORDINANCE GRANTING A SPECIAL USE PERMIT RENEWAL FOR AUTOMOTIVE SALES IN DISTRICT CP-2 ON LAND LOCATED AT 712 NW O’BRIEN ROAD FOR A PERIOD OF TEN (10) YEARS FROM THE PREVIOUS EXPIRATION DATE, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE’S SUMMIT, MISSOURI.

COUNCIL ACTION: On motion of Councilmember Holland, second by Councilmember Mosby, the Council voted unanimously to approve and numbered ORDINANCE NO. 7381.

B. BILL NO. 13-112 AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM CP-2 TO CS ON LAND LOCATED AT 505 NW BLUE PKWY AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR DON KAHAN MOTORS WAREHOUSE AND DISTRIBUTION FACILITY, 505 NW BLUE PARKWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE’S SUMMIT, MISSOURI.

COUNCIL ACTION: On motion of Councilmember Mosby, second by Mayor Pro-Tem Gray, the Council voted unanimously to approve and numbered ORDINANCE NO. 7382.

C. BILL NO. 13-113 AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR OUTDOOR SECONDARY (ACCESSORY) AUTOMOTIVE SALES IN DISTRICT PI ON LAND LOCATED AT 1300 SW MARKET STREET FOR A PERIOD OF FIVE (5) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE’S SUMMIT, MISSOURI.

COUNCIL ACTION: On motion of Councilmember Cockrell, second by Councilmember Holland, the Council voted 6 “aye”, 1 “no” (Mayor Pro-Tem Gray), 1 “away from the table” (Councilmember Mosby) to approve and numbered ORDINANCE NO. 7383.

D. BILL NO. 13-114 AN ORDINANCE APPROVING A LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY REDEVELOPMENT PROJECT, GRIDER ORTHODONTICS PROJECT, PURSUANT TO THE PROVISIONS OF THE LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY LAW, SECTIONS 99.300 TO 99.660 RSMo.

COUNCIL ACTION: On motion of Councilmember Binney, second by Mayor Pro-Tem Gray, the Council voted 5 “aye”, 3 “no” (Councilmembers Hofmann, Cockrell and Johnson), to approve and numbered ORDINANCE NO. 7384.

E. BILL NO. 13-115 AN ORDINANCE ACKNOWLEDGING THE USE OF AUTOMATED LICENSE PLATE READER TECHNOLOGY BY THE CITY OF LEE’S SUMMIT POLICE DEPARTMENT.

COUNCIL ACTION: Motion was made by Councilmember Binney, seconded by Mayor Pro-Tem Gray, to read the ordinance for the second time. Following discussion, Council voted 7 “aye”, 1 “no” (Councilmember Johnson), for second reading. On motion of Councilmember Binney, second by Mayor Pro-Tem Gray, the Council voted unanimously to approve and numbered ORDINANCE NO. 7386.

F. BILL NO. 13-116 AN ORDINANCE APPROVING THE ASSIGNMENT OF THE MISSOURI GAS ENERGY FRANCHISE AGREEMENT, ORDINANCE NO. 6778, TO THE LACLEDE GAS COMPANY, A MISSOURI CORPORATION.

COUNCIL ACTION: On motion of Councilmember Hofmann, second by Mayor Pro-Tem Gray, the Council voted unanimously to approve and numbered ORDINANCE NO. 7385.

G. PUBLIC WORKS:

1) Award of Bid No. 14531683-C, for the Chipman Road Water Main Replacement NW Bent Tree Drive to NW Pryor Road to Orr Wyatt Streetscapes, in the Amount of $766,920.00.

COUNCIL ACTION: On motion of Councilmember Whitley, second by Councilmember Mosby, the Council voted unanimously to award Bid No. 14531683-C, for the Chipman Road Water Main
Replacement NW Bent Tree Drive to NW Pryor Road to Orr Wyatt Streetscapes, in the Amount of $766,920.00.

2) Award of Bid No. 79801-11C for the construction of Braeside Park and Lincolnwood Stormwater Improvements to Linaweaver Construction, Inc. in the amount of $751,847.85.

**COUNCIL ACTION:** On motion of Councilmember Whitley, second by Councilmember Binney, the Council voted unanimously to award Bid No. 79801-11C for the construction of Braeside Park and Lincolnwood Stormwater Improvements to Linaweaver Construction, Inc. in the amount of $751,847.85.

3) **BILL NO. 13-117** AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF LEE’S SUMMIT AND THE CITY OF INDEPENDENCE FOR LANDFILL SERVICES FOR A TERM OF ONE (1) YEAR, WITH TWO (2) ONE (1) YEAR RENEWAL OPTIONS.

**COUNCIL ACTION:** On motion of Councilmember Johnson, second by Mayor Pro-Tem Gray, the Council voted unanimously to approve and numbered **ORDINANCE NO. 7387**.

4) Approval of the Award of Bid No. 29111-C Terminal Entrance Road Relocation and Runway 11-29 Extension Pregrading in the amount of $847,934.06 to APAC - Kansas, Inc.

**COUNCIL ACTION:** On motion of Councilmember Whitley, second by Mayor Pro-Tem Gray, the Council voted unanimously to award Bid No. 29111-C Terminal Entrance Road Relocation and Runway 11-29 Extension Pregrading in the amount of $847,934.06 to APAC - Kansas, Inc.

H. DISCUSSION: Leased Street Light System.

**COUNCIL ACTION:** *This item was continued to the November 14, 2013 Work Session.*

I. Presentation and Discussion of Report on Unfunded Infrastructure Needs

**COUNCIL ACTION:** *This item was continued to the November 7, 2013, City Council meeting.*

J. Funding Options for M291 / US 50 Highway Interchange

**COUNCIL ACTION:** *This item was continued to the November 7, 2013, City Council meeting.*

K. Authorization for the City Manager to study the feasibility of utilizing City owned property at 204-206 SW Market or 123 3rd Street for an Outdoor Performance/Event Space.

**COUNCIL ACTION:** On motion of Councilmember Cockrell, second by Councilmember Hofmann, the Council voted unanimously to authorize the City Manager to study the feasibility of utilizing City owned property at **123 SE 3rd Street** only for an Outdoor Performance/Event Space.

11. COMMITTEE REPORTS:

- The CEDC, Public Works and Finance committees will meet next week.

12. COUNCIL ROUNDTABLE:

- Councilmember Mosby requested the report submitted by Ms. Siegrest be provided to Council and the applicant for The Family Farm. Mr. Arbo added that TerraCon had been commissioned to review Staff’s geological analysis and this information will be provided when complete.
- Councilmember Binney reported there were good responses from the Arts Festival held downtown last weekend.
- Mayor Rhoads noted the LCRA was uncertain how to handle downtown design standards. Mr. Arbo
suggested a joint meeting with the LCRA Board and City Council.

13. **STAFF ROUNDTABLE:** There was no Staff Roundtable.

**ADJOURNMENT:** There being no further business, Mayor Rhoads ADJOURNED the October 10, 2013, Regular City Council meeting at 10:55 p.m.

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Denise Chisum, MPCC/MMC
City Clerk