



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 28, 2011**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:45 PM**

Mayor Pro Tem Barry McCullough opened the City Council Meeting to adjourn to a Closed Executive Session on February 28, 2011, at 6:45 PM. Councilmember Carol Suter made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Mayor Pro Tem Barry McCullough seconded.

Roll Call Vote: All "aye" – Councilmember Jean Moore, Councilmember Carol Suter, and Mayor Pro Tem Barry McCullough. (3-0)

Mayor Les Smith and Councilman Carol Rudi were present at the Closed Executive Session.

Mayor Les Smith adjourned the Closed Executive Session.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Barry McCullough  
Councilman Carol Rudi  
Councilmember Carol Suter  
Councilmember Jean Moore

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor Randall Thompson  
City Clerk Cathy Swenson

**Item 2. on the Agenda.      ROLL CALL**

Mayor Les Smith opened the Regular February 28, 2011, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all Council members were present.

**Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.**

Mayor Les Smith led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR FEBRUARY 14, 2011, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the **Regular February 14, 2011, City Council Meeting Minutes** as presented. Mayor Pro Tem Barry McCullough seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

**Item 5. on the Agenda. CONSENT AGENDA.**

City Counselor Randall Thompson stated that an item on the Consent Agenda has to do with the issuance of a new liquor license, and he asked that item be removed from the Consent Agenda. Counselor Thompson said he had contact from the applicant’s attorney, who is unable to be present this evening, who asked that this item be removed from the Consent Agenda, and that action be continued until the next City Council meeting.

Mayor Smith stated this item would be considered as Item 5a. under the Regular Agenda.

Councilman Carol Rudi moved to accept the Consent Agenda as amended. Councilmember Carol Suter seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-11-16**, authorizing execution of a contract with SAK Construction, LLC, in the total amount not to exceed \$587,011.67 for the 2011 Sanitary Sewer Rehabilitation (cured in place pipe) Project. Councilmember Carol Suter seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-11-17**, authorizing execution of a professional service agreement with Lutjen, Incorporated, in an amount not to exceed \$60,165.00 for the Consulting Services for capital improvements at Atkins Johnson Farm. Councilmember Carol Suter seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-11-18**, authorizing execution of a contract with Superior Bowen Asphalt Company, in the total amount not to exceed

\$427,941.60 for the 2011 Accelerated Mill and Overlay Program. Councilmember Carol Suter seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

Councilman Carol Rudi moved to approve a **BUILDING PERMIT:** for the exterior remodel of the Applebee's property located at 6069 North Antioch Road. Owner: Applebee's. Applicant: H.C. Klover Architect. Councilmember Carol Suter seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

Councilman Carol Rudi moved to approve the **JANUARY 2011 FINANCIAL REPORT.** Councilmember Carol Suter seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

#### **REGULAR AGENDA.**

**Item 5a. on the Agenda.** **APPROVAL OF A NEW SIX DAY RESTAURANT BAR (A-R) LIQUOR BY THE DRINK LICENSE** for RNB, LLC dba MOJO, 316 Northeast 72<sup>nd</sup> Street. Managing Officer: Roy Newman.

Mayor Smith stated that consideration of this item would be moved until the March 14, 2011, City Council meeting.

**Item 6. on the Agenda.** **COMMUNICATIONS FROM THE AUDIENCE.**

Larry Newport, 2002 NE 69 Terrace, thanked the Mayor and City Council for the snow removal, and he also expressed his appreciation to Parks and Recreation Director Sheila Lillis, Recreation Programs Specialist Paige Robbins, and staff for the nice Valentine's Day brunch.

**Item 7. on the Agenda.** **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Jean Moore** had no comments at this time.

**Councilmember Carol Suter** stated she was glad to be out of State for the last blizzard, but her neighbors and others appreciated the excellent work by Public Works in clearing the streets.

**Councilman Carol Rudi** offered a reminder to everyone that tomorrow night, March 1, 2011, is the rescheduled opening of the rotating art exhibit at the Community Center. It will be from 6:00 PM to 8:00 PM. The featured art is from the North Kansas City School District Art Department – both teachers and students. Councilman Rudi invited everyone to attend.

**Mayor Pro Tem Barry McCullough** thanked Director Lillis and the Parks staff for their efforts in the Park Master Plan; especially, in the midst of getting another snow downpour on the evening meeting.

**Mayor Les Smith** stated he believed that the 23 to 24 folks attendance was good in spite of the blizzard. Mayor Smith introduced Anna Chipman and her father, Todd Chipman. Anna is here as part of the Exchange City program, and Anna is home schooled. Mayor Smith welcomed them to the City Council meeting.

Mayor Smith recommended to the City Council that Councilmember Jean Moore be appointed to serve as Council's liaison to the EMAC Committee (Environmental Management Advisory Committee).

Councilman Carol Rudi moved to appoint Jean Moore to the EMAC Committee. Mayor Pro Tem Barry McCullough seconded. The vote: All "aye" – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

**Item 8. on the Agenda.      COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis had no comments at this time.

Mayor Les Smith said he would like to re-order the agenda. The Bond counsel is here this evening, and they had the misfortune of sitting through about a 90 minute Public Hearing the last time they were here, so he would like to show them some courtesy and move forward **Item 12.** as **Item 9.** on the agenda.

**Item 9. on the Agenda.      FIRST READING BILL 11-09,** authorizing the City of Gladstone, Missouri, to enter into a base lease with Southwest Trust Company, N.A., as Trustee, whereby the City will lease certain property to said Trustee, a Lease Purchase Agreement with said Trustee with respect to the acquisition, construction, furnishing, equipping and installing of certain capital improvements and prepaying certain outstanding Certificates of Participation; approving a Declaration of Trust made by the Trustee pursuant to which certain Certificates of Participation will be executed and delivered; and approving certain other documents necessary to deliver the Certificates of Participation and prepay certain outstanding Certificates of Participation.

Councilmember Carol Suter moved to place **Bill 11-09** on its First Reading. Councilman Carol Rudi seconded.

Mayor Smith invited Greg Bricker of George K. Baum & Company to share information regarding this action.

Greg Bricker began by saying that the Council will recall that at the January 10, 2011, City Council meeting an action was taken to adopt what was referred to as a "go to market" Resolution. It authorized George K. Baum & Company and Gilmore and Bell to proceed

with the necessary steps to put in place the financing to fund the various projects that the Council has discussed for several months. It was the intention at the time to be back at the second City Council meeting in February, which is tonight, with final terms on the offering of that Bond, and a closing on this transaction sometime in late March. Mr. Bricker said he was proud to say that they completed the offering of the financing this morning, and they succeeded in locking in an average interest rate of 3.45 percent on the \$5.9 million of funds that have been borrowed for the various improvements. At the January meeting, his preliminary calculations were suggesting an average interest rate somewhere in the 3.9 percent range, so a nice improvement in the Bond market has been seen. Mr. Bricker said they went through the steps of having the rating of the City Bonds reaffirmed for this transaction, and there was, once again, received the strong rating that was received last year, when the City's Bond rating was upgraded. Everything has gone very smoothly on this financing. The action item this evening is to adopt an Ordinance to accept the final terms of the financing, the 3.45 percent average interest rate, and authorize the Mayor and City Clerk to sign certain documents at a meeting that is scheduled on March 11, and prepare for a closing on March 25.

Mayor Smith asked City Manager Kirk Davis if he had anything to add.

City Manager Davis replied that this is a good interest rate; again the Bond rating was reaffirmed, of which the City is very proud. Council may recall on the GO (General Obligation) Bonds, that was an AA rating from Standard and Poors. It allows the City to move forward with the Certificates of Participation projects that were discussed a couple of months ago. City Manager Davis said he was very pleased with the work from George K. Baum, and the City will be receiving proceeds prior to the first payment of the Public Safety Radio System, which is part of this package, so staff is pleased with the timing.

Mayor Smith thanked City Manager Davis and Mr. Bricker.

The vote: All "aye" – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of **Bill 11-09**, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of **Bill 11-09** and to enact the Bill as **Ordinance 4.178**. Councilman Carol Rudi seconded.

Roll call vote: "Aye" – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, and Mayor Les Smith. "Nay" – Mayor Pro Tem Barry McCullough (4-1).

Mayor Smith stated that Bill 11-09 had been enacted as Ordinance 4.178.

Mayor Smith took a moment to execute the documents.

**Item 10. on the Agenda.**     **PUBLIC HEARING:** for consideration of a request for a Site Plan revision for property legally described as Oak Meadows South, Lot 1, commonly known as 6300 North Oak Trafficway. Applicant: McDonald's USA, LLC. Owner: Paul Licausi (property owner), LS Commercial Real Estate. File #1353.

Mayor Smith explained that the process for the Public Hearing would be that once opened, the Council would first hear from the City staff, then from the applicant or representative thereof, and then anyone in the audience would be invited to speak in favor or in opposition to this proposal, and then conclude with any comments from staff.

Mayor Smith opened the Public Hearing.

### **Staff Presentation**

Planning Specialist Chris Helmer began by saying he would like to point out a couple of documents to which the Council was presented. Mr. Helmer stated that the City Council received, in addition to the traditional staff packet, a memorandum from him addressed to City Manager Davis that had a number of issues that have evolved since the Planning Commission's Public Hearing. The applicant since that time has requested that staff and the Council consider an additional five feet to the west of the proposed building. The applicant will elaborate a bit further on this during their remarks. It is staff's understanding that this is intended solely for additional operational needs for the actual facility, itself. The second item that has been an ongoing discussion is that of the possibility of addressing additional right-of-way dedication for the possible northbound left turn lane into the proposed development site.

Mr. Helmer stated there has been one condition added to the overall Site Plan revision Ordinance that states "a total of five feet of right-of-way adjacent to the west side of North Oak Trafficway shall be dedicated prior to Certificate of Occupancy issuance". Mr. Helmer said there are two considerations before the City Council this evening; one being the Site Plan Revision for the proposed site, in addition to that on the agenda is the approval of the Final Plat. These changes have been incorporated into the Site Plan and into the Plat.

Mr. Helmer said the second item the Council has received tonight was not in the staff's packet to the Council, and is a rendering of a different proposed monument sign than was seen by the Planning Commission. There have been some changes, and he asks that the applicant expound on these changes. Mr. Helmer said the request from the applicant is for a Final Plat consideration and Site Plan revision, and for consideration of the additional five feet, which would be approximately 4,000 square feet of commercial space for the proposed drive through business at 6300 North Oak Trafficway. In addition, in a review done by staff, the overall proximity to neighboring residential properties is roughly 400

feet from the nearest residence to the west of the proposed McDonald's building. The applicant has given direction to a Certified Engineer to review the traffic impact for the proposed site. The Council will see in the Staff Analysis those levels of service. Mr. Helmer asked if the Council had any specific questions on the analysis that those questions be addressed to the applicant.

Mr. Helmer pointed out that there are the typical three lane drive configuration; one to the north of what is predominantly used to enter the Smokehouse portion of the development site, and then to the south and to the east of the proposed McDonald's building, which is within the actual development parcel, and would be an addition to what is currently there. Mr. Helmer stated that stormwater issues are always asked by staff to be addressed. In the packet, there is a letter submitted by Ozark Engineering that addresses the ratio of impervious surface and how that is not a significant impact to the existing system that is currently in place. There is also another phase with all of these applications, which is an even more thorough review during permit process on any other potential impacts that might be seen as things progress on the civil engineering side. The Planning Commission did send a unanimous recommendation for approval and staff is recommending that the Council consider approval contingent on the conditions that were received this evening.

Councilman Rudi asked, to confirm, in regard to the left turn lane, five feet of right-of-way is being requested to be dedicated for the possibility of that, and the traffic study at this time is indicating that we will not need that – is staff fully comfortable with that?

Mr. Helmer replied that was correct. The five feet right-of-way dedication would just be for the actual McDonald's site itself.

Mayor Smith said to Mr. Helmer that he was very clear to say specifically for the McDonald's site - what is the linear footage for that, and is it just across the McDonald's site or is that additional that might be needed in the future to actually build a turn lane.

Mr. Helmer replied the five feet that has been discussed is just adjacent to the west of North Oak, and is just for the McDonald's portion that would allow for the appropriate right-of-way width. It would need to expand to the north and the south. Mr. Helmer said the engineer is here this evening, who will be able to expand further on some of the roadway widths.

Mayor Smith stated that just by them dedicating this five feet, would not allow us to do something, unless we were able to get additional right-of-way to the north and south of the McDonald's site, and asked if that were correct.

Mr. Helmer replied that was correct.

Councilmember Carol Suter said her question had to do with the change in the monument sign. Councilmember Suter said she does not see anything that indicates that anyone is seeking any exemptions or modifications from our current Ordinances, so she assumes this proposal would comply with all the City Ordinances regarding electronic signs?

Mr. Helmer replied that staff just received this information late last week, and it needs to be reviewed further, but from a first blush, it was obvious that the applicant has looked at the Ordinance, but in order to move to the permit process, it would have to comply exactly with square footage required in City Code, and if the Council is comfortable conceptually with the changes, staff would work with the applicant with the specifics of the actual Ordinance.

Councilmember Suter said it is the number of characters and no flashing and all of that – we are clear about that?

Mr. Helmer replied that was correct.

### **Applicant Presentation**

Howard Johnson, who had a rendering of the proposed construction on display, began by saying he was the Project Manager for McDonald's Corporation, and their address is 10801 Mastin Boulevard; Overland Park, Kansas, Suite 400. Mr. Johnson said present with him were: Jim Wagy, owner/operator; Jan Anderson, Real Estate Manager; Joe Elliott, Director of Operations; Todd Olson, Traffic Engineer. Mr. Johnson said the five-foot easement would be in front of McDonald's, and they are willing to give up that five feet to work with staff, and stated it has been really great working with Assistant City Manager Scott Wingerson, Economic Development Coordinator Melinda Mehaffy, and Planning Specialist Chris Helmer. The five feet would be in the front of the proposed site to allow for a future turn lane. The five feet in the rear of the building is to help them with storage. With this volume of store, they need additional five feet in the rear to help with the freezer/cooler space. Mr. Johnson said they were willing to work with staff in regard to the monument sign. McDonald's likes to see a nicer monument sign, but they do understand the concerns with the flashing sign.

Councilmember Suter asked what is being given up to get the five feet in the back of the building?

Mr. Johnson said they would be giving up landscaping in the back island.

Councilmember Suter stated that she is not a fan of electronic signs; she finds them distracting, and if everyone puts one up, we look like the old Las Vegas strip, and that does not seem to her to be a good thing for a community, so she appreciates the applicant's willingness to work with it. It got through the Planning Commission without that in it, so no one raised the issue there, but it is a concern of hers. So long as it is in strict compliance with the City's Ordinance, she is agreeable.

Mayor Smith asked for a further explanation regarding the ingress/egress. It appears to be at the southern portion – is that correct?



Mr. Johnson replied that the ingress/egress is in front of the Smokehouse Barbeque, where there is traffic coming in on the north end, and then traffic is coming out and able to turn left or right, to go either south or north there. Mr. Johnson said in front of the McDonald's they are proposing to have traffic come in to the north and also be able to travel out that 24-foot approach. Mr. Johnson said at the back of the store, near where the storage shed is at, they like to allow traffic from the Smokehouse Barbeque to drive through their parking lot and travel out.

Councilmember Suter said she had a question about the impact on the parking with Smokehouse. How is that working?

Mr. Johnson pointed out on the rendering the Smokehouse parking behind the McDonald's property line, and said they can still travel north of there and exit at the north, and be able to exit through the McDonald's parking lot.

Councilmember Suter asked if Smokehouse would still have the same amount of parking they now have.

Assistant City Manager Wingerson replied that it is his understanding that the building that is there now had parking where McDonald's is proposing to build their building, so that parcel has always controlled the parking directly in front of Smokehouse, and Smokehouse has always controlled the parking where it is shown in the proposal. Because there is no firm line, people just park where it is most convenient. Mr. Wingerson said this will be a little bit different, although, he believes there will be cross parking agreements between all of the parcels. Mr. Wingerson said there have been a couple of meetings with the Smokehouse owners, and they have been very flexible, and their main concern was the safety of their customers being pedestrians from their car to the front door of Smokehouse. That is the reason for the hard separation between the proposed McDonald's and the Smokehouse, to do the best we can for pedestrians.

Councilmember Suter pointed out that there would be significantly increased traffic coming in on the inbound north side of this property; which, since so many Smokehouse people are parking in the parking lot on the east side, there will be pedestrians and a lot more cars.

Mayor Pro Tem McCullough stated the way the lines are differentiated on the rendering with the northbound and southbound lanes out of the main entrance, where there is proposed the one incoming lane and the two outgoing left hand/right hand turns, he assumes that would be a little bit more clear as to how the inbound traffic would navigate that. The dash line looks very complicated for somebody coming in and navigating that properly.

Mr. Wingerson replied what he believes Mayor Pro Tem McCullough is seeing is a hash mark where an existing island is. What they are trying to show is a relocation of the existing island to the north – that would become the inbound lane.

Mayor Pro Tem McCullough stated he understood that, but when you start going back 50-60 feet, the dash line that looks like it separates the right hand and left hand turn lanes, comes back quite a ways, and it is hard to differentiate how someone coming in would navigate that. It appears that there is no room for the incoming traffic to do anything but go around that other island and then find a parking spot.

Mr. Wingerson replied for clarification - clarify the striping plan?

Mayor Pro Tem McCullough stated he was just asking for clarification, because it looks confusing, but it may be a little issue.

Mayor Smith stated it is not a little issue, if you are the one being hit. It is a good question.

Councilmember Suter asked if the movement of the islands would eat into the parking in that parking lot in the front of the whole strip? If the islands are moved further north, that eats into parking again – is that correct?

Mr. Wingerson replied that would be a 12-foot movement to the north, so it is a parking spot and one half.

Councilmember Suter stated that is obviously with the concurrence of the property owner, so they are all happy with that?

Mr. Wingerson nodded his head to indicate that was correct.

Mayor Smith thanked Mr. Howard.

**There was no one to speak in Favor of the Application.**

**Comments from those Opposed to the Application**

John Garner, 111 North Heatherton Court, stated his concern is with the left hand turn lane on the northbound side, going in, there is also two entrances there to Taco Bell, and his concern is that turn lane might also be used for the people to pull over into there to proceed to turn into Taco Bell. Mr. Garner said he did not see the map and was unsure of the alignment. Right now sometimes there will be two or three cars backed up to turn into Taco Bell. As you are going south on North Oak, to turn into their lot, if that actually gets full or is congested with an unusual way to get in and out, that could cause a nice back-up and more accidents.

Mr. Wingerson said he would be glad to share with Mr. Garner the aerial photograph that is in the Council's packet, so he can see how the drives are aligned, but he would defer to the traffic engineer regarding traffic conditions at the site.

Mr. Garner reviewed the map, and said his other concern is that there is already 3 or 4 restaurants in that same area, and with this type of restaurant being moved from one end of

the City to the other end, his concern was about the lost revenue of the other restaurants in that vicinity. Being further up the street, where it is now, it basically does not affect maybe the revenue of the businesses already there.

Mayor Smith replied he does not disagree with that philosophy, but unfortunately, that is one of those things that is not within the Council's parameters for this particular application being considered. That is always a concern, if you are shifting one way or another.

Mr. Garner stated if one of them did have to go under, it would decrease the revenue from there, because of this being shifted down to there, when it is already up on North Oak. He would hate to see Gladstone lose another business or someone to go under because of this.

Mayor Smith asked if the City has additional right-of-way from the McDonald's property north to the intersection, or what is the right-of-way that has been dedicated. It does not do us any good to have right-of-way for this particular parcel, if it precludes us from building a turn lane, because we do not have right-of-way going farther north.

Mr. Wingerson replied he would begin at the intersection of Shady Lane or 64<sup>th</sup> Street and North Oak, and would work south. In front of Walgreen's there is sufficient right-of-way, because there is a turn lane there. Coming further south in front of the DAV store and the Taco Bell, all of the North Oak roadway begins to gradually narrow. To the point we approach the development site of the proposed McDonald's, a full lane width is required. That said, if eleven feet are required, there currently exists five feet behind the existing sidewalk, so that would make the right-of-way requirement about five feet to move the curb and gutter all on one side to the west to accomplish a center turn lane. Moving back north towards 64<sup>th</sup> Street, because the right-of-way exists at the north end, it is a sliver pie piece that begins to appear within the five feet, so we start at needing ten feet, then we gradually reduce to a point somewhere north on the south side of Walgreen's to accomplish a full "chicken" lane that would go from 64<sup>th</sup> Street to the development site. Further to the south the condition is the same as it is at the proposed McDonald's site – a full ten feet would be required.

Mr. Wingerson said what makes this a little bit more complicated is the ability to obtain right-of-way on the east side of North Oak, which is pretty difficult, because it is the Village of Oakview. The Mayor of Oakview was at the Planning Commission meeting, and suggested to take a look at this issue. Mr. Wingerson said he did not think he knew that it would require some discussion on acquiring right-of-way in the Village of Oakview. Since the Planning Commission meeting until tonight, staff has sort of figured it out. McDonald's has agreed to donate the five feet of right-of-way across their property. Right-of-way would have to be required in front of Smokehouse and DAV to the point where the requirement ends.

Mayor Smith asked for clarification, we do need right-of-way to the north to accomplish the objective?

Mr. Wingerson stated that was correct.

Mayor Smith asked if staff has requested that of the property owner.

Mr. Wingerson replied yes.

Mayor Smith inquired into the response of the property owner.

Mr. Wingerson replied that they believe in 1975, the City requested a five foot right-of-way dedication; that is the five feet located behind the sidewalk, and that is sufficient right-of-way dedication on their part.

Mayor Smith suggested that things do change. He was graduating from high school in 1975. Mayor Smith asked if we are talking about the same property owner currently, who chooses not to contribute any more right-of-way – is that the same ownership of the proposed McDonald's site.

Mr. Wingerson replied it is proposed that McDonald's would purchase the site, and the current owner of the proposed McDonald's and the Smokehouse center is the same.

Mayor Smith stated, to be clear, the entity, that is not willing to contribute additional right-of-way, wishes the Council to approve this, so they can sell the land to McDonald's.

Mr. Wingerson replied yes.

Mayor Smith said in the future if we wish to acquire that right-of-way in front of the DAV and Smokehouse from the person wishing to sell this parcel, we would have to buy it from them as a City.

Mr. Wingerson agreed that was correct.

There being no further comments, Mayor Smith closed the Public Hearing.

**Item 10a. on the Agenda.** **FIRST READING BILL 11-02**, approving a Site Plan revision for property legally described as Oak Meadows South, Lot 1, commonly known as 6300 North Oak Trafficway. Applicant: McDonald's USA, LLC. Owner: Paul Licausi (property owner), LS Commercial Real Estate. File #1353.

Mayor Pro Tem Barry McCullough moved to place **Bill 11-02** on its First Reading. Councilman Carol Rudi seconded.

The vote: All "aye" – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Barry McCullough moved to accept the First Reading of **Bill 11-02**, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Carol Rudi seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Barry McCullough moved to accept the Second and Final Reading of **Bill 11-02** and to enact the Bill as **Ordinance 4.179**. Councilman Carol Rudi seconded.

Mayor Smith asked Mr. Wingerson if the right-of-way issue is totally off the table, and if that is their final answer?

Mr. Wingerson replied that on Friday, the property owner provided an email clarifying their position, in that the right-of-way dedicated in the 1970’s, they believed, was the extent of their requirement.

Mayor Smith asked if that was for the development as it was planned at that time?

Mr. Wingerson replied yes, for the development that was planned at that time.

Mayor Smith stated this is a new proposal, is that correct?

Mayor Smith said if the City Council wishes to move forward, he would not support this based on that premise. Mayor Smith said we have a traffic nightmare up and down Oak Street, and if the property owner wishes to help us solve that by virtue of the traffic count that is being proposed here, he would be willing to support it. Mayor Smith said the Wagys have been great operators of McDonald’s; probably the finest we could ever hope for, but he does not feel it is right, if we come into a traffic problem, and as a Council, we have to spend taxpayers’ dollars to purchase right-of-way to have a turn lane that is created by this project.

Mr. Wingerson stated that one of the options clearly that is available to the Council is to continue this matter for two weeks, and allow staff to take back a very clear message from the Council to dedicate the right-of-way for a future turn lane, installed from 64<sup>th</sup> Street, south through this property.

Councilmember Suter said she has the same concern that the property owner wants it both ways, and that is who is making the money off of this proposal, so she believes that cooperation for the future is pretty much a necessity in this case. Councilmember Suter stated that the traffic issue is a concern for her, because all up and down North Oak that is an issue. It gets worse as time goes on. Councilmember Suter said this area is congested already, and she is concerned with the internal traffic on this site with pedestrians from the Smokehouse. Councilmember Suter said she was curious with the Smokehouse folks’ take on it all, but since they have not appeared, she assumes they are OK with this, but this whole issue makes her a little bit uncomfortable, and she, too, would like some clarification from the property owners.

Councilmember Carol Suter moved to continue **Bill 11-02** to the March 14, 2011, City Council meeting. Councilman Carol Rudi seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

Mayor Smith stated that the Council will address this issue again on March 14, 2011, and said to Assistant City Manager Wingerson that direction is clear as to the Council’s request, and perhaps he can work this out. Mayor Smith stated that the Wagys’ business is going to suffer if the internal does not work, and as he is confident that they are good operators, they will find a way to make the internal work. The Council’s concern is for the external. Mayor Smith said there is a situation in another project up Oak Street, where a property owner is not willing to participate, and is holding the City hostage on a project that is for everyone’s benefit, and if we can avoid that here, that would be great.

**Item 11. on the Agenda.** **FIRST READING BILL 11-07**, approving the Final Plat of Oak Meadows South, Lot 1, Gladstone, Clay County, Missouri, commonly known as 6300 North Oak Trafficway, and directing the appropriate officials to affix their signatures to said Plat for recording.

Councilmember Carol Suter moved to continue **Bill 11-07** to the March 14, 2011, City Council meeting. Councilman Carol Rudi seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0).

**Item 12. on the Agenda.** **PUBLIC HEARING:** for consideration of amending Title VII, “Zoning and Planning Ordinance” of the City Code by enacting a new Chapter 161, “‘MXD’ Planned Mixed Use District” and other amendments relating to the addition of a new zoning district.

Mayor Smith stated that the Public Hearing process would be the same as the last Public Hearing.

Mayor Smith opened the Public Hearing.

### **Staff Presentation**

Planning Specialist Chris Helmer stated that some time back there was an appointed committee called the Master Plan Oversight Committee. That continued the efforts of further defining the development vision of the overall Downtown Village Center Master Plan. The Planning Commission held a Public Hearing on two amendments to the 2008 Comprehensive Plan, and ultimately, the City Council on November 8, 2010, passed a Resolution of support of those amendments. The Planning Commission held a Public Hearing on February 7, 2011, for final adoption of those amendments. Imbedded with those discussions throughout the process of the Comprehensive Plan, as well as with the oversight committee, was to continue to go down the path of looking at not only additional

guidelines but zoning regulations that would continue to support the development vision for Village Center. One of the defining documents for the Council to consider this evening is a mixed use zoning guidelines that the Planning Commission did vote in favor of at their February 7<sup>th</sup> meeting. City staff is recommending that the Council consider final action on the Ordinance this evening, and Kevin Kokes is present this evening, and is available for questions. Mr. Kokes is highly knowledgeable of this process, and he was involved with the 2008 Comprehensive Plan process, the amendments to the Comprehensive Plan and in helping with the development of this overall Ordinance.

**There were no comments from the Applicant**

**There was no one to speak in Favor or in Opposition to the amendment.**

Mayor Smith closed the Public Hearing.

**Item 12a. on the Agenda.** **FIRST READING BILL 11-08**, amending Title VII, “Zoning and Planning Ordinance” of the City Code by enacting a new Chapter 161, “‘MXD’ Planned Mixed Use District” and other amendments relating to the addition of a new zoning district.

Councilman Carol Rudi moved to place **Bill 11-08** on its First Reading. Councilmember Carol Suter seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of **Bill 11-08**, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of **Bill 11-08** and to enact the Bill as **Ordinance 4.179**. Councilmember Carol Suter seconded.

Roll call vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0)

**Item 13. on the Agenda.** **FIRST READING BILL 11-10**, authorizing the City Manager to execute documents related to the United States Department of Transportation (USDOT) for federal funds relating to Village Center Transportation Planning in Gladstone, Missouri.

Mayor Pro Tem Barry McCullough moved to place **Bill 11-10** on its First Reading. Councilman Carol Rudi seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Barry McCullough moved to accept the First Reading of **Bill 11-10**, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Carol Rudi seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Barry McCullough moved to accept the Second and Final Reading of **Bill 11-10** and to enact the Bill as **Ordinance 4.180**. Councilman Carol Rudi seconded.

Mayor Smith asked City Manager Davis to discuss this item and the next item on the agenda.

City Manager Davis reported that the City was fortunate to receive a grant for roughly just under \$100,000 for northland modal transportation planning, primarily in the Village Center area. As we continue to look ahead and look at what is going on with mass transit and rapid transit, this will help us analyze the opportunities for a transit station.

Roll call vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0)

**Item 14. on the Agenda.** **FIRST READING BILL 11-11**, authorizing the City Manager to execute a Cooperative Agreement with the United States Department of Transportation (USDOT) for Village Center Transportation Planning in Gladstone, Missouri.

Councilmember Carol Suter moved to place **Bill 11-11** on its First Reading. Mayor Pro Tem Barry McCullough seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of **Bill 11-11**, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Barry McCullough seconded. The vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of **Bill 11-11** and to enact the Bill as **Ordinance 4.181**. Mayor Pro Tem Barry McCullough seconded.

Councilman Rudi said she would like to comment on the last three Bills. As a First Tier Suburb committee member, she feels this is really important. We have finally put into place what we need for planning for our downtown center. Councilman Rudi said that everything she has learned over the years is that without these Ordinances in place, the developers are very hesitant to come in and try to make changes to the way that things have always been done in the suburbs. The transportation center is critical. Councilman



Rudi said at the Parks planning meeting the other morning, people were telling her how they use the bus system in Gladstone, and how excellent it is, and they are really glad that we have it. Councilman Rudi said if we can push harder and farther, and really get an outstanding transportation center as part of our downtown plan, that we will go a long ways. Councilman Rudi said she was glad to see these actions on the agenda this evening and offered her thanks.

Mayor Smith offered “ditto” to Councilman Rudi’s remarks.

Roll call vote: All “aye” – Councilmember Jean Moore, Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Barry McCullough and Mayor Les Smith. (5-0)

**Item 15. on the Agenda. Other Business.**

There was no other business.

**Item 16. on the Agenda. Questions from the News Media.**

There were no News Media present.

**Item 17. on the Agenda. Adjournment.**

There being no further business to come before the February 28, 2011, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the meeting.

Respectfully submitted:

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Cathy Swenson, City Clerk

Approved as submitted: \_\_\_\_  
Approved as corrected/amended: \_\_\_\_

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Mayor Les Smith