



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MAY 9, 2011**

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

PRESENT: Mayor Barry McCullough
Mayor Pro Tem Carol Suter
Councilman Les Smith
Councilmember Jean Moore
Councilman Brian Hill

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 Barry McCullough opened the Regular May 9, 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 Barry McCullough led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR APRIL 25, 2011,
CITY COUNCIL MEETING MINUTES.**

Councilman Brian Hill moved to approve the **REGULAR APRIL 25, 2011, CITY COUNCIL MEETING MINUTES** as presented. Councilman Les Smith seconded. The vote: All "aye" – Councilman Brian Hill, Councilmember Jean Moore, Councilman Les Smith, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0).

Item 5. on the Agenda. PROCLAMATION: declaring May 21st, 2011, as **NATIONAL KIDS TO PARKS DAY** in the City of Gladstone, Missouri.

Mayor McCullough read and presented the Proclamation to Parks and Recreation Director Sheila Lillis.

Director Lillis thanked the Mayor and City Council members, and said the new Happy Rock playground would be dedicated at 10:00 AM on May 21. This project was funded through the Land and Water Conservation Fund. The playground is getting a lot of use not only from young kids, but from bigger kids too. Hopefully, there will be a lot of people on hand to participate in the dedication.

Item 6. on the Agenda. **PROCLAMATION:** recognizing the week of May 15 - 21, 2011, as **EMERGENCY MEDICAL SERVICES WEEK** in Gladstone, Missouri.

Mayor McCullough read and presented the Proclamation to Battalion Chief Curtis Norris, who thanked the Mayor and Council for their continuous support of EMS (Emergency Medical Services) and Fire Operations for the City of Gladstone.

Mayor McCullough thanked Battalion Chief Norris for all he does, and also thanked the EMS and Fire personnel who were at the meeting.

Item 7. on the Agenda. **PROCLAMATION:** recognizing the week of May 15 -21, 2011, as **POLICE WEEK**, and May 15, 2011, as **PEACE OFFICERS MEMORIAL DAY** in Gladstone, Missouri.

Mayor McCullough read and presented the Proclamation to Police Sergeant Rob Hays, who thanked the Mayor and Council, and the citizens of the City of Gladstone for this recognition.

Mayor McCullough thanked Sergeant Hays for all he does, and also thanked the Police personnel who were at the meeting.

Item 8. on the Agenda. **CONSENT AGENDA**

Mayor Pro Tem Carol Suter requested that the Building Permit be removed from the Consent Agenda, for consideration under the Regular Agenda.

Mayor McCullough stated that item would be considered as Item 8a.

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

Councilman Les Smith moved to approve **RESOLUTION R-11-38**, authorizing the destruction of certain records in accordance with RSMO Chapter 109 and applicable State Retention Schedules. Mayor Pro Tem Carol Suter seconded.

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

Councilman Les Smith moved to adopt **RESOLUTION R-11-39**, authorizing an agreement between the City of Gladstone and the engineering firm of Camp, Dresser, and McKee for the Rock Creek FEMA Floodplain Review. Mayor Pro Tem Carol Suter seconded. The vote: All “aye” – Councilman Brian Hill, Councilmember Jean Moore, Councilman Les Smith, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0).

Councilman Les Smith moved to adopt **RESOLUTION R-11-40**, authorizing acceptance of work under contract with Blue Nile Engineering, Incorporated, for the 76th and Lydia Drainage Improvements Project; and authorizing final payment in the amount of \$20,650.20. Mayor Pro Tem Carol Suter seconded. The vote: All “aye” – Councilman Brian Hill, Councilmember Jean Moore, Councilman Les Smith, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0).

REGULAR AGENDA

Item 8a. on the Agenda. **BUILDING PERMIT:** for construction of a new McDonald’s restaurant on property located at 6300 North Oak Trafficway. Applicant: Ozark Civil Engineering, Inc. Owner: McDonald’s.

Mayor Pro Tem Carol Suter moved to approve as presented a **BUILDING PERMIT:** for construction of a new McDonald’s restaurant on property located at 6300 North Oak Trafficway. Applicant: Ozark Civil Engineering, Inc. Owner: McDonald’s. Councilman Les Smith seconded.

Mayor Pro Tem Suter stated that she appreciated that this project is going to be a real addition to Gladstone. We have had a really wonderful relationship with McDonald’s in the City for a long time, and this looks to be an exciting new project. Mayor Pro Tem Suter said she had some concerns about the plan as proposed, and was happy that the applicant was willing to make some changes in the façade of the visual interest of the project. Mayor Pro Tem Suter said in conversation, she encouraged other Council members to speak if they are moved, and she thinks there is room for some more visual interest in this project. Mayor Pro Tem Suter asked City Counselor Randall Thompson if it was possible for the City Council to approve a permit with a proviso that staff, to the best of their ability, continue to negotiate with the applicant to improve the visual interest of the project?

Counselor Thompson replied yes, the City Council may do that.

Councilman Les Smith said to Assistant City Manager Scott Wingerson that he believed a representative of McDonald’s was present at this meeting, and asked if there was a commitment from the folks from McDonald’s to enhance this building a bit as we go through the process?

Assistant City Manager Scott Wingerson replied that Howard Johnson from McDonald's Corporation was present this evening, and they had a few minutes to talk right before the meeting, and of course, they are willing to continue to work with the City Council and staff to achieve the best project possible.

Councilman Brian Hill said he, too, would encourage some visual enhancements, and would be willing to approve this permit on the basis that the applicant will work with City staff on some additional enhancements to the façade of the building – nothing really structural – to change the roof line, maybe the awnings, and perhaps some of the accents to make the project a little more architecturally appealing.

Mayor McCullough said he concurred with everything that had been said by the City Council members, and said he believes this project is a fantastic benefit to the community, and he looks forward to the new building. It just would be nice to have a few other enhancements to the outside appearance.

Councilman Smith said Mayor Pro Tem Suter asked Counselor Thompson about a proviso to the motion, and personally, the Council has known the Wagys for a long time. They have done business in this community forever, and he feels confident that if the Council has their word that they will attempt to make some enhancements to the project, that is good enough for him. The interesting thing is going to be is that there may be some Council members who really like it, and how is staff going to manage those enhancements. Councilman Smith stated to Mr. Wingerson that what may be an enhancement to some, might be a detriment to others, so he wishes staff all the luck in the world in working through the process.

Mr. Wingerson thanked Councilman Smith.

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

Item 9. on the Agenda. Communications from the Audience.

Anne Alexander, 3121 NE 59 Terrace, Apt. #3, began by saying she had just been told that it is incredibly difficult to write an Ordinance controlling a dog's barking – how loud it can bark. That does not mean it is impossible. Ms. Alexander said this says to her that there can be written an Ordinance to control her, but not to control an animal - let's get real. Ms. Alexander said she lives in Gladstone by choice, and as the City Council knows, she volunteers with various projects, and she is back again, and said that she and Councilman Smith have discussed the fact that barking dogs are a continuing problem in Gladstone, and she was at the meeting to plead with the City Council to draft an Ordinance that will control the noise limit on dogs. Why should she be up from midnight to 5:00 AM over and over? She is going back to court for the fifth time.

Ms. Alexander said she sat in court Saturday morning for an hour and a half, only to discover her case had been continued until the first of June. Ms. Alexander said she could

think of a lot more fun things, although, court is interesting. If people are having a party and making noise, the police take care of it. If a person wants to come into her home uninvited, the police can take care of it. Why should an animal be allowed to come into her home, uninvited, unwanted, and nothing can be done about it? The police have been wonderful, but they are limited in what they can do.

Ms. Alexander stated that, again, she wished to plead for an animal Ordinance. Ms. Alexander said if it is difficult – OK, the City Council handles difficult things all the time – don't ever tell her something cannot be done, because it is difficult. Ms. Alexander said she was mad and stubborn, and wants the (expletive) dog to shut up during the early morning hours, and said she is right, there is no question about it. Ms. Alexander asked the City Council if they wanted the citizens of Gladstone to spend the early morning hours trying to shut up a dog and going to court for the fifth time, or do they want her to volunteer for the good of the City? Ms. Alexander said she would be back if she needed to.

Mayor McCullough thanked Ms. Alexander, and said they have visited about this repeatedly, and the Council will talk to staff about the possibilities on this issue.

Item 10. on the Agenda. Communications from the City Council.

Councilman Brian Hill had no comments at this time.

Councilmember Jean Moore had no comments at this time.

Councilman Les Smith had no comments at this time.

Mayor Pro Tem Carol Suter said she wished to express sympathy to families who lost loved ones this week. We had a strange week in Gladstone where two deadly accidents involving four different Gladstone parties occurred in one week. This is quite unusual. There were two 2-car accidents, and in both cases a resident of Gladstone was the driver, and in both instances, the driver was killed. This is a tragedy for Gladstone.

Mayor Barry McCullough said he has had the opportunity to be in our City's parks a few times the last couple of weeks, and has had a fantastic time in seeing more people in Oak Grove and Happy Rock Parks than he has ever seen before, walking their dogs and just strolling. Last Tuesday evening he was there for a Rotary event, and it was amazing how full the parking lot was and all the activity that was happening.

Item 11. on the Agenda. Communications from the City Manager.

City Manager Kirk Davis reported that this Saturday is the Youth Triathlon, from 9:00 AM to 11:00 AM. City Manager Davis invited everyone to attend this event at the Community Center to watch the young folks compete. It really is pretty fun.

City Manager Davis reported that the Park Master Plan meeting would be at 7:00 PM, tomorrow night at the Community Center. There will be an ability to share ideas on the Park Master Plan with the consultants.

Councilman Les Smith stated that Steve Bindseil, General Manager of Hy-Vee, has announced his retirement, and there was an open house for him this past weekend. Councilman Smith said what really struck his memory was when City Manager Davis mentioned the Youth Triathlon. Sponsorship and financial support for this event had dwindled, and that is just another example of how Mr. Bindseil, not only through Hy-Vee, but also in reaching out to his suppliers and vendors, and so forth, in essence, saved it and made it bigger and better than ever last year. Councilman Smith said Mr. Bindseil was a very willing participant in doing so, but as the City Council knows, he has facilitated many good things for this community, and he knows from time to time Mr. Bindseil reads the City Council meeting minutes, so he wanted to be on record as congratulating him on his retirement, and thanking him for all that he has done for our community.

Mayor McCullough thanked Councilman Smith, and agreed that the City Council appreciates everything that Mr. Bindseil has done for our community.

Item 12. on the Agenda. **RESOLUTION R-11-41**, authorizing the City Manager to execute a cooperative agreement with the Village of the Oaks for asphalt surface patching and asphalt resurfacing on Valley Street from Englewood Road to Barnes Avenue.

Councilman Les Smith moved to adopt **RESOLUTION R-11-41**, authorizing the City Manager to execute a cooperative agreement with the Village of the Oaks for asphalt surface patching and asphalt resurfacing on Valley Street from Englewood Road to Barnes Avenue. Mayor Pro Tem Carol Suter seconded. The vote: All “aye” – Councilman Brian Hill, Councilmember Jean Moore, Councilman Les Smith, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0).

Item 13. on the Agenda. **RESOLUTION R-11-36**, authorizing the City Manager to execute an agreement with Commerce Bank for credit card processing services for the City of Gladstone, Missouri.

Councilman Brian Hill moved to adopt **RESOLUTION R-11-36**, authorizing the City Manager to execute an agreement with Commerce Bank for credit card processing services for the City of Gladstone, Missouri. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Brian Hill, Councilmember Jean Moore, Councilman Les Smith, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0).

Item 14. on the Agenda. **Other Business.**

There was no other business.

Item 15. on the Agenda. **Questions from the News Media.**

There were no News Media present.

Item 16. on the Agenda. Adjournment to Closed Executive Session.

There being no further business to come before the May 9, 2011, Gladstone Regular City Council Meeting, Mayor Barry McCullough adjourned the Regular meeting to go into a Closed Executive Session.

Councilman Les Smith moved to adjourn to a 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 Carol Suter seconded.

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

Respectfully submitted:

Cathy Swenson, City Clerk

Approved as submitted: ____
Approved as corrected/amended: ____

Mayor Barry McCullough