



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 11, 2012**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION
6:00 PM**

Mayor Carol Suter opened the City Council Meeting to adjourn to a Closed Executive Session on June 11, 2012, at 6:00 PM. Mayor Pro Tem Jean Moore 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 610.021(3) for Personnel Discussion. Councilman Bill Garnos seconded.

Roll Call Vote: All "aye" – Councilman Bill Garnos, Mayor Pro Tem Jean Moore and Mayor Carol Suter. (3-0).

Councilman Barry McCullough and Councilman Brian Hill were also present at the Closed Executive Session.

Mayor Carol Suter adjourned the Closed Executive Session.

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

PRESENT: Mayor Carol Suter
Mayor Pro Tem Jean Moore
Councilman Barry McCullough
Councilman Brian Hill
Councilman Bill Garnos

City Manager Kirk Davis
City Counselor Randall Thompson
City Clerk Cathy Swenson

ABSENT: Assistant City Manager Scott Wingerson

Item 2. on the Agenda. ROLL CALL.

Mayor Carol Suter opened the Regular June 11, 2012, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Carol Suter invited Boy Scout Sam Rathmann, with Troop 180, sponsored by St. Charles Borromeo Church, to lead the Pledge of Allegiance, in which all joined. Mr. Rathmann introduced his father, Chris Rathmann, who had accompanied him this evening.

Item 4. on the Agenda. APPROVAL OF THE MAY 29, 2012, REGULAR CITY COUNCIL MEETING MINUTES.

Mayor Pro Tem Jean Moore moved to approve the **MAY 29, 2012, REGULAR CITY COUNCIL MEETING MINUTES** as presented. Councilman Barry McCullough seconded.

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

REGULAR AGENDA

Item 5. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

Bob Bateman, 7805 NW Bridle Park Lane; Parkville, MO, began by saying he recently received a letter from the City of Gladstone regarding some property he owns, which he uses for agricultural use, which is specifically allowed in the City’s zoning Ordinance. Hay baling is specifically stated as an allowable use. Mr. Bateman said the letter stated that his property had some weeds growing on it that are higher than ten inches, and they must be removed. Mr. Bateman said he recently won a very important case in front of the Missouri Court of Appeals. It took six years, and he believes it is going to save property owners in the State of Missouri at least \$50 million per year. Mr. Bateman said within the first two weeks of the decision, Clay County lowered their assessed valuation of property \$11 million, so right there, it has already cost them \$1,100,000.00. The decision applies to all Counties in the State of Missouri.

Mr. Bateman said he is baling hay, and the City’s zoning Ordinance allows hay baling. It was determined by the Missouri Court of Appeals, not only in his case, but in a very important case a number of years ago, which is the City of Clinton versus Terra Foundation, which in that case the City of Clinton tried to do a similar thing to the property owner as what Gladstone is trying to do to him. Something that is a crop and is cultivated, and is for man’s use, as determined by the Court of Appeals is not going to be a weed. If it was the intention of the drafters of the City’s Zoning Code, they would certainly have put something in there that says you can use property for agricultural use or a nursery; however, nothing can be grown there that is taller than ten inches. Mr. Bateman said that was ridiculous. The City’s zoning Ordinance also allows the production of corn and a lot of different substances, which grow a lot taller than ten inches. Mr. Bateman said he is asking the City of Gladstone to abide by the law in the State of Missouri, which they have not been willing to do, and using property for agricultural use in hay production. Mr. Bateman said “Black’s Law Dictionary” says that crops are products that are grown, raised,

and harvested, and that is what the Missouri Court of Appeals recognized and confirmed in his case. Mr. Bateman said it also states that agriculture also means a science or art of the production of plants and animals useful to man, and in varying degrees of preparation of these products for man's use and their disposal.

Mr. Bateman said when it talks about weeds in the City's Code, Chapter 1000, it specifically states that the definition of a weed is all grasses, annual plants and vegetation other than trees or shrubs, provided, however, this term does not include cultivated flowers and gardens. Mr. Bateman said just like in a garden; when you cultivate something, raise something to be harvested, that is not a weed, which is why cultivated flowers and gardens are exempted from the property maintenance Code. You cannot on one hand recognize hay baling as a crop, and then on the other hand, tell him it is a weed, if it somehow gets over ten inches tall. Mr. Bateman said he just won this case in the Missouri Court of Appeals and he won a very important case in the Missouri Supreme Court against Platte County. That also lasted six years. Mr. Bateman said he seems to run into governments that certainly do not want to abide by the laws in the State of Missouri, and he hopes that Gladstone will, and that was why he was present this evening.

Mayor Suter thanked Mr. Bateman for his input, and said the Council would take this under advisement of the City Counselor and the Codes Enforcement Division.

Item 6. on the Agenda. COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Bill Garnos said he was very pleased with all the activities at Bluesfest on Friday. It could not have been a nicer evening. To see the park filled up with lawn chairs and everyone listening to music is what it is all about.

Councilman Brian Hill said he agreed with Councilman Garnos, and he wished to thank everyone who worked at Bluesfest. City staff spent a lot of time, and there were a lot of volunteers who made Bluesfest possible. Councilman Hill said he wished to extend his thanks to those folks.

Councilman Barry McCullough said he wished to echo what has already been said. It was a big event. He did not make it to the park Friday, but Saturday was fantastic.

Mayor Pro Tem Jean Moore said she wished to echo all the remarks, and said a lot of effort is expended, especially by the Parks and Recreation Department and all the volunteers. It takes everyone pulling together to make this event a real success, which it was.

Mayor Carol Suter reminded everyone that on Tuesdays in June, the June Tunes programs will be held at Oak Grove Park. We use that facility on an ongoing basis. Mayor Suter informed everyone that the City's \$500,000+ brand new fire truck is sitting in front of City Hall, and when the meeting is over, everyone is invited to take a look at the new truck. Mayor Suter said she had a preview when she took her grandson to the fire station on Saturday. Her grandson got to look at it and push the buttons. The stories that accompany the new fire truck are absolutely amazing, and she hopes Public Information Officer Richard King and others are able to share some of the side stories that come with this vehicle. Things like the medallion on the side were designed by

members of our Public Safety Department, and there are a number of design features that were done by members of our Public Safety Department. They liked it so much they turned it into a badge that they wear on their uniforms. Mayor Suter met the firefighters who drew it, and the pride in the folks in the department is enormous. That doesn't happen in many places where the people using the equipment get to have input directly into the design of the equipment itself.

Mayor Suter said the truck was built by a small firm in central Missouri that had laid off some of its employees, and were down to their last contract, and our contract for this piece of equipment allowed them to call people back to work, and then spurred another Fire Department, who wrecked their equipment to use them to rebuild theirs. Now the company is humming with activity. This is a great story where public funds were used in a way to create jobs in the state and helped a small business to succeed. Mayor Suter said she hopes this story is shared, as taxpayers want to know about the impact our City's financial decisions and investment decisions make, not only on our community, but in the rest of the state as well.

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

City Manager Kirk Davis reported that on Channel 9 on this night and on Saturday, there would be a report about our City working to restore the Big Shoal Cemetery. Part of that is identifying where unmarked graves are and things like that. There will be some ground penetrating radar in this process.

Item 8. on the Agenda. **RESOLUTION R-12-56**, authorizing acceptance of work under contract with Larrison Construction, Incorporated, for the Public Works Storage Facility, and authorizing Final Payment in the amount of \$19,127.90.

Councilman Barry McCullough moved to adopt **RESOLUTION R-12-56**, authorizing acceptance of work under contract with Larrison Construction, Incorporated, for the Public Works Storage Facility, and authorizing Final Payment in the amount of \$19,127.90. Councilman Brian Hill seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Brian Hill, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item 9. on the Agenda. **RESOLUTION R-12-57**, authorizing acceptance of work under contract with Amino Brothers Company, Incorporated for the 70th Terrace and Walnut Street Improvements; and authorizing final payment in the amount of \$25,009.64.

Councilman Brian Hill moved to adopt **RESOLUTION R-12-57**, authorizing acceptance of work under contract with Amino Brothers Company, Incorporated for the 70th Terrace and Walnut Street Improvements; and authorizing final payment in the amount of \$25,009.64. Mayor Pro Tem Jean Moore seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Brian Hill, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item 10. on the Agenda. **RESOLUTION R-12-58**, granting a Permanent Easement to Kansas City Power & Light to construct, operate, and maintain a buried electrical line adjacent to Northeast 64th Street in the vicinity of the Atkins-Johnson Farm and Big Shoal Cemetery.

Mayor Pro Tem Jean Moore moved to adopt **RESOLUTION R-12-58**, granting a Permanent Easement to Kansas City Power & Light to construct, operate, and maintain a buried electrical line adjacent to Northeast 64th Street in the vicinity of the Atkins-Johnson Farm and Big Shoal Cemetery. Councilman Brian Hill seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item 11. on the Agenda. **RESOLUTION R-12-59**, adopting changes to address salary contribution limits in the Health Care Reimbursement Plans of the City of Gladstone’s Flexible Benefits Plan.

Councilman Bill Garnos moved to adopt **RESOLUTION R-12-59**, adopting changes to address salary contribution limits in the Health Care Reimbursement Plans of the City of Gladstone’s Flexible Benefits Plan. Councilman Barry McCullough seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item 12. on the Agenda. **RESOLUTION 12-60**, adopting the 2013 annual operating budget for the City of Gladstone, Missouri, and authorizing the expenditures of funds for municipal services.

Councilman Barry McCullough moved to adopt **RESOLUTION 12-60**, adopting the 2013 annual operating budget for the City of Gladstone, Missouri, and authorizing the expenditures of funds for municipal services. Councilman Brian Hill seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item 13. on the Agenda. **OTHER BUSINESS.**

There was no other business.

Item 14. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 15. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the June 11, 2012, Gladstone Regular City Council Meeting, Mayor Carol Suter adjourned the meeting, and reminded everyone to please take a look at the new fire truck parked in front of City Hall.

Respectfully submitted:

Cathy Swenson, City Clerk

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

Mayor Carol Suter