



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 27, 2012**

Mayor Carol Suter opened the City Council Meeting to adjourn to a Closed Executive Session on August 27, 2012, at 6:45 PM. Councilman Brian Hill 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. Mayor Pro Tem Jean Moore seconded.

Roll Call Vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0).

Councilman Barry McCullough was also present at the Closed Executive Session.

Mayor Carol Suter recessed the Closed Executive Session, to be reconvened following the Regular City Council Meeting.

**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
Assistant City Manager Scott Wingerson
City Counselor Randall Thompson
City Clerk Cathy Swenson

Item 2. on the Agenda. ROLL CALL.

Mayor Carol Suter opened the Regular August 27, 2012, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present. Mayor Suter welcomed everyone who joined the meeting in person and on-line, via the live streaming of the Gladstone City Council meeting, to learn more about their City government.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Carol Suter led the Pledge of Allegiance, in which all joined.

Item 4. on the Agenda. APPROVAL OF THE AUGUST 13, 2012, REGULAR CITY COUNCIL MEETING MINUTES.

Councilman Barry McCullough moved to approve the **August 13, 2012, REGULAR CITY COUNCIL MEETING MINUTES** as presented. 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)

REGULAR AGENDA

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

Brian Imes began by saying that he was the Sales and Consulting Director for Enviro Clean Hazmat and Remediation. Mr. Imes said the company is a young hazmat and remediation firm located downtown Kansas City on 13th Street. They specialize in road clean up, fuel spills, oil spills, and things like that. Mr. Imes said it has been a tradition for fire departments across the country for the past 50 years to wash these spills down the sewer drains; sometimes they sprinkle kitty litter or oil suppressant on the spills. Eventually, the rain water pushes it down the sewer drain and it gets in the rivers and streams, and goes to a water treatment plant, where it costs money to treat the water so it can be used for whatever we use water for.

Mr. Imes said his company has created a green business, and he was present at this meeting because his company is communicating with Fire Chiefs all across the metropolitan area. They like to set up contracts with the cities to be a first responder for these types of things. Mr. Imes stated that in 1972, a clean water act was passed. It is America’s federal water pollution control act. The goal in the act was to eliminate pollutants from navigable waters by 1985. It is now 2012, and we are still washing things down the drain. Mr. Imes said his company has talked with a lot of Fire Chiefs and firemen, and the fellow who owns his business is a certified EMT and has been through the Fire Academy and so has his wife.

Mr. Imes continued by saying that state and federal laws make vehicle owners responsible for the notification of clean up of spills that may reach or threaten any water way. Mr. Imes repeated that any time there is a car accident, and there is a fuel spill, if it is not soaked up and properly disposed of, it will eventually get in the sewer drain and then to the treatment facility. Half of the sewer drains in Kansas City, Missouri actually go straight to the river, so there is no treatment at all. Mr. Imes said his company has the equipment, staff, and materials ready to service the entire metropolitan community, and can get to any crash scene in the metro area in

less than 30 minutes, which is pretty good considering how much time it takes for police and fire to respond. His company can be there right after they show up.

Mr. Imes stated his company's positive working relationship with GSP facilities ensures their ability to recycle road contaminants, saving municipalities money on water treatment and EPA fines. EPA fines can be as much \$70,000 for each incident. Mandated automotive insurance covers the insured's vehicle and its fluids. Mr. Imes said his company has created a green market that will provide jobs while saving municipalities time and money. Mr. Imes provided a handout to Mayor Suter.

Mayor Suter thanked Mr. Imes.

John Garner, 111 Heatherton Court, said he was President of the Stormy Acres Home Owners Association. Mr. Garner said on North Oak Trafficway, especially where the Village is, starting across from the car wash, all the way up to 64th Street, there is beginning to be a few indentations and the road is rising. Mr. Garner said he talked to the Chief in the Village, and he agreed road repairs are needed there, especially across from McDonalds. Mr. Garner said he stopped back by about three weeks ago, and the only thing they could say was that they called the Missouri Department of Transportation. Mr. Garner said he did not believe that North Oak is a highway, and he was wondering if there is anything the City can do, because he believes the City does part of their work on street repairs. Mr. Garner said everyone drives in this area, and there are five or six bad places. There are a couple of holes near Harley Davidson that need to be patched, too.

Mayor Suter said this weather has been tough. We get used to the tough winters causing a lot of road destruction, but drought is just as bad or worse, people are telling us with yards and so forth. Once it begins to rain, it will be worse.

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

Councilman Bill Garnos thanked Public Works Director Tim Nebergall in his dealings with the water main breaks. Councilman Garnos said there had been two in his neighborhood, and neighbors coming to him about the water main breaks. Twice he sent an e-mail to Director Nebergall, and found out within minutes that Public Works was aware of them, and had already scheduled them to be fixed, and the next day, he would receive credit from the people who brought it to his attention for getting the breaks fixed so quickly and diligently. Councilman Garnos thanked Mr. Nebergall for taking care of these issues.

Councilman Brian Hill had no comments at this time.

Councilman Barry McCullough said he received a similar compliment from a friend this week, who said Gladstone was all over a water main break in his front yard, and he was very grateful that it was taken care of so quickly, and the guys did an amazing job of not doing any more damage than necessary. Councilman McCullough asked Director Nebergall to pass on the good words to his staff.

Councilman McCullough said he and Mayor Suter got to go to a fun event, which was the ribbon cutting for the “green” house. It was a redevelopment project off of Englewood Road. It was a fantastic house and a neat project. It was a lot of fun to meet the family while they were there.

Mayor Carol Suter agreed it was a fun event, and redevelopment is great, because that one piece of property was developed, but more than that, it has been seen during the building of the house, that other neighbors have started to “fix up”. It always has that kind of ripple effect.

Mayor Suter reminded everyone that on September 8, the Atkins Johnson Farm will be having its Fall Fair. There is information on the City’s website about it. It is an all day event for families. Everything from cooking/baking competitions, and face painting for children, to old fashion clothing, crafts, and skills demonstrations. It should be a fun day, and will be put on by the Friends of the Atkins Johnson Farm. They will use that money to do restoration projects and to help to create the museum. Mayor Suter said it has been a busy summer, and fall is gearing up to be just as busy.

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

City Manager Kirk Davis reported that City Hall would be closed on Labor Day, and he wished everyone a safe holiday and an enjoyable extra day off.

Item 8. on the Agenda. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Alicia M. Hommon for operation of a bakery business on residential property at 5710 North Michigan Avenue. Applicant: Alicia M. Hommon. Owner: Trent and Sheree Shenefield.

Councilman Barry McCullough stated he would not be participating in agenda items number 8. and 9., due to a business relationship with the owners Trent and Sheree Shenefield.

Mayor Suter opened the Public Hearing.

Staff Presentation.

Planning Specialist Chris Helmer began by saying that this application is new to the City. Over the course of this last year, the Council has had a lot of renewals for Special Use Permits. This is a little bit different than what has come before the Council in recent years. Staff is proposing a one-year permit, which is a typical process that has been done in the past. Many of the conditions in the Ordinance are typical to other applications in regard to no employees, no signage on the property, and things of this nature. The Council also received information from the applicant, which shows the site lay out of what she is proposing in this application. There was clarification requested from the Planning Commission that all appliances are residential in nature. Mr. Helmer stated that staff is requesting that the Council consider an initial one-year permit approval for this application.

Mayor Suter asked for clarification as it is a little unusual for the tenant to be asking for a Special Use Permit, opposed to the owner of the property.

Mr. Helmer replied when the applicant met with him, she was up-front about that from the beginning, prior to submitting an official application. Mr. Helmer said he did spend quite a bit of time with her, and it is correct that this is not always seen. There was about four or five years ago a day care operation that was being occupied by a renter. There was a family relationship between the owner and the renter. Mr. Helmer said he would leave it to the applicant to better describe the relationship, but he does know she has been in communication with the landlord and he has been supportive throughout this process.

Mayor Suter asked if our permit process requires the owner to participate in the application.

Mr. Helmer replied, no, not to his knowledge.

Assistant City Manager Scott Wingerson stated that it does not require the owner to participate in the process; however, there is a certification that the owner executes as part of the application. The applicant is here tonight on behalf of the owner, and the owner is fully aware of the action.

Applicant Presentation.

Alicia Hommon, 5710 North Michigan Avenue, said she is new to Gladstone, so was excited to be here for the first time. Ms. Hommon said she was proposing opening a small custom bakery within her home. It is her dream to open a small storefront eventually. She would eventually like to have a old school style bakery. There are steps for her to take for her to be prepared, as well as the business having enough income to do that. Ms. Hommon said she has spoken in depth with Trent and Sheree Shenefield, specifically Trent, who visited with her one day about the plan in regard to any changes she would be making to the garage, which she is hoping to convert. He had laid out what he would like, and the plans presented to him were within guidelines of what he would like to see done.

Ms. Hommon said there would be no visual changes to the house that anyone would see, and no noise changes. Any orders from clients will be delivered to them, so no clients would be coming to her home. Ms. Hommon stated there would be no changes for her neighbors to see other than they might receive some cupcakes every now and then.

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

Mayor Suter closed the Public Hearing.

Item 9. on the Agenda. **FIRST READING BILL NO. 12-14**, approving a Special Use Permit subject to certain conditions to Alicia M. Hommon for operation of a bakery business on residential property at 5710 North Michigan Avenue. Applicant: Alicia M. Hommon. Owner: Trent and Sheree Shenefield.

Councilman Brian Hill moved to place **Bill 12-14** on its First Reading. Councilman Bill Garnos seconded.

Councilman Hill stated he attended the Planning Commission meeting, and it did not appear that there would be any impact at all on the neighborhood, except maybe deliveries by the occupant coming and going, which does not appear to be that much. Councilman Hill said he did not believe there would be adverse impact from this application.

The vote: “Aye” – Councilman Bill Garnos, Councilman Brian Hill, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. “Abstain” – Councilman Barry McCullough. (4-0-1). The Clerk read the Bill.

Councilman Brian Hill moved to accept the First Reading of **Bill 12-14**, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Bill Garnos seconded. The vote: “Aye” – Councilman Bill Garnos, Councilman Brian Hill, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. “Abstain” – Councilman Barry McCullough. (4-0-1). The Clerk read the Bill.

Councilman Brian Hill moved to accept the Second and Final Reading of **Bill 12-14**, and to enact the Bill as **Ordinance 4.216**. Councilman Bill Garnos seconded.

Roll call vote: “Aye” – Councilman Bill Garnos, Councilman Brian Hill, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. “Abstain” – Councilman Barry McCullough. (4-0-1).

Item 10. on the Agenda. PUBLIC HEARING: on setting the annual rate of levy for the 2012 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri.

Mayor Suter opened the Public Hearing.

Staff Presentation.

Finance Director Debra Daily stated she would provide information about the 2012 property tax levy. The tax levy is set based on property values. The real estate values are reassessed every two years, and 2012 is a non-assessment year, so the City did not anticipate any major changes in property values for real estate; in fact they dropped slightly, which is consistent with how the economy has been going. Next year will be a better indicator of whether the economy has stabilized. They dropped by one quarter of one percent, and that equates to approximately \$809,000 in value. Personal property valuations increased two percent, or \$1,017,000, so the result is an overall valuation increase of \$208,000. Collectively, the 2012 assessed valuation represents a .06 percent increase over the previous year. If you translate the valuation increase to total tax dollars, the change or increase would be less than \$2,000 in taxes.

Director Daily explained that property tax levies are subject to State Statutes, including Article X, Section 22 and Section 137.073. Based on these Statutes, when setting the property tax levy rate, the City is limited to the lesser of three different calculation factors: actual growth, which

was zero percent, the Consumer Price Index, which was set at three percent or the other rate is five percent. The lesser of these factors was the actual growth of zero percent. As a result, the maximum property tax rate permitted for the tax year 2012 (Fiscal Year 2013), did not change compared to the previous year. The levy rate will once again be set at \$0.9290 for all classes of property. The City's property tax revenue for Fiscal Year 2012 is projected at \$3,146,000 after factoring in for uncollectibles, which is consistent with the Fiscal Year 2013 budget forecast. The attached Bill would set the property tax levy at \$0.9290 per \$100 valuation for all classes of property.

There was no one to speak in Favor or in Opposition.

Mayor Suter closed the Public Hearing.

Item 11. on the Agenda. **FIRST READING BILL NO. 12-15**, enacted pursuant to Missouri Revised Statutes Section 94.030 fixing the annual rate of levy for the 2012 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri.

Councilman Barry McCullough moved to place **Bill 12-15** on its First Reading. 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). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the First Reading of **Bill 12-15**, Waive the Rule and place the Bill on its Second and Final Reading. 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). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of **Bill 12-15**, and to enact the Bill as **Ordinance 4.217**. Mayor Pro Tem Jean Moore seconded.

Roll call 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. **FIRST READING BILL NO. 12-16**, approving the Final Plat of Linden Square, commonly known as 7001 North Cherry Street, in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: City of Gladstone.

Mayor Pro Tem Jean Moore moved to place **Bill 12-16** on its First Reading. 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). The Clerk read the Bill.

Mayor Pro Tem Jean Moore moved to accept the First Reading of **Bill 12-16**, Waive the Rule and place the Bill on its Second and Final Reading. 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). The Clerk read the Bill.

Mayor Pro Tem Jean Moore moved to accept the Second and Final Reading of **Bill 12-16**, and to enact the Bill as **Ordinance 4.218**. Councilman Barry McCullough seconded.

Roll call 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. **RESOLUTION R-12-88**, authorizing Change Order No. 3 in the amount of \$44,568.97 to the contract with Linaweaver Construction, Incorporated, for parts and material necessary for repairs to the existing 24” water main, as part of the 24 Inch Water Transmission Upgrades Project.

Councilman Bill Garnos moved to adopt **RESOLUTION R-12-88**, authorizing Change Order No. 3 in the amount of \$44,568.97 to the contract with Linaweaver Construction, Incorporated, for parts and material necessary for repairs to the existing 24” water main, as part of the 24 Inch Water Transmission Upgrades Project. Councilman Brian Hill seconded.

Councilman Garnos stated in the Resolution in the Council’s packet there is a typo that refers to this as Changer Order Number 2, instead of Change Order Number 3 as stated in the actual Resolution, and he assumes this can be corrected.

Counselor Thompson said this change may be made by interlineations at the time of the signing of the Resolution.

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 14. on the Agenda. **RESOLUTION R-12-89**, authorizing execution of a professional service agreement with H.W. Lochner, Incorporated, in an amount not to exceed \$19,500.00 for the Consultant Services of the Antioch Road Corridor Analysis.

Councilman Brian Hill moved to adopt **RESOLUTION R-12-89**, authorizing execution of a professional service agreement with H.W. Lochner, Incorporated, in an amount not to exceed \$19,500.00 for the Consultant Services of the Antioch Road Corridor Analysis. 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 15. on the Agenda. **RESOLUTION R-12-90**, authorizing the City Manager to execute a Replacement Water Tower Lease Agreement with Verizon Wireless, LLC for the Antioch Water Tower Site.

Councilman Barry McCullough moved to adopt **RESOLUTION R-12-90**, authorizing the City Manager to execute a Replacement Water Tower Lease Agreement with Verizon Wireless, LLC for the Antioch Water Tower Site. 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 16. on the Agenda. **APPROVAL OF A BUILDING PERMIT FOR:** Installation of Solar Panels on the roof of Oakhill Day School’s gymnasium and school, located at 7019 North Cherry. Applicant: Brightergy. Owner: Oakhill Day School.

Councilman Brian Hill moved to approve a **BUILDING PERMIT FOR:** Installation of Solar Panels on the roof of Oakhill Day School’s gymnasium and school, located at 7019 North Cherry. Applicant: Brightergy. Owner: Oakhill Day School. Councilman Barry McCullough seconded.

Councilman Garnos said he remembered in the Planning Commission a couple of years ago there were City regulations presented to the Commission regarding solar panels and wind power, that he believed went to the City Council for approval. Councilman Garnos asked if that applied only to residential properties and not this one. Is what is proposed here consistent with what the then City Council previously approved.

Assistant City Manager Wingerson replied this is consistent with the sustainability regulations that were passed a year or two ago. The reason this is before the Council is for the Building Permit portion, and because portions of the solar panels will be visible from the public rights-of-way, staff wanted to be sure the Council was fully aware of the construction proposed.

Mayor Suter stated it was exciting to see a project in Gladstone commit themselves so fully to this.

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 17. on the Agenda. **APPROVAL OF THE JULY 2012 FINANCIAL REPORT.**

Mayor Pro Tem Jean Moore moved to approve the **JULY 2012 FINANCIAL REPORT** as presented. Councilman Bill Garnos 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 18. on the Agenda. OTHER BUSINESS.

There was no other business.

Item 19. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.

There were no questions from the News Media. Mayor Suter thanked the Media for being present this evening.

Item 20. on the Agenda. ADJOURNMENT.

There being no further business to come before the August 27, 2012, Gladstone Regular City Council Meeting, Mayor Carol Suter adjourned the regular meeting, and stated that the City Council would reconvene the Closed Executive Session so that the Council could continue with that agenda, which was not completed earlier this evening.

Respectfully submitted:

Cathy Swenson, City Clerk

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

Mayor Carol Suter