

CITY COUNCIL REGULAR AGENDA BEGINS ON
PAGE 7

MONDAY, JUNE 24, 2019



GLADSTONE CITY COUNCIL

OPEN STUDY SESSION MEETING MONDAY, JUNE 24, 2019

AGENDA

TIME: 7:00 pm

- 1. Traffic Enforcement Update-** Sergeant Bryan Boydston will be providing an update on the department's traffic enforcement efforts at the City Council's Study Session Monday evening.



***Department of Public Safety
Administration
Memorandum MJH 19-13***

DATE: June 18, 2019

TO: Scott C. Wingerson, City Manager

FROM: Chief Michael J. Hasty, Director of Public Safety *[Signature]*

CC: Tim Nebergall, Director of Public Works
Captain Robert L. Hays, Police Field Services Division Commander
Sergeant Bryan Boydston, Accident Investigation/Traffic Safety Unit Supervisor

RE: TRAFFIC ENFORCEMENT UPDATE – CITY COUNCIL STUDY SESSION

The goals adopted by the City Council for 2018-2019 include, *"Promote Gladstone as a safe place with a focus on traffic enforcement and the recruitment and retention of high quality police officers."* Achieving this goal is a primary responsibility of the Public Safety Department.

Objectives were developed to reduce the number of traffic crashes in 2019 and provide more data on the top three traffic crash locations to patrol and traffic officers to increase awareness of this issue. The department will also maximize the use of Missouri Department of Transportation (MoDOT) grant funding for DUI and hazardous moving violation enforcement, fill all vacant positions in the Accident Investigation/Traffic Safety Unit, and focus enforcement efforts on the following: high frequency traffic crash locations, locations identified through citizen complaints, traffic law violations that contribute to the cause of traffic crashes, and arresting drivers operating vehicles while under the influence of alcohol and/or drugs.

The department recently took delivery of two radar trailers that will soon be deployed at locations where we receive complaints of speeding cars from citizens and where there are high frequencies of traffic crashes. The Accident Investigation/Traffic Safety Unit supervisor, Sergeant Bryan Boydston, will ensure all three radar trailers are strategically deployed to maximize effectiveness.

Sergeant Boydston has also committed to working closely with the city engineer in the Public Works Department to develop strategies to reduce traffic accidents. He has been assigned to meet with the city engineer on a quarterly basis for this specific purpose. Sergeant Boydston has prepared an update on traffic enforcement to present to the City Council at their Study Session on Monday, June 24, 2019. A copy of his memorandum and PowerPoint demonstration is attached. Please advise if you need further information.



*Department of Public Safety
Police Field Services
Memorandum – MBB*

DATE: June 18, 2019

TO: Capt Hays

FROM: Sergeant Boydston

CC:

RE: TSU Presentation

Captain Hays

I have attached a copy of the power point presentation to be given to the City Council on Monday, June 24th.

Items to dicuss will be the following:

- Members of the TSU
- 2019 goals of the TSU
- Grants obtained/applied for
- Traffic citations
- Traffic crashes
- DUI information
- Speed trailer/traffic complaints (results)
- TSU training thus far this year/upcoming
- TSU/Public works working together for different traffic calming ideas

Sgt Bryan Boydston

A handwritten signature in dark ink, appearing to be "BB" followed by the number "11312".

GLADSTONE PUBLIC SAFETY TRAFFIC SAFETY UNIT

Sgt Bryan Boydston
2019 First Quarter Presentation



Traffic Safety Unit

- Sgt Bryan Boydston
Transferred from Patrol to Traffic in May, 2018
- PO Eric Stock (A Watch)
- PO William Dunaway (B Watch)
- PO Chris Bennett (B Watch)
- Hope to have the 4th position filled by July 1st, 2019

2019 TSU Goals

Reduce traffic crashes at the top three accident locations by 5%

By Sept 30th, use 100% of the grant funding received from MODOT
for DUI and Hazardous Moving Violations enforcement for 2019
DUI-\$7000.00
HMOV-\$6500.00

Identify and apprehend drivers operating motor vehicles while
under the influence of alcohol and/or drugs.

Acquire 2 additional Kustom, Inc. speed trailers to be used at
traffic complaint areas (citizen traffic control requests) and high
crash areas. (*06-06-19*)

Solar Speed Signs

(School Zone Traffic Calming)

Applied for grant through MARC in
March of this year (Destination Safe)
Portable solar speed signs for use in
the school zones.

Approx cost: \$6600 for 2
\$10,000 for 3

TRAFFIC CITATIONS

(JAN 1ST – MARCH 31ST)

- 938 total **moving violation** citations
 - speed
 - financial responsibility
 - DWS/DWR
 - stop signs/electric signal
 - failing to yield right of way

**** 712 moving violations as of June 1st **

TRAFFIC CITATIONS

(JAN 1ST – MARCH 31ST)

- 376 total **non-moving violation** citations
 - expired vehicle registration
 - seat belt
 - defective equipment
 - expired DL
- 673 warnings

****95 non moving as of June 1st ***

Traffic Crashes (JAN 1ST – MARCH 31ST)

Total Crashes (non-injury; injury)= 94

Non-injury 76
Injury 18
Hit and Run 30

In 2018 (Jan 1st – March 31st) (non-injury; injury)=106

Non-Injury 86
Injury 20
Hit and Run 16 -2%

Driving under the Influence (Jan 1st – March 31st)

38 Total Arrests (69 total thru June 1)

30 City
8 State

58 Total Arrests-2018 (90 total thru June 1)

50 City
8 State

Only 1 Traffic Officer on A Watch in 2019; 2 in 2018

Speed Trailer/Complaints (1st Quarter 2019)

-9 different locations
-*Acquired 2 brand new speed trailers on June 6th

Complaints:

15.2 hours resulting in 20 citations; numerous warnings

So far for the 2nd Quarter, we have written a total of 89 citations and have worked these locations for approx 34 hours.

Training 2019 TSU 2019 Training/Upcoming Training

*Forensic Mapping training was completed – June

*PO Stock- DRE Re- Cert June

*All Commissioned officers either certified or re-Certified during the 1st Quarter (more training for new hires coming in August).

*TSU along with all officers completed NARCAN training during 1st quarter

* PO Dunaway attended Drug Interdiction training in March

Training Continued..... 1st Quarter 2019

PO Stock – FTO School in Feb
PO Stock and Sgt Boydston- LETSAC
-July 7th thru 12th

TSU / Public Works

*2 speed signs purchased for N Woodland

*Working with Director Nebergall to look into purchasing additional speed signs for other locations within the city:

7300 Blk of N Broadway
64th St and N Main Area
58th And Broadway
57th and Indiana
Numerous other locations



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 24, 2019**

CLOSED SESSION

The City Council will meet in Closed Executive Session at 6:00 pm Monday, June 24, 2019, in the City Manager's office, Gladstone City Hall, 7010 North Holmes, Gladstone, Missouri. The Closed Executive Session is closed pursuant to RSMo. Open Meeting Act Exemption 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2), Real Estate Acquisition Discussion, and 610.021(12), Contract Negotiations.

OPEN STUDY SESSION 7:00 PM

1. **Traffic Enforcement Update-** Sergeant Bryan Boydston will be providing an update on the department's traffic enforcement efforts at the City Council's Study Session Monday evening.

REGULAR MEETING: 7:30 PM

TENTATIVE AGENDA

1. **Meeting Called to Order.**
2. **Roll Call.**
3. **Pledge of Allegiance to the Flag of the United States of America.**
4. **Approval of Agenda.**
5. **Approval of the June 10, 2019, Closed City Council Meeting Minutes.**
6. **Approval of the Jun 10, 2019, Regular City Council Meeting Minutes.**
7. **PROCLAMATION: PARKS AND RECREATION MONTH**

8. CONSENT AGENDA

RESOLUTION R-19-29 A Resolution authorizing Change Order No. 11 in the amount of \$197,257.50 to the contract with Lan-Tel Communications Services, incorporated, for the 2019 Curb, Gutter and Sidewalk Project TP1804.

RESOLUTION R-19-30 A Resolution authorizing the City Manager to execute a contract with American Fidelity Assurance Company via the partnership with Midwest Public Risk for the changes to the Administration of the City of Gladstone's Flexible Benefits Plan.

APPROVE OUTDOOR SPECIAL EVENT PERMITS:

Independence Day Celebration, 7600 N. Troost Avenue, Oak Grove Park, Thursday, July 4, 2019, 5:00 pm to 11:00 pm.

Theater in the Park, 7600 N. Troost Avenue, Oak Grove Park, Friday July 5, Saturday, July 6, Sunday, July 7, Friday, August 2, Saturday August 3, Sunday, August 4, 2019; 5:00 pm to 11:00 pm nightly.

Children's Garden Day, 4109 NE Pleasant Valley Road, Atkins-Johnson Farm & Museum, Saturday, July 13, 2019, 9:00 am to 12:00 pm.

Big Shoal Country Fair, 4109 NE Pleasant Valley Road, Atkins-Johnson Farm & Museum, Saturday, September 7, 2019, 10:00 am to 5:00 pm.

Cookies and Photos with Santa and Mrs. Clause, 4109 NE Pleasant Valley Road, Atkins-Johnson Farm & Museum, Saturday, December 14, 2019, 11:00 am to 9:00 pm.

APPROVE FINANCIAL REPORT FOR MONTH END MAY 2019

REGULAR AGENDA

9. Communications from the Audience.

10. Communications from the City Council.

11. Communications from the City Manager.

12. FIRST READING BILL NO. 19-25 An Ordinance amending Chapter 160 of the Gladstone City Code to update its regulations relating to Solicitation within the City.

13. Other Business.

14. Adjournment.

Representatives of the News Media may obtain copies of this notice by contacting:

City Clerk Ruth Bocchino Posted at 4:15 pm
City of Gladstone June 20, 2019
7010 North Holmes
Gladstone, MO 64118
816-423-4096



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 10, 2019**

PRESENT: Mayor Carol Suter
Mayor Pro Tem Jean Moore
Councilman Bill Garnos
Councilman R.D. Mallams
Councilman Kyle Yarber

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Clerk Ruth Bocchino
Attorney Chris Williams

Item No. 1. On the Agenda. Meeting Called to Order.

Mayor Suter opened the Regular City Council Meeting Monday, June 10, 2019, at 7:34 pm in the Gladstone City Council Chambers.

Item No. 2. On the Agenda. ROLL CALL.

All Councilmembers were present.

Item No. 3. On the Agenda. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mayor Suter asked all to join in the Pledge of Allegiance to the Flag of the United States of America.

Item No. 4. On the Agenda. Approval of Agenda.

The Agenda was approved as published.

Item No. 5. On the Agenda. Approval of the May 13, 2019, Closed City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the May 13, 2019, Closed City Council meeting as presented. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 6. On the Agenda. Approval of the May 13, 2019, Regular City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the May 13, 2019, Regular City Council meeting as presented. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 7. On the Agenda. Approval of the May 23, 2019, Closed City County Meeting Minutes.

Mayor Pro Tem Moore moved to approve the minutes of the May 23, 2019, Closed City Council meeting as presented. **Councilman Yarber** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 8. On the Agenda. Approval of the May 23, 2019, Regular City Council Meeting Minutes.

Mayor Pro Tem Moore moved to approve the minutes of the May 23, 2019, Regular City Council meeting as presented. **Councilman Yarber** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. On the Agenda. **CONSENT AGENDA.**

Following the Clerk’s reading:

Councilman Mallams moved to approve the Consent Agenda as published. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-19** A Resolution declaring certain city property surplus and authorizing the sale of such property held by the city to the highest bidder via online auction and/or sealed bid. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-20** A Resolution authorizing acceptance of a proposal from Key Equipment for the acquisition of a trailer vacuum excavator in the total amount of \$48,041.00. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-21** A Resolution authorizing the City Manager to execute a contract with Blue Nile Contractors, Incorporated, in the total

amount not to exceed \$1,018,913.49 for the 2019 and 2020 Water and Sewer Main Replacement for Projects WP1986. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-22** A Resolution authorizing the City Manager to execute a contract with Metro Asphalt, Incorporated, in the total amount not to exceed \$877,189.90 for the 2019 Mill and Overlay Program for Project TP2006. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-23** A Resolution authorizing acceptance of work under contract with AB Creative, Incorporated, for the Hobby Hill Park Playground Equipment, Park Shelters and Restroom project, and authorizing final payment in the amount of \$4,664.11 for Project CO1656AM. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-24** A Resolution authorizing acceptance of work under contract with AB Creative, Incorporated, for the Hobby Hill Park Adult Challenge and Fitness Area Project, and authorizing final payment in the amount of \$391.59 for Project CO1656AM2. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-25** A Resolution authorizing acceptance of work under contract with Genesis Environmental Solutions, Incorporated, for the painting outdoor swimming pool project, and authorizing final payment in the amount of \$2,615.95 for Project OP1957. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-19-26** A Resolution authorizing the City Manager to enter into a Third Amendment to the Antenna Site Lease with Rural Cellular Corporation D/B/A Verizon Wireless, at the Water Treatment Plant. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Councilman Mallams moved to approve the FINANCIAL REPORT FOR MONTH END APRIL 2019. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

REGULAR AGENDA.

Item No. 10. On the Agenda. Communications from the Audience.

There were no communications from the audience.

Item No. 11. On the Agenda. Communications from the City Council.

Councilman Yarber stated: *"A lot of things happening, but I will focus on one that is coming up in the next couple of weeks. On June 23, the Gladstone Classic Car Concourse is taking place, for the second year, on Cherry Street in front of Oak Hill Day School. In fact, all the funds raised by it will go to Oak Hill Day School. Last year, our oldest vehicle was 99 years old. We are going to exceed that, we have a 1910 Stanley Steamer that is owned by a local Gladstone resident who is going to drive it there for this event. Again, we will have youth judging, we will have it programmed because it gives the kids a better perspective of history. It is free to the public."*

Mayor Pro Tem Moore stated: *"Thank you, Mayor. Just a couple of things. It was an honor for me to represent the Mayor at a Community for all Ages event at Hobby Hill Park. This was a group through MARC, the Mid America Regional Council, and the most exciting thing was to have the opportunity to show off the newest jewel in our amazing parks system. That was a really fun event. I also had the opportunity to present a proclamation in the Mayor's absence to Brent Friday on his retirement."*

Mayor Suter stated: *"Thank you for standing in for me while I was on vacation. I had the opportunity to present a proclamation to Darren Rodman who retired after more than 30 years with the city. It was a meaningful ceremony because it occurred to me that someone can, who came to the city without a high school diploma even, that you can make a lifetime career out of working for the City of Gladstone, during which time he received his GED and was able to move from a part time worker to a seasonal, to full time, to move from one department to another and actually advance in his career of over 30 years. It's always heartwarming to hear people's comments about how much he mattered to everyone. I want to encourage people to take a look at the temporary art installation that is in the median here in front of Summit Grill. I wanted to thank all the folks who participated, all the volunteers, because it takes so many volunteers to put on a successful Bluesfest this past weekend. The weather was great; the crowd was good. I wasn't there on Friday night, but on Saturday, and I understand that Friday night they went way into the night time and were still there at 11:30. That was really great. I wanted to remind folks that this Friday the Mid America Regional Council is having its Annual Regional Assembly at which the MARC Board awards Regional Leadership Awards and one of our Gladstone friends, the Mayor of Pleasant Valley, David Slater, is receiving the award this year. I understand he has quite an entourage that has booked tickets so that is really exciting. Also, Friday is the first concert for Sounds on the Square at Linden Square, so there is a concert on Friday night. Next weekend is Friday and Saturday night with the Food, Art, Drink event. We will be holding a special reception that evening for business and community leaders as well to come and learn a little bit more about Gladstone, and especially our downtown and take advantage of the concert next weekend."*

Item No. 12. On the Agenda. Communications from the City Manager.

City Manager Wingerson stated: *"Thank you, Mayor. The Council has hit all of the items on my list with the exception of one and that is the official information related to our retirement system and a possible change. The Mayor and City Council have received cost information for a possible change in LAGERS in accordance with Section 105.675 RSMo., the cost information will be made available for at least 45 days prior to any change being made. The City Clerk has that information and it is available for public review during business hours in her office. Thank you."*

Item No. 13. On the Agenda. PUBLIC HEARING Special Use Permit-Creative Arts Academy.

Mayor Suter opened the Public Hearing at 7:44 pm.

City Manager Wingerson stated: *"Mayor, we ask that you continue this Public Hearing at the applicant's request to the July 8th meeting to work out some neighborhood issues."*

Mayor Suter stated: *"Thank you. As I said earlier, we try to work strongly on collaboration and it seems like there are some issues to be worked out. This Public Hearing will be continued until our Regular Session on July 8th, 2019."*

Item No. 14. On the Agenda. FIRST READING BILL NO. 19-21 An Ordinance granting a Special Use Permit subject to certain conditions to Creative Arts Academy for purposes of operating a Gymnastics Center in an R-1 Zone at 1904 Northeast Englewood Road.

Mayor Suter stated: *"This will also be continued as it is, of course, connected to the Public Hearing. Bill No. 19-21 is continued until July 8th, 2019."*

Item No. 15. On the Agenda. PUBLIC HEARING Special Use Permit-Tailor Operation.

Mayor Pro Tem opened the Public Hearing at 7:45 pm.

Assistant to the City Manager Austin Greer approached Council and stated: *"Good evening, Mayor and City Council. The applicant tonight is Mr. Jon Kim who seeks approval of a Special Use Permit for five years for the operation of a home-based alteration and tailor business located at 2404 NE 72nd Street. The location of this single family residence is near a busy commercial intersection which alleviates any concern that a home-based business with visiting customers would have a negative impact on adjacent residential uses. One sign shall be permitted and displayed on the premises in compliance with the current city sign code and shall not exceed six square feet. Given last year's Planning Commission discussion in regard to this Special Use Permit, a strong argument was articulated that the applicant should be allowed one sign. This Special Use Permit was approved unanimously in 2018. Over the past year, the applicant has been sent two separate notices in regard to sign violations. The applicant and city staff have met and the issue of signage is resolved as of May 2019. City staff recommends that the following conditions be considered if the City Council chooses to approve this project request. 1. This Special Use Permit is issued to Jon H. Kim to be used at the above noted address. 2. This Special Use Permit shall be non-transferable to any other person or company,*

or to any other location. 3. Any changes in operation of the business by Jon H. Kim or change in ownership shall render this Special Use Permit null and void. 4. No person other than Jon H. Kim shall be employed at this location or any other address in association with the alteration shop by Jon H. Kim. 5. Hours of operation shall be limited to 6:00 am to 7:00 pm. 6. Jon H. Kim must reside at this residence for this permit to be valid. 7. Jon H. Kim shall apply for and maintain all applicable State and City business and occupational licenses; copy of such business and occupational licenses shall be supplied to the Community Development Department of the City of Gladstone. 8. One sign shall be permitted and displayed on the premises in compliance with the current sign code and shall not exceed six square feet. Thank you, and that is all, Mayor."

There was no further testimony.

Mayor Suter closed the Public Hearing at 7:47.

Item No. 16. On the Agenda. FIRST READING BILL NO. 19-22 An Ordinance granting continuance of a Special Use Permit subject to certain conditions to Jon H. Kim for operation of a Tailor Operation in an R-1 Zoning on property at 2404 Northeast 72nd Street.

Councilman Mallams moved Bill No. 19-22 be placed on its First Reading. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Mallams moved to accept the First Reading of Bill No. 19-22, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Mallams moved to accept the Second and Final Reading of Bill No. 19-22, and enact the Bill as **Ordinance 4.472**. **Councilman Garnos** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 17. On the Agenda. RESOLUTION R-19-27 A Resolution amending or revising the 2019 General Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds.

Mayor Pro Tem Moore moved to approve **RESOLUTION R-19-27** A Resolution amending or revising the 2019 General Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 18. On the Agenda. PUBLIC HEARING FY2020 BUDGET.

Mayor Suter opened the Public Hearing at 7:50 pm.

Finance Director Dominic Accurso approached Council and stated: *"Good evening Mayor and City Council. Hopefully tonight will be the culmination of the last six month process we have been going through for FY2020. We advertised the Public Hearing on May 9th in the Gladstone Dispatch for the presentation tonight. Tonight's presentation will include all budgeted funds, so we will go over the General Fund, Special Revenue Funds, which consist of the Community Center, Public Safety Sales Tax, and the Special Parks and Playground Funds, Capital Project Funds, which comprise of the Capital Improvement Sales Tax Fund, the Transportation Sales Tax Fund, and Capital Equipment Replacement Fund, and also the Enterprise Fund which is Combined Water Works and Sewerage Fund. All this information is basically the same thing, it may have changed a little bit for the presentation but as far as the totals and everything go, they are the same as what was presented earlier in the Study Session."*

Please see attached FY2020 Budget Public Hearing Document for detail information.

Mayor Suter stated: *"Again, I think we had really excellent Study Sessions on the budget and again always well done. When I see the headlines that the City of Independence is \$3.5 million short in their budget and they have to now take back benefits and stuff from their employees; we are always so appreciative of the great job the city does in managing its resources. It's so comfortable to do this process because staff always manages to work out the issues and so we always end up with something that is comfortable and we are able to have our 20% reserve. It's a rare thing. We have never used it. Maybe someday we will, who knows, maybe we won't. It's a good fiscal practice to have it there in case something does happen that is unaccounted for in the budget. In this era of increasing natural disasters, it seems like there may come a day when we have to have it for something. Again, great job to all of you."*

There was no further testimony.

Mayor Suter closed the Public Hearing at 8:09 pm.

Item No. 19. On the Agenda. **RESOLUTION R-19-28** A Resolution adopting the 2020 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing the expenditures of funds for municipal services.

Councilman Mallams moved to approve **RESOLUTION R-19-28** A Resolution adopting the 2020 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing the expenditures of funds for municipal services. Mayor Pro Tem Moore seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 20. On the Agenda. **PUBLIC HEARING SEWER RATE CHARGES.**

Mayor Suter opened the Public Hearing at 8:10.

Finance Director Dominic Accurso approached Council and stated: *"Good evening again, Mayor and City Council. Also on May 9th, we published a Public Hearing notice in the Gladstone Dispatch for the meeting for tonight. We will discuss the Sewer Rate Public Hearing. This is a*

chart of historical information from water usage. You probably remember the conversation that we have had every year that you know it is declining, we think it has stopped, fingers crossed. It seems to have leveled out this year, the past couple of years, actually, but in all, from 2005 to now, usage has declined 20%. That is significant, especially when you are trying to pay, charge services to pay to provide those services. That is a very difficult thing to do. As discussed in the previous section, we did get notice from Kansas City that sewer rates are being increased this year. First the good news, we are not increasing water rates. Currently the water rate is \$4.75 per thousand gallons, service charge \$9.27 a month, no change. Sewer rates, on the other hand, current rate is \$9.37 per thousand gallons, service charge is \$13.60 a month. The proposed change is to increase the usage of the per thousand gallon amount to \$9.92. That is an increase of \$.55 per thousand gallons. The service charge will increase to \$14.40, or an increase of \$.80 per month. Not as big of a jump as we have seen in the previous years. This is the chart that we looked at a couple of months ago. This is a difficult time because other cities are also adopting their budget and doing the same thing. We don't know exactly when all these numbers are being adopted from other cities. As you can see, Gladstone is still relatively in the middle. This is for usage of 5,000 gallons of water and 4,000 gallons of sewer per month which we found that to be our average customer. All together that comes up to \$87.11 per month for both water and sewer. Previous years was \$84.10 so there is an increase of \$3.01 per month."

There was no further testimony.

Mayor Suter closed the Public Hearing at 8:12 pm.

Item No. 21. On the Agenda. FIRST READING BILL NO. 19-23 An Ordinance amending Section 6.110.570 of the Code of Ordinances of the City of Gladstone, Missouri, levying sewer service charges and commodity rate charges in the city.

Councilman Mallams moved Bill No. 19-23 be placed on its First Reading. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Mallams moved to accept the First Reading of Bill No. 19-23, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Mallams moved to accept the Second and Final Reading of Bill No. 19-23, and enact the Bill as **Ordinance 4.473**. **Councilman Yarber** seconded.

Mayor Pro Tem Moore stated: "Mayor Suter, this is just one of those votes that we have to take that none of us want to take. Our hands are really tied by the fact that we have Kansas City handling our sewer charges. I think I probably speak for everybody to say nobody wants to vote for this but we don't really have a choice."

The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 22. On the Agenda. FIRST READING BILL NO. 19-24 An Ordinance directing the City Manager to execute a Mutual Aid Agreement with the Platte County Sheriff's Department for Intergovernmental Law Enforcement Service and Assistance.

Councilman Garnos moved Bill No. 19-24 be placed on its First Reading. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Garnos moved to accept the First Reading of Bill No. 19-24, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

Councilman Garnos moved to accept the Second and Final Reading of Bill No. 19-24, and enact the Bill as **Ordinance 4.474**. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

Item No. 23. On the Agenda. Other Business.

There was no other business to come before the Council.

Item No. 24. On the Agenda. Adjournment.

Mayor Suter adjourned the June 10, 2019, Regular City Council meeting at 8:17 pm.

Respectfully submitted:

Ruth E. Bocchino, City Clerk

Approved as presented: ____

Approved as modified: ____

Mayor Carol J. Suter

PROCLAMATION OF THE MAYOR

A PROCLAMATION RECOGNIZING THE BENEFITS OF PARKS AND RECREATION AND DECLARING THE MONTH OF JULY 2019, AS NATIONAL PARKS AND RECREATION MONTH IN THE CITY OF GLADSTONE.

WHEREAS, park and recreation activities enhance the physical health and mental well-being of individuals, work forces, and communities; and

WHEREAS, participation in recreation programs builds self-esteem and provides positive and constructive alternatives to anti-social behavior; and

WHEREAS, parks and recreation opportunities and open spaces enhance the desirability of communities as locations for business, industry, and residential housing; and

WHEREAS, parks and recreation stimulates tourism revenues and the economic development of communities; and

WHEREAS, parks and open spaces are vital to the appearance and livability of communities; protect our air and water, and balance our ecosystem; and

WHEREAS, it is the right of everyone regardless of age, race, color, religion, gender, national origin or ability to participate in parks and recreation programs and activities and enjoy parks and open spaces.

NOW, THEREFORE, I, Carol J. Suter, Mayor of the City of Gladstone, Missouri, on behalf of the Gladstone City Council and all Gladstone residents do hereby proclaim July, 2019 as:

NATIONAL PARKS AND RECREATION MONTH

in Gladstone, Missouri, and urge all residents of this community to join with citizens of other communities throughout this great state in recognizing that parks and recreation services are essential to the quality of life not only in the month of July but all through the year.

RESOLUTION NO. R-19-29

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 11 IN THE AMOUNT OF \$197,257.50 TO THE CONTRACT WITH LAN-TEL COMMUNICATIONS SERVICES, INCORPORATED, FOR THE 2019 CURB, GUTTER AND SIDEWALK PROJECT TP1804.

WHEREAS, additional work under the 2018 Curb, Gutter and Sidewalk Project has been determined necessary and is recommended by the Director of Public Works.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the City Manager of the City of Gladstone, Missouri, is hereby authorized to execute Change Order No. 11 to the contract with Lan-Tel Communications Services, Incorporated, TP1804, for the 2019 Curb, Gutter and Sidewalk Project, as follows:

Original Contract Amount:	\$ 169,357.50
Change Orders 1 - 10	<u>214,538.25</u>
Total approved to date:	383,895.75
Change Order 11	<u>197,257.50</u>
Revised Contract Amount:	<u><u>\$ 581,153.25</u></u>

FURTHER, THAT, funds for such purpose are authorized from the Transportation Sales Tax Fund.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 24th DAY OF JUNE 2019.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-19-XX

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 6/18/2019

Department: Public Works

Meeting Date Requested: 6/24/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Change Order 11 to Project TP1804 for the 2019 Curb, Gutter and Sidewalk Program

Background: The contract for Project TP1804 was awarded to Lan-Tel Communications Services, Inc. as authorized by Resolution 18-03 for Phase 1 of the 2018 street maintenance program. Changer Orders 2 through 10 added Phase 2 of the 2018 street maintenance program and concrete work in the vicinity of Iwerx and Summit Grill on N. Locust Avenue. Change Order 11 modifies the scope of that contract to include the 2019 street maintenance program at last year's unit prices. This additional work is being added to the contract based on this contractor's good work and performance as permitted by the City's Purchasing Policy (Section IV, Paragraph D). A financial breakdown of the Contract is:

Original Contract Amount:	\$ 169,357.50
Change Orders 1 - 10	214,538.25
Total approved to date:	383,895.75
Change Order 11	197,257.50
Revised Contract Amount:	\$581,153.25

Budget Discussion: Funds are budgeted in the amount of \$ 200,000 from the TST Fund. Ongoing costs are estimated to be \$ N/A annually. Previous years' funding was \$384,000.00.

Public/Board/Staff Input: [Click here to enter text.](#)

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Timothy A. Nebergall
Department Director/Administrator

City Attorney

City Manager

RESOLUTION NO. R-19-30

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AMERICAN FIDELITY ASSURANCE COMPANY VIA THE PARTNERSHIP WITH MIDWEST PUBLIC RISK FOR THE CHANGES TO THE ADMINISTRATION OF THE CITY OF GLADSTONE'S FLEXIBLE BENEFITS PLAN.

WHEREAS, the City of Gladstone has established a Section 125 flexible benefits plan for employees to provide reasonable health insurance options for its employees by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the City of Gladstone has determined that the continuance of the flexible benefits plan, in accordance with IRS requirements, will serve these objectives.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the City of Gladstone hereby restates the City's flexible benefits plan to allow pre-tax salary redirection under the Plan for eligible group insurance premiums and to General Purpose Health Care/Medical Reimbursement Plan or Limited Purpose Health Care Reimbursement Plans, and/or to the Dependent Care Reimbursement Plans within the maximums set forth by the IRS.

FURTHER, THAT, the City Manager of the City of Gladstone, Missouri, is hereby authorized to execute a contract with American Fidelity Assurance Company via the partnership with Midwest Public Risk for the administration of the City's Flexible benefits plan for the FY 2020 plan year.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 24th DAY OF JUNE 2019.

Mayor Carol J. Suter

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-19-30

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 6/20/2019

Department: General Administration

Meeting Date Requested: 6/10/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: City of Gladstone Flexible Benefits Plan

Background: The City of Gladstone is a member of Midwest Public Risk (MPR) – a public entity self-insurance pool providing health, dental and vision insurance to its membership of local governments, agencies and school districts. For the 2019/2020 health care plan year, the city is making available to three new medical care plan options (INO Sure Fit, OAP 2000 and Choice Fund 2000 HDHP with Health Savings Account). With the continuation of the current INO #2 “Buy Up” plan, the city continues to offer 4 unique medical care plans. As you may recall, MPR expanded their services to include a partnership with a flexible benefits plan vendor, also known as a “flexible spending account” (Section 125 Plan) vendor, i.e., American Fidelity Assurance Company (AFA). Generally, the flexible benefits plan allows employees to deduct select healthcare premiums from gross earnings before taxes are computed. More specifically, a Flexible Spending Account (FSA) provision allows employees to elect an amount to be withheld from their paycheck each month and held in a separate account. The funds in this account are then made available to eligible employees to use their contributions to pay for eligible out-of-pocket expenses (medical, dependent care and limited health). Typically this gives employees more spendable income because current after-tax expenses, such as health care premiums, expenses and benefits, can be paid with pre-tax dollars. In 2016, we amended the flexible benefit plan to allow for the %500 rollover provision. The IRS modified the “use it or lose it” rule to allow plans to rollover up to \$500 of unused funds to the next plan year. The Flexible Spending Accounts (FSAs) limit for years beginning in 2019 is \$2,700. Amounts counted towards the \$500 rollover do not count towards the \$2,700 maximum. We also modified the agreement to include the limited purpose FSA coupled with a Health Savings Account. We wish to restate the current provisions of the City of Gladstone’s Flexible Benefit Plan through an agreement with AFA for administration, recognizing the new health care plans for the 2019/2010 policy year and the new IRS limits for each calendar year. Therefore, we respectfully request authorization from the Council to execute the restated plan through an agreement with AFA. Thank you for the opportunity to assist with this important employee benefit.

Budget Discussion: Funds are budgeted in the amount of \$ 0 from the N/A Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years’ funding was \$

Public/Board/Staff Input:

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Charlene Leslie
Department Director/Administrator

City Attorney

SW

City Manager

LETTER OF TRANSMITTAL



CITY OF GLADSTONE
Community Development Department
P.O. Box 10719
Gladstone, Missouri 64188-0719
Tel. (816) 436-2200 Fax (816) 436-2228



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: JUNE 11, 2019
PERMIT NO.: 19-00459
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: INDEPENDENCE DAY CELEBRATION
LOCATION OF EVENT: 7600 N. TROOST AVENUE
OAK GROVE PARK
DATE OF EVENT: THURSDAY, JULY 4, 2019
TIME OF EVENT: 5:00PM – 11:00PM
EST. ATTENDANCE: 10,000

REQUESTED TEMPORARY VARIANCE:

- ☒ Section 2.120.050 Noise prohibited.
- ☒ Section 2.130.010(2) Park rules and regulations (hours).
- ☐ Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
- ☒ Section 2.135.040 Prohibition of smoking on or within all public park grounds.
- ☒ Section 2.140.040 Public fireworks display prohibited, exceptions.
- ☐ Section 5.110.1800 Drinking in public.
- ☐ Section 5.160.230(a) Street use permit (street use permit allowed).
- ☒ Section 9.1600.110 Temporary signs.
- ☐ Other – Section _____
- ☐ Other – Section _____

REMARKS: The Parks, Recreation, and Cultural Arts Department will be hosting the City's annual Independence Day Celebration at Oak Grove Park. City staff has reviewed the application and find that the requested variances are appropriate for this venue.

Signed: _____

Alan D. Napoli, C.B.O.

Community Development Administrator / Building Official

ATTACHMENT(S):

☒ Map

☐ Other _____



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 6/11/2019

Department: Community Development

Meeting Date Requested: 6/24/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Outdoor Special Event Permit

Background: The Parks, Recreation, and Cultural Arts Department will be hosting the City's annual Independence Day Celebration at Oak Grove Park. At 7:00pm, Dreamscape 88 will perform followed by Mayor's welcome and presentation of colors; after which North Star Community Band will perform. The celebration will conclude with an awesome fireworks display. The Gladstone Rotary Club will be staffing the concessions trailer.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: See attached letter of transmittal

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

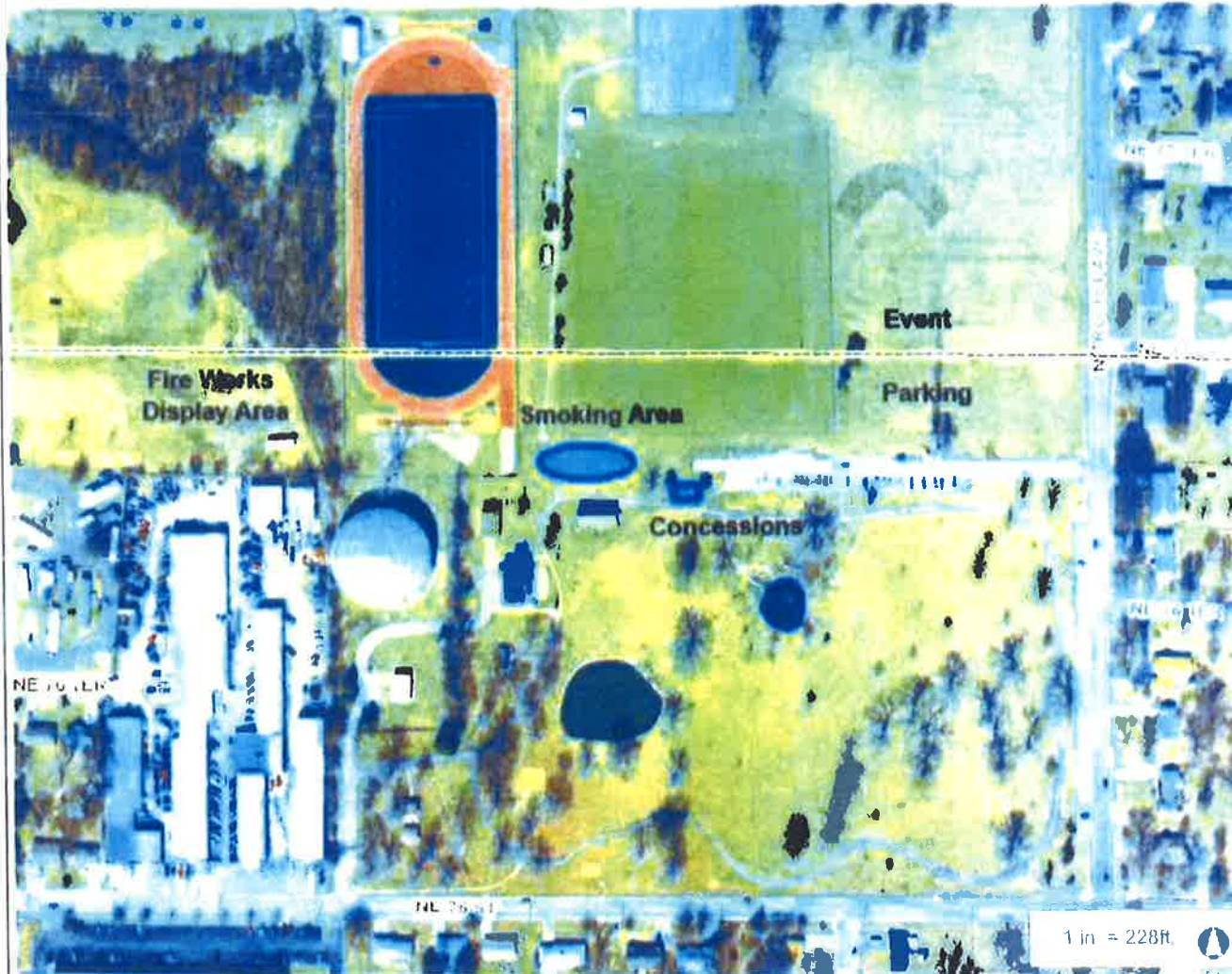
Alan Napoli
Community Development Administrator / Building Official

Attorney

City Manager



Gladstone, MO



Legend

- Street Centerline
- City Limits

Notes

455.6 227.78 455.6 Feet

1 in = 228ft

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

LETTER OF TRANSMITTAL



CITY OF GLADSTONE
Community Development Department
P.O. Box 10719
Gladstone, Missouri 64188-0719
Tel. (816) 436-2200 Fax (816) 436-2228



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: JUNE 11, 2019
PERMIT NO.: BP-19-00460
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: THEATER IN THE PARK
LOCATION OF EVENT: 7600 N. TROOST AVENUE
OAK GROVE PARK

DATE OF EVENT: FRIDAY, JULY 5, 2019
SATURDAY, JULY 6, 2019
SUNDAY, JULY 7, 2019

FRIDAY, AUGUST 2, 2019
SATURDAY, AUGUST 3, 2019
SUNDAY, AUGUST 4, 2019

TIME OF EVENT: 5:00PM – 11:00PM NIGHTLY
EST. ATTENDANCE: 2,000 – 4,000 PER NIGHT

REQUESTED TEMPORARY VARIANCE:

- ☒ Section 2.120.050 Noise prohibited.
☒ Section 2.130.010(2) Park rules and regulations (hours).
☐ Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
☒ Section 2.135.040 Prohibition of smoking on or within all public park grounds.
☐ Section 2.140.040 Public fireworks display prohibited, exceptions.
☐ Section 5.110.1800 Drinking in public.
☐ Section 5.160.230(a) Street use permit (street use permit allowed).
☒ Section 9.1600.110 Temporary signs.
☐ Other – Section _____
☐ Other – Section _____

REMARKS: The Parks, Recreation, and Cultural Arts Department will be hosting two (2) theater in the park productions. City staff has reviewed the application and find that the requested variances are appropriate for this venue.

Signed:


Alan D. Napoli, C.B.C.

Community Development Administrator / Building Official

ATTACHMENT(S):

- ☒ Map
☐ Other _____



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 6/11/2019

Department: Community Development

Meeting Date Requested: 6/24/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Outdoor Special Event Permit

Background: The Parks, Recreation, and Cultural Arts Department will be hosting Theater in the Park at Oak Grove Park. This year's productions are July – "42nd Street" and August – "Tarzan". The park will open up at 5:00pm and Close at 11:00pm with the productions beginning at 8:30pm and concluding by 10:30pm. The Gladstone Rotary Club will be staffing the concessions trailer.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: See attached letter of transmittal

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

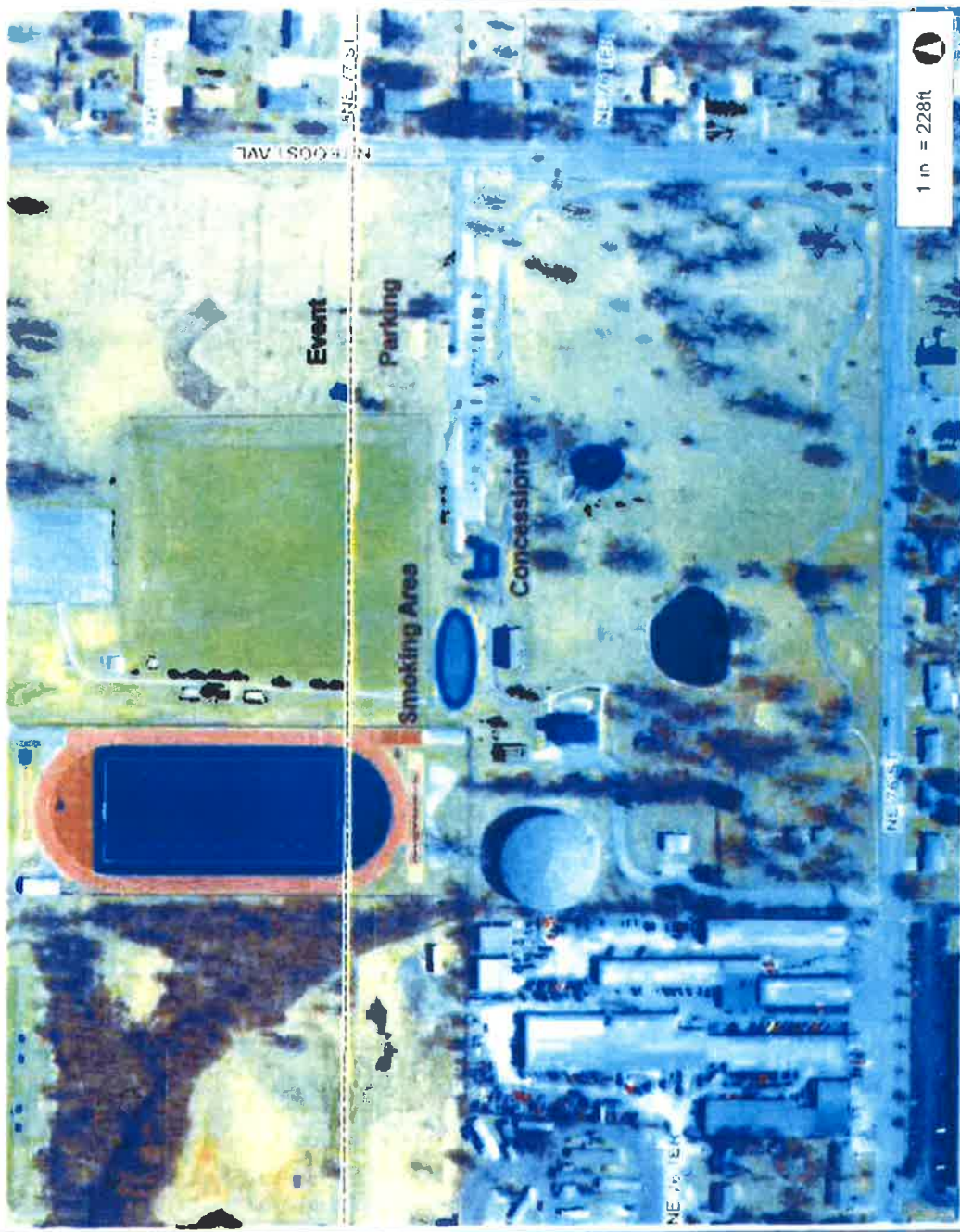
Alan Napoli
Community Development Administrator / Building Official

Attorney

City Manager



Gladstone, MO



455.6 0 227.78 455.6 Feet

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LETTER OF TRANSMITTAL



CITY OF GLADSTONE
Community Development Department
P.O. Box 10719
Gladstone, Missouri 64188-0719
Tel. (816) 436-2200 Fax (816) 436-2228



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: JUNE 14, 2019
PERMIT NO.: BP-19-00478
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: CHILDREN'S GARDEN DAY
LOCATION OF EVENT: 4109 NE PLEASANT VALLEY ROAD
ATKINS-JOHNSON FARM & MUSEUM
DATE OF EVENT: SATURDAY, JULY 13, 2019
TIME OF EVENT: 9:00AM – 12:00PM
EST. ATTENDANCE: 120

REQUESTED TEMPORARY VARIANCE:

- ☐ Section 2.120.050 Noise prohibited.
- ☐ Section 2.130.010(2) Park rules and regulations (hours).
- ☐ Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
- ☐ Section 2.135.040 Prohibition of smoking on or within all public park grounds.
- ☐ Section 2.140.040 Public fireworks display prohibited, exceptions.
- ☐ Section 5.110.1800 Drinking in public.
- ☐ Section 5.160.230(a) Street use permit (street use permit allowed).
- ☒ Section 9.1600.110 Temporary signs.
- ☐ Other – Section _____
- ☐ Other – Section _____

REMARKS: The Parks, Recreation, and Cultural Arts Department will be hosting the annual Children's Garden Day. City Staff has reviewed the application and finds that the requested variance(s) are appropriate for this venue.

Signed:


Alan D. Napoli, C.B.O.

Community Development Administrator / Building Official

ATTACHMENT(S):

- ☒ Map
- ☐ Other _____



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 6/14/2019

Department: Community Development

Meeting Date Requested: 6/24/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Outdoor Special Event Permit

Background: The Parks, Recreation and Cultural Arts Department will be hosting the annual Children's Garden Day at the Atkins-Johnson Farm and Museum. The event is for children of all ages whether they have an interest in gardening or not. They will learn about gardening and even hands on gardening activities. The activities will begin at 9:00am and conclude at 12:00pm.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: See attached letter of transmittal

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

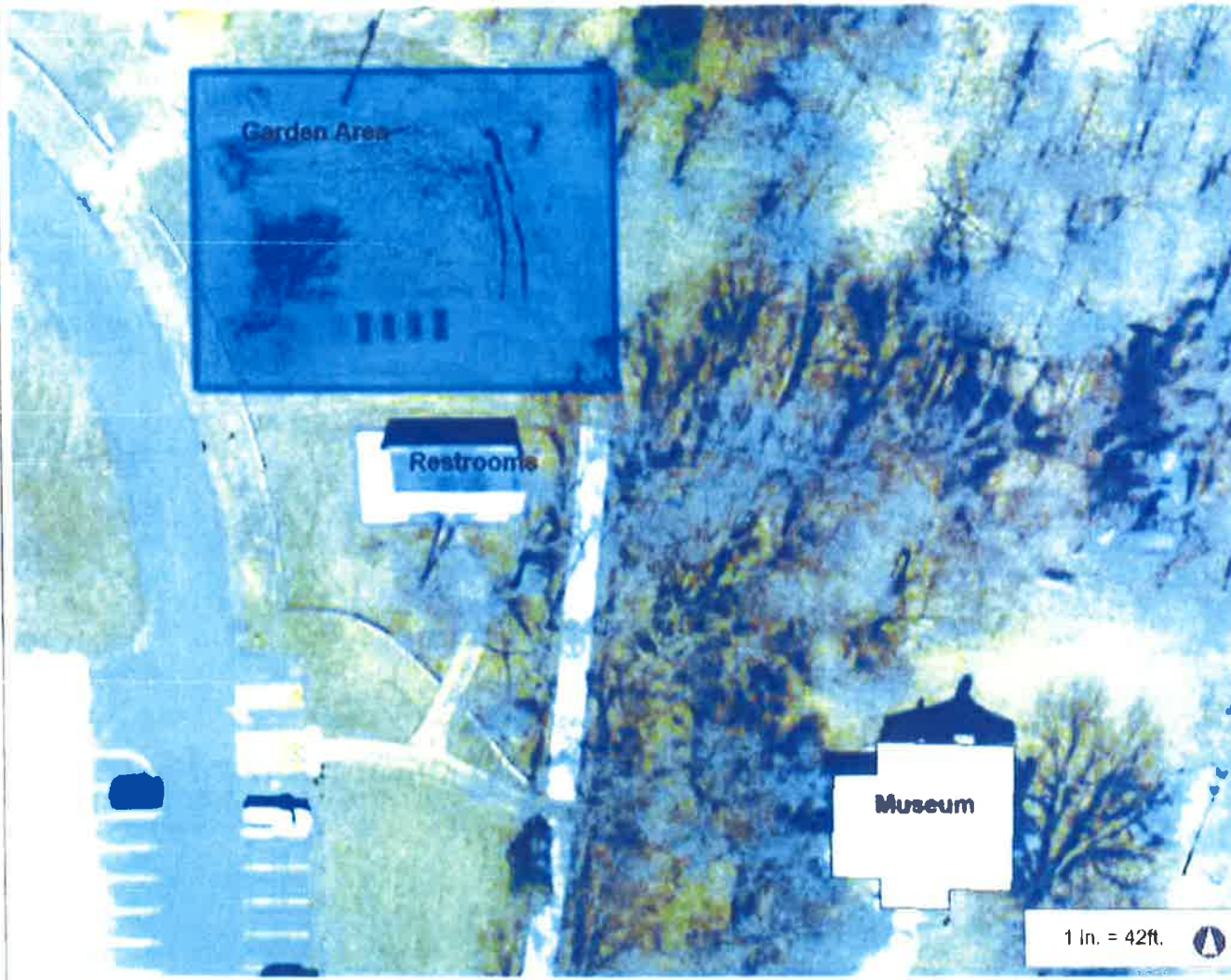
Alan Napoli
Community Development Administrator / Building Official

Attorney

City Manager



Gladstone, MO



Legend

- Edge Of Pavement
- City Limits
- Parcel
- Building Footprint

83.3 0

41.67 83.3 Feet

1 in. = 42ft.



Notes

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

LETTER OF TRANSMITTAL



CITY OF GLADSTONE
Community Development Department
P.O. Box 10719
Gladstone, Missouri 64188-0719
Tel. (816) 436-2200 Fax (816) 436-2228



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: JUNE 14, 2019
PERMIT NO.: BP-19-00479
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: BIG SHOAL COUNTRY FAIR
LOCATION OF EVENT: 4109 NE PLEASANT VALLEY ROAD
ATKINS-JOHNSON FARM & MUSEUM
DATE OF EVENT: SATURDAY, SEPTEMBER 7, 2019
TIME OF EVENT: 10:00AM – 5:00PM
EST. ATTENDANCE: 1,200

REQUESTED TEMPORARY VARIANCE:

- ☒ Section 2.120.050 Noise prohibited.
☐ Section 2.130.010(2) Park rules and regulations (hours).
☐ Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
☐ Section 2.135.040 Prohibition of smoking on or within all public park grounds.
☐ Section 2.140.040 Public fireworks display prohibited, exceptions.
☐ Section 5.110.1800 Drinking in public.
☐ Section 5.160.230(a) Street use permit (street use permit allowed).
☒ Section 9.1600.110 Temporary signs.
☐ Other – Section _____
☐ Other – Section _____

REMARKS: The Parks, Recreation, and Cultural Arts Department will be hosting the annual Big Shoal Country Fair. City Staff has reviewed the application and finds that the requested variance(s) are appropriate for this venue.

Signed:

Alan D. Napoli, C.B.O.

Community Development Administrator / Building Official

ATTACHMENT(S):

- ☒ Map
☐ Other _____



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 6/14/2019

Department: Community Development

Meeting Date Requested: 6/24/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Outdoor Special Event

Background: The Parks, Recreation, and Cultural Arts Department will be hosting the annual Big Shoal Country Fair at the Atkins-Johnson Farm and Museum. The event will have several activities, vendors, and music. Participants will be able to view the pumpkin patch and the City own Bee Hives. The event will begin at 10:00am and conclude at 5:00pm.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: See attached letter of transmittal

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

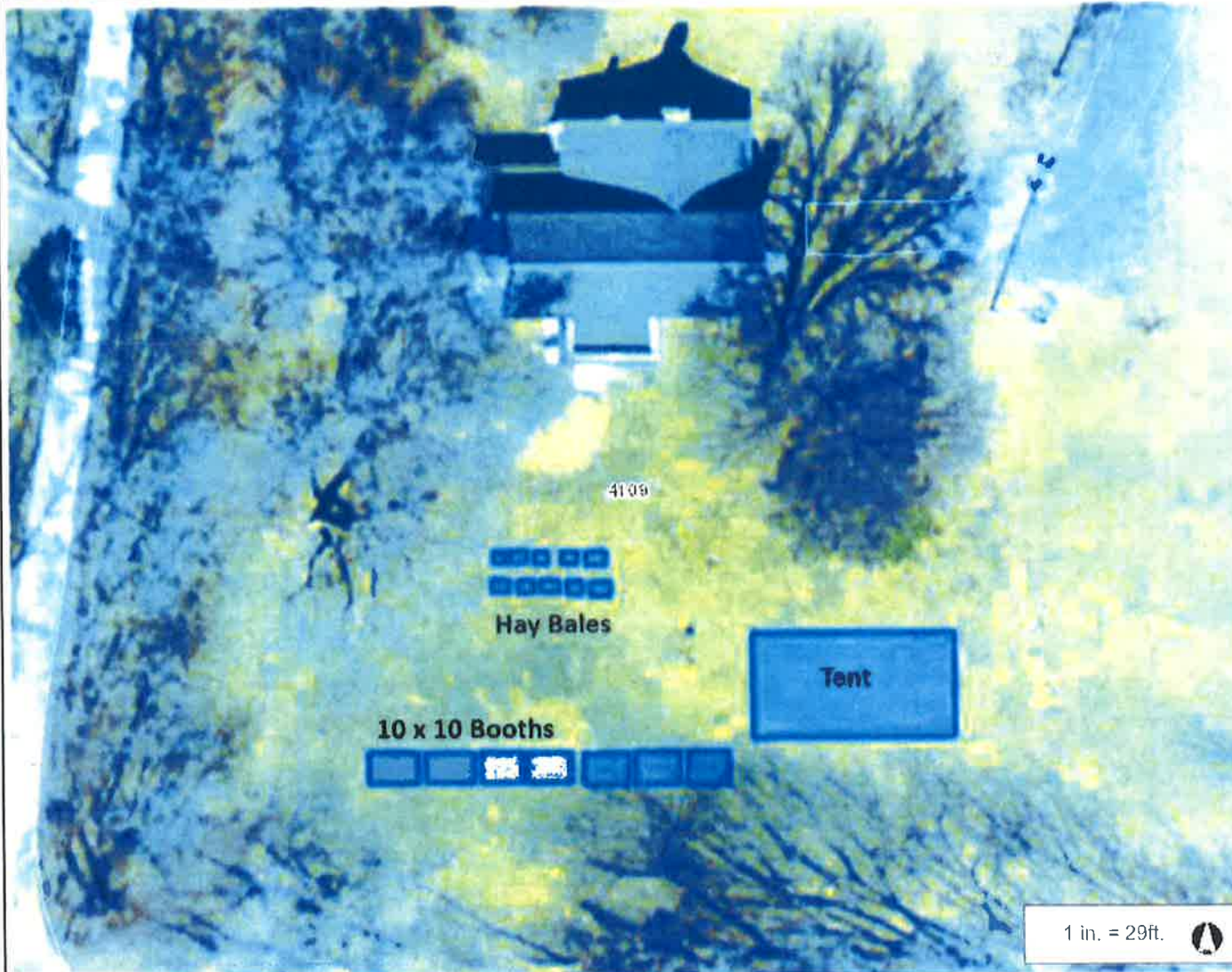
Alan Napoli
Community Development Administrator / Building Official

Attorney

City Manager



Gladstone, MO



Legend

- Stop Sign
- KCPL Lights
- Gladstone Lights
- School Point
- Bike Parking
- Bus Stop
- Point of Interest
- Church
- Apartment Point
- Street Centerline
- Edge Of Pavement
- Driveway
- City Limits
- Parcel
- House Number
- Villages
- Apartment Polygon

1 in. = 29ft.



57.8 0 28.88 57.8 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

LETTER OF TRANSMITTAL



CITY OF GLADSTONE
Community Development Department
P.O. Box 10719
Gladstone, Missouri 64188-0719
Tel. (816) 436-2200 Fax (816) 436-2228



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: JUNE 14, 2019
PERMIT NO.: BP-19-00480
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: COOKIES AND PHOTOS WITH SANTA AND MRS. CLAUSE
LOCATION OF EVENT: 4109 NE PLEASANT VALLEY ROAD
ATKINS-JOHNSON FARM & MUSEUM
DATE OF EVENT: SATURDAY, DECEMBER 14, 2019
TIME OF EVENT: 11:00AM – 9:00PM
EST. ATTENDANCE: 860

REQUESTED TEMPORARY VARIANCE:

- ☐ Section 2.120.050 Noise prohibited.
- ☐ Section 2.130.010(2) Park rules and regulations (hours).
- ☐ Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
- ☐ Section 2.135.040 Prohibition of smoking on or within all public park grounds.
- ☐ Section 2.140.040 Public fireworks display prohibited, exceptions.
- ☐ Section 5.110.1800 Drinking in public.
- ☐ Section 5.160.230(a) Street use permit (street use permit allowed).
- ☒ Section 9.1600.110 Temporary signs.
- ☒ Section 3.100.060 Burning prohibited generally; exceptions
- ☐ Other – Section _____

REMARKS: The Parks, Recreation, and Cultural Arts Department will be hosting the annual Cookies and Photos with Santa and Mrs. Clause. City Staff has reviewed the application and finds that the requested variance(s) are appropriate for this venue.

Signed:

Alan D. Napoli, C.B.O.

Community Development Administrator / Building Official

ATTACHMENT(S):

☒ Map

☐ Other _____



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 6/14/2019

Department: Community Development

Meeting Date Requested: 6/2/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Outdoor Special Event Permit

Background: The Parks, Recreation, and Cultural Arts Department will be hosting the annual Cookies and Photos with Santa and Mrs. Clause. The event will include a Holiday night program with Christmas themed activities and music; there will also be a bon-fire outside on the premises as part of the program. The event will begin at 11:00am and conclude at 9:00pm.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: See attached letter of transmittal

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

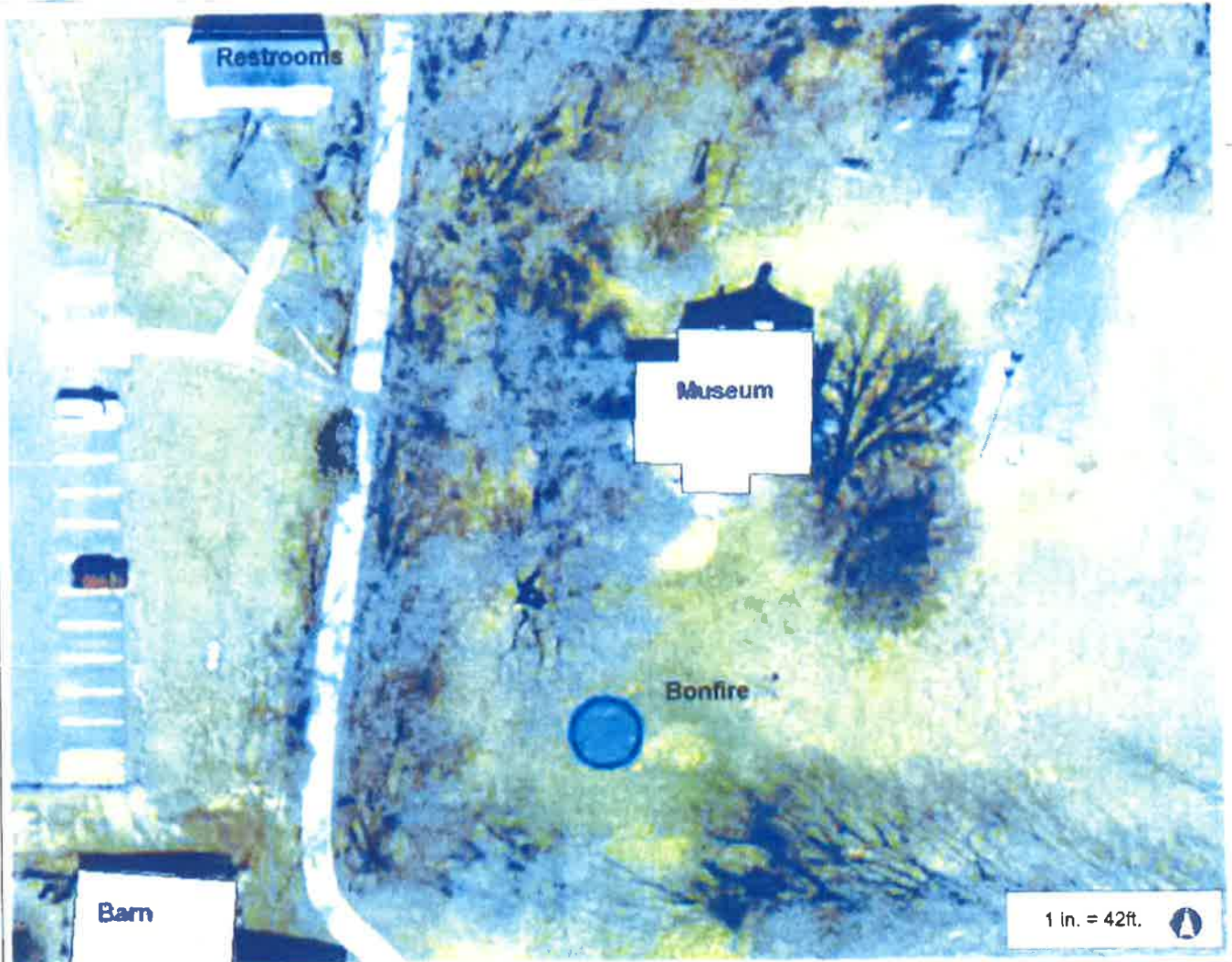
Alan Napoli
Community Development Administrator / Building Official

Attorney

City Manager



Gladstone, MO



Legend



1 in. = 42ft.



N

41.67

83.3 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



CITY OF GLADSTONE MISSOURI

Financial Report for 11 Months Ended
May 30, 2019

GENERAL FUND

Revenue Source	May 2019	May 2018	\$ Change	% Change	% of Budget	FY19 Budget
Property Tax	\$ 3,550,310	\$ 3,517,604	\$ 32,706	1%	100%	\$ 3,551,050
Sales Tax	3,600,382	3,551,258	49,124	1%	89%	4,025,000
Gross Receipts Tax	3,140,582	3,250,854	(110,272)	-3%	88%	3,587,000
Licenses & Permits	585,491	645,029	(59,538)	-9%	86%	682,550
Intergovernmental	1,271,969	1,263,360	8,609	1%	93%	1,371,500
Charges for Services	3,278,025	3,071,996	206,029	7%	87%	3,758,100
Fines & Forfeitures	627,851	752,714	(124,863)	-17%	83%	754,500
Operating Revenues	16,054,610	16,052,815	1,795	0%	91%	17,729,700
Misc. Revenue	882,318	889,370	(7,052)	-1%	88%	1,003,512
Equity Transfer	100,000	2,004,809	(1,904,809)	-95%	100%	100,000
Total Revenues	\$ 17,036,928	\$ 18,946,994	\$ (1,910,066)	-10%	90%	\$ 18,833,212

Total revenues for the General Fund through 11 months or 92% of this fiscal year are \$17,036,928 compared to total budgeted revenues for the year of \$18,833,212. Operating revenues for the General Fund are \$16,054,610 while last year at this time operating revenues were \$16,052,815 resulting in a \$1,795 increase from last year. Property tax collections are 1% or \$32,706 greater than last year. Sales tax on a cash basis is 1% higher than the same time last year by \$49,124. Gross receipts taxes are down 3% or \$110,272 from last year, mainly due to decreasing telecom and wireless gross receipts. License and Permits revenues are down 9% or \$59,538 from the same time as last year due to less new construction activity and business licensing. Intergovernmental is up 1% or \$8,609. Charges for Services are up 7% or \$206,029 compared to the previous year due to senior activities. Fines and Forfeitures are down 17% or \$124,863 from the same time last year due to the effects of state legislation and fewer citations issued. Miscellaneous Revenue is down 1% due mainly to fewer transfers into the General Fund from other funds and insurance settlements. Equity transfer is down due to prior year re-appropriations of \$2,004,809.

Expenditure Function	May 2019	May 2018	\$ Change	% Change	% of Budget	FY19 Budget
General Administration	\$ 1,131,940	\$ 1,132,633	\$ (693)	0%	82%	\$ 1,387,103
Finance	1,344,057	1,250,982	93,075	7%	86%	1,568,783
Public Safety	7,494,464	7,205,276	289,188	4%	89%	8,429,853
Public Works	2,121,439	2,095,343	26,096	1%	87%	2,437,663
Community Development	656,912	716,827	(59,915)	-8%	80%	816,603
Parks & Recreation	2,560,498	2,324,205	236,293	10%	88%	2,903,021
Non-Departmental	690,090	807,571	(117,481)	-15%	77%	890,976
Transfers/Debt	345,993	450,803	(104,810)	-23%	88%	395,015
Total Expenditures	\$ 16,345,393	\$ 15,983,640	\$ 361,753	2%	87%	\$ 18,829,017

Expenditures through 11 months or 92% of this fiscal year amounted to \$16,345,393 or 87% of FY19 budgeted expenditures of \$18,829,017. This indicates that actual expenditures are 2% or \$361,753 more than last year's expenditures of \$15,983,640. General Administration expenditures are comparable to last year. Finance expenditures are up 7% due to changes in personnel and refund to Medicare. Public Safety expenditures are up \$289,188 or 4% due to increased personnel costs. Public Works expenditures have increased by 1% due to the additional need for road salt. Community Development expenditures are down 8% due to personnel changes. Parks & Recreation expenditures are up 10% or \$236,293 from the same time last year due mainly to increases in Senior Activities. Non-Departmental is down 15% or \$117,481 due to decreased insurance settlements, and downtown development expense classifications. Transfers and debt have decreased due to fewer transfers out to other funds. Current revenues are greater than expenditures in the amount of \$691,535.

COMBINED WATER AND SEWERAGE SYSTEM FUND

Revenue Source	May 2019	May 2018	\$ Change	% Change	% of Budget	FY19 Budget
Sanitation	\$ 5,848,461	\$ 5,587,360	\$ 261,101	5%	89%	\$ 6,542,500
Water	3,888,243	3,773,237	115,006	3%	90%	4,328,931
Operating Revenues	9,736,704	9,360,597	376,107	4%	90%	10,871,431
Misc Revenue	140,169	213,780	(73,611)	-34%	115%	122,000
Equity Transfer	290,000	64,126	225,874	352%	100%	290,000
Total Revenues	<u>\$ 10,166,873</u>	<u>\$ 9,638,503</u>	<u>\$ 528,370</u>	<u>5%</u>	<u>90%</u>	<u>\$ 11,283,431</u>

Total budgeted revenues for the fiscal year are \$11,283,431. Total revenues through 11 months or 92% of this fiscal year, amounted to \$10,166,873 or 90% of FY19 budgeted revenues. Operating revenues are up 4% or \$376,107 from last year due to rate increases in both water and sewer. Miscellaneous revenues are down \$73,611 due to KCP&L rebates received in the prior year.

Expenditure Function	May 2019	May 2018	\$ Change	% Change	% of Budget	FY19 Budget
Production	\$ 1,170,567	\$ 1,165,375	\$ 5,192	0%	89%	\$ 1,310,806
Operations & Maint	1,116,411	926,960	189,451	20%	58%	1,941,226
Sewer Collection	367,631	352,665	14,966	4%	71%	517,900
Non-Departmental	5,513,558	5,252,574	260,984	5%	86%	6,443,594
Debt Payments	1,059,817	1,078,128	(18,311)	-2%	100%	1,059,905
Total Expenses	<u>\$ 9,227,984</u>	<u>\$ 8,775,702</u>	<u>\$ 452,282</u>	<u>5%</u>	<u>82%</u>	<u>\$ 11,273,431</u>

Total budgeted expenses for the fiscal year are \$11,273,431. Total expenses through 11 months or 92% of this fiscal year amounted to \$9,227,984 or 82% of FY19 budgeted expenses. Production expenditures are comparable to the previous fiscal year. Operations division expenditures are up 20%, or \$189,451 from the previous year due to water main replacements and repairs. Sewer division expenditures are up 4% or \$14,966 due to personnel costs. Non-departmental is up 5% due to increased payments to Kansas City. Debt payments are down 2% or \$18,311 from the prior year. Current revenues exceed current expenses for the fiscal year. Net income on a cash basis is \$938,889.

COMMUNITY CENTER AND PARKS TAX FUND

Revenue Source	May 2019	May 2018	\$ Change	% Change	% of Budget	FY19 Budget
Sales Tax	\$ 768,803	\$ 758,305	\$ 10,498	1%	88%	\$ 874,000
Intergovernmental	700,000	700,000	-	0%	100%	700,000
Charges for Service	1,060,156	1,078,107	(17,951)	-2%	81%	1,304,825
Other Revenue	<u>224,989</u>	<u>189,815</u>	<u>35,174</u>	<u>19%</u>	<u>90%</u>	<u>249,000</u>
Operating Revenues	2,753,948	2,726,227	27,721	1%	88%	3,127,825
Misc Revenue	51,671	111,035	(59,364)	-53%	91%	56,700
Transfers	749,500	752,500	(3,000)	0%	100%	749,500
Equity Transfer	<u>292,015</u>	<u>186,265</u>	<u>105,750</u>	<u>57%</u>	<u>100%</u>	<u>292,015</u>
Total Revenues	<u>\$ 3,847,134</u>	<u>\$ 3,776,027</u>	<u>\$ 71,107</u>	<u>2%</u>	<u>91%</u>	<u>\$ 4,226,040</u>

Total budgeted revenues for the fiscal year are \$4,226,040. Total revenues through 11 months or 92% of this fiscal year, amounted to \$3,847,134 or 91% of FY19 budgeted revenues. Operating revenues are up 1% or \$27,721 compared to FY18. Sales tax received is up 1% or \$10,498. Charges for Service are down 2% or \$17,951. Other revenue is up 19% due to increased banquet room and pool/facility rental. Miscellaneous revenue is down 53% or \$59,364 due to insurance settlements in the prior year. Equity adjustment is up \$105,750.

Expenditure Function	May 2019	May 2018	\$ Change	% Change	% of Budget	FY19 Budget
Community Center	\$ 823,646	\$ 800,959	\$ 22,687	3%	95%	\$ 864,987
Natatorium	734,372	695,494	38,878	6%	83%	884,762
Outdoor Pool	115,010	101,735	13,275	13%	59%	195,152
Non-Departmental	114,603	108,759	5,844	5%	80%	143,549
Debt Payments	<u>2,138,045</u>	<u>2,136,836</u>	<u>1,209</u>	<u>0%</u>	<u>100%</u>	<u>2,137,590</u>
Total Expenses	<u>\$ 3,925,676</u>	<u>\$ 3,843,783</u>	<u>\$ 81,893</u>	<u>2%</u>	<u>93%</u>	<u>\$ 4,226,040</u>

Total budgeted expenditures for the fiscal year are \$4,226,040. Total expenses through 11 months or 92% of this fiscal year, amounted to \$3,925,676 or 93% of FY19 budgeted expenses. Community Center expenses have increased 3% from the same time last year due to increased maintenance and janitorial expenditures. The Natatorium expenses are up 6% or \$38,878 from the same time last year because of personnel costs and chemicals. Outdoor Pool expenses are up 13% due to personnel. Non-departmental is up 5% or \$5,844 mainly due to an increase in equipment maintenance and insurance expense. Debt payments are comparable to the previous year. Net loss on a cash basis is \$78,542.

PUBLIC SAFETY SALES TAX FUND

Revenue Source	May 2019	May 2018	\$ Change	% Change	% of Budget	FY19 Budget
Sales Tax	\$ 768,783	\$ 758,286	\$ 10,497	1%	88%	\$ 874,000
Misc Revenue	8,060	10,266	(2,206)	-21%	179%	4,500
Equity Transfer	71,686	-	71,686	0%	100%	71,686
Total Revenues	<u>\$ 848,529</u>	<u>\$ 768,552</u>	<u>\$ 79,977</u>	<u>10%</u>	<u>89%</u>	<u>\$ 950,186</u>

Total budgeted revenues for the fiscal year are \$950,186. Total revenues through 11 months or 92% of this fiscal year amounted to \$848,529 or 89% of FY19 budgeted revenues. Sales tax on a cash basis is up 1%. Misc. revenue is down \$2,206 from the previous year due to the sale of assets.

Expenditure Function	May 2019	May 2018	\$ Change	% Change	% of Budget	FY19 Budget
PSST Law	\$ 516,698	\$ 551,689	\$ (34,991)	-6%	77%	\$ 667,283
Non-Departmental	31,068	25,028	6,040	24%	66%	46,968
Debt Payments	206,111	215,872	(9,761)	-5%	87%	235,935
Total Expenses	<u>\$ 753,877</u>	<u>\$ 792,589</u>	<u>\$ (38,712)</u>	<u>-5%</u>	<u>79%</u>	<u>\$ 950,186</u>

Total budgeted expenditures for the fiscal year are \$950,186. Total expenses through 11 months or 92% of this fiscal year are \$753,877 or 79% of the FY19 budgeted expenses. Law division is down 6% due to personnel vacancies. Non-Departmental is up \$6,040 due to equipment maintenance. Payments for debt have decreased from the previous year due to the 2017 advanced refunding. Current revenues are greater than current expenditures. Net income on a cash basis is \$94,652.

Respectfully submitted,



Dominic Accurso
Director of Finance

BILL NO. 19-25

ORDINANCE NO. 4.475

AN ORDINANCE AMENDING CHAPTER 160 OF THE GLADSTONE CITY CODE TO UPDATE ITS REGULATIONS RELATING TO SOLICITATION WITHIN THE CITY.

WHEREAS, the City currently regulates solicitation within the City through both the Director of Public Safety and the City Clerk; and

WHEREAS, the dual involvement of the Director of Public Safety and the City Clerk has led to confusion among City Staff and applicants as to the proper official to submit information to and has led to inefficiencies in the application and regulatory process; and

WHEREAS, the City Council desires to ensure that its regulations are straightforward and understandable for applications and citizens, and that City Staff can quickly and easily apply said regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

Section 1. Chapter 160, Solicitation, of the City Code is replaced with a new Chapter 160, Solicitation, to read in the form of Exhibit A, attached hereto and incorporated herein by reference.

Section 2. That this Ordinance shall be in full force and effect from and after its passage.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 24TH DAY OF JUNE, 2019.

Mayor Carol J. Suter

Attest:

Ruth Bocchino, City Clerk

First Reading: June 24, 2019

Second Reading: June 24, 2019



Request for Council Action

RES ☐#

BILL ☒# 19-25

ORD # 4.475

Date: 6/20/2019

Department: General Administration

Meeting Date Requested: 6/10/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Amending Chapter 160 of the Gladstone City Code to update regulations relating to Solicitation within the City.

Background: Currently, all solicitation applications are received by the City Clerk and Finance Department. Once the applications are reviewed by the City Clerk for accuracy, and fees remitted, the applicants are sent to the Public Safety Department for their background check. This amendment removes the City Clerk and Finance Department from the process so the applicants can apply, pay, and receive the permit through one city department. This new process streamlines the application and receipt of the Solicitation permit. The Public Safety Department is able to collect the fee, review the application, and issue accordingly. The Public Safety Department will verify with the Finance Department that the business has a current business license on file with the City of Gladstone.

Budget Discussion: Funds are budgeted in the amount of \$ 0 from the Fund. Ongoing costs are estimated to be \$ annually. Previous years' funding was \$

Public/Board/Staff Input:

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Ruth Bocchino
Department Director/Administrator

City Attorney

SW
City Manager

EXHIBIT A

CHAPTER 160. - SOLICITATION

ARTICLE 1. - IN GENERAL

Sec. 5.160.010. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvasser means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the primary purpose of presenting or discussing a particular religion, philosophy, political position or party or candidate, even if the canvasser accepts or requests donations, where the acceptance or request for donations is only incidental to the purpose of the canvass.

Canvassing includes all activities ordinarily performed by a canvasser as defined under the definition of "canvasser."

Charitable means and includes the word "patriotic," "philanthropic," "social," "service," "health," "welfare," "benevolent," "educational," "civic," "religious," "cultural" or "fraternal," either actual or purported.

Contributions means and includes the words "alms," "money," "subscription," "property" or any donations under the guise of a loan or money or property.

Department means the department of public safety.

Director means the director of public safety or the director's authorized representative.

Peddler means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this chapter.

Peddling includes all activities ordinarily performed by a peddler as indicated under the definition of "peddler."

Person means a natural person or any firm, corporation, association, club, society or other organization.

Solicitor means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future.

Solicitation includes all activities ordinarily performed by a solicitor as defined under the definition of "solicitor."

Sec. 5.160.020. - Permit requirements and exemptions.

- (a) It shall be unlawful for any person 18 years of age or older to engage in peddling or solicitation activities within the city without first obtaining a permit issued by the city; provided, however, that the following are exempted from the provisions of this section:
 - (1) Any solicitation made upon premises owned or occupied by an organization or business upon behalf of which or with the consent of which the solicitation is made;
 - (2) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
 - (3) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable organization;
 - (4) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary;
 - (5) Any canvassing as defined in section 5.160.010; or
 - (6) Any distribution of handbills, flyers, pamphlets, or other written materials to residences, without attempting to directly contact or speak with the resident, that advertise or promote a political, religious, charitable, or other noncommercial position, event, or service.
- (b) A person involved in canvassing or distribution of handbills, flyers, pamphlets, or other written materials may obtain a permit, without payment of a fee, if such person chooses to obtain a permit for purposes such as identification of the person or notification to the city of the person's activities.

Sec. 5.160.030. - Permit for sponsoring juvenile peddlers.

- (a) No person under the age of 18 years shall be permitted to engage in peddling except as provided in this section.
- (b) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one or more persons under 18 years of age.
- (c) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.
- (d) The sponsor shall provide to each individual in its sales force a badge, uniform or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.
- (e) Persons under 18 years of age shall be exempt from the requirement to obtain a permit when engaged in the solicitation of funds or sales of goods or services for the support of religious, educational, athletic, artistic, community service or similar activities where the person engaged in the solicitation is a direct participant in the activity for which the solicitation is conducted and is not being compensated for the solicitation activities, other than by participation in the activities being supported by the solicited donations.

Sec. 5.160.040. - Permit application.

Every person subject to the provisions of this chapter shall file with the ~~city clerk~~ director an application in writing, which shall provide the following information:

- (1) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;
- (2) A brief description of the business or activity to be conducted;
- (3) The hours and location for which the right to peddle or solicit is desired;
- (4) If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and authority of the employee or agent to act for the employer or principal, as the case may be;
- (5) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;
- (6) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this chapter; and
- (7) Two photographs of the applicant which shall have been taken within 60 days immediately prior to the date of filing of the application. The photographs shall measure two inches by two inches and show the head and shoulders of the applicant in a clear and distinguishing manner. At the request of applicant, the photographs may be taken by the department of public safety.

Sec. 5.160.050. - Fees.

At the time the application is filed with the ~~city clerk~~ director, the applicant shall pay a fee to cover the cost to the city of processing the application and investigating the facts stated therein. The application fee shall be \$35.00 for each permit requested. The application fee shall not be refunded in the event the permit is denied. No fee shall be required of any person engaged in canvassing or distribution of handbills, flyers, pamphlets, or other noncommercial materials.

Sec. 5.160.060. - Bond.

All solicitors requiring cash deposits or taking orders for cash on delivery purchases (COD) or who require a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall furnish to the ~~city clerk~~ director a bond, letter of credit or other form of security approved by the city in the amount of \$5,000.00 or in the amount of anticipated revenues/sales to be generated within the city, whichever amount is greater.

Sec. 5.160.070. - Application review and permit issuance.

- (a) Upon receipt of an application, the director of public safety, or authorized representative, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.
- (b) If the director of public safety finds the application to be satisfactory, the director shall endorse an approval on the application and shall, upon proof of payment of the prescribed fee, provide the required permit to the applicant.
- (c) The permit shall show the name, address and photograph of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. If the permit is issued to a sponsor of juvenile peddlers, one permit shall be issued to the sponsor only. Any solicitor or peddler who has attained the age of 18 or older shall have a separate permit. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.
- (d) A record of all permits issued shall be maintained by the department of public safety for a period of two years.

Sec. 5.160.080. - Denial of permit.

- (a) Upon the director of public safety's review of the application, the director may refuse to issue a permit to the applicant under this chapter for any of the following reasons:
 - (1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
 - (2) An investigation reveals that the applicant falsified information on the application;
 - (3) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any acts of violence against persons or property;
 - (4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;
 - (5) There is no proof as to the authority of the applicant to serve as an agent to the principal; or
 - (6) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the director that the reasons for such earlier denial no longer exist.
- (b) The director's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that such applicant's application is disapproved and that no permit will be issued. Notice shall be mailed by the ~~city clerk~~ director to the applicant at the address shown on the application form, or at the applicant's last known address.

Sec. 5.160.090. - Permit expiration.

All permits issued under the provisions of this chapter shall expire one year from the date of issuance, unless an earlier expiration date is noted on the permit.

Sec. 5.160.100. - Identification badges.

At the same time the permit is issued, the director shall issue to each permittee an identification card, which shall be worn or displayed by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the city.

Sec. 5.160.110. - Permit exhibition.

Every person required to obtain a permit under the provisions of this chapter shall exhibit the permit when requested to do so by any prospective customer, member of the public or department of public safety employee.

Sec. 5.160.120. - Notice of activity.

Every person required to obtain a permit under the provisions of this chapter shall provide notice to the department of public safety 48 hours prior to commencement of solicitation activities within the city. Such notice shall contain the dates solicitation activities will occur and the general areas of the city in which solicitation will be performed by the permittee.

Sec. 5.160.130. - Transfer prohibited.

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this chapter. Any change in business activity by the permittee shall require the permittee to obtain a new permit.

Sec. 5.160.140. - Entry upon signed premises unlawful.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the city where the owner, occupant or person legally in charge of the premises has posted at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import. Any sign posted at the entry to the premises which is a minimum of ten square inches shall be presumed to be adequate notice to a solicitor.

Sec. 5.160.150. - Hours of solicitation.

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of sunset or 5:00 p.m., whichever is earlier, and 9:00 a.m., except when invited to the residence by the owner or occupant thereof.

Sec. 5.160.160. - Permit revocation.

(a) Any permit issued under this chapter may be revoked or suspended by the director of public safety, or authorized representative, for any of the following reasons:

(1) Fraud, misrepresentation or false statement contained in the application for a permit;

- (2) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;
 - (3) Conducting peddling or solicitation activities contrary to the provisions contained in the permit;
 - (4) Conducting peddling or solicitation activities contrary to the ordinances or this Code;
 - (5) Conviction for any crime involving moral turpitude; or
 - (6) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.
- (b) Notice of such revocation shall be made by hand delivering such notice to the individual whose permit is revoked or by mailing such notice to the person's address by certified mail as shown on the permit application form, or to the person's last known address.

Sec. 5.160.170. - Appeals.

- (a) Any person aggrieved by the action or decision of the director to deny, suspend or revoke a permit applied for under the provisions of this chapter shall have the right to appeal such action or decision to the city manager within 15 days after the notice of the action or decision has been hand delivered to the person or mailed to the person's address as provided in subsection 5.160.160(b).
- (b) An appeal shall be taken by filing with the director a written statement setting forth the grounds for the appeal.
- (c) The director shall transmit the written statement to the city manager within ten days of its receipt and the city manager shall set a time and place for a hearing on the appeal.
- (d) A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement.
- (e) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- (f) The decision of the city manager of the appeal shall be final and binding on all parties concerned.

Sec. 5.160.180. - Claims of exemption.

Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a permit fee, shall cite to the director the statute or other legal authority under which exemption is claimed and shall present to the director proof of qualification for such exemption.

Sec. 5.160.190. - Violations and penalty.

In addition to permit revocation set forth in this chapter, violation of any of the provisions of this chapter shall, upon conviction, be punishable by a fine not exceeding \$500.00, or by imprisonment for a period of time not exceeding 90 days, or by both such fine and imprisonment. Each day any violation of this chapter shall continue shall constitute a separate offense. In

addition, the city or any individual may pursue any available civil remedies deemed appropriate and necessary.

ARTICLE 2. - AGGRESSIVE SOLICITATION^[7]

Sec. 5.160.200. - Legislative findings.

- (a) The city council finds that the increase in aggressive solicitation throughout the metropolitan area has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder.
- (b) The city council finds that aggressive solicitation usually includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional or unintentional blocking of pedestrian and vehicular traffic. The council further finds that the presence of individuals who solicit money from persons at or near banks automated teller machines, or in public transportation vehicles is especially troublesome because of the enhanced fear of crime in those confined environments. Motorists also find themselves confronted by persons seeking money who, without permission, wash their automobile windows at traffic intersections, despite explicit indications by drivers not to do so. Such activity carries with it an implicit threat to both persons and property. Persons soliciting money or services from people driving on the public streets obstruct traffic and create a dangerous situation where the threat of bodily injury to themselves or others is increased.
- (c) The law is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation and the risk to the motoring public accompanying certain kinds of solicitation that have become an unwelcome presence in the city and to allow for adequate means of communication of such constitutionally protected activity.

Sec. 5.160.210. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive manner means and includes:

- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- (2) Following the person being solicited, if that conduct is:
 - a. Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (3) Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is:

- a. Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a street use permit issued pursuant to this chapter, shall not constitute obstruction of pedestrian or vehicular traffic;
- (5) Intentionally or recklessly using obscene or abusive language or gestures:
 - a. Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or
- (6) Approaching the person being solicited in a manner that:
 - a. Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

Automated teller machine means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

Automated teller machine facility means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

Bank means any financial institution or banking corporation doing business within the corporate limits of the city.

Check cashing business means any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

Public area means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing such areas.

Solicit means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

Sec. 5.160.220. - Prohibited acts.

It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

- (1) In an aggressive manner in a public area;
- (2) In any public transportation vehicle, or bus or bus stop;
- (3) Within 15 feet of any entrance or exit of any bank or check cashing businesses or within 15 feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
- (4) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or
- (5) From an operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle or to any permittee holding a valid street use permit.

Sec. 5.160.230. - Street use permit.

- (a) *Street use permit allowed.* Any individual or organization shall have the right to file an application with the department of public safety to obtain a permit to utilize the public street for purposes of solicitation or the expression of other forms of constitutionally protected speech. The permit shall grant the individual and/or organization the right to utilize the public street at designated locations between the hours of sunrise and sunset for such purposes subject to the regulations contained in this article. Any person engaging in aggressive solicitation on the public street pursuant to a street use permit shall be at least 60 inches in height and shall wear an orange safety vest.
- (b) *No obstruction.* The permit issued hereunder shall not allow any individual to block the safe or free passage of the person being solicited on the street, obstruct the flow of traffic on the street or require the person or driver of a vehicle to take evasive action to avoid physical contact with the person making the solicitation. To ensure that the permittee does not unreasonably interfere with traffic, the permittee shall remain on the sidewalk (or on the adjacent unpaved right-of-way if there is no sidewalk) unless the occupant of a vehicle indicates a desire for the permittee to enter the street for the purpose of approaching the vehicle.
- (c) *Limitation on issuance of permits.* Each individual and/or organization shall be limited to one full day street use permit per calendar year. The permit shall be effective for one full day. A permit issued for five hours or less shall be considered a half day. The public safety

department shall not issue more than one full day permit per month and such permits shall be issued on a first submitted, first issued basis. An application for a permit shall not be deemed to be submitted until the applicant provides all of the information required by this article to the city.

(d) *Application.* An application for a street use permit shall be filed by the applicant with the ~~city clerk~~ Department of Public Safety. At a minimum, the application filed by the applicant with the city shall include the following information:

- (1) The name, address and a phone number at which the applicant can be reached together with proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for corporations), or other legally recognized form of identification;
- (2) If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and authority of the applicant to act for the employer or principal, as the case may be;
- (3) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this article;
- (4) A brief description of the activity to be conducted;
- (5) The date when street solicitation activities are desired;
- (6) The hours and location where street solicitation activities are desired;
- (7) The number of persons participating in solicitation activities;
- (8) If any activities are to be conducted by any persons under the age of 18 years, a permit shall be obtained by a sponsoring adult, company or organization for the conduct of such minors. The sponsor shall be responsible for supervising and controlling the conduct of all juveniles soliciting under the sponsor's permit.
- (9) A certificate of insurance evidencing that the applicant has public liability insurance in an amount sufficient to cover potential claims for any bodily injury, death, or disability and for property damage which may arise from or be related to the use allowed by the permit. The policy shall name the city as an additional insured, apply as primary insurance regardless of any insurance which the city may carry; and obligate the insurance company to give notice to the city at least 30 days before any cancellation of the policy. The insurance provided shall be in the following minimum amounts: \$100,000.00 per claim, \$300,000.00 per occurrence;
- (10) A statement that applicant will indemnify and hold the city free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use of the public street, as provided for in the application;
- (11) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the

offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

- (12) An application fee to cover the cost to the city of processing the application and investigating the facts stated therein. The application fee shall be \$35.00 for each permit requested. The application fee shall not be refunded in the event the permit is denied; and

- (13) Any other information requested by the ~~city clerk~~director of public safety, or designee.

- (e) *Approval by director of public safety.* The ~~city clerk~~director, or designee, shall review, approve and issue a permit as follows:

- (1) Upon receipt of an application, the director of public safety, or authorized representative, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.
- (2) If the director finds the application to be satisfactory, the director shall endorse an approval on the application and shall, upon proof of payment of the prescribed fee, provide the required permit to the applicant. The permit shall be posted by the applicant at a main location where the solicitation activities will occur.
- (3) Upon the director's review of the application, the director may refuse to issue a permit to the applicant under this article for any of the following reasons:
 - a. The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
 - b. An investigation reveals that the applicant falsified information on the application;
 - c. The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any acts of violence against persons or property;
 - d. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;
 - e. There is no proof as to the authority of the applicant to serve as an agent to the principal; or
 - f. The applicant has been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the director that the reasons for such earlier denial no longer exist.
- (4) The director's approval or disapproval shall be noted on the application, and the applicant shall be notified of such action. Notice shall be mailed by the ~~city clerk~~director to the applicant at the address shown on the application form, or at the applicant's last known address.

- (f) *Revocation of permit.* Following issuance of a permit, upon determination by the director of public safety, or the director's designee, that the activities conducted by such individual or organization pursuant to any permit issued hereunder are dangerous to the motoring public

or unreasonably obstruct traffic or that the applicant is conducting a false or misleading solicitation as set forth in this article, the permit may be revoked by the director and all street solicitation activities shall cease immediately. Notice of such revocation shall be made by hand delivering such notice to any individual conducting activities pursuant to the street use permit which is being revoked or by mailing such notice to the permittee's address by certified mail as shown on the permit application form, or to the permittee's last known address.

(g) *Appeal of denial or revocation of permit.* Any person aggrieved by the action or decision of the director to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the city manager within 15 days after the notice of the action or decision has been hand delivered to the person or mailed to the person's last known address. Such appeal shall be taken as follows:

- (1) A written statement setting forth the grounds for the appeal shall be filed with the ~~city clerk~~director;
- (2) The ~~city clerk~~director shall transmit the written statement to the city manager within ten days of its receipt and the city manager shall set a time and place for a hearing on the appeal;
- (3) A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement;
- (4) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision;
- (5) The decision of the city manager shall be provided to the appellant in writing within 20 days from the date of the hearing;
- (6) The decision of the city manager on the appeal shall be final and binding on all parties concerned.

Sec. 5.160.240. - False or misleading solicitations.

It shall be unlawful for any person to knowingly make any false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to, the following:

- (1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet the need and does not disclose that fact;
- (2) Stating that the donation is needed to meet a need which does not exist;
- (3) Using a false business name to obtain donations;
- (4) Stating that the donation is for a charitable purpose or charitable organization which does not exist;
- (5) Stating that the solicitor is from out of town and stranded, when that is not true;
- (6) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;

- (7) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
- (8) Use of any makeup or device to simulate any deformity;
- (9) Stating that the solicitor is homeless, when the solicitor is not;
- (10) Stating the donation is for food, but in reality is used for "sidewalk" drugs, or illegal contraband;
- (11) Using and exposing minors/children to hazardous conditions, i.e., cold, heat, animals, weather, and/or strangers, to solicit funds;
- (12) To offer to sell newspapers, magazines, periodicals, pamphlets for a price, which are offered free-of-charge to the general public;
- (13) Fraud, misrepresentation or false statement contained in the application for a permit;
- (14) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities; or
- (15) Stating that funds solicited are needed for a specific purpose and then spending the funds received for a different purpose.

Sec. 5.160.250. - Penalties.

Violation of any of the provisions of this article shall, upon conviction, be punishable by a fine not exceeding \$500.00 or by imprisonment for a period of time not exceeding 90 days, or by both such fine and imprisonment. Each day any violation of this article shall continue shall constitute a separate offense. In addition, the city or any individual may pursue any available civil remedies deemed appropriate and necessary.