

CITY COUNCIL AGENDA MONDAY,  
AUGUST 12, 2019  
BEGINS ON PAGE 13



## **GLADSTONE CITY COUNCIL**

### **OPEN STUDY SESSION MEETING MONDAY, AUGUST 12, 2019**

#### **AGENDA**

**TIME: 7:00 PM**

- 1. Multi-Family Housing Program- Public Safety and Community Development will update this program.**



***Department of Public Safety  
Administration  
Memorandum MJH 19-20***

**DATE:** August 6, 2019

**TO:** Scott C. Wingerson, City Manager

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

**CC:** Robert M. Baer, Assistant City Manager  
Captain Jeffrey R. Self, Support Services Division Commander  
Sergeant William Brier, Community Policing/Crime Prevention Unit Supervisor  
CPS Koren Barden, Community Policing/Crime Prevention Unit  
CPS Megan Blackburn, Community Policing/Crime Prevention Unit  
Alan Napoli, Community Development Department

**RE:** MULTI-FAMILY HOUSING PROGRAM UPDATE – STUDY SESSION

Since August of 2010, the Public Safety Department has assigned and trained police officers to identify and respond to crime-related problems in the city's multi-family complexes. Community Policing Specialists Koren Barden and Megan Blackburn are assigned to the Community Policing/Crime Prevention Unit in the Public Safety Department and have received training on how to address issues related to the health and safety at our multi-family housing complexes. The primary focus of this unit is to establish and implement strategies directed towards the goal of reducing incidents of crime, reduce demand for police services, and improve the quality of life for those living in multi-family housing in Gladstone.

Officers assigned to the Community Policing/Crime Prevention Unit are responsible for establishing lines of communication with the owners and managers of multi-family complexes and to collaborate with personnel in the Community Development Department to ensure a coordinated response to issues that arise in these complexes. These officers are also responsible for ensuring enforcement of ordinances regulating multi-family housing and for implementing the Safe Residence Program. These officers introduce apartment owners/managers to the Crime Prevention Through Environmental Design (CPTED) program to assist them in creating an environment in these complexes that deters crime and supports an atmosphere where those in the community have an enhanced feeling of safety.

CPS Megan Blackburn has prepared a presentation and will update the City Council on the city's Multi-Family Housing Program at their Study Session on Monday, August 12, 2019. Attached is the PowerPoint presentation for your review.



## THE GOAL OF CRIME FREE MULITI-HOUSING


is to introduce crime prevention techniques with Crime Prevention Through Environmental Design, to multi-housing properties to reduce the likelihood of criminal activity occurring on the premises.

## THE BENEFITS OF CRIME FREE MULTI-HOUSING

- A stable, more satisfied resident base;
- Increased demand for rental units with a reputation for active management;
- Lower maintenance repair cost;
- Increased property values;
- Improved personal safety for residents, landlords and managers; and
- Peace of mind that comes from spending more time on routine management instead of crisis control.

<p><b>Crime Prevention Through Environmental Design (CPTED)</b></p> <p>CPTED is defined as 'the <i>proper design and effective use of the built environment</i> that can lead to a reduction in the fear and incidence of crime and an improvement in the quality of life.'</p> <p>CPTED is based on these three overlapping strategies</p> <ol style="list-style-type: none"> <li>1) Natural access control</li> <li>2) Natural surveillance</li> <li>3) Territorial reinforcement</li> </ol> <p><b>PROGRAM GOALS</b></p> <p>The goal of CPTED is to reduce opportunities for crime that may be inherent in the design of structures or in the design of neighborhoods</p> <p>This goal is accomplished through the involvement of CPTED trained law enforcement officers in the planning, development and design review of community projects</p> <p>CPTED uses various tools to evaluate environmental conditions and utilize intervention methods to control human / criminal behavior and reduce the fear of crime</p>	<p><b>IMPACT ON THE COMMUNITY</b></p> <p><b>How does CPTED impact me?</b> CPTED impacts each citizen by increasing safety, promoting secure environments and improving the appearance of neighborhoods and public amenities</p> <p><b>How is it accomplished?</b> By establishing a policy and regulatory framework for a physical design which can include</p> <ol style="list-style-type: none"> <li>1) Landscape Plan</li> <li>2) Street Lighting Plan</li> <li>3) Access Controls</li> <li>4) Street Design</li> <li>5) Traffic Controls</li> <li>6) Demolition of Structures</li> <li>7) Lot Clearing</li> <li>8) Sidewalk Improvements</li> <li>9) Beautification</li> <li>10) Parks Improvement</li> <li>11) Community Clean-ups</li> <li>12) Traffic Calming</li> <li>13) Maintenance</li> </ol>	<p><b>TRAINING</b></p> <p>The Gladstone Police Department's Crime Prevention Unit partners with the Kansas City Police Department to provide training in the area of CPTED. Participants learn how the design and use of the environment can control human / criminal behavior and reduce the fear of crime. Crime prevention through natural means and how natural access control and natural surveillance decreases the opportunity for crime. Participants also learn the different aspects of lighting and its effects on human behavior</p> <p><b>INVOLVEMENT</b></p> <p><b>How can you get involved?</b> Citizen participation is necessary to define the issues and needs of the community. Neighborhood groups will work with the Gladstone Police and other City of Gladstone Departments</p> <p><b>What are the results?</b> CPTED improves existing services by working with neighborhood, businesses, community groups, municipalities and law enforcement</p> <p>Communities that use CPTED as part of the design process have had great success!</p>
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**CPTED IN EVERY COMMUNITY, BUSINESS AND NEIGHBORHOOD**



## THE PROGRAM CONSISTS OF THREE PHASES

### Phase 1

Involves an 8 hours seminar presented by Kansas City Police Department. The following is a sample of topics which will be presented.

- Introduction to Crime Prevention
- Applicant Screening
- CPTED (Crime Prevention Through Environment Design)
- Security Lighting
- Fair Housing/Serving Notices/Eviction/Premise Liability

## Phase II

Will certify that the rental property has met the security requirements for the tenants' safety. Certification will consist of an on-site visit by the Crime Free Staff. Minimum requirements must be met to qualify for Phase II completion.

**The following items are the minimum requirements for C.P.T.E.D.** (Crime Prevention Through Environmental Design) certification in the Crime Free Multi-Housing Program.

- **Property fully compliant with codes and fire**
- **Deadbolt Locks** with tapered cylinder and a one-inch (1") throw. Rotating cylinder guard preferred
- **Eye Viewers** with a minimum 180 degree viewing angle.
- **Strike Plate Screws** the three-inch (3") screws in the strike plate and one, three-inch screw in each door hinge.

## Phase II *Continued*

- **Window Locks or Pins** are required for ground floor windows or windows accessible from the balcony.
- **Sliding Glass Doors** with an anti-slide device, such as a Charlie Bar, or a Tension Bar with a pin. Lift protection employed in the door track.
- **Landscape maintenance** with shrubs trimmed to be no higher than two feet off the ground. Tree limbs should be trimmed up to six feet off the ground to allow visibility.
- **Adequate Lighting** with visibility of a person for identification purposes at 100 feet.

A completed CPTED survey will be completed and provided to management staff. This survey will be more comprehensive than the minimum requirements. Property owners and managers are encouraged to do more than the minimum requirements.



### Phase III

A resident crime prevention meeting will be conducted for full certification, and the managers will be granted the use of large metal signs for display on the property. The management will also be granted the use of the program logo in all advertisements.

The crime prevention meeting, frequently called a "safety social," bears a slight resemblance to Neighborhood Watch, but is specifically designed for apartment communities based on their unique needs. The meeting is conducted by a police officer who shares crime prevention information with residents and management.

After a property is fully certified, it is necessary for management to host one safety-related crime prevention meeting with the residents each year to renew their membership in the Crime Free Multi-Housing program. They will be issued a gold certificate which expires 12 months after the crime prevention meeting.

Office (Cont.)	Yes	No	N/A	#
Single cylinder deadbolt				
Strike plates have 2" screws				
Sliding doors w/ anti-tilt PCH modification				
Sliding windows w/ anti-tilt PCH modification				
Sliding windows track smoothly & properly				
Double hung window security modifications				
Exterior windows secure properly				
Grounded window installed for security				
Double detector window				
Security system				
<b>Maintenance:</b> This section does not apply				
Unimpeded access to space				
Exterior door of unit com. construction				
Door frame in good condition				
Door fit securely in door frame				
Pinch resistance door tested				
ADB even tension or adjustment				
Single cylinder deadbolt				
Strike plates have 2" screws				
Security system				
Door & safety frames				

VI: Management Concerns	Yes	No	N/A	#
<b>Procedures:</b>				
And locks changed for some residents				
Lost key policy				
Emergency policy established				
Residents have after hours contact number				
Resident emergency numbers available				
Written screening criteria				
Copy of screening criteria provided				
Resident accounts				
Manager can request pictures				
Resident for residents				
Property has controlled access				
Any changes / controlled access				
How monitoring system				
<b>Statistics:</b>				
Is there an on-site manager or staff member?				
Are they able to sign complaints?				
Number of staff?				
Number of evictions last year?				
How many for rent?				



## CRIME FREE MULTI-HOUSING LEASE ADDENDUM

*Summary*

Resident, any member of the resident's household or a guest or other persons affiliated with the resident:

1. Shall not engage in criminal activity, including drug-related criminal activity, on or near said premises.
2. Shall not engage in any act intended to facilitate criminal activity.
3. Will not permit the dwelling unit to be used for, or to facilitate criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
4. Shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of an illegal or controlled substance.



CRIME FREE MULTI-HOUSING LEASE ADDENDUM *Continued*

5. Shall not engage in any illegal activity, including prostitution, criminal street gang activity, harassment, crimes against person, including but not limited to unlawful discharge or unauthorized possession of firearms
6. Violation of the above provisions shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy. A single violation of any of the provisions of this added addendum shall be deemed a serious violation, and a irreparable non-compliance. It is understood that a single violation shall be a good cause for immediate termination of the lease as provided by law.

*\*Please see original addendum with state statutes for additional questions*

For being apart of our crime free multi-housing program, our officers complete a Safe Residence Form, anytime they are dispatched on property.

These forms alert management to crime taking place on their property and any potential addendum violations.

## SAFE RESIDENCE FORM

Call for service address

Reason for call

Additional Concerns

Contacted or mentioned subjects

Additional details regarding CFS

**SAFE RESIDENCE PROGRAM**  
GASTON POLICE DEPARTMENT  
Animal Property Incident Report  
BIO-AMERICA CRIME FREE, INC.  
Crime FREE and Violation Prevention

Report # \_\_\_\_\_ Officer \_\_\_\_\_ Submitted \_\_\_\_\_ CFS # \_\_\_\_\_  
Referral Date \_\_\_\_\_ Cleared Call \_\_\_\_\_

**Apartment Complex**

ADDRESS LOCATION \_\_\_\_\_

Type of Call: ☐ Burglary ☐ Theft ☐ Assault ☐ Rape ☐ Stalking ☐ Harassment ☐ Other \_\_\_\_\_

Possible Latent Violations: ☐ Domestic Violence ☐ Sexual Assault ☐ Child Abuse ☐ Elder Abuse ☐ Animal Abuse ☐ Other \_\_\_\_\_

Property Management Related: ☐ Yes ☐ No

Automatically Processed: ☐ Yes ☐ No

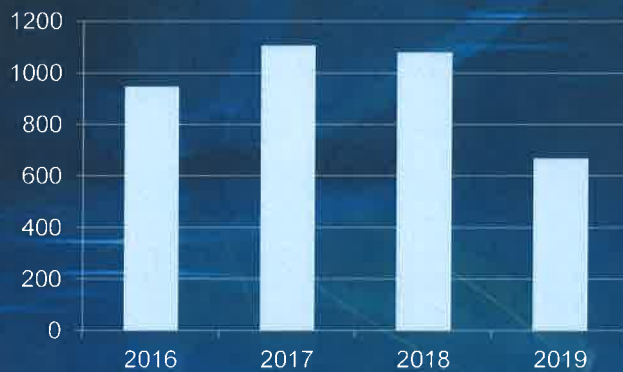
Subject(s) contacted or mentioned: \_\_\_\_\_

Remarks: \_\_\_\_\_

Manager Comments: \_\_\_\_\_

Reference: Chapter 11B, Subchapter 210-176 and 210-176

## Calls For Service





### HOW CAN MANAGEMENT HELP

- Explain in detail Crime Free Multi- Housing to your tenants
- Do not hesitate to evict for "crimes" due to owner wanting high occupancy levels.
- Keep Safe Residence forms on file and take action when multiple violations (typically 3) occur.
- Participate with Warrant Sweeps
- Schedule maintenance checks of the residence at least every 6 months

Crime is a community problem and requires a community solution. Embracing Crime Free Multi-Housing and actively promoting this program will help ensure that our community continues to be a safe place to live.



**Gladstone**  
Marathon  
Community Development

**COMMUNITY DEVELOPMENT  
MULTI-HOUSING INSPECTION  
PROGRAM**

THE PROVISIONS OF THE MULTI-FAMILY HOUSING INSPECTION PROGRAM CONSTITUTE MINIMUM REQUIREMENTS AND STANDARDS FOR PREMISES, STRUCTURES, EQUIPMENT AND FACILITIES FOR LIGHT, VENTILATION, SPACE, HEATING, SANITATION, PROTECTION FROM THE ELEMENTS, LIFE SAFETY, SAFETY FROM FIRE AND OTHER HAZARDS, AND FOR SAFE AND SANITARY MAINTENANCE.

THE EXPRESS INTENT OF THE MULTI-FAMILY HOUSING INSPECTION PROGRAM IS TO ENSURE PUBLIC HEALTH, SAFETY, AND WELFARE INsofar AS THEY ARE AFFECTED BY THE CONTINUED OCCUPANCY AND MAINTENANCE OF APARTMENTS, APARTMENT BUILDINGS, APARTMENT COMMUNITIES, ASSOCIATED ACCESSORY STRUCTURES, ACCESSORY USES, STRUCTURES AND PREMISES.

The multi-family housing program was initiated on January 1, 2014. Each apartment complex was to register their complex with the City providing owner, onsite, and emergency contact information; and subsequently yearly thereafter. The program requires that each apartment unit be inspected prior to a new resident moving in.

The following are the interior inspection statistics since the inception of the program:  
(Does not include complaint, routine area or extraordinary inspections)

2014 – 990 Inspections
2015 – 978 Inspections
2016 – 1,002 Inspections
2017 – 1,006 Inspections
2018 – 976 Inspections
2019 – 852 Inspections through 3/31/19
<b>Total Interior Inspections 5,505</b>

Other inspections 2014 through end of July 2019:

Complaint: 20
Common Area: 293
Exterior Area: 299

Google Earth



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 12, 2019**

The City Council will meet in Closed Executive Session at 6:40 pm Monday, August 12, 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, 610.021(3) Personnel, and 610.021(9), Employee Groups.

**OPEN STUDY SESSION: 7:00 PM**

1. Multi-Family Housing Program-Public Safety and Community Development will update this program.

**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 July 22, 2019, Closed City Council Meeting Minutes.
  6. Approval of the July 22, 2019, Regular City Council Meeting Minutes.
  7. Approval of the July 29, 2019, Closed City Council Meeting Minutes.
  8. Approval of the July 29, 2019, Special City Council Meeting Minutes.
- (1)



**9. Approval of the July 29, 2019, Special City Council Meeting Minutes.  
(2)**

**10. CONSENT AGENDA.**

**RESOLUTION R-19-35** A Resolution accepting easements from certain property owners in conjunction with the Northeast 76<sup>th</sup> Street Improvements Project from North Oak Trafficway to North Brooklyn, Project TP1818.

**APPROVE THE CITY OF GLADSTONE, MISSOURI, STATEMENT OF RECEIPTS AND EXPENDITURES FOR THE TWELVE MONTHS ENDING JUNE 30, 2019 (unaudited)**

**REGULAR AGENDA**

**11. Communications from the Audience.**

**12. Communications from the City Council.**

**13. Communications from the City Manager.**

**14. FIRST READING BILL NO. 19-34** An Ordinance amending Ordinance No. 4.433, Section 6.110.100 of the Code of Ordinances of the City of Gladstone, Missouri, regarding water service billing frequency in the City.

**15. FIRST READING BILL NO. 19-35** An Ordinance authorizing the City of Gladstone, Missouri, to enter into a Lease Purchase Transaction, the proceeds of which will be used to pay the costs of refinancing an existing obligation of the city and acquiring certain equipment for the city; and authorizing and approving the execution and delivery of certain documents in connection therewith.

**16. PUBLIC HEARING:** Amending Title VII-Zoning & Planning, regarding Medical Marijuana Land Use Regulations.

**17. FIRST READING BILL NO. 19-36** An Ordinance amending Title VII-Zoning & Planning Section 7.100.010 definitions and adopting a new Chapter 168, Medical Marijuana, of the Code of the City of Gladstone, Missouri, regarding Medical Marijuana Land Use Regulations.

**18. Other Business.**



## 19. Adjournment.

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

City Clerk Ruth Bocchino    Posted at 12:30 pm  
City of Gladstone            August 8, 2019  
7010 North Holmes  
Gladstone, MO 64118  
816-423-4096



**MINUTES  
REGULAR CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 22, 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, July 22, 2019, at 7:30 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 and thanked VFW Post 10906: Carla Gleaton, Joe Liles, and Charlie Cram for presenting the colors.

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

The Agenda was approved as published.

**Item No. 5. On the Agenda.** Approval of the July 8, 2019, Closed City Council Meeting Minutes.

**Councilman Mallams** moved to approve the minutes of the July 8, 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. 6. On the Agenda.** Approval of the July 8, 2019, Regular City Council Meeting Minutes.

**Mayor Pro Tem Moore** moved to approve the minutes of the July 8, 2019, Regular City Council meeting as presented. **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)

## **REGULAR AGENDA.**

**Item No. 7. On the Agenda. Communications from the Audience.**

There were none.

**Item No. 8. On the Agenda. Communications from the City Council.**

**Councilman Yarber** stated: *"Just a couple of congratulations to our Public Safety Department. The Police Department was up for renewal of accreditation and I mentioned last time that there was going to be a public hearing. Many comments were made at the public hearing, all truly positive of the department. Also, with Public Safety, our Fire Department was recently recognized among the top in the nation as an ISO Rating of 2 and there are less than 1600 departments across the nation out of the 41,000 departments that reached that rating. We can be very proud of all of our Public Safety, our Police Force and our Fire Department."*

**Councilman Mallams** stated: *"Congratulations to Captain David McGee, he is the recipient of the American Legion State Firefighter/EMT Award and it was presented to him down in St. Louis at their annual convention. Thank you to our Mayor again, Mayor Suter was the guest speaker for last week's Post 626 for the American Legion here in Gladstone for the initiation of the new officers. Mayor, thank you."*

**Councilman Garnos** stated: *"Thank you, Mayor. I just wanted to mention I had the privilege of walking the Disc Golf Course at Hobby Hill with Director Merkey and Matt (Adams.) Most of the layout issues have been worked out. They have layed out and rough graded the t-boxes and there are a few holes that need a little tightening up from the original design. Right now it's getting the t-boxes ready to pour and point in the right direction. I think we are very close. That was very positive. Last week we had a Parks and Recreation Advisory Board meeting and got great updates on that as well as the many improvements going on at the Parks, which I know you are all aware of, with the restrooms and things. Good meeting."*

**Mayor Pro Tem Moore** stated: *"Thank you, Mayor. I just wanted to give a shout out and a special welcome to Stone Canyon Pizza that is now open in our downtown. I know several of us have had the opportunity to be there. They have done a really great job renovating the space and I think it will be a really good addition to our downtown."*

**Mayor Suter** stated: *"Thank you. I will give you an update on the Mayor activities the last couple weeks. I attended the Northland Regional Chamber Board meeting; those early 7:30 things we all love. Two weeks ago, EMAC had its quarterly meeting. They are moving forward on their project to do tech assistance for seniors. I think they are going to work through iWerx. Bob Martin is interested in working together with them and maybe involving CAPS students. The idea there is to help seniors learn how to use phone apps for transportation. We just heard KCATA has these apps and unfortunately lots of folks who need to use the service don't know how to access it. That was one of their big ideas for the year. They also wanted to get involved around the update of our Comprehensive Plan. I think at their next meeting they are going to learn more about Comprehensive Plans and what it is and what process it is we are going through. That's a good place to start, maybe there is more emphasis needed on the environmental impact of our land use strategy. They would like to see if there is a role that they can help play as the Planning Commission works on that. I had the opportunity to judge the pie contest at the 4-H County Fair which is held in Smithville. The Mayors, they had four Mayors, who got to taste pie. That was a fun day. I had a fun thing, last week as well, I got an email from some folks about a Gladstone Lifelong Resident who now lives in Los Angeles, a young man who is an inspiring screenwriter, and he always brags about Gladstone and tells everybody it is the best city in the world and someday he wants to move back here and be the Mayor of Gladstone. It was his birthday and his friends contacted me to see if I would give him a birthday greeting, so I called this young man, it was a surprise, he was surprised, and he reiterated how much he loves Gladstone. Maybe someday he will be famous and we will get some reward. He has written a screenplay based on Missouri that he is trying to get filmed. He is trying to find producers to help him film his movie. I attended the Stone Canyon soft opening. I'm glad to see them here and up and going. The City Manager and I had an interesting meeting with Carol Wei, who is the Executive Director of the Asian American Community Organization. Her organization has 116,000 members here in the Kansas City area of Asian Americans of all different types. I think she said they represent people from 73 different countries, the widest definition of Asian. She was so generous when she came just to meet. She is looking for ways to partner with cities and she has some really great connections and opportunities to suggest to us. When she came, she also brought a gift she brought from China. It's a picture, I'll call it, and it's ducks on a pond and it is all made with duck feathers. It is now on display in the front lobby with a label to say who it was from. We were very pleased to get to meet her and we look forward to some ongoing relationships we might be able to establish there. I attended the grand opening and ribbon cutting for the Shepherd Center, and they really did a great job with that building. They still don't have their commercial kitchen finished yet. They have to do some more fundraising. They are all geared up for their programming. As Councilmember Mallams said, I had the opportunity to address the American Legion with an update. I had the opportunity, also, Gladstone, along with the City of Mission and the Mid America Regional Council, won this National Competition that the National League of Cities hosted, and part of our winnings, I guess, was the opportunity to host a Regional Summit on Housing and Economic Development which we did on Friday. On Thursday evening we had the opportunity to host this group of folks who came from Washington and Austin, Dallas, Denver, Ohio, and all the people who were from out of town. We hosted them for the Housing Summit at the Summit Grill. It was a fabulous little event. They did a great job. Friday, of course, we were hosting at the Community Center, a sold out crowd, literally, to capacity. We turned people away. At least 31 cities in the region participated. It was fabulous.*

*The energy in the room was just encouraging. It's rare when you go to these things and you really feel the electricity, but this is a number one topic for so many cities, housing, and so people actually stayed. I think we counted towards the end of the day that we had lost, out of 200 people, 10 people had left. Everybody stayed till the very end and that just never happens on a Friday afternoon. It was very well done. The consultants who were giving this \$50,000.00 worth of advice were excited; MARC folks were absolutely delighted. We will take the input from that session, and go back to the consultants as they work on the final strategies and recommendations for each of the cities. They created a great database full of all kinds of specific data which each city will have access to about our own cities. Probably at the end of the day, the Mid America Regional Council, David Warm, of course was there, and we were chatting, it seems clear that MARC needs to get organized, somehow, to own this issue of housing. We don't have any kind of department or committee at MARC that deals directly with housing. Clearly, MARC is the only entity that could pull 31 cities together to work on something. I think we are going to see some ongoing efforts to continue this conversation. One of the candidates for State Representatives called and wanted to learn about Gladstone, to find out about what we were doing, to know more about Gladstone, so I was happy to take a few minutes to do that. I did a radio program on KCUR. I totally had forgotten that, it wasn't even on my calendar. In anticipation of this Housing Summit, I had the opportunity to speak with one of the experts from the National League of Cities in Washington and the State Representative and former Councilmember from a Denver area suburb and we were able to talk a bit about the issues, which was great. It also generated some other feedback, other people who heard it contacted us; a developer and some other speaking opportunities have come out of that as well as our Friday Summit, it was good. I have been asked to be a speaker, kind of a Ted Talk speaker, at the National League of Cities Convention in San Antonio. In addition, we will be highlighted there as part of this project. We have put together, with MARC, a professional video as part of the presentation that we will do to all the delegates at the National League of Cities meeting in November. We will get some good Gladstone coverage, I think."*

**Item No. 9. On the Agenda. Communications from the City Manager.**

City Manager Wingerson stated: *"Thank you, Mayor. Three very quick things. Tomorrow night at the Community Center is the Northland Neighborhoods co-sponsored event with the City-Community Development Department, for a neighborhood gathering. It's from 6:00-8:00 pm at the Community Center. On Friday, our Linden Square Concert Series continues with the Phillip Michaels Band on the 26<sup>th</sup>. That starts at 7:00 pm. Saturday is a great day for the little ones, Fun in the Sun Kidsfest starts at 9:00 am and ends with a movie at 7:00 pm, the Lego Movie Part 2, is the offering. That should be fun for all."*

**Mayor Suter** stated: *"Thank you for reminding me of that because there is something else going on."*

**Item No. 10. On the Agenda. FIRST READING BILL NO. 19-27** An Ordinance authorizing the City Manager to execute an Agreement between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide public transportation and property management services for the period of July 1, 2019, through June 30, 2020.

**Councilman Mallams** moved Bill No. 19-27 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. 19-27, 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. 19-27, and enact the Bill as **Ordinance 4.478**. **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. 11. On the Agenda. FIRST READING BILL NO. 19-28** An Ordinance authorizing the City Manager to execute an agreement between the City of Gladstone, Missouri, and Northland Neighborhoods, Incorporated, to provide consulting services to assist in the ongoing development and revitalization of neighborhoods for the period of July 1, 2019, through June 30, 2020.

**Mayor Pro Tem Moore** moved Bill No. 19-28 be placed on its First Reading. **Councilman Mallams** 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.

**Mayor Pro Tem Moore** moved to accept the First Reading of Bill No. 19-28, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Mallams** 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.

**Mayor Pro Tem Moore** moved to accept the Second and Final Reading of Bill No. 19-28, and enact the Bill as **Ordinance 4.479**. **Councilman Mallams** 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. 12. On the Agenda. RESOLUTION R-19-34** A Resolution declaring the intention of the City Council to reimburse certain capital expenditures with proceeds of tax-exempt financing.

**Councilman Garnos** moved to approve **RESOLUTION R-19-34** A Resolution declaring the intention of the City Council to reimburse certain capital expenditures with proceeds of tax-exempt financing. **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. 13. On the Agenda.** Other Business.

There was no other business to come before the Council.

**Item No. 14. On the Agenda.** Adjournment.

**Mayor Suter** adjourned the July 22, 2019, Regular City Council meeting at 7:49 pm.

Respectfully submitted:

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Ruth E. Bocchino, City Clerk

Approved as presented: \_\_\_\_

Approved as modified: \_\_\_\_

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Mayor Carol J. Suter



**MINUTES  
SPECIAL CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 29, 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 Special City Council Meeting Monday, July 29, 2019, at 7:02 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.

**REGULAR AGENDA.**

**Item No. 5. On the Agenda.** Communications from the Audience.

There were none.

**Item No. 6. On the Agenda. PUBLIC HEARING:** To consider the City of Gladstone, Missouri, issuing taxable Industrial Development Revenue Bonds (Hotel Project) Series 2019, in a principal amount not to exceed \$13,450,800.00 to finance the costs of a Project for SREH MAG Gladstone Partners, LLC; approving a plan for an Industrial Development Project for the Project; authorizing and approving certain documents; and authorizing certain other actions in connection with the issuance of the Bonds.

**Mayor Suter** opened the Public Hearing at 7:04 pm.

City Manager Scott Wingerson stated: *"Thank you, Mayor. I would like to start with a very brief story. This project started with a conversation between Tom McVey from Clark-Enersen Engineers and our own Austin Greer. I'm pretty sure it happened in a place with adult beverages, and they talked about how great it would be to have a hotel in Gladstone and how long the City Council has set that as a community goal. So, first, thank you to Austin and Tom for having that conversation and for the work in between that brought us to today. Thank you to the Council for having this Special meeting. We are here to talk about a 109 room Fairfield Inn and Suites in downtown Gladstone. The project itself is located at the Northeast corner of Northeast 69<sup>th</sup> Street and North Oak Trafficway in the downtown area and contains a little bit more than 1.5 acres. We are very well represented tonight. There are a lot of people in the room with interest in the project. The first is John Hughes, who represents MAG Partners from Omaha. John is the developer of the project. The Operator is Scarlett Hotel Group, tonight represented by Rob Sadoff from Chicago. The City is also very well represented with Rick McConnell with Armstrong-Teasdale and Chris Williams from Williams-Campo. Rick will present the Chapter 100 overview once we get through with this presentation and Chris and Austin will present information on the two separate CID's. Finally, there is a lot of staff involved in a project like this. This has taken a lot of time to bring it to this point tonight. Bob Baer, Austin Greer, Dominic Accurso, Tim Nebergall and Alan Napoli have all worked on the project and spent a lot of time and expertise on it. With that, the general overview, I'd like to introduce Rick McConnell from Armstrong-Teasdale to present to you the Chapter 100 package."*

Rick McConnell approached Council and stated: *"Good evening, and thanks Scott. It's a pleasure to be here as always. We have talked about these before but we will talk about it again. Very similar to what the city has done in the past on apartment projects, on the CAPS facility, this is a structure to achieve tax abatement on a new hotel. This is an incentive that was necessary to make the project cash flow. It's, along with the Community Improvement Districts that Chris and Austin will cover, it's just part of the incentive package to make this a viable financial project. The Chapter 100 will put in place real property tax abatement, not personal property tax, real property tax abatement, and an exemption from sales tax from the construction materials for the project. That is a very nice, up front, short term incentive. Very similar to what we have done in the past. The city will actually own the property and lease it to the developer. Of course this property, in this case, the city has assembled over time and so we actually own it. Sometimes we have a developer or company deed us the property and we put that lease structure in place but here we already own it. The amount that you see in front of you, the \$13.4 million is the anticipated investment in the project so a pretty significant amount. I think, with that, the Ordinance before you authorizes the issuance of the bonds and all the related documents; the lease agreement, the performance agreement under which the company will pay payments in lieu*

*of taxes to the taxing districts every year to essentially try to keep us even; not a big tax generation on that land right now but we have tried to keep folks even. That is what we have and I'm certainly happy to answer any questions that you might have."*

There were no questions for Mr. McConnell.

**Mayor Suter** asked if there was anyone in the audience who would like to speak in favor of the issuance of the bonds.

There were none.

**Mayor Suter** asked if there was anyone in the audience who would like to speak in opposition.

There were none.

**Mayor Suter** closed the Public Hearing at 7:09 pm.

**Item No. 7. On the Agenda. FIRST READING BILL NO. 19-29** An Ordinance authorizing the City of Gladstone, Missouri, to issue its taxable Industrial Development Revenue Bonds (Hotel Project) Series 2019, in a principal amount not to exceed \$13,450,800.00 to finance the costs of a Project for SREH MAG Gladstone Partners, LLC; approving a plan for an Industrial Development Project for the Project; authorizing and approving certain documents; and authorizing certain other actions in connection with the issuance of the Bonds.

**Councilman Mallams** moved Bill No. 19-29 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 Mallams** moved to accept the First Reading of Bill No. 19-29, 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 Mallams** moved to accept the Second and Final Reading of Bill No. 19-29, and enact the Bill as **Ordinance 4.480**. **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. 8. On the Agenda. PUBLIC HEARING:** Approving the Petition to establish the Linden Block 25 Community Improvement District.

**Mayor Suter** opened the Public Hearing at 7:11 pm.

Counselor Chis Williams approached Council and stated: *"Thank you, Mayor, and members of the Council. As you stated, Mayor, we have a Public Hearing on the two proposed CID's tonight."*

*The first one is the Linden Block 25 Community Improvement District. Just as a quick overview, so we all remember what we are doing here, Community Improvement District, or CID, is a Special Benefit District that can be formed pursuant to State Statute in Missouri. It's formed by property owners, or a property owner, petitioning the City Council asking that a District be formed. If formed, it's either a separate political subdivision, entity, or not-for-profit corporation. It's governed by a Board of Directors that has to be at least five and I believe no more than 20. I can't imagine a 20 member Board, but at least five members that are either elected or appointed by the Mayor with the approval of the Council. It's broad in terms of its scope of improvements that it can fund within its boundaries to benefit the property owners. There is a special provision that if it is a blighted area, there is some additional things that can be funded that relate to demolition, removal, renovation, reconstruction, rehabilitation of a building or structure; all geared toward remediating blighted conditions. It can be funded. Its funding sources are sales tax, real property tax and/or special assessments within the boundaries of the District. Those financing tools, or funding tools, have to be approved by the property owners, in this case in the District. Ultimately, it's created by Ordinance, approved by the City Council. What you have, the first one we have up tonight is the Linden Block 25 CID. The Petition was filed with the City Clerk on July 11th by the owner of the property, which is the City, through the City Manager's office. The proposed boundaries of the property are the hotel site that you are familiar with that was discussed in the Chapter 100 program. The City Clerk went through the process of verifying the Petition complies with the statutory requirements, notices were published and mailed to the property owner, again the city. This Petition provides that the CID will be formed as a political subdivision and governed by a five member Board of Directors' that will be appointed by the Mayor and approved by the City Council. Once it's formed, it proposes to impose a \$.01 CID sales tax within the District to fund improvements and services that are allowed by statute. During the first five years it anticipates funding public art, signage, landscaping and construction of retaining walls and fences and legal costs for the formation of the District. Total cost of these improvements and services is currently estimated at \$250,000.00. This Petition also seeks a finding by the Council that the area blighted to allow, as I mentioned earlier, to fund demolition, removal, renovation, reconstruction, or rehabilitation of existing structures and related improvements and structures that are reasonably anticipated to remediate blighted conditions. Sorry, that's a mouthful but I am trying to restate what the statute says. So, a blight study is included in your Petition, with the Petition in your packet, it will be discussed in a few minutes in more detail by Austin Greer. The duration of the proposed CID is 20 years with a potential 10 year renewal term until all projects are completed and costs are paid for. With that, I'll ask Austin to come up and walk you through the blight study. Following that, we will take be happy to take questions and I do have some exhibits I'll enter."*

Austin Greer, Assistant to the City Manager/Planning Administrator approached Council and stated: "So now I'm going to do my best to give a summary overview of the blight study. The redevelopment area we are talking about tonight is five individual parcels that equal 1.56 acres. It is the L shape that you see here. Some of the primary blighting factors are unsanitary and/or unsafe conditions, the deterioration of site improvements and then the existence of conditions which endanger life or property by fire or other causes. There are also some problematic topography conditions. With all those blighting factors in mind, they do typically lower the property values, lower taxes, increase maintenance costs, that increase the likelihood of crime and all of which create a menace to public health, safety, and the welfare of our community. You

*have pictures in your packet that you received. These aren't all of the pictures but there are quite a few here. I'm just going to scan through them and summarize them at the end of what you see. The last one here is a topography map and that is where it shows where the limestone rock shelf is. Depending on where you are on the property, it's about 7-15 feet underneath so that makes it pretty difficult to build on in certain circumstances. The blight is characterized by deteriorating parking lots, the concrete and asphalt that you guys saw, deteriorating structures, inadequate street parking areas, water infiltration, wood rot, exposed electrical wires and junction boxes, faded and peeling paint, fencing in disrepair as well as the dumpster enclosure. The topography conditions due to the limestone shelf, broken windows and glass, trash and rubbish and unmaintained trees and brush. To conclude, these properties were actually attracting a vagrant population that resulted in a police report so leadership thought that it was probably a pretty good idea to go ahead and demolish those two buildings. One of the buildings was demolished late in 2017 and 2018. It is the opinion of the Community Development Department that the subject area should be considered blighted in accordance with RSMo. 67.1401. Thank you."*

**Mayor Suter** asked if there were any questions on the blight report.

There were none.

Counselor Williams stated: *"Mayor I would ask that the following exhibits be entered into the record: Exhibit 1 is a Petition for establishment of the Linden Block 25 Community Improvement District that was filed on July 11<sup>th</sup>, 2019. Exhibit 2 is the Downtown Gladstone Hotel Blight Study that is included in the Petition. Exhibit 3 is the City Clerk verification of the Petition dated July 12<sup>th</sup>, 2019. Exhibit 4 is the newspaper publication for notices of the Public Hearing published on July 18<sup>th</sup> and July 25<sup>th</sup>, 2019. Exhibit 5 is the 15-day notice letter to the property owner of the Public Hearing and Exhibit 6 is an Ordinance approving the Petition to establish the Linden Block 25 Community Improvement District."*

**Mayor Suter** stated: *"Thank you, City Counselor. Exhibits 1, 2, 3, 4, 5, and 6 will be accepted for the record."*

**Mayor Suter** asked if there was anyone in the audience who would like to speak in favor of the Petition.

There were none.

**Mayor Suter** asked if there was anyone in the audience who would like to speak in opposition of the Petition.

There were none.

**Mayor Suter** closed the Public Hearing at 7:19 pm.

**Item No. 9. On the Agenda. FIRST READING BILL NO. 19-30** An Ordinance approving the Petition to establish the Linden Block 25 Community Improvement District.



**Mayor Pro Tem Moore** moved Bill No. 19-30 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.

**Mayor Pro Tem Moore** moved to accept the First Reading of Bill No. 19-30, 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.

**Mayor Pro Tem Moore** moved to accept the Second and Final Reading of Bill No. 19-30, and enact the Bill as **Ordinance 4.481**. **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. 10. On the Agenda. PUBLIC HEARING:** Approving the Petition to establish the Downtown Linden Community Improvement District.

**Mayor Suter** opened the Public Hearing at 7:21 pm.

Counselor Williams approached Council and stated: *"Thank you, Mayor, and members of the Council. I'll be brief this time. The second CID is called the Downtown Linden CID. Processed for submission of the Petition, verification of compliance with statutory requirements and notices, everything is the same as the one we just talked about, so I won't go through all of that again. Similarly, the boundaries for the District, the makeup of the Board of Directors, determination of blight, imposition of a \$.01 sales tax and duration of the District are also the same as the Linden Block 25 CID. There are a couple differences with this one that I want to point out. One is that this CID proposed to also impose a special assessment on users of the hotel within the District in the amount of \$5.00 per occupied hotel room per night. It's another mechanism for generating revenue for funding improvements and services. The other difference is what the sales tax and special assessment are going to be used to fund; it's anticipated that they will fund the grading of the site, reconstruction of the parking lot, engineering costs, construction and extension of utilities and legal formation costs. That's what is identified during the first five years. A total cost as currently estimated at \$850,000.00. Because, again, a blight finding is requested for this CID for the Public Hearing record, I'll ask Austin to come up again and recap the Blight Study with an abbreviated presentation and then we will have any questions and exhibits for the record."*

Austin Greer, Assistant to the City Manager/Planning Administrator approached Council and stated: *"So I'm going to give the exact same presentation I just gave. The redevelopment area is five individual parcels, which equals 1.56 acres in the L that you see here. The primary blighting factors consist of the unsanitary and/or unsafe conditions, deterioration of site improvements, the existence of conditions which endanger life or property by fire or other cause, and then problematic topography conditions. With all these blighting factors, it has the potential to lower property values, lower taxes, increase maintenance costs, increase likelihood of crime, all of which can create menace to public health, safety, and welfare to our community. I'm going to*

*quickly go through these photos and then summarize at the end. The blight characterized by deteriorated parking lots, the concrete and asphalt, deteriorating structures, inadequate street parking areas, wood rot, water infiltration, exposed electrical wires and junction boxes, faded and peeling paint, fencing in disrepair around the dumpster enclosure, problematic topography, broken windows and glass, trash, rubbish and unmaintained trees and brush. These properties were attracting a vagrant population and actually resulted in a police report. Leadership thought that both buildings should probably be demolished immediately to remedy that. It is the opinion of the Community Development Department that the subject area should be considered blighted in accordance with RSMo. 67.1401. That is all."*

Counselor Williams approached Council and stated: "If there are no questions...

**Mayor Suter** stated: "Perhaps just for the interest of the public, would you explain why we are doing two of these."

Counselor Williams stated: "They have two different purposes. They fund different things that I walked through earlier. In fact, the one we are dealing with right now, as I mentioned, has a separate funding mechanism which is the special assessment that is imposed on the room rental. Because they are two different purposes, we set them up as two separate CID's. We have six exhibits again. Exhibit 1 is the Petition for establishment of the Downtown Linden Community Improvement District filed on July 11<sup>th</sup>, 2019. Exhibit 2 is the Downtown Gladstone Hotel Blight Study included with the Petition. Exhibit 3 is the City Clerk verification of the Petition dated July 12<sup>th</sup>, 2019. Exhibit 4 is the newspaper publication notices of the Public Hearing published on July 18<sup>th</sup> and July 25<sup>th</sup>, 2019. Exhibit 5 is the 15-day notice letter to the property owner and the Public Hearing. Exhibit 6 is the Ordinance approving the Petition to establish the Downtown Linden Community Improvement District."

**Mayor Suter** stated: "Thank you. Exhibits 1, 2, 3, 4, 5, 6 are accepted for the record."

**Mayor Suter** asked if there was anyone in the audience who would like to speak in favor of the Petition.

There were none.

**Mayor Suter** asked if there was anyone in the audience who would like to speak in opposition of the Petition.

There were none.

**Mayor Suter** closed the Public Hearing at 7:26 pm.

**Item No. 11. On the Agenda. FIRST READING BILL NO. 19-31** An Ordinance approving the Petition to establish the Downtown Linden Community Improvement District.

**Councilman Garnos** moved Bill No. 19-31 be placed on its First Reading. **Councilman Mallams** 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. 19-31, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Mallams** 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. 19-31, and enact the Bill as **Ordinance 4.482**. **Councilman Mallams** 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. 12. On the Agenda.** Other Business.

There was no other business to come before the Council.

**Item No. 13. On the Agenda.** Adjournment.

**Mayor Suter** adjourned the July 29, 2019, Regular City Council meeting at 7:28 pm.

Respectfully submitted:

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Ruth E. Bocchino, City Clerk

Approved as presented: \_\_\_\_

Approved as modified: \_\_\_\_

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Mayor Carol J. Suter



**MINUTES  
SPECIAL CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 29, 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 Special City Council Meeting Monday, July 29, 2019, at 7:30 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.

**REGULAR AGENDA.**

**Item No. 5. On the Agenda.** Communications from the Audience.

There were none.

**Item No. 6. On the Agenda.** Communications from the City Council.

There were none.

**Item No. 7. On the Agenda.** Communications from the City Manager.

There were none.

**Item No. 8. On the Agenda.** Final Development Plan and Zoning Change.

**Mayor Suter** opened the Public Hearing at 7:32 pm.

City Manager Scott Wingerson stated: *"I'd like to first thank everybody for being here tonight on a Special meeting night and introduce Austin Greer to present the land use application to you."*

Austin Greer, Assistant to the City Manager/Planning Administrator, approached Council and stated: *"Good evening, Mayor and members of the City Council. The applicant is requesting a re-plat, zoning change and site plan revision for the purpose of constructing a brand new Marriott Fairfield Inn Hotel at 6901 North Oak Trafficway. This new hotel will stand 5 stories tall, be 67,140 square feet and have 109 air conditioned rooms. This proposed project will replat and rezone five (5) individual parcels into one parcel and one zoning. The current zoning of these five (5) parcels is a combination of C-1 Local Business District and C-2 General Business District. The desired zoning of this proposed project is Mixed-Use (MXD), which is a planned district and consistent with adjacent properties such as the Heights at Linden Square and the Northland Innovation Campus. MAg Partners, Scarlett Hotel Group, and Marriott Hotels have designed a hotel that incorporates low-impact development practices, bicycle accommodations, best management practices (BMP) to reduce storm water and waste water, reduce light pollution, increase building water and energy efficiency and similar sustainable practices. There are not front, side and rear set back requirements in a Mixed-Use (MXD) zoning. The Hotel is open to the public and has both interior meeting space, lobby, and bar area all open to the public. Additionally, the hotel has an exterior seating area adjacent to the front door of the hotel. In regard to parking for this project, one parking space per room is typically required. This proposed project creates 83 on-site parking spaces with access to 62 public spaces on N. Locust as well as 89 public spaces on NE 69<sup>th</sup> St. The proposed zoning change to Mixed-Use (MDX), which is a planned district that provides more flexibility to project requirements, allows the Planning Commission and City Council the authority to reduce the amount of required parking spaces specific to this development. It is City Staff's recommendation to lower the amount of required parking spaces to accommodate this particular project given the fact that there is on-street public parking located on N Locust St., and NE 69<sup>th</sup> St. There is approximately 234 parking spaces available between the Hotel property, N. Locust St. and NE 69<sup>th</sup> St. within one (1) block. City Staff recommends that the following conditions be considered if the City Council chooses to approve this project request:*

- 1. All signage shall comply with approved City Standards and shall be consistent with existing Downtown Gladstone signage and Marriott Fairfield Inn and Suites Standards.*
- 2. A compliant monument sign shall be used to serve the development. The monument sign requires a minimum of 240 square feet of area landscaping around the sign or per Marriott's acceptable franchise standards.*

3. *A fire protection system shall be installed and comply with the 2015 International Fire Code.*
4. *All manicured grass and landscaped areas shall be irrigated and maintained in perpetuity.*
5. *All fencing within the development boundaries shall be wrought iron style fencing.*
6. *All exterior lighting shall be energy efficient (LED) lighting and comply with city code.*
7. *All building mechanical equipment shall be screened from public view. Typical hotel individual room PTAC (air conditioning) units shall be acceptable.*
8. *Service and loading areas shall be screened from public view.*
9. *Development shall consist of best practice for sustainable design and follow the current energy and building codes.*
10. *To the extent any retaining walls are necessary on or near the property line or adjacent to the right-of-way; retaining wall details shall be submitted and approved by city staff prior to construction. All structural walls shall be reviewed via building permit process.*
11. *Disabled vehicles shall not be permitted on site.*
12. *Tractor trailers shall not be parked or stored overnight. Storage containers shall not be stored on site unless as part of a valid building permit.*
13. *Dumpsters and storage shall be enclosed (5 sides) and covered to adequately be screened from public view. Trash services shall be scheduled between 7:00 am – 10:00 pm.*
14. *Provide outdoor bike racks within development area to serve employees, visitors and the area community.*
15. *Water and sewer utilities must be designed and installed to city code.*
16. *A public art component will be incorporated into this project as approved by City Council.*

*The Developer has agreed to all recommended conditions. City Staff recommends that the request be **APPROVED** contingent upon the conditions listed above. The Planning Commission voted unanimously 12-0 in favor of the re-plat, zoning change and site plan. Thank you and that is all, Mayor.*

**Mayor Suter** asked if there were any questions for staff.

There were none.

**Mayor Suter** asked if there was anyone in the audience who would like to speak in favor of the issuance of the bonds.

Tom Pryor, building owner at 405 Northeast 70<sup>th</sup> Street, approached Council and stated: *"I have a few parking concerns but overall I'm real happy with the project."*

**Mayor Suter** stated she was glad to hear that and asked if there was anyone else to speak in favor of the application.

John Hughes with MAg Partners, 11550 I Street, Omaha, Nebraska, approached Council and stated *"I would like to speak in favor. With me, up here to answer questions, is Rob Sadoff from the Scarlett Group and they will manage the hotel daily operations. The rendering that you see*



up here is, they really did a nice job of it. It is very accurate. You can even see a little slant to the cars that are on the north side of the property where that property topography starts to go up. Do we have a site plan? No? The view here is from North Oak and you come in, you would go under the Porte-cochere to check in and then you see the retaining wall on sort of the middle left of the rendering, that is holding back that hill and the parking lot then curls around and goes up to the level that The Summit Grill is on. And so the backside, or the east side of the hotel, which this rendering is also a front elevation across from the apartments. Really the hotel has no back door which makes some challenges when you are trying to come up with deliveries and utilities and things like that but the architects have done a great job of accommodating that and we think we have done a nice job of really building the hotel into the hill to deal with that topography issue creating a nice façade on all four sides. The retaining wall also will be a potential spot for some public art. I've seen quite a few of the buildings use some of their wall space for public art, we think that could be a good possibility for that where we can create an environment within that landscaping with the wall as a backdrop for seating areas and some art work and some color. It is a 109 room, 67,000 some square feet and I'll have Rob talk to you about the interior makeup and the amenities."

Rob Sadoff with Scarlett Hotels approached Council and stated: "Hi, my name is Rob Sadoff with the Scarlett Hotel Group. Given the nature of the building, the first floor entryway where you can see under the Porte-cochere is basically all of what we call the back of the house public areas. All the guest rooms will start on floor 2 which is effectively ground level at the same level where The Summit Grill is to the east. Also on level 2 we will have an indoor pool, a very large fitness center, and some outdoor patio space that will be adjacent to the pool. In terms of the guest room layouts, we are going to have double queens, king suites, regular king rooms, and double queen suites as well. We will accommodate very nicely leisure and/or business travel. We think there is a lot of both in this area. All of the employee break areas, everything will be on the podium level, which is the first level here. It would be kind of towards the hill. There will be two elevators for accommodations there and then all exterior entries will be RFID locked; where you can only get in with your key card. That's all Marriott standards now, which is RFID or using your mobile app which is really interesting technology. Is there any questions about flow or anything else?"

**Mayor Suter** stated: "How accurate is the color representation?"

Mr. Hughes stated: "Accurate. There are material samples, I believe, in Austin's office."

Mr. Greer brought in the material sample board.

**Mayor Suter** stated: "In Austin's overview, he mentioned that seating area adjacent to the entrance; so that is what you are talking about where the art might be? Is that the seating area he was talking about or is there an interior seating place?"

Mr. Hughes stated: "We are not fully developed yet exactly but yes, there is room on both sides of the Porte-cochere where the lobby entrance is for seating opportunities where there is a little bit of ground where we can put in some nice landscaping and maybe put in some benches or something and that would be a nice backdrop for some art, I think."

**Mayor Suter** stated: *"Pedestrian access if you want to go over to Summit or the pizza place is it just through the parking lot?"*

Mr. Hughes stated: *"No, you would be able to walk out the second level which is the ground level to the east so we have designed in such a way that if there is an entrance on the Northeast corner, you can see it on the north side there, sort of articulated with a little bit of a canopy, but there will be access to the hotel there. Once, certainly a guest that would be returning for a second visit, would start to get the lay of the land and realize that if you are going to eat you go out the second level. If you are going to park, you go out the first level. The second level will get the guest traffic too because that is where the swimming pool is located."*

**Mayor Suter** stated: *"They are over on the south side?"*

Mr. Hughes stated: *"They are on the south side with the views kind of out to the south. That is a way that we were able to work in dealing with some of that topography as that hill comes down. The plan, we completed what we call the 40% set of plans. They have been sent to Marriott and Marriott had plenty of comments but they were all easily absorbed into the plan and we are now probably in that 60%-70% range with the goal that we will be at 100% by the end of August and ready at that point to submit for a building permit and go out to public bid for a contractor at that time as well. Things are running just about on schedule but we are anxious to get started."*

**Mayor Suter** stated: *"There is our look (the material sample board) it looks more gray than brown in reality than it does in the picture, cool."*

Mr. Sadoff stated: *"I'll talk about the exterior a little bit as we are in the development process. This is more of a custom color package vs. the prototype. The prototype's we felt were architecturally in the same range of the office building to the south of us. We were really looking for something very modern to compliment all the buildings in the downtown district and really stay more into the neutral or more modern tones with stucco exterior using some limestone bricks, or river rock bricks, as well as some faux wood type features, which are illustrated there in the corners of the property."*

**Mayor Suter** asked if there were any questions for the operator/builder.

There were none.

**Mayor Suter** stated: *"Thank you all for being here. It really is helpful to hear more detail and it is nice to meet the operator. We have not had a chance to do that yet."*

**Mayor Suter** asked if there was anyone else who would like to speak.

There were none.

**Mayor Suter** asked if there was anyone in the audience who would like to speak in opposition.

There were none.

**Mayor Suter** closed the Public Hearing at 7:47 pm.

**Item No. 9. On the Agenda. FIRST READING BILL NO. 19-32** An Ordinance and Final Development Plan relating to Zoning Ordinance regulations and the establishment of Use Districts within the City of Gladstone, Missouri.

**Councilman Yarber** moved Bill No. 19-32 be placed on its First Reading. **Councilman Mallams** 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 Yarber** moved to accept the First Reading of Bill No. 19-32, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Mallams** 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 Yarber** moved to accept the Second and Final Reading of Bill No. 19-32, and enact the Bill as **Ordinance 4.483**. **Councilman Mallams** 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. 10. On the Agenda. FIRST READING BILL NO. 19-33** An Ordinance approving the Final Plat of the Fairfield Inn by Marriott, Linden Lots 3-11, together with part of Lots 1, 2 and 12, all of Block 25, Linden, A Subdivision in Gladstone, Clay County, Missouri, (commonly known as 6901 North Oak Trafficway), and directing the appropriate officials to affix their signatures to said Plat for recording.

**Councilman Mallams** moved Bill No. 19-33 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 Mallams** moved to accept the First Reading of Bill No. 19-33, 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 Mallams** moved to accept the Second and Final Reading of Bill No. 19-33, and enact the Bill as **Ordinance 4.484**. **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. 11. On the Agenda.** Other Business.

There was no other business to come before the Council.

**Item No. 12. On the Agenda.** Adjournment.

**Mayor Suter** adjourned the July 29, 2019, Regular City Council meeting at 7:51 pm.

Respectfully submitted:

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Ruth E. Bocchino, City Clerk

Approved as presented: \_\_\_\_

Approved as modified: \_\_\_\_

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Mayor Carol J. Suter

## RESOLUTION NO. R-19-35

### **A RESOLUTION ACCEPTING EASEMENTS FROM CERTAIN PROPERTY OWNERS IN CONJUNCTION WITH THE NORTHEAST 76<sup>TH</sup> STREET IMPROVEMENTS PROJECT FROM NORTH OAK TRAFFICWAY TO NORTH BROOKLYN, PROJECT TP1818.**

**WHEREAS**, easements from certain property owners are necessary for the City to construct public improvements in conjunction with the Northeast 76<sup>th</sup> Street Improvements Project from North Oak Trafficway to North Brooklyn (TP1818).

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

**THAT**, the easements from the property owners attached hereto as Exhibits “A” through “J” are hereby accepted.

#### Temporary Construction Easements

“A” – Shirley A. Fessel	1302 NE 76 <sup>th</sup> Street
“B” – Melodie Harris	1711 NE 76 <sup>th</sup> Street
“C” – Antonio & Maria Prado	1306 NE 76 <sup>th</sup> Street
“D” – Roger E. & Mary A. Wheeler	7531 N. Wayne Avenue
“E” – Lyndon E. Thenhaus	1105 NE 76 <sup>th</sup> Street
“F” – Kenneth Roy Wallace	1701 NE 76 <sup>th</sup> Street
“G” – Barbara A. Cammack	1202 NE 76 <sup>th</sup> Street
“H” – Life Unlimited, Incorporated	1705 NE 76 <sup>th</sup> Street

#### Permanent Easements

“I” – Lyndon E. Thenhaus	1105 NE 76 <sup>th</sup> Street
“J” – Barbara A. Cammack	1202 NE 76 <sup>th</sup> Street

**FURTHER, THAT**, the City Manager of the City of Gladstone is hereby authorized to execute and undertake and perform on behalf of the City of Gladstone, Missouri, the obligations and undertakings set forth in said conveyances; and

**FURTHER, THAT**, the City Clerk is hereby directed to record said documents in the Office of the Recorder of Deeds, Clay County, Missouri.

**INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 12<sup>TH</sup> DAY OF AUGUST, 2019.**

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Mayor Carol J. Suter

ATTEST:

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Ruth E. Bocchino, City Clerk



## *Request for Council Action*

RES ☒ # 19-35

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 8/1/2018

Department: Public Works

Meeting Date Requested: 8/12/2018

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

Subject: NE 76th Street Improvements – N. Oak Trafficway to N. Brooklyn #TP1818

Background: Easements and/or Right-of-Way are needed from forty-two (42) properties to complete this project.

Budget Discussion: Funds are budgeted in the amount of \$ 2.4 M from the TST Fund. Ongoing costs are estimated to be \$ N/A annually. Previous years' funding was \$N/A

Public/Board/Staff Input: Staff requests that the easements listed on the attached resolution be submitted to the City Council for acceptance. Easements for this project have been acquired from 8 of 42 property owners.

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

Timothy A. Nebergall  
Department Director/Administrator

PC  
City Attorney

SW  
City Manager

**City of Gladstone, Missouri**  
**Statement of Receipts and Expenditures**  
**For the Twelve Months Ended June 30, 2019 (unaudited)**

	General	Special	Enterprise
	Fund	Revenue	Fund
		Funds	
<b>Receipts</b>			
Taxes	\$ 10,974,586	\$ 6,039,241	\$ -
Licenses & Permits	782,697	-	-
Intergovernmental Revenue	1,362,383	1,606,963	53,543
Charges for Services	3,684,937	1,225,384	10,635,876
Fines & Forfeitures	691,185	9,170	-
Misc. Revenue	863,944	680,810	95,795
Debt Proceeds	-	-	-
Transfers	100,000	855,512	-
<b>Total Receipts</b>	<u>\$ 39,662,027</u>		
<b>Expenditures</b>			
Personnel	\$ 12,280,193	\$ 1,330,665	\$ 1,298,351
Supplies	1,020,004	162,464	411,560
Services	3,981,335	1,909,644	6,871,362
Capital	570,531	6,531,508	589,838
Debt	317,646	3,702,742	1,055,599
Transfers	100,000	855,512	-
<b>Total Expenditures</b>	<u>\$ 42,988,955</u>		

*The Statement of Receipts and Expenditures does not take into account the use of lease purchase proceeds or fund balance from previous periods to fund expenditures. All funds continue to have a positive fund balance.*

**Indebtedness of the City**

General Obligation Bonds	\$ 800,000
Revenue Bonds	2,275,000
Certificates of Participation (COP)	19,710,000
Department of Natural Resources	379,797
Lease Purchase	17,689,906
	<u>\$ 40,854,703</u>

This statement was prepared from recorded receipts and expenditures as shown on the books and records for the City of Gladstone, Missouri, and in compliance with Missouri Revised Statutes, Sec. 77.110. This statement is true and correct to the best of my knowledge.

\_\_\_\_\_  
Mayor Carol J. Suter

\_\_\_\_\_  
Date





## *Request for Council Action*

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 8/5/2019

Department: Finance

Meeting Date Requested: 8/12/2019

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

Subject: Semi-annual Financial Statement and Schedule of Investments

Background: Cities are required by the Missouri Revised Statutes to publish a semi-annual financial statement along with a schedule of indebtedness. The amounts in the financial statement is not audited, nor is it final, but a "snapshot" at a period of time when the information is pulled from the financial software.

Budget Discussion: Funds are budgeted in the amount of \$ [Click here to enter amount](#) from the Choose a Fund Fund. Ongoing costs are estimated to be \$ [Click here to enter amount](#) annually. Previous years' funding was \$ [Click here to enter amount](#)

Public/Board/Staff Input: The presentation of the financial statements is broken down into fund types, General Fund, Enterprise Funds (Water and Sewer Fund), and Special Revenue Funds (all other funds except General or Enterprise). Total expenditures exceed total receipts by \$3,326,928 with the difference due mainly to capital projects. The statement does not account for the use of debt proceeds received in previous periods nor does it account for the use of fund balance (\$2.3 million in land and improvements from CERF and from the 2017 Lease Purchase \$275,000 was spent on Park Improvements and \$1 million on Old Pike and 76th Street). The indebtedness of the city is listed by the type of financing. Staff is seeking the approval of the financial statement from the Council before the statement is published.

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

Dominic Accurso  
Department Director/Administrator

City Attorney

City Manager

**AN ORDINANCE AMENDING ORDINANCE NO. 4.433, SECTION 6.110.100 OF THE CODE OF ORDINANCES OF THE CITY OF GLADSTONE, MISSOURI, REGARDING WATER SERVICE BILLING FREQUENCY IN THE CITY.**

**WHEREAS**, the metered water service billing frequency by the City of Gladstone are set forth in Section 6.110.100 of the Code of Ordinances of the City of Gladstone, Missouri; and

**WHEREAS**, the City Council desires to amend the water service billing frequency for metered water service customers that are reasonable and appropriate, and serve the best interest of the citizens of the City of Gladstone.

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

**SECTION 1.** Section 6.110.100 of the Code of Ordinances of the City of Gladstone, Missouri is hereby deleted in its entirety and replaced with the following:

**Sec. 6.110.100. Water Service Billing Frequency.**

(a) The following rates shall be charged for all metered water service:

- (1) Minimum service charge of \$9.27 monthly.
- (2) Plus \$4.75 per 1,000 gallons used.

**SECTION 2.** Section 6.110.100 of the Code of Ordinances of the City of Gladstone, Missouri is hereby deleted in its entirety and replaced with the following:

**Sec. 6.110.130 – Frequency of Billing.**

All residential, commercial, and industrial services shall be billed monthly and other charges such as refuse collection and sewer service may be added to the utilities bill or statement.

**INTRODUCED, READ, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 12<sup>th</sup> DAY OF AUGUST 2019.**

\_\_\_\_\_  
Mayor Carol J. Suter

ATTEST:

\_\_\_\_\_  
Ruth Bocchino, City Clerk

1<sup>st</sup> Reading: August 12, 2019

2<sup>nd</sup> Reading: August 12, 2019



## *Request for Council Action*

RES ☐ # City Clerk Only

BILL ☒ # 19-34

ORD # 4.485

Date: 8/7/2019

Department: Finance

Meeting Date Requested: 8/12/2019

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

Subject: Water Billing Frequency

Background: In July of 2014, the City changed the frequency of the water and sewer billing from bi-monthly to monthly. This ordinance will amend the code by eliminating the language referring to bi-monthly billing in Section 6.110.100 and 6.110.130

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

Public/Board/Staff Input: See ordinance following RCA.

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

Dominic Accurso  
Department Director/Administrator

PC  
City Attorney

SW  
City Manager

**AN ORDINANCE AUTHORIZING THE CITY OF GLADSTONE, MISSOURI TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF REFINANCING AN EXISTING OBLIGATION OF THE CITY AND ACQUIRING CERTAIN EQUIPMENT FOR THE CITY; AND AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.**

**WHEREAS**, the City of Gladstone, Missouri (the “City”), desires to obtain moneys to pay for the refinancing of an existing obligation of the City and the acquisition of certain equipment for the City, including an ambulance and software (collectively, the “Financed Obligations and Equipment”); and

**WHEREAS**, in order to pay the cost of the Financed Obligations and Equipment, it is necessary and desirable for the City to enter into an Equipment Lease Purchase Agreement (the “Lease”), in substantially the form presented to the City Council at this meeting, with Security Bank of Kansas City (the “Lessor”);

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

**Section 1. Findings and Determinations.** It is hereby found and determined that the terms of the Lease as presented to the City Council of the City at this meeting, are in the best interests of the City for the refinancing of the obligation represented by the Lease Purchase Agreement dated February 27, 2017 between the City and the Lessor, the acquisition of an ambulance and software for the City and for paying costs related to the delivery of the Lease.

**Section 2. Authorization and Approval of the Lease.** The Lease is hereby approved in substantially the form submitted to and reviewed by the City Council of the City on the date hereof, with such insertions, omissions and changes therein as shall be approved by the City Manager of the City (the “**Authorized Officer**”) executing the same, the execution thereof to be conclusive evidence of the such approval. The Authorized Officer is hereby authorized and directed to execute and deliver the Lease on behalf of the City in substantially the forms presented at this meeting.

**Section 3. No General Liability.** The obligation of the City to pay Rental Payments (as defined in the Lease) is subject to annual appropriation and will constitute a current expense of the City and will not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor will anything contained in the Lease constitute a pledge of the general tax revenues or funds of the City, and all provisions of the Lease will be construed so as to give effect to such intent. The Rental Payments under the Lease will be limited obligations of the City, subject to annual appropriation, as provided in the Lease.

**Section 4. Further Authority.** The City will, and the officials and agents of the City are hereby authorized and directed to, take such actions, expend such funds (including transaction costs of the City related to the Lease) and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease and the Financed Obligations and Equipment.

**Section 5. Effective Date.** This Ordinance will take effect and be in full force from and after its adoption by the City Council and approval by the Mayor.

**INTRODUCED, READ, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 12<sup>TH</sup> DAY OF AUGUST, 2019.**

(Seal)

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Mayor Carol J. Suter

ATTEST:

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Ruth E. Bocchino, City Clerk

1<sup>st</sup> Reading: August 12, 2019

2<sup>nd</sup> Reading: August 12, 2019



## *Request for Council Action*

RES ☐ # City Clerk Only

BILL ☒ # 19-35

ORD # 4.486

Date: 8/6/2019

Department: Finance

Meeting Date Requested: 8/12/2019

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

Subject: Ambulance, Software, and Land Refinance Lease Purchase

Background: Staff has been working to create financing ideas to accomplish goals of the City. While staff has presented a list of capital projects to be financed by lease purchase in a previous study session, staff continues to move forward by making these projects a reality. The "new money" part of this lease will provide funding for a new ambulance, new public administration software (utility billing, accounting/finance, Community Development, and a citizen engagement portal), and CAD/RMS software for public safety. A demonstration of the CAD/RMS software will be presented at the August 26th open study session and a demonstration of the public administration software will be presented at the September 9th open study session. The refinancing portion of the lease will free up land where the hotel will be built while taking advantage of the low interest rates from 2017.

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

Public/Board/Staff Input: Ordinance and draft lease purchase agreement follow the RCA.

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

Dominic Accurso  
Department Director/Administrator

PC  
City Attorney

SW  
City Manager

**AN ORDINANCE AMENDING TITLE VII – ZONING & PLANNING SECTION 7.100.010 DEFINITIONS AND ADOPTING NEW CHAPTER 168, MEDICAL MARIJUANA, OF THE CODE OF THE CITY OF GLADSTONE, MISSOURI REGARDING MEDICAL MARIJUANA LAND USE REGULATIONS.**

**WHEREAS**, Missouri voters approved Constitutional Amendment 2, establishing a right to access medical marijuana and establishing steps for state permits related to the use of cultivation, manufacturing, distribution, and dispensing of medical marijuana for qualifying patients; and

**WHEREAS**, the City needs to amend local ordinances regarding medical marijuana, particularly with regard to land use regulations; and

**WHEREAS**, public hearings have been held after the publishing of the required notices;

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

**SECTION 1. AMENDMENT TO TITLE VII – ZONING & PLANNING**

7.140.010 C-2 General Business District

(8) Medical Marijuana Dispensary Facility

7.145.010 C-3 Commercial District

(8) Medical Marijuana Dispensary Facility

7.150.010 C-4 Small Warehouse & Storage District

(4) Medical Marijuana Cultivation Facility

(5) Medical Marijuana Testing Facility/Medical Marijuana Infused Products Manufacturing Facility.

(6) Medical Marijuana Transportation Facility

**SECTION 2. AMENDMENT TO SECTION 7.100.010 DEFINITIONS.** Definitions to be amended within the City Code attached hereto and incorporated herein.

Marijuana - “Marijuana” or “Marihuana” means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-



tenths of one percent on a dg weight basis, or commodities or products manufactured from industrial hemp.

Medical Marijuana Cultivation Facility - means a facility licensed by the Department, to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana Infused Products Manufacturing Facility.

Medical Marijuana Dispensary Facility - means a facility licensed by the Department, to acquire, store, sell, transport, and delivery marijuana, marijuana infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana Infused Products Manufacturing Facility.

Marijuana-Infused Products - means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

Medical Marijuana- Infused Products Manufacturing Facility - means a facility licensed by the Department, to acquire, store, manufacture, transport, and sell marijuana products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana- Infused Products Manufacturing Facility.

Medical Marijuana Testing Facility - means a facility certified by the Department, to acquire, test, certify, and transport marijuana.

Transportation Facility - means a facility licensed as such by the Missouri Department of Health and Senior Services in connection with the transportation and storage of Medical Marijuana.

### **SECTION 3. ADOPTING NEW CHAPTER 168, SECTION 168.100.010 MEDICAL MARIJUANA.**

No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be constructed, altered, or used without complying with the following regulations:

- A. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be initially sited within seven hundred and fifty feet (750) of any then-existing school, child day-care center, or church and one hundred and fifty feet (150) of any building containing a residential unit or single family home. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point of the property line of a

school, child day care center, church, or building containing a residential unit or single family home to the nearest point of the property line containing the medical marijuana business.

For purposes of this Section,

1. A “daycare” means a child-care facility, as defined by Section 210.201, RSMo., that is licensed by the state of Missouri
  2. A “elementary or secondary school” means any public school as defined in section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.
  3. A “church” means a permanent building primarily and regularly used as a place of religious worship.
  4. “Then existing” means any school, day-care, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the marijuana facility first applies for either zoning or a building permit, whichever comes first.
- B. Outdoor Operations or Storage Prohibited. All marijuana facilities’ operations and all storage of materials, products, or equipment shall be within a fully enclosed building.
- C. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana facility.
- D. Hours of Operation. All marijuana facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 7:00 a.m.
- E. Residential Dwelling Units Prohibited. No medical marijuana business shall be located in a building that contains a residence.
- F. A Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be entirely within an enclosed building.
- G. Ventilation Required. All marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

- H. Security Requirements. All marijuana facilities shall comply with all security requirements set forth and approved by Department of Health and Senior Services.
- I. Signage (outside/inside). A sign master plan shall be submitted and approved by City Staff in accordance with Chapter 1600 – Signs.
- J. Occupancy Inspection Required. All new marijuana facilities shall obtain a Certificate of Occupancy prior to operation.
- K. Lighting (Indoor/Outdoor). All lighting shall be energy efficient (LED) and in accordance with Chapter 181 – Outdoor Lighting.

**SECTION 3. SEVERABILITY CLAUSE.** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of the ordinance.

**INTRODUCED, READ, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 12<sup>th</sup> DAY OF AUGUST 2019.**

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Mayor Carol J. Suter

ATTEST:

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Ruth Bocchino, City Clerk

1<sup>st</sup> Reading: August 12, 2019

2<sup>nd</sup> Reading: August 12, 2019

File #2019-010



## ***Request for Council Action***

RES ☐ # City Clerk Only

BILL ☒ # 19-36

ORD # 4.487

Date: 8/6/2019

Department: Community Development

Meeting Date Requested: 8/12/2019

Public Hearing: Yes ☒ Date: 8/12/2019

Subject: Medical Marijuana Land Use Regulations - Zoning

### Background:

On November 6, 2018, Missouri voters approved Constitutional Amendment 2, establishing a right to access medical marijuana and establishing steps for state permits related to the use, cultivation, manufacturing, distribution, and dispensing of medical marijuana for qualifying patients. As such, the City needs to amend local ordinances regarding medical marijuana, particularly with regard to land use regulations.

Cities may not expressly or effectively prohibit medical marijuana facilities. However, cities may regulate the “time, place, and manner” of the operation of medical marijuana facilities as long as the regulations are not “unduly burdensome on the operation” of the facility. Amendment 2, which was approved by Missouri voters, allows up to a 1,000 foot buffer between a medical marijuana facility and a primary or secondary school, child day-care center, or church. Cities may choose to lessen or waive the buffer requirement but cannot make it greater than 1,000 feet.

There are multiple types of medical marijuana facilities:

- Medical Marijuana Cultivation Facilities are where the plants will be grown, harvested, and processed.
- Medical Marijuana Infused Products Facilities are where edibles or lotions are made.
- Medical Marijuana Testing Facilities will test the quality, strength and purity of the medical marijuana, and is required for all products that will be sold at dispensaries.
- Medical Marijuana Dispensary Facilities are commercial facilities licensed to store and sell medical marijuana products and paraphernalia to those with medical marijuana cards.

These proposed amendments are based upon the rules published by the Department of Health and Senior Services (DHSS) on May 24, 2019.

City Staff recommends that medical marijuana dispensaries be located in zoning districts C-2 General Business Districts and C-3 Commercial Districts and operate during the hours of 7:00 a.m. and 10:00 p.m. It

is also staff's recommendation that that medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana infused products manufacturing facilities, and medical marijuana transportation facilities are located in a zoning district C-4 Small Warehouse & Storage District and open between the hours of 7:00 a.m. and 10:00 p.m.

No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be initially sited within seven hundred and fifty feet (750) of any then-existing school, child day-care center, or church and one hundred and fifty feet (150) of any building containing a residential unit or single family home. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point of the property line of a school, child day care center, church, or building containing a residential unit or single family home to the nearest point of the property line containing the medical marijuana business.

Below, is an illustration regarding what other cities in the metro have adopted on the topic of medical marijuana and land use.

Cities	Dispensary Set Back (Feet)	Manufacturing Set Back (Feet)
Kansas City, MO	300	750
Independence, MO	1,000	1,000
Blue Springs, MO	1,000	1,000
North Kansas City, MO	300	300
Liberty, MO	300	300
<b>Gladstone, MO</b>	<b>750 (Proposed)</b>	<b>750 (Proposed)</b>

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

Public/Staff Input/Commission:

There were no comments from the public.

The Planning Commission voted 8-0 in favor of the staff proposed hours of operation – Closed between the hours of 10:00 p.m. and 7:00 a.m.

The Planning Commission voted 8-0 in favor of the staff proposed zoning regulations.

Dispensaries – C -2 & C-3

All Other Medical Marijuana Facilities – C-4

The Planning Commission voted 6 - 2 in favor of the setbacks at 750 feet of any then-existing school, child day care center, or church and 150 feet of any building containing a residential unit or single family home.

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

Austin Greer, Assistant to the City Manager/Planning Administrator

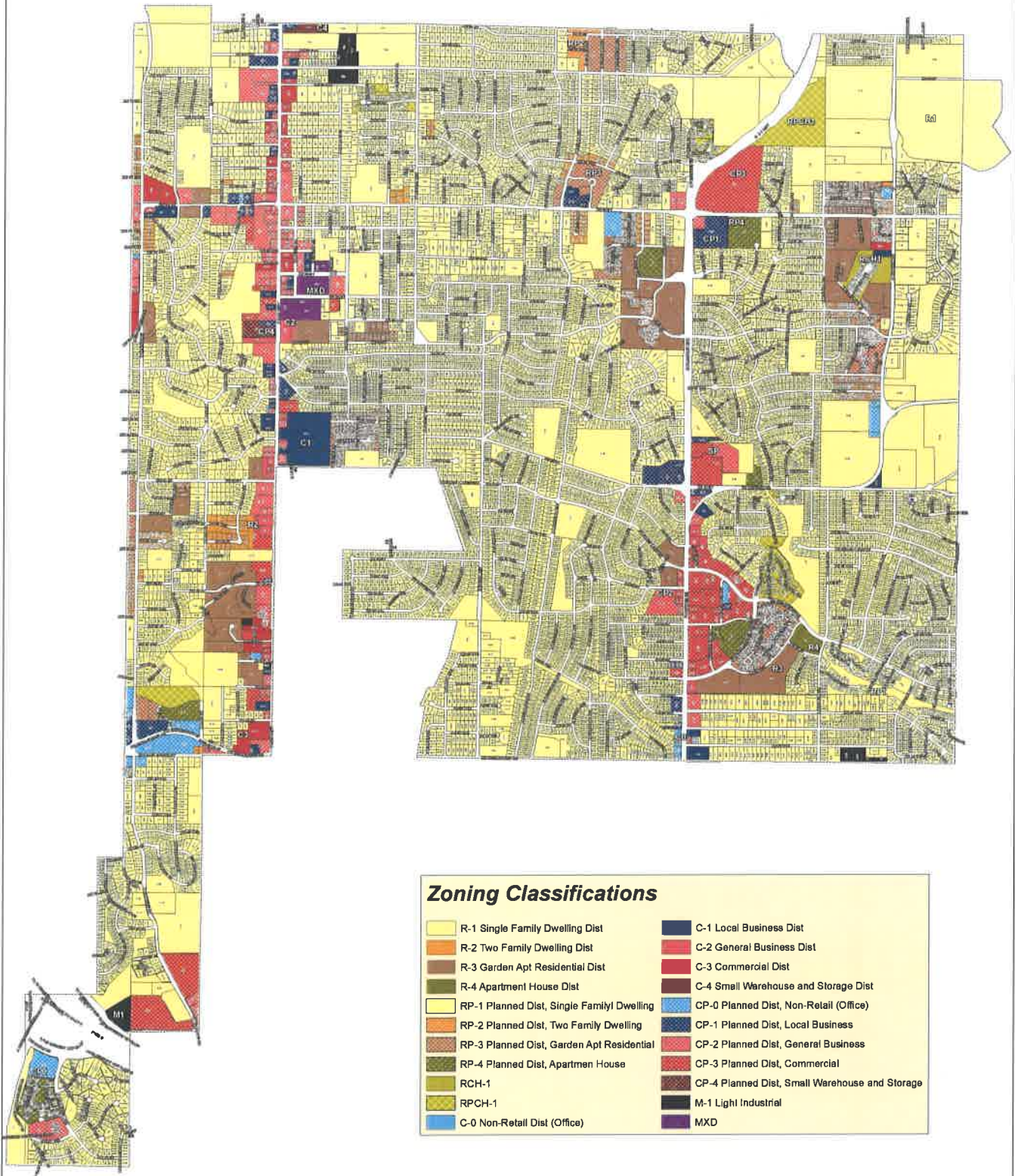
PC

SW

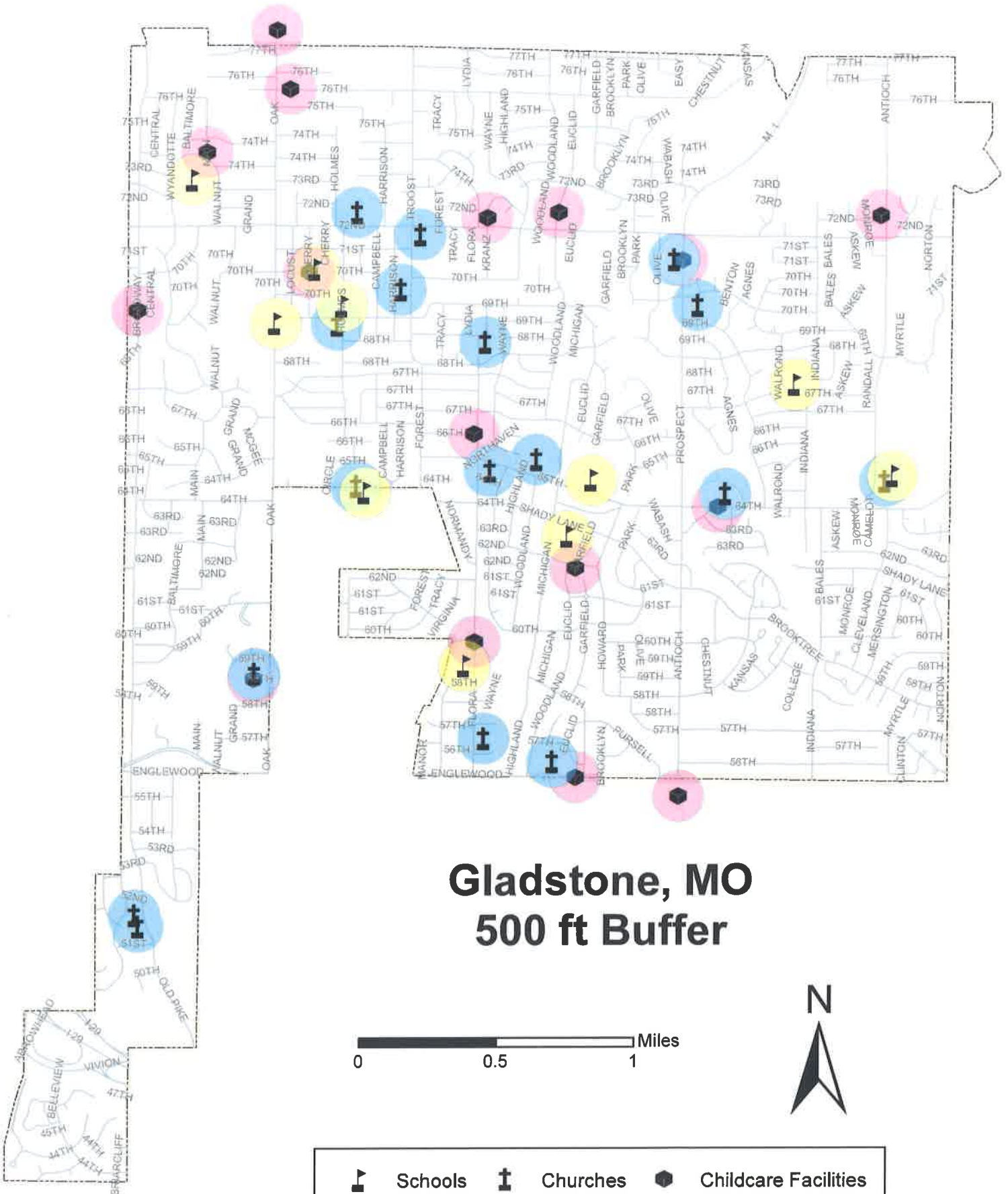
City Attorney

City Manager

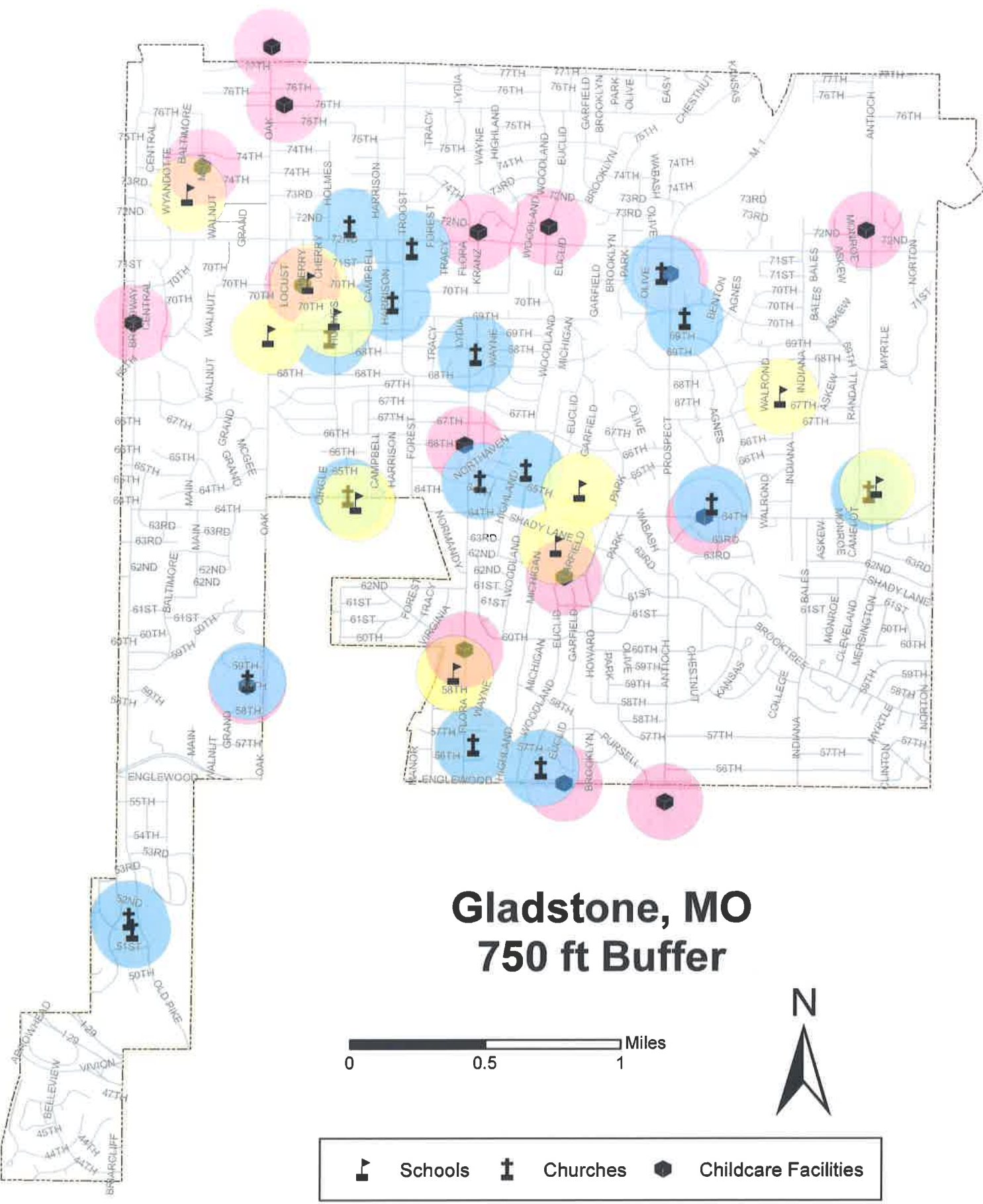
# OFFICIAL ZONING MAP

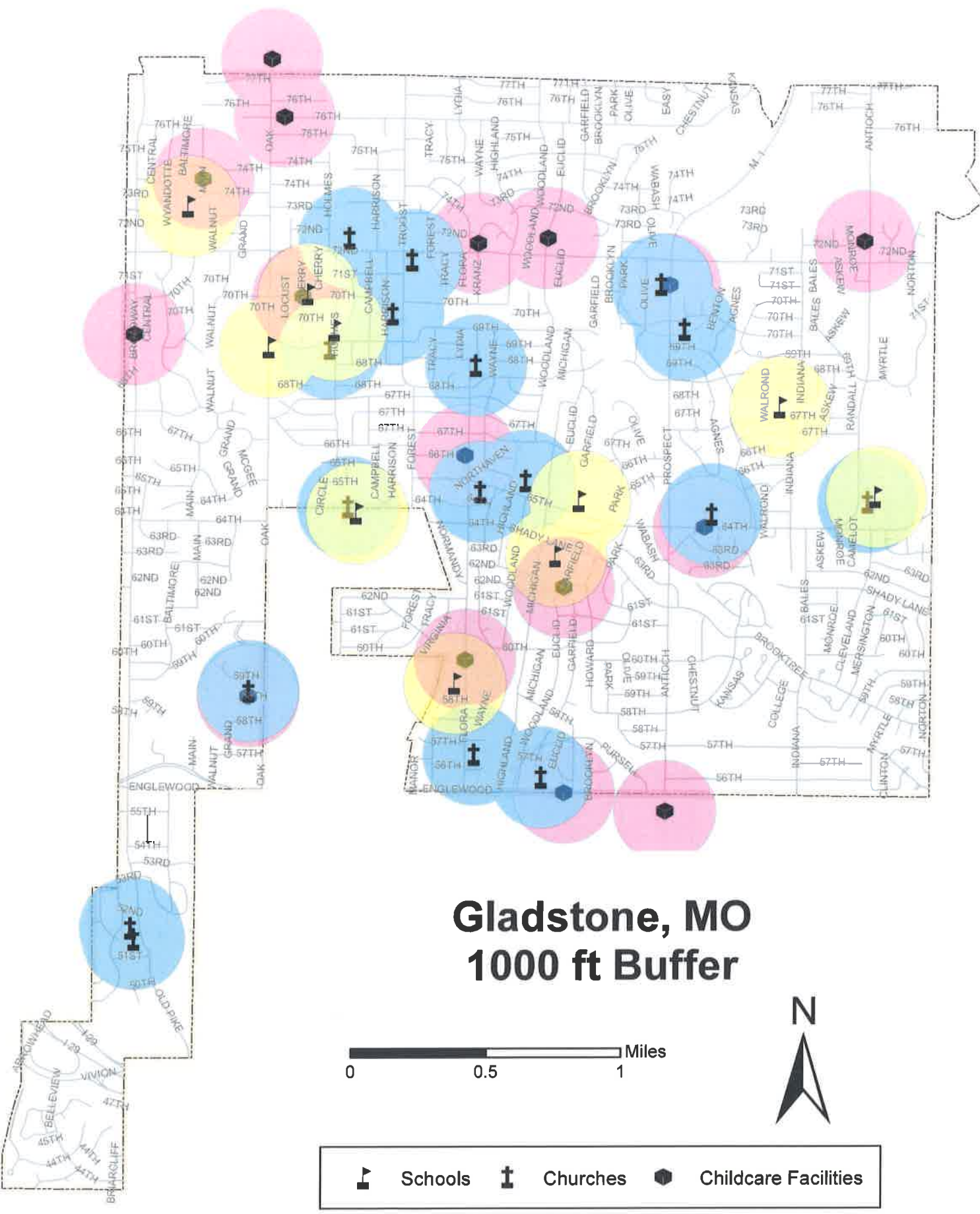












# Gladstone, MO 1000 ft Buffer

0 0.5 1 Miles



-  Schools
-  Churches
-  Childcare Facilities



## Community Development Department

### Staff Report

Date: July 24, 2019

File #: 20019-010

Requested Action: Planning & Zoning Ordinance for Medical Marijuana

Date of PC Consideration: August 5, 2019

Date of Council Consideration: August 12, 2019

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**Applicant:** City of Gladstone, Community Development Department

### Analysis

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On November 6, 2018, Missouri voters approved Constitutional Amendment 2, establishing a right to access medical marijuana and establishing steps for state permits related to the use, cultivation, manufacturing, distribution, and dispensing of medical marijuana for qualifying patients. As such, the City needs to amend local ordinances regarding medical marijuana, particularly with regard to land use regulations.

Cities may not expressly or effectively prohibit medical marijuana facilities. However, cities may regulate the "time, place, and manner" of the operation of medical marijuana facilities as long as the regulations are not "unduly burdensome on the operation" of the facility. Amendment 2, which was approved by Missouri voters, allows up to a 1,000 foot buffer between a medical marijuana facility and a primary or secondary school, child day-care center, or church. Cities may choose to lessen or waive the buffer requirement but cannot make it greater than 1,000 feet.

There are multiple types of medical marijuana facilities:

- Medical Marijuana Cultivation Facilities are where the plants will be grown, harvested, and processed.
- Medical Marijuana Infused Products Facilities are where edibles or lotions are made.
- Medical Marijuana Testing Facilities will test the quality, strength and purity of the medical marijuana, and is required for all products that will be sold at dispensaries.
- Medical Marijuana Dispensary Facilities are commercial facilities licensed to store and sell medical marijuana products and paraphernalia to those with medical marijuana cards.

These proposed amendments are based upon the rules published by the Department of Health and Senior Services (DHSS) on May 24, 2019.

City Staff recommends that medical marijuana dispensaries be located in zoning districts C-2 General Business Districts and C-3 Commercial Districts and operate during the hours of 7:00 a.m. and 10:00 p.m. It is also staff's recommendation that that medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana infused products manufacturing

facilities, and medical marijuana transportation facilities are located in a zoning district C-4 Small Warehouse & Storage District and open between the hours of 7:00 a.m. and 10:00 p.m.

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Or, No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be initially sited within seven hundred and fifty feet (750) of any then-existing school, child day-care center, or church and one hundred and fifty feet (150) of any building containing a residential unit or single family home. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point of the property line of a school, child day care center, church, or building containing a residential unit or single family home to the nearest point of the property line containing the medical marijuana business.

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North Kansas City, MO	300	300
Liberty, MO	300	300
Gladstone, MO	750 (Proposed)	750 (Proposed)

### Recommended Conditions

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N/A

### Recommendation

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City Staff recommends that the request be APPROVED.





St. Joseph News-Press • Smithville Herald • Kearney Courier • Liberty Tribune • Gladstone Dispatch • Green Acres Publication • Daily Star-Journal • Read It Free - NWMO • Atchison Globe • Hiawatha World • Miami County Republic • Osawatomie Graphic • Louisburg Herald • Read It Free • Miami County

**NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502**  
**Proof of Ad 07/12/19**

Account: <b>90701</b>	Ad ID: <b>6607374</b>	Discount: <b>\$0.00</b>
Name: <b>CHERYL LAMB</b>	Description: <b>Hearing 2019-010.Marijuana</b>	Gross: <b>\$29.62</b>
Company: <b>CITY OF GLADSTONE</b>	fcity regultn	Paid Amount:- <b>\$0.00</b>
Address: <b>7010 N. HOLMES</b>	Run Dates: <b>07/18/19 to 07/18/19</b>	Amount Due: <b>\$29.62</b>
<b>GLADSTONE, MO 64118</b>	Class: <b>189</b>	
Telephone: <b>(816) 423-4110</b>	Orig User: <b>SANDRAR</b>	
	Words: <b>92</b>	
	Lines: <b>21</b>	
	Agate Lines: <b>35</b>	

Publication	Start	Stop	Inserts	Cost
Courier Tribune	07/18/19	07/18/19	1	\$19.75
Gladstone Dispatch	07/18/19	07/18/19	1	\$9.87

(Published in the Courier-Tribune Thurs., 7/18/19)

**PUBLIC HEARING #2019-010**

All persons are hereby notified that the **Gladstone Planning Commission will conduct a public hearing on Monday, August 5, 2019 at 7:00 pm** in the Council Chambers of Gladstone City Hall **regarding adopting regulations concerning medical marijuana facilities** for the City of Gladstone. Subsequently, at its **regular meeting of Monday, August 12, 2019 at 7:30 pm**, the City Council will hold a **public hearing on the same request**. The public is invited to attend. Please call 423-4110 if you have any questions.

Proof

## GLADSTONE PLANNING COMMISSION MINUTES

Council Chambers August 5, 2019

**1. Meeting called to Order- Roll Call.** Chair McGee called the meeting to order at 7:00 p.m.

Commissioners present were: Chase Cookson  
Mike Ebenroth  
J.N. Hernandez  
Alicia Hommon  
Katie Middleton  
Kim Murch  
Bill Turnage  
Jennifer McGee, Chair

Not present: Gary Markenson  
James New  
Larry Whitton

Also present: Jean Moore, Mayor Pro Tem  
Scott Wingerson, City Manager  
Bob Baer, Assistant City Manager  
Alan Napoli, Building Official/Com Dev Administrator  
Austin Greer, Assistant to the City Manager/Planning Administrator  
Cheryl Lamb, Administrative Assistant

**2. Pledge of Allegiance to the United States of America.**

**3. Approval of Previous Meeting Minutes: July 15, 2019.** Chair McGee asked if there was a motion to approve the minutes from the July 15, 2019 meeting. Mr. Turnage moved to approve the minutes; Ms. Hommon seconded. The minutes were approved, 8-0.

**4. Other Business.** None.

**5. Public Hearing: Medical Marijuana Ordinance. File #2019-010.**

Chair McGee opened the Public Hearing. She said they would start with the staff report. Then there would be an opportunity for members of the public to speak in opposition, followed by an opportunity for members of the public to speak in support of the application. After that, there would be time for the Planning Commission members to ask questions and discuss the issue.

The scope of the hearing was limited specifically to:

1. The hours of operation for these facilities.
2. The type of zoning these facilities can go in.
3. A setback requirement for these facilities.

She asked the Commission to refrain from wandering outside the scope of these into personal philosophy on marijuana or any things that don't pertain to the use of the facilities.

Mr. Greer presented the Staff Report:

*“On November 6, 2018, Missouri voters approved Constitutional Amendment 2, establishing a right to access medical marijuana and establishing steps for state permits related to the use, cultivation, manufacturing, distribution, and dispensing of medical marijuana for qualifying patients. As such, the City needs to amend local ordinances regarding medical marijuana, particularly with regard to land use regulations.*

*Cities may not expressly or effectively prohibit medical marijuana facilities. However, cities may regulate the “time, place, and manner” of the operation of medical marijuana facilities as long as the regulations are not “unduly burdensome on the operation” of the facility. Amendment 2, which was approved by Missouri voters, allows up to a 1,000 foot buffer between a medical marijuana facility and a primary or secondary school, child day-care center, or church. Cities may choose to lessen or waive the buffer requirement but cannot make it greater than 1,000 feet.*

*There are four types of medical marijuana facilities:*

- Medical Marijuana Cultivation Facilities are where the plants will be grown, harvested, and processed.*
- Medical Marijuana Infused Products Facilities are where edibles or lotions are made.*
- Medical Marijuana Testing Facilities will test the quality, strength and purity of the medical marijuana, and is required for all products that will be sold at dispensaries.*
- Medical Marijuana Dispensary Facilities are commercial facilities licensed to store and sell medical marijuana products and paraphernalia to those with medical marijuana cards.*

*These proposed amendments are based upon the rules published by the Department of Health and Senior Services (DHSS) on May 24, 2019.*

*City Staff recommends that medical marijuana dispensaries be located in zoning districts C-2 General Business Districts and C-3 Commercial Districts and operate during the hours of 7:00 a.m. and 10:00 p.m. It is also staff's recommendation that that medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana infused products manufacturing facilities, and medical marijuana transportation facilities are located in a zoning district C-4 Small Warehouse & Storage District and open between the hours of 7:00 a.m. and 10:00 p.m.*

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*containing a residential unit or single family home. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point of the property line of a school, child day care center, church, or building containing a residential unit or single family home to the nearest point of the property line containing the medical marijuana business."*

Mr. Greer summarized by referring to the PowerPoint slide on the overhead. There are only a couple of categories that cities can control from a land use perspective since this was approved by the voters last year.

1. The hours of operation for these facilities.
2. The types of zoning these facilities can go in to.
3. What the setback requirements are in feet.

The Commission would need to come to a consensus on one (1), two (2) and three (3) on the screen, make a motion, and hold a vote on the topic. He then deferred to Chair McGee.

Chair McGee asked if there was anyone in the audience who wanted an opportunity to speak in opposition to this ordinance. None.

Chair McGee asked if there was anyone in the audience who wanted an opportunity to speak in favor of this ordinance. None.

Chair McGee opened discussion to the Planning Commissioners.

Ms. Middleton asked if there was a reason for the two different setbacks.

Mr. Greer replied that there are two options. The first one is 750 feet which is standard regulation. The second option is a little bit more intrusive and that is where it comes into the residential units. The reason for that is the City of Gladstone is pretty linear when it comes to our layout. Some of our conventional locations have very shallow lots; which means they back up to residential homes. They wanted to have the option to attempt to make that a little more restrictive. It is either one option or the other.

Mr. Cookson said he understands that the setback requirements for liquor establishments are 300 feet in the City of Gladstone. He was curious about the rationale that the City relied on.

Mr. Greer shared that they had many long conversations on the topic. In their eyes, alcohol and marijuana aren't viewed in the same way, at least not yet. Plus this is strictly a cash business at this point. Also, the federal government does quite recognize medical marijuana, it is still illegal. There is a difference, at least in their eyes.

Mx. Hernandez asked if they had factored in the square mileage of Gladstone when they came up with the 750. They said that, comparing the numbers provided, Liberty is about 30 square miles and they are looking at 300 feet setbacks versus North Kansas City which is about half the size of Gladstone, almost four and one-half (4 ½) square miles. They are at 300 feet. They wanted to know if putting it at 750 really limits the number of businesses that could possibly come in and bring in jobs.

Mr. Greer said they didn't think so. They did their research and looked at what other cities are doing right now. Some did 300 and some did 1,000. Given that Gladstone is nine (9) square miles, they believe there is adequate zoning and setbacks for 750 feet. When they looked at it, the maps were in their packets, 1,000 feet was a little restrictive. They know there are differing opinions on the matter. They thought that 750 would be a good middle

point to compromise on. That is how they settled on the 750. They do think there are plenty of locations at those setbacks.

Mr. Cookson addressed Mx. Hernandez's concerns. He said he did play around with the setback requirements on Google maps, essentially asking the same question. He wanted to know if it would have the practical effect of completely eliminating this kind of economic activity in the City. It looks like, at least on the primary commercial corridors, there is enough space where somebody could possibly open one up.

Mr. Greer agreed.

Mr. Murch asked Mr. Cookson if he considered the 150 residential set back when he did that.

Mr. Cookson said he did not. He only looked at the 750 for churches and the others.

Mr. Murch asked if there was any place in the City that would qualify when you consider residential as well.

Mr. Greer said there would be some locations off the Antioch corridor and the North Oak corridor that would work. There are also some locations, if you were to recommend the 150 that it wouldn't.

Mr. Murch asked for clarification on what is some.

Mr. Greer said that off the top of his head he didn't want to give any specific locations. That could be an unfair advantage for somebody else to try to come in.

Mr. Murch asked if it was 20 locations in the City.

Mr. Greer said he couldn't answer that question at this time, but they can definitely look into it.

Mr. Turnage asked if the idea of what size cultivation, (inaudible); is that land-based or building-based.

Mr. Greer felt it could be a combination of the two. He said they don't see Gladstone being a manufacturing hub. North Kansas City, with all the warehouse space they have, they've heard that they will be manufacturing hub, one of the largest ones in the country. They think Gladstone will get a couple of dispensaries, maybe two or three at the most. He thinks it is a little bit far-fetched that they will get any type of manufacturing. He's not saying it wouldn't happen, but probably not likely.

Mr. Turnage asked if it was the same as the blending and testing.

Mr. Greer shared that he believes that falls under manufacturing. He just doesn't see it happening necessarily, but not to quote him on that. He thinks that dispensaries are likely.

Ms. Middleton asked if the hours of 7 a.m. to 10 p.m. are general business hours.

Mr. Greer said pretty much. They looked at what some of the adjacent cities are doing and a lot of them range from 6 a.m. to 11 p.m., 7 a.m. to 10 p.m. They thought with the Gladstone community 7 a.m. to 10 p.m. made a lot of sense.

Mr. Murch asked Austin to reiterate what the dispensary rules are. Not just from the setbacks, but are there any other rules that were set in the vote.

Mr. Greer asked him to repeat his question.

Mr. Murch said he is curious on a dispensary what other rules apply. He heard there could only be ten (10) people in a facility or everything is under lock and key.

Mr. Greer said he is not an expert on that portion of it. He's not an expert on anything when it comes to medical marijuana. Tonight he is prepared to talk about the top three things on the board. They are heading to address medical marijuana through Public Safety and building codes and different things like that. That will take place with other portions of staff throughout the City. He just can't answer that question accurately.

Mr. Murch asked if he can address the question he asked before on what a transportation facility is.

Mr. Greer shared that it was a really good catch and something they will have to define better. He said four particular facilities, but it may be five and they can make that adjustment.

Mr. Murch asked what would be a transportation facility.

Mr. Greer said it would be something like distribution where medical marijuana is brought there in large quantities and distributed to dispensaries throughout a certain region. He would compare it to something like a liquor distribution center, but not to that size.

Chair McGee asked a question about the conditions, number E, the hours of operation. It says no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 7 a.m. to 10 p.m. She asked for clarification if that is preventing them during the day or preventing them during the night.

Mr. Greer said that it is their understanding that no business will be conducted between the hours of 7 a.m. to 10 p.m. He would have to check with the lawyers exactly. He asked if she is asking if employees can come in ahead of time to set up.

Chair McGee replied that she is confused about whether 7 a.m. to 10 p.m. negates a period during the day. She would expect people who are going into a medical marijuana dispensary would want to visit during these hours rather than at 3 a.m.

Mr. Cookson shared that he thinks it's the language. It might be an error or a typo.

Chair McGee said it should be 10 p.m. to 7 a.m.

Mr. Greer agreed. He said they will fix that.

Mx. Hernandez asked if they were deciding between A or B, or are both provisions in there.

Mr. Greer said they were suggestions and if the Planning Commission feels differently about 750 they can certainly have that discussion whether it should be 750 or 800 or 600. It just depends on how they feel. If they are good with the 750, then yes, they can vote on that if they like. They don't have to three individual votes. If they can come to a consensus on all three and take one vote that is completely ok.

Mr. Murch addressed Austin by stating that this is something he didn't want to address tonight, and asked would a pharmacy qualify as a dispensary; a pharmacy that has all kinds of drugs to start with.

Mr. Baer replied that this is a cash business only. It is still considered not legal at the federal level. He doesn't believe they will see Walgreens and CVS carrying medical marijuana. It's not recognized from a federal standpoint.

Mr. Murch agreed that was true as of today, but what happens when it is recognized.

Mr. Baer said they would have to amend what they already have. Amendment 2 is what they are voting on tonight. Amendment 2 has clearly spelled out what the rules are. That is why so many people are able to apply for these dispensary licenses without any kind of pharmaceutical license. It's not like a pharmacist will be doing this.

Mr. Murch asked if they will try to get in on the money.

Mr. Greer said that is hard for them to determine at this time; who will get into this or if CVS or Walgreens will.

Chair McGee asked if anyone wanted to express an opinion on option A versus option B. She asked if they were happy with the 750 or do they want to consider something else.

Ms. Middleton shared that she is ok with the more restrictive on this.

Mr. Turnage said that option B would be his preference.

Ms. Hommon agreed.

Mx. Hernandez said that they were feeling option A, especially considering the fact that it already outlines on the ventilation requirements in how it is preventing an odor. They would still have security requirements and such. It seems excessive to include also the residential setback as well. Gladstone has a lot of empty buildings that need some businesses put in and we need jobs in the area.

Ms. Middleton doesn't feel that it would hurt anybody's opportunity.

Mx. Hernandez said it might affect one family in Gladstone.

Mr. Turnage said, before they decide on this, he wanted to ask what would happen if one dispensary comes in and wants to establish a business there, outside the setback so it's not a violation there. He asked if there is any chance that people who live closely, like residents, would they have a chance to say no they don't want this.

Mr. Greer said if the zoning is correct they can go in. It wouldn't have to go before the Planning Commission.

Mr. Cookson shared a comment that he would like to see smaller setback requirements. He would like see them consistent with liquor despite the federal treatment of marijuana. At the same time, given what it looks like to be the practical effect, he is fairly ambivalent. That's where he stands.

Mr. Greer addressed Chair McGee and said that, if it will make it a little easier, if she wants to go down the line and take a vote on each issue, then they could knock those out.

Chair McGee started with hours of operation. She asked if there was a motion to accept the hours of 7 a.m. to 10 p.m.

Mx. Hernandez made a motion to amend it to 10 p.m. to 7 a.m.

Mr. Greer said that if everybody has a consensus with that then number 1 is approved.

Mx. Hernandez clarified that instead of the hours being as written on E. as 7 a.m. to 10 p.m. it would be reversed to 10 p.m. to 7 a.m.

Chair McGee said the motion on the floor is to accept the open hours of 7 a.m. to 10 p.m. with the corrected line in the evening.

**MOTION on the HOURS OF OPERATION:** By Mx. Hernandez to accept the hours with an amendment on the hours the facilities shall be closed to 10 p.m. to 7 a.m., seconded by Mr. Murch, Medical Marijuana Ordinance, File #2019-010. The motion carried 8-0.

Chair McGee said the next item was the type of zoning these facilities will go in to.

**MOTION on the TYPE OF ZONING:** By Mr. Cookson, seconded by Mr. Murch, to approve medical marijuana dispensaries to be located in zoning districts C-2 General Business Districts and C-3 Commercial Districts, and manufacturing and transportation facilities be located in zoning district C-4 Small Warehouse & Storage District, Medical Marijuana, File #2019-010. The motion carried 8-0.

Chair McGee opened the discussion on the setback requirement in feet.

A motion was made by Mr. Ebenroth to approve the recommended setback of 750 feet including the setback of 150 feet for residential; seconded by Ms. Middleton.

Chair McGee called for a roll call vote on the setbacks.

**MOTION on the SETBACKS:** By Mr. Ebenroth, seconded by Ms. Middleton, to approve the recommended setback of 750 feet from any school, child day-care center or church, and 150 feet from any residential unit or single family home, Medical Marijuana, File #2019-010. The motion carried 6-2.

6. **Possible Meeting Day Change – Discussion.** Mr. Greer shared that they have had a lot of interesting projects come to the Planning Commission in the past year and some of those could have used some legal counsel. He asked if they would be open to the idea of, and have the discussion of changing the Planning Commission night from Monday nights to some other day of the week.

Ms. Middleton asked if it was so legal could attend the meeting.

Mr. Greer confirmed that it was so legal representation could be there, if they were needed for the meeting. Our legal counsel is always booked on Monday nights and it is extremely difficult to have them here if there is a difficult project. They are looking to see if another night works better for the Planning Commission and our legal counsel.

Mx. Hernandez asked what days are best.

Mr. Greer suggested that Tuesdays and Thursdays are the best two days. He's not sure if that works for everybody, Tuesday would probably be preferred.

Ms. Middleton, Mr. Murch and Ms. Hommon were fine with Tuesdays.

Mr. Cookson shared that it was hard for him to know. He travels for work so Monday is probably the easiest, but if it works for everybody then he can make Tuesdays work.

Mr. Greer said he appreciates their flexibility. He wasn't prepared to solidify this tonight so this is fantastic. Not saying it will happen, but if they are open to it, that would be great.

Mx. Hernandez said they would prefer that they move whatever meetings need to be moved because Tuesdays are really rough for them. They are only one of the group, so that's cool if that is what they do.

Mr. Greer wasn't sure how the group feels about special sessions; if that is something they like to do very often. They don't like to spring things on them but, for special projects that could be an option too; keep most of the nights on Monday nights, but if legal counsel is needed maybe they could move to a different night of the week. He asked if they were open to that.

Ms. Middleton confirmed she was open to that suggestion.

Mr. Greer clarified that would be the more preferred option for them, and possibly Tuesdays too. He appreciated their feedback.

**7. Communications from City Council.** None.

**8. Communications from City Staff.** Mr. Napoli shared that they were still trying to get the sign code to them for review. Part of that is City legal counsel not available on Monday nights so he needs to do a Tuesday or Thursday night. They may see a Tuesday night coming up soon to get that back in front of them.

**9. Communications from Planning Commission Members.** Ms. Hommon shared that she has an intern with her for two weeks from Florida learning about entrepreneurship. She was able to be present at this meeting and it really fun to have her see what it's like to be an integral part of a city.

**10. Adjournment.** Mr. Ebenroth motioned to adjourn; Mr. Cookson seconded.

**Chair McGee adjourned the meeting at 7:26 p.m.**

Respectfully submitted:

\_\_\_\_\_  
Cheryl Lamb, Recording Secretary

Approved as corrected \_\_\_\_\_

\_\_\_\_\_  
Jennifer McGee, Chair

Approved as submitted \_\_\_\_\_