



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, FEBRUARY 27, 2023**

The City Council will meet in a Closed Executive Session at 6:40 pm, Monday, February 27, 2023, 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, 610.021(3) Personnel, 610.021(9) Employee Groups, and 610.021 (12) Negotiated Contract.

OPEN STUDY SESSION 7:00 PM

1. **City Hall Accent Lighting-** Representatives from Hoefer Welker and Turner will present a brief overview of the accent lighting for the front of City Hall.
2. **License Plate Reader Trial Period-** Police Chief Fred Farris will present the outcome of the sixty-day field test with the Flock License Plate Reader (LPR) system.

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 the Agenda.**
5. **Approval of the February 13, 2023, Closed City Council Meeting Minutes.**
6. **Approval of the February 13, 2023, Regular City Council Meeting Minutes.**
7. **Communications from the Audience:** *Members of the public are invited to speak about any topic not listed on the agenda. While speaking, please state your name and address for the record and limit comments to 5 minutes.*
8. **Communications from the City Council.**
9. **Communications from the City Manager.**
10. **CONSENT AGENDA**

SPECIAL EVENT PERMIT: Flashlight Easter Egg Hunt, Happy Rock Park Sports Complex. Friday, March 31, 2023, 5:00 to 9:00 pm. Rain date is Saturday, April 1, 2023, 5:00 to 9:00 pm.

SPECIAL EVENT PERMIT: Touch A Truck, Happy Rock Park West, Saturday, May 6, 2023, 10:00 am to 12:00 pm.

SPECIAL EVENT PERMIT: Theatre in the Park, Oak Grove Park, Friday, June 30, 2023 through Sunday, July 2, 2023, and Friday, August 4, 2023 through Sunday, August 6, 2023 5:00 to 11:30 pm.

SPECIAL EVENT PERMIT: Independence Day Celebration, Oak Grove Park, Tuesday, July 4, 2023, 5:00 to 11:00 pm.

SPECIAL EVENT PERMIT: Friday Fright Night, Happy Rock Park East, Friday, October 20, 2023, 5:00 to 9:00 pm.

RESOLUTION R-23-04 A Resolution amending or revising the 2023 General Fund, Community Center and Parks Sales Tax Fund, Public Safety Sales Tax Fund, Capital Improvement Sales Tax Fund, Capital Equipment Replacement Fund, Combined Waterworks and Sewer

System Fund, and Parks and Playground Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds.

RESOLUTION R-23-05 A Resolution authorizing the City Manager to execute a contract with Insko Industries, Incorporated, in the total amount not to exceed \$79,365.00 for the Gladstone Municipal Pool Painting Project. CC2353.

CONSIDER FINANCIAL REPORT FOR 7 MONTHS ENDING JANUARY 31, 2023.

REGULAR AGENDA

11. **FIRST READING BILL NO. 23-05** An Ordinance authorizing the City Manager to execute a Memorandum of Agreement between the City of Gladstone, and the Mid-America Regional Council (MARC) to update Stormwater Engineering Standards and Planning Guidelines.
12. **FIRST READING BILL NO. 23-06** An Ordinance amending Title IX Building and Construction Ordinance of the City of Gladstone, Missouri, Code of Ordinances by repealing certain provisions contained therein and enacting in lieu thereof, new provisions designated as Title IX Building and Construction Ordinance relating to the Erosion and Sediment Control and Post-Construction Stormwater Regulations for the City of Gladstone, Missouri.
13. **FIRST READING BILL NO. 23-07** An Ordinance amending Chapter 105 – Animal Regulations in Title II - Public Health, Safety, and Welfare in the Gladstone City Code relating to domesticated fowl and bees.
14. **FIRST READING BILL NO. 23-08** An Ordinance amending Section 1.115.020 of the Code of Ordinances of the City of Gladstone, Missouri, pertaining to closed meetings and closed records in accordance with the Open Meetings and Records Law in Chapter 610 of the Revised Statutes of Missouri.

- 15. FIRST READING BILL NO. 23-09** An Ordinance amending the Code of Ordinances, City of Gladstone, Missouri, Title III, Offenses, Chapter 130, Offenses against Public Peace and Safety, by amending certain sections and adding certain sections to conform with Article XIV of the Missouri Constitution.
- 16. Other Business.**
- 17. Adjournment.**

Representatives of the News Media may obtain copies of this notice by contacting:
Kris Keller, City Clerk
City of Gladstone
7010 North Holmes
Gladstone, MO 64118
816-423-4096

Date: February 23, 2023
Posted at: 4:20 pm



Community Development Memorandum

TO: Scott C. Wingerson, City Manager

FROM: Alan D. Napoli, Community Development Administrator | Building Official

CC: Austin Greer, Assistant to the City Manager | Community Development Director

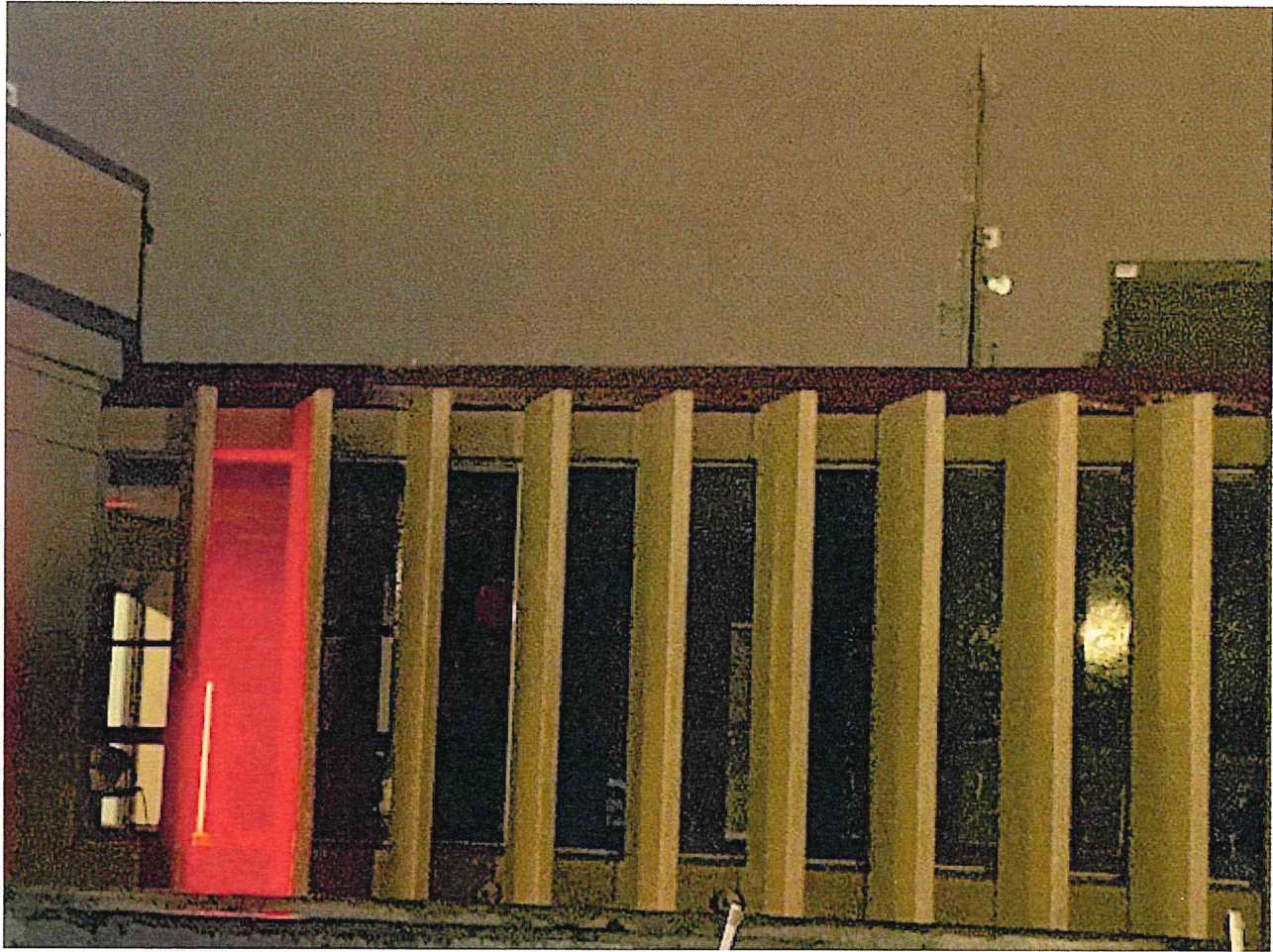
DATE: February 22, 2023

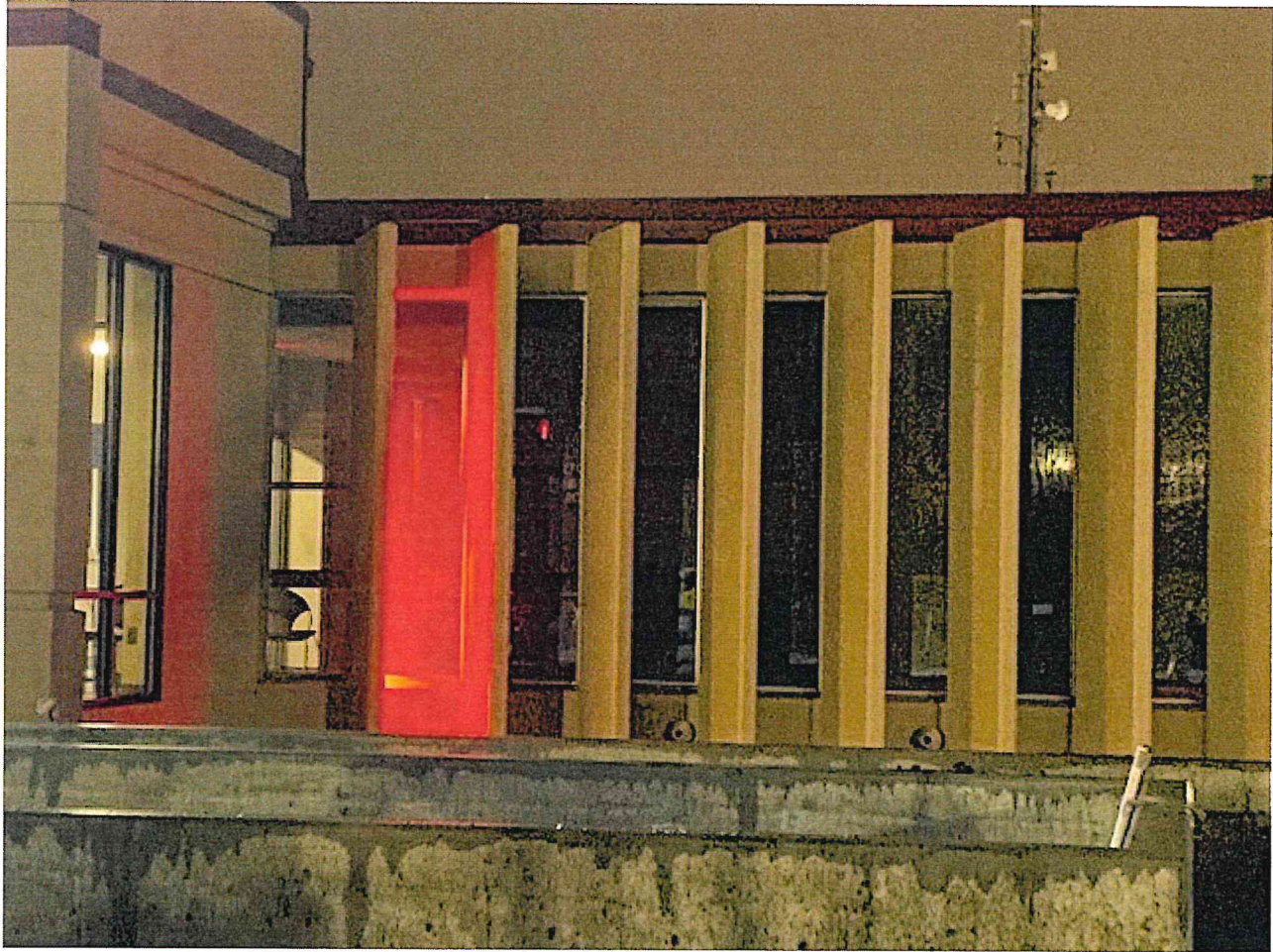
RE: City Hall and Police Headquarters Exterior Accent Lighting

Part of the Police Department Headquarters addition and City Hall exterior renovation is the installation of accent lighting between the concrete appendages on the exterior of the front of City Hall. These lighting strips are programmable, in that they have multiple colors and can be fixed or rotating. Attached are a couple pictures of a three (3) foot mock-up strip that is located inside the first appendage just north of City Hall's lobby. The plans call for the strips to run the full height of the appendages.

Depending on where you are standing, you can or cannot see the strips. Staff is working with Hoefer Welker and Turner Construction to create options so the strips are not so noticeable from a viewable location.

Representatives from Hoefer Welker and Turner Construction will be present at the City Council's open study session on February, 27, 2023, to give a brief overview of the accent lighting and answer any questions City Council may have.







Gladstone Police Department

Chief's Office - Memorandum

Date: February 23, 2023

To: Scott Wingerson, City Manager

From: Fred Farris, Chief of Police

Re: Study Session – Flock License Plate Readers

Mr. Wingerson,

The Gladstone Police Department has utilized LPR technology for several years using a vehicle mounted system that required purchasing the equipment. That technology, while serving a purpose at the time, became costly to maintain and was beneficial as long as the vehicles were mobile.

As technology has evolved, other LPR systems have emerged that are more intuitive and are more cost effective. For the past sixty days, the Police Department has conducted a field test of the Flock License Plate Reader (LPR) system. This is a fixed location, subscription model system that utilizes pole mounted, solar powered cameras. Rather than purchasing and maintaining very expensive equipment, we pay an annual fee per camera that covers use and maintenance of the equipment and services. During our test period, we deployed twelve (12) LPR cameras throughout the city, focusing on main routes in and out of our city limits. For the cost of one single vehicle mounted LPR, we were able to deploy twelve systems that fed each patrol car, desktop computer and the Communications Unit with hits as they occurred.

Another distinguishing feature of this system is the unique ability to capture and search for not only license plate information, but also the make, model and color of vehicles enabling us to use it as an investigative tool as well. Examples of our success will be outlined in the Council presentation.

I was very optimistic at the onset of our trial period having utilized similar systems in other agencies. But I was not prepared for the level of success in both detection and investigations that we have had. From December 1 – February 8, the system has hit on 5 known gang offenders, 2 missing persons, 117 sex offenders, 108 stolen license plates, 98 stolen vehicles and 56 active warrants. Our Police Department has made over 30 felony arrests that resulted directly from Flock Alerts ranging from stolen autos to illegal weapons and drugs, including heroin and fentanyl.

This LPR test program has illustrated that this technology is of great value to our agency and citizens. It has served as a force multiplier and an incredible investigative tool that the officers, detectives and dispatchers have quickly embraced. Our plan for continued deployment of the twelve existing cameras can be funded from existing budget line items for technology no longer utilized and a virtually net-zero cost.

I look forward to presenting this information to the Council on February 27th and answering any questions.

Respectfully,

Fred J. Farris, Chief of Police



flock safety

Leverage the future of policing, *now*

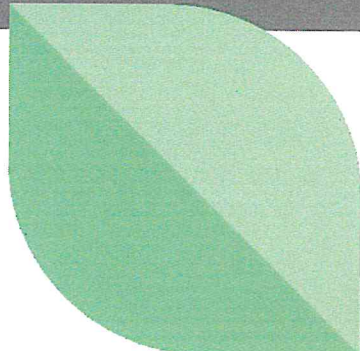
Gladstone, MO



flock safety

Our Vision with LPRs

Using technology to make our community safer by
working smarter, not harder





flock safety

Why Flock Safety?

Vastly different in capabilities and business model than previous LPR systems





What do they look like?



**Solar &
Existing Pole**



**Electric &
Existing
Structure / Pole**



**Solar &
Flock Pole**



**Solar & Traffic
Pole**

flock safety



the reality

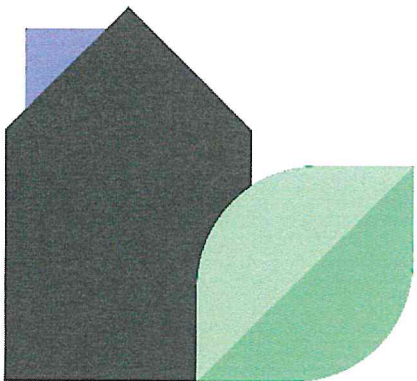
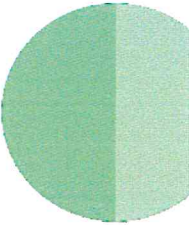
- Crime is on the rise
- Limited Police Resources
- The northland is often victimized by metro-wide criminals
- Public trust is needed more than ever

the opportunity

- Technology multiplies the force
- Capture and distribute objective evidence to the right users
- Engage community to support and grow
- Maximum use of resource dollars with subscription model

How does this technology prevent and eliminate crime?

- **Proactive:** Real Time Alerts when Stolen or Wanted Vehicles enter your City
- **Investigative:** As clearance rates increase, crime rates decrease
- Flock cameras act as a **deterrent**

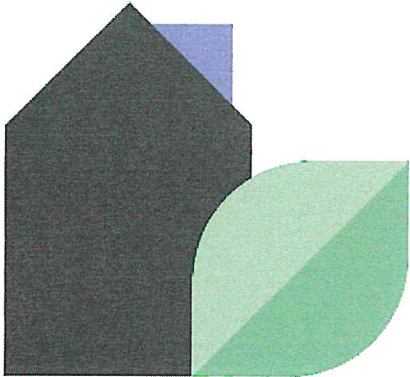


Widely Adopted in Missouri

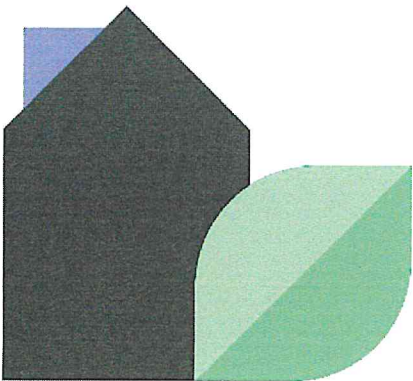
- Gladstone
- Springfield
- Belton
- Higginsville
- Freeman
- Indian Point
- Jefferson City
- Perry County SO
- Farmington

- Wentzville
- Castle Rock
- St. Charles
- Cottleville
- Creve Coeur
- Valley Park
- Dutchtown
CID

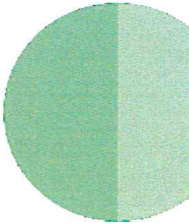
- Chesterfield
- St. Ann
- Kirkwood
- Byrnes Mills
- Ste. Genevieve SO
- Sikeston
- Ralls County



How has Gladstone used Flock during our trial period?



- 12 LPR cameras strategically placed along our busiest streets in and out of Gladstone
- **Plate Hits by Topic** (Dec. 1 – Feb. 8)
 - Gang Related: 5
 - Missing Person: 2
 - Protection Order: 57
 - Sex Offender: 117
 - Stolen Plate: 108
 - Stolen Vehicle: 98
 - Active Warrants: 56
- **Gladstone PD** has made **over 30 arrests** resulting directly from Flock Alerts



flock safety

Questions





**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
FEBRUARY 13, 2023**

PRESENT: Mayor Bill Garnos
Mayor Pro Tem Jean Moore
Councilman R.D. Mallams
Councilmember Tina Spallo
Councilman Les Smith

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Attorney Chris Williams
City Clerk Kris Keller
Deputy City Clerk Becky Jarrett

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

Mayor Garnos opened the Regular City Council Meeting Monday, February 13, 2023, at 7:30 pm.

Item No. 2. On the Agenda. Roll Call.

Mayor Garnos stated that all Councilmembers were present and there was a quorum.

Item No. 3. On the Agenda. Pledge of Allegiance to the Flag of the United States of America.

Mayor Garnos 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 the Agenda.

The agenda was approved as published.

Item No. 5. On the Agenda. Approval of the January 23, 2023, Closed City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the January 23, 2023, Closed City Council Meeting as presented. **Councilmember Spallo** seconded. The Vote: "aye", Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Item No. 6. On the Agenda. Approval of the January 23, 2023, Regular City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the January 23, 2023, Regular City Council meeting as presented. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

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

There were no communications from the audience.

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

Councilmember Spallo thanked the Police and Fire personnel who are always available, no matter what is going on in the world. She expressed her appreciation for their continued services and for keeping the City secure with all the fireworks following the Chief’s game on Sunday.

Mayor Pro Tem Moore thanked and commended Director Justin Merkey and the Parks and Recreation staff for the outstanding job they did putting together and making the 14th Annual Sweetheart Dance a success. She shared that there was a lovely group of little girls and their escorts who participated and had a great time.

Mayor Garnos acknowledged and awarded a certificate of service that will be given to Charles Dobbs who retired following fourteen years of service on the Neighborhood Commission. The Mayor reported that Charlie helped set the example of what could be accomplished when a neighborhood gets organized and the people advocate for their neighborhood. He continued to share that Mr. Dobb’s original efforts in organizing his own neighborhood helped set an example for the founding of the Neighborhood Commission. The Mayor thanked him for his exemplary service and expressed that our community is better due to Mr. Dobbs contributions.

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

City Manager Wingerson announced that City Hall would be closed on Monday, February 20, 2023, in observance of Presidents Day.

Item No. 10. On the Agenda. Consent Agenda.

Following the Clerks’ reading:

Mayor Pro Tem Moore moved to approve the Consent Agenda as published. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve the Special Event Permit, Good Shepherd Church hosting Professional Disc Golf Association (PDGA) Flex Start Tournament, Hobby Hill Park, Sunday, April 16, 2023, 12:00 pm to 5:00 pm. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve the Special Event Permit, Gladstone Summertime Bluesfest, Linden Square, Friday, May 19, 2023, 5:00 pm to 10:00 pm, Saturday, May 20, 2023, 4:00 pm to 10:00 pm. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve the Special Event Permit, Good Shepherd Church hosting Professional Disc Golf Association (PDGA) Flex Start Tournament, Hobby Hill Park, Saturday, October 7, 2023, 9:00 am to 5:00 pm. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve **RESOLUTION 23-03** A Resolution authorizing the City Manager to execute a Professional Engineering Services Agreement with WSP USA, Incorporated, in the total amount not to exceed \$75,000.00 for the Downtown Gladstone North Oak Complete Streets Design – Phase One, Project TP2371. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Pro Tem Moore moved to approve the **SEMI-ANNUAL FINANCIAL STATEMENT**. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Regular Agenda

Item No. 11. On the Agenda. FIRST READING BILL NO. 23-07 An Ordinance authorizing the City Manager to enter into a Cooperative Agreement with the Clay County Sheriff’s Office to provide law enforcement resources to the Special Tactics and Response (Star) Team.

Councilman Mallams moved **BILL NO. 23-07** be placed on its First Reading. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0) The Clerk read the Bill.

Councilman Mallams moved to accept the First Reading of **BILL NO. 23-07**, waive the rule and place the Bill on its Second and Final Reading. **Councilmember Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0) The Clerk read the Bill.

Councilman Mallams moved to accept the Second and Final Reading of **BILL NO. 23-07** and enact the Bill as **Ordinance 4.625**. **Councilmember Spallo** seconded. Roll Call vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Garnos stated **BILL NO. 23-07** stood enacted as **Ordinance Number 4.625**.

Item No. 12. On the Agenda. FIRST READING BILL NO. 23-04 An Ordinance granting a Special Use Permit subject to certain conditions to A Turning Point for the purpose of operating a social services organization in an R-1 Zoning District at 1900 and 1904 NE Englewood Road.

Mayor Garnos announced that the Public Hearings on January 9, 2023 and January 23, 2023 were well attended and requested that City staff report where they were and what the Council would be voting on that evening.

Director Greer reported that City Staff met with A Turning Point leadership on two separate occasions since the January 23, 2023 City Council meeting. He stated the following points:

- The proposed ordinance was revised to include conditions revolving around enhanced security and record keeping.
- City Staff and the A Turning Point leadership were in agreement with all conditions, as well as the (1) one-year Special Use Permit term.
- He expressed that they had heard from neighbors and property owners who had raised legitimate concerns. One of the primary components of granting a Special Use Permit according to code is that the proposed use will not seriously injure the appropriate uses of neighboring property. City staff believes that communication and documentation of activities that occur in the area related to operations at A Turning Point is key to measuring the actual impact of this operation on the surrounding neighborhood and Gladstone community as a whole.
- These hearings have not been a referendum on the valuable work being done, but rather a discussion about whether single-family neighborhoods within the Englewood Road corridor is the proper place to provide these social services.
- City staff applauds the leadership of A Turning Point and the volunteers who provide the much needed services to those in Gladstone, who are in need of support.
- By providing an annual report, client education, hosting open meetings, providing an emergency plan, on-site greeting system, and developing a rapid communication tool; we believe that every reasonable precaution has been taken to allow A Turning Point to operate at this location.

FIRST READING BILL NO. 23-04 An Ordinance granting a Special Use Permit subject to certain conditions to A Turning Point for the purpose of operating a social services organization in an R-1 Zoning District at 1900 and 1904 NE Englewood Road.

Councilmember Spallo moved **BILL NO. 23-04** be placed on its First Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0) The Clerk read the Bill.

Councilmember Spallo moved to accept the First Reading of **BILL NO. 23-04**, waive the rule and place the Bill on its Second and Final Reading. **Mayor Pro Tem Moore** seconded. The Vote: “aye”, Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0) The Clerk read the Bill.

Councilmember Spallo moved to accept the Second and Final Reading of **BILL NO. 23-04** and enact the Bill as **Ordinance 4.626**. **Mayor Pro Tem Moore** seconded.

Councilman Smith: stated, it’s been a real educational process for me and I have to admit that when this first came to us, initially I was concerned and kind of realized that it was out of ignorance. Then, as we worked through the process, we heard from people like Ms. Johnson across the street at the church and learned some things along with what Ms. Purl sent to us and learned more there. What I had hoped, is that we could in essence, separate the permits and if the guest house truly is one issue, I thought that Rikki and Cathy did a great job addressing what they do there, then the (1) one-year permit, that's great, but I was hoping we'd give more than that for the pantry, because especially, we had testimony on how Synergy Services really relies on them and it would be good for those folks to be able to plan going forward, as well. That being said, with all the touchdowns and that field goal at the end of the game would get us to overtime isn’t so bad either. So, we'll be supporting this Ordinance because I want you all to do good, do your work, do good and come back. And I'm only speaking for

myself, I want you to hold me accountable, if I'm lucky enough to get through April and be here next year. A Turning Point folks I want you to hold me accountable, I said you do what you say you're going to do and we don't have issues. And I can't commit to anyone but myself and that you deserve the support. On the flip side, the neighborhood, the church, the child learning center, if there are issues that we don't know about, you need to come back in a year and hold me accountable for that also. So with that said, I hope this passes tonight. So at least you have a year to get on with your business. And hopefully we'll catch you next year.

Mayor Garnos: stated, thank you, Councilman Smith, any other comments? I had a couple of disorganized notes here, but there were a couple of things that I wanted to say. As we talked about a little bit in the Public Hearing; normally, when we look at Special Use Permits, we're looking at things like somebody that wants to cut hair in their basement or bake cakes commercially in their garage. We go through the Special Use Permit process very frequently. This is obviously a much different and larger situation, but Special Use Permits are nothing unusual. As you've heard from previous Special Use Public Hearings, we almost always approve them for one year. That has been one of the issues, is this was over something a little bit different. We almost always approve them for one year, and then they come back. And then it's typically three, five, ten or fifteen. If there were any problems, which I can't recall, there have been, so this is a little bit different than the type of thing we normally have to deal with. We have to recognize the level of support that's been shown for the program, but in all the emails that I've gotten on this issue, there are a couple of things I wanted to clarify, because some people had impressions that weren't correct. I had emails like people asking me why is the city trying to take away the permit for the Turning Point? Or, why won't the city grant a Special Use Permit for the Turning Point. And the problem is right now, there isn't one, they don't have a Special Use Permit. They're operating without one, once they lost the church protection. So this property, when it got turned over to A Turning Point, it no longer has the church protection, and it was then subject to establish Zoning Regulations. So, we have never been trying to take away anyone's permit to operate it or trying to deny their ability to operate, we're trying to figure out a way to do it within the Zoning restrictions and with a Special Use Permit. I believe the program will be in a much better place with a Special Use Permit for one year, then to try to operate without one. I look forward to seeing you back in one year, I think your program will continue to grow and thrive, I see nothing but potential there. At the same time, I wanted to mention two things. First of all, I would love for A Turning Point to be a resource for our police officers when they encounter somebody that is appropriate for the types of programs and services you offer. I would love for your program to be a resource for our police officers. At the same time, I'm a little hesitant to have your program become a resource for every police agency in the Northland. You know we don't want your program to become a dumping ground, but we want it to be something positive, that certainly our police can use and others in the area. There's such a lack of services and there's not many options. And the other comment was, I know you had said that you were trying to pursue a residential program of some sort in Kansas City, Missouri. I really hope that you will continue to pursue that and that will be successful. The day after the last Public Hearing, I was going down North Oak and I was at the corner of North Oak and Englewood, and there was a person there who was clearly homeless; very disheveled, looked like they had been sleeping outside for a week. They weren't panhandling and he also was a little disoriented and staggered around a bit. As I drove by, I thought, here we have a terrific program right up Englewood Road that could probably get this guy a shower, probably get him some clean clothes, figure out a way to get some food in his belly, and then probably have to kick him out at two o'clock, with not many places to go or resources. So that was frustrating to me and I hope that when you do pursue a residential facility, it'll be able to provide services for someone like that, which right now, I

don't know what we or a police officer picking them up with do with them. So, I really hope that that other facility works out well for you. Is there any further discussion? Comments, questions? Hearing none, Madam Clerk, please call the roll.

Roll Call vote: "aye", Councilman Smith, Councilmember Spallo, Councilman Mallams, Mayor Pro Tem Moore, and Mayor Garnos. (5-0)

Mayor Garnos stated **BILL NO. 23-04** stands enacted as **Ordinance Number 4.626**

Item No. 13. On the Agenda. Other Business.

There was no other business.

Item No. 14. On the Agenda. Adjournment.

Mayor Garnos adjourned the February 13, 2023, Regular City Council meeting at 7:53 pm.

Respectfully submitted:

Kris Keller, City Clerk

Approved as presented: _____

Approved as modified: _____

Bill Garnos, Mayor



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 2/14/2023

Department: Community Development

Meeting Date Requested: 2/27/2023

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

Subject: Special Event Permit

Background: The Parks, Recreation, and Cultural Arts Department will host the City's Annual Flashlight Easter Egg Hunt. This is a child-friendly event where children search for Easter eggs filled with candy and prizes using a flashlight. Games will also be provided for the participants. The event will be held inside the Happy Rock Park Sports Complex and attendees will check in at the entrance of the softball complex.

The event will be held on Friday, March 31, 2023 from 5:00 pm to 9:00 pm; rain date is Saturday, April 1, 2023 from 5:00 pm to 9:00 pm.

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

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

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

Alan D. Napoli, C.B.O.
Community Development Administrator | Building Official

JM
City Attorney

SW
City Manager

LETTER OF TRANSMITTAL



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



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: FEBRUARY 14, 2023
PERMIT NO.: SEP23-00010
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: FLASHLIGHT EASTER EGG HUNT
LOCATION OF EVENT: 7511 NE ANTIOCH ROAD
HAPPY ROCK PARK EAST (SPORTS COMPLEX)
DATE OF EVENT: FRIDAY, MARCH 31, 2023
RAIN DATE, - SATURDAY, APRIL 1, 2023
TIME OF EVENT: 5:00 PM TO 9:00 PM
EST. ATTENDANCE: 300±

REQUESTED TEMPORARY VARIANCE:

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

REMARKS: City staff has reviewed the application and finds that the variance(s) are appropriate for this venue.

Signed: _____

Alan D. Napoli, C.B.O.

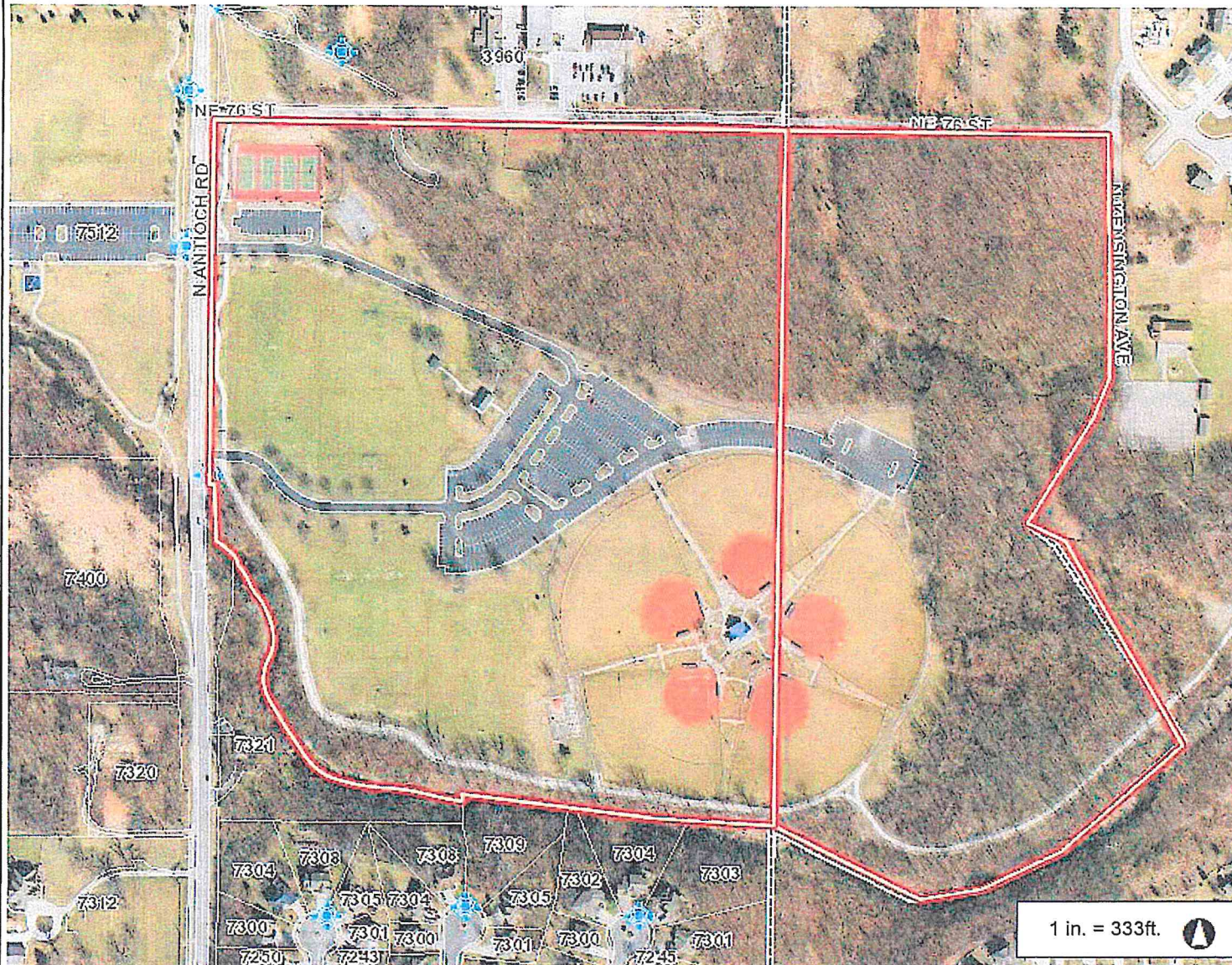
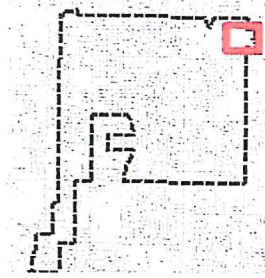
Community Development Administrator | Building Official

ATTACHMENT(S):

- ☒ Map
☐ Other _____



Gladstone, MO



Legend

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

1 in. = 333ft.



666.7 0 333.33 666.7 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 2/14/2023

Department: Community Development

Meeting Date Requested: 2/27/2023

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

Subject: Special Event Permit

Background: The Parks, Recreation, and Cultural Arts Department will host the City's Annual Touch A Truck event at Happy Rock Park West. This is a family event emphasized for children. Police, Fire, Public Works, and other vendor vehicles will be on display and offer interaction with attendees.

The event will be held on Saturday, May 6, 2023 from 10:00 am to 12:00 pm.

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

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

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

Alan D. Napoli, C.B.O.
Community Development Administrator | Building Official

JM
City Attorney

SW
City Manager

LETTER OF TRANSMITTAL



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



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: FEBRUARY 14, 2023
PERMIT NO.: SEP12-00012
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: TOUCH A TRUCK
LOCATION OF EVENT: 7512 NE ANTIOCH ROAD
HAPPY ROCK PARK WEST
DATE OF EVENT: SATURDAY, MAY 6, 2023
TIME OF EVENT: 10:00 AM TO 12:00 PM
EST. ATTENDANCE: 150+

REQUESTED TEMPORARY VARIANCE:

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

REMARKS: City staff has reviewed the application and finds that the variance(s) are appropriate for this venue.

Signed: _____

Alan D. Napoli, C.B.O.

Community Development Administrator | Building Official

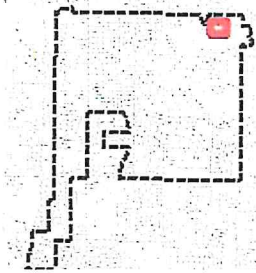
ATTACHMENT(S):

☒ Map

☐ Other _____



Gladstone, MO



Legend

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

1 in. = 167ft.



333.3 0 166.67 333.3 Feet

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Notes



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 2/16/2023

Department: Community Development

Meeting Date Requested: 2/27/2023

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

Subject: Special Event Permit

Background: The Parks, Recreation, and Cultural Arts Department will host the City's Annual Theatre in the Park series at Oak Grove Park featuring the productions, Sister Act and Cinderella. The Park will open at 5:00 pm and close at 11:30 pm. The shows will begin at 8:30 pm and conclude at 10:30 pm on the following dates:

- Sister Act
 - Friday, June 30th
 - Saturday, July 1st
 - Sunday, July 2nd
- Cinderella
 - Friday, August 4th
 - Saturday, August 5th
 - Sunday, August 6th

The Gladstone Rotary Club will be selling concessions.

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

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

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

Alan D. Napoli, C.B.O.
Community Development Administrator | Building Official

JM
City Attorney

SW
City Manager

LETTER OF TRANSMITTAL



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



To: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: FEBRUARY 15, 2023
PERMIT NO.: SEP23-00014
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: THEATRE IN THE PARK
LOCATION OF EVENT: 7600 N TROOST AVENUE
OAK GROVE PARK
DATE OF EVENT: SISTER ACT-
FRIDAY, JUNE 30, 2023
SATURDAY, JULY 1, 2023
SUNDAY, JULY 2, 2023
CINDERELLA-
FRIDAY, AUGUST 4, 2023
SATURDAY, AUGUST 5, 2023
SUNDAY, AUGUST 6, 2023
TIME OF EVENT: THE PARK OPENS AT 5:00 PM AND CLOSES AT 11:30 PM EACH
NIGHT. SHOWS BEGIN AT 8:30 PM AND CONCLUDE AT 10:30 PM.
EST. ATTENDANCE: 2,000 TO 4,000 FOR ALL SHOWS TOTAL

REQUESTED TEMPORARY VARIANCE:

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

REMARKS: City staff has reviewed the application and finds that the variance(s) are appropriate for this venue.

Signed: _____

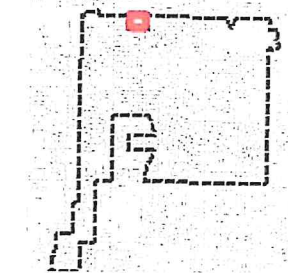
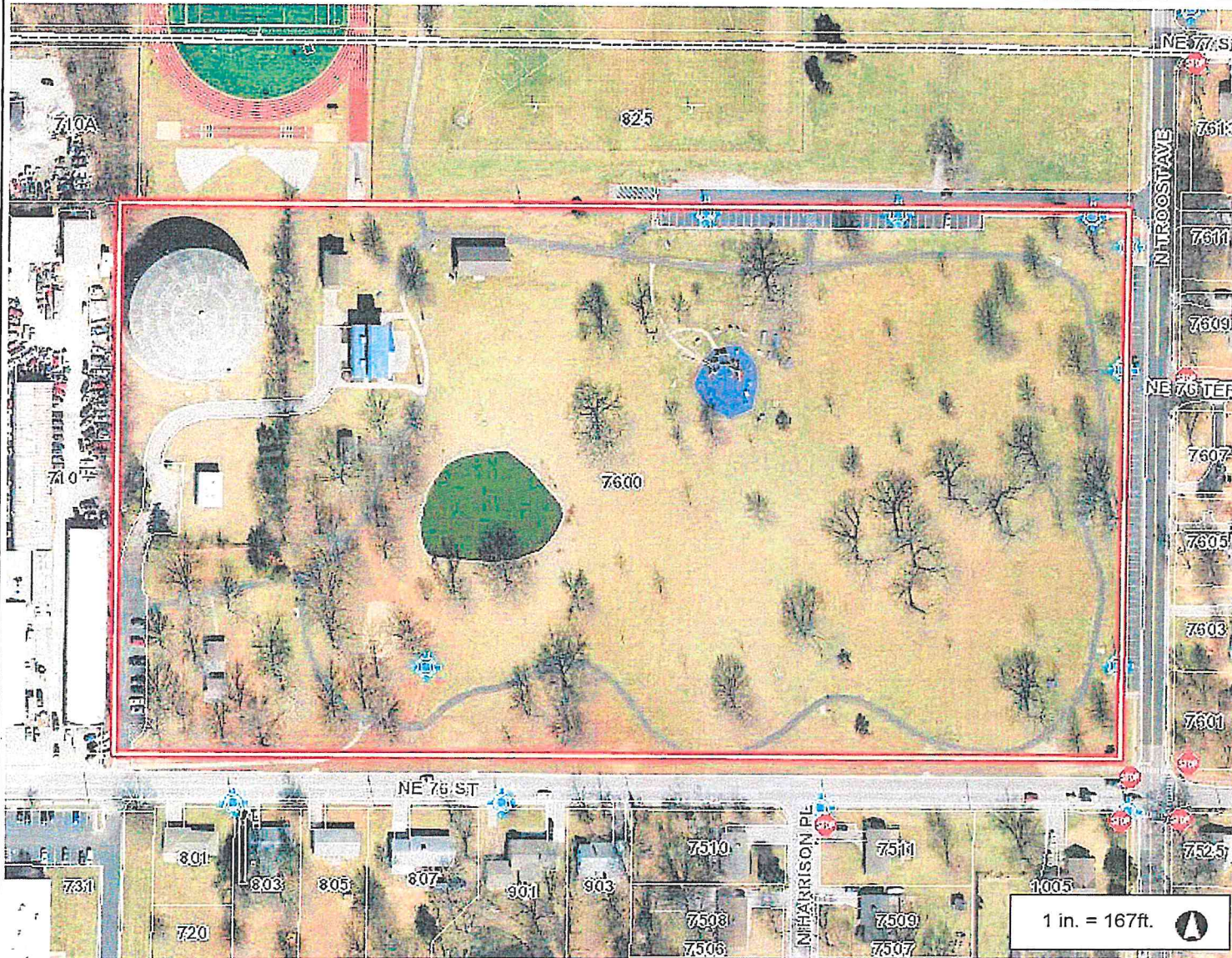
Alan D. Napoli, C.B.O.
Community Development Administrator | Building Official

ATTACHMENT(S):

- ☒ Map
- ☐ Other _____



Gladstone, MO



Legend

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

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Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 2/15/2023

Department: Community Development

Meeting Date Requested: 2/27/2023

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

Subject: Special Event Permit

Background: The Parks, Recreation, and Cultural Arts Department will host the City's Annual Independence Day Celebration at Oak Grove Park, Tuesday, July 4, 2023 from 5:00 pm to 11:00 pm. The following is a breakdown of the event:

- 5:00 pm – Park will open up for the event
- 7:00 pm – Pre-band preforms
- 8:15 pm – The band Flashback takes the stage
- 9:00 pm – Mayor's welcome with presentation of Colors, followed by the National Anthem
- 10:05 pm – Fireworks display, presented by Premier Pyrotechnics

The Gladstone Rotary Club will be selling concessions.

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

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

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

Alan D. Napoli, C.B.O.
Community Development Administrator | Building Official

JM
City Attorney

SW
City Manager

LETTER OF TRANSMITTAL



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



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: FEBRUARY 15, 2023
PERMIT NO.: SEP23-00013
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: INDEPENDENCE DAY CELEBRATION
LOCATION OF EVENT: 7600 N TROOST AVENUE
OAK GROVE PARK
DATE OF EVENT: TUESDAY, JULY 4, 2023
TIME OF EVENT: 5:00 PM TO 11:00 PM
5:00 PM – PARK WILL OPEN UP FOR THE EVENT
7:00 PM – PRE-BAND PERFORMS
8:15 PM – THE BAND FLASHBACK TAKES THE STAGE
9:00 PM – MAYOR'S WELCOME WITH PRESENTATION OF
COLORS, FOLLOWED BY THE NATIONAL ANTHEM
10:05 PM – FIREWORKS DISPLAY PRESENTED BY PREMIER
PYROTECHNICS

EST. ATTENDANCE: 10,000±

REQUESTED TEMPORARY VARIANCE:

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

REMARKS: City staff has reviewed the application and finds that the variance(s) are appropriate for this venue.

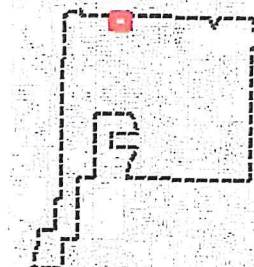
Signed: _____

Alan D. Napoli, C.B.O.















Community Development Administrator | Building Official

ATTACHMENT(S):

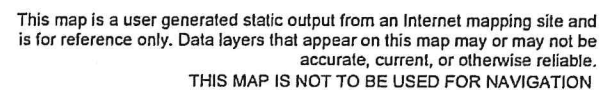
- ☒ Map
- ☐ Other _____



Legend

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

Notes





Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 2/16/2023

Department: Community Development

Meeting Date Requested: 2/27/2023

Public Hearing: Yes ☐ Date: Click here to enter a date.

Subject: Special Event Permit

Background: The Parks, Recreation, and Cultural Arts Department will host the City's Annual Friday Fright Night. The event will be held at Happy Rock Park East on Friday, October 20, 2023 from 5:00 pm to 9:00 pm. Children will Trick or Treat with local vendors for candy and prizes. There will be games, hot dogs, and hot chocolate provided. The funds and/or donations from this event will go to the Northland Christmas Store.

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

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

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

Alan D. Napoli, C.B.O.

Community Development Administrator | Building Official

JM
City Attorney

SW
City Manager

LETTER OF TRANSMITTAL



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



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: FEBRUARY 16, 2023
PERMIT NO.: SEP23-00015
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: FRIDAY FRIGHT NIGHT
LOCATION OF EVENT: 7511 NE ANTIOCH ROAD
HAPPY ROCK PARK EAST
DATE OF EVENT: FRIDAY, OCTOBER 20, 2023
TIME OF EVENT: 5:00 PM TO 9:00 PM
EST. ATTENDANCE: 300±

REQUESTED TEMPORARY VARIANCE:

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

REMARKS: City staff has reviewed the application and finds that the variance(s) are appropriate for this venue.

Signed: _____

Alan D. Napoli, C.B.O.

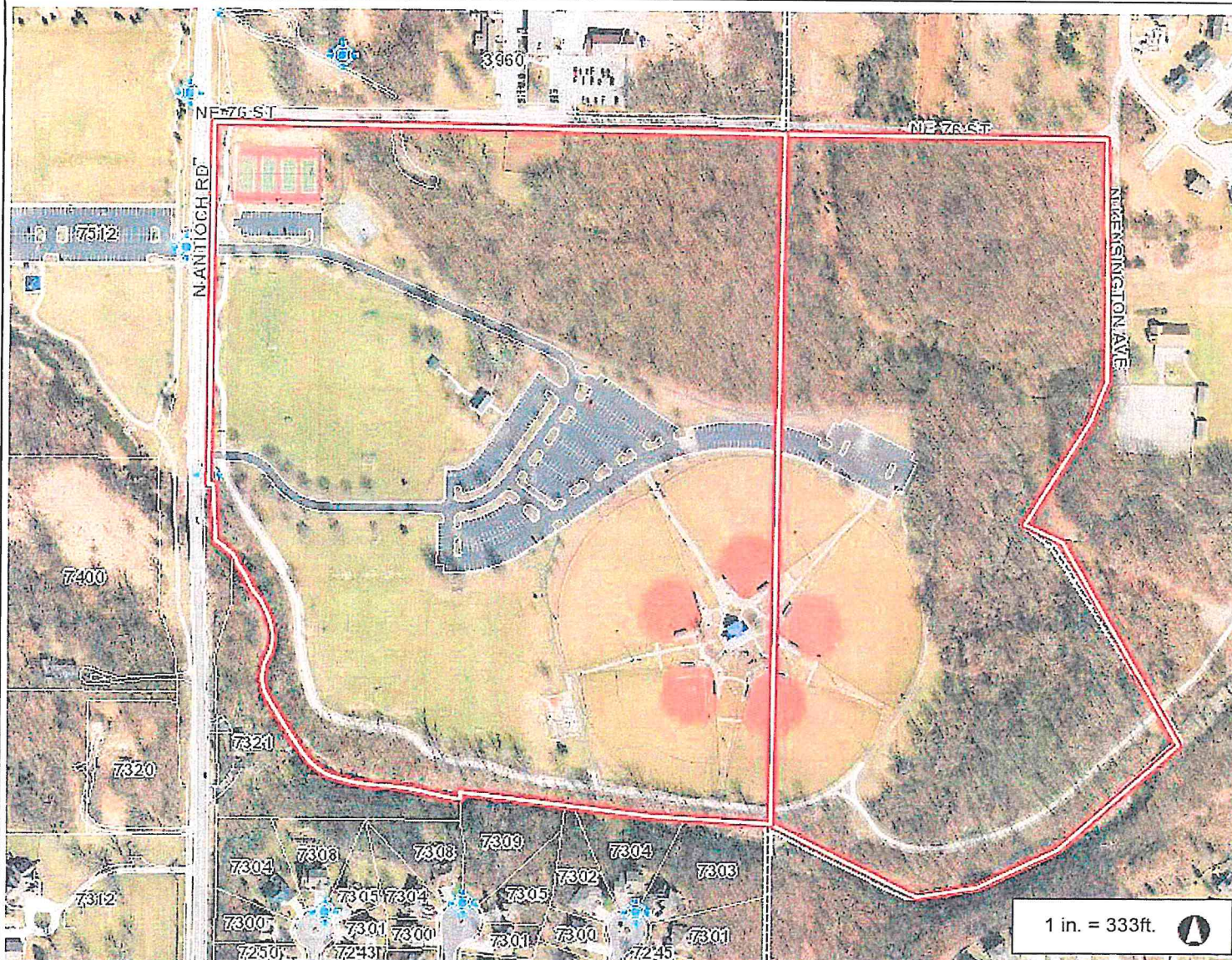
Community Development Administrator | Building Official

ATTACHMENT(S):

- ☒ Map
☐ Other _____



Gladstone, MO



Legend

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

Notes

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Request for Council Action

RES ☒ # R-23-04

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 2/16/2023

Department:

Meeting Date Requested: 2/27/2023

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

Subject: Amending 2023 Fiscal Year Budget

Background: The 2023 Midyear Budget review was presented to the City Council on February 13, 2023 during an open study session. Staff recommendations will be on the agenda for City Council approval.

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

Public/Board/Staff Input: Staff is recommending that the 2023 budget be amended as presented in the February 13th open study session. Study session memo and exhibits to follow the RCA and Resolution.

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

Dominic Accurso
Department Director/Administrator

JM
City Attorney

SW
City Manager



Department of Finance

Memorandum

DATE: February 23, 2023

TO: Scott Wingerson, City Manager

FROM: Dominic Accurso, Director of Finance

RE: 2023 Fiscal Year Midyear Budget

With the 2023 fiscal year 50% complete and the 2022 fiscal year closed, we have a better understanding of how revenues, expenses, and fund balances are shaping up for the 2023 year. Staff begins work on the fiscal year budget several months before year end. Assumptions are made on both revenue and expense using past data, trend analysis, and information on the economic and legal environment. Because budgets are created before the fiscal year begins and needs for government services and programming can change over time, a midyear budget review gives staff and the City Council the opportunity to re-evaluate and reallocate resources where they may be needed to align the current resources with goals.

The midyear budget review for fiscal year 2023 is hereby submitted to the City Council for review. This memorandum and exhibits will provide information on the General Fund, Community Center and Parks Tax Fund (CCPT), Public Safety Sales Tax Fund (PSST), Capital Improvements Sales Tax Fund (CIST), Capital Equipment Replacement Fund (CERF), Combined Water and Sewerage System Fund (CWSS), and the Parks and Playground Fund. The comparisons referencing budgeted revenues and expenditures in the narrative are based on the December Interim Financial Report.

GENERAL FUND (Exhibit A & B)

During the first six months of the fiscal year, the General Fund has experienced multiple events that have called for adjustments in both revenue and expense.

Based on the December Interim Financial Statement, operating revenue is trending \$756,080 (8%) higher than the previous year. Property tax, sales tax, gross receipts tax, licenses & permits, intergovernmental, and miscellaneous revenues have all increased while charges for services and fines and forfeitures have decreased. Staff is recommending conservative adjustments for each of the revenue streams. Total operating revenue adjustment is \$417,200, or a 2% increase. Staff is proposing an increase in the equity adjustment of \$1,047,000 to \$1,303,500. The reason for the increase is to add budget for the new fire truck (purchased from the 2020 COP) and to fund a distribution of accrued compensated absences.

Changes are being recommended in budgeted expenditures to address the variations in revenue and the needs of the City. Increases in expenditures for the General Fund can be found on Exhibit B. Many of the expenditures are “one time” and will not need to be budgeted on a recurring basis. Of the \$1,805,615 that was requested for the General Fund, adjustments of \$1,464,200 in additional expenditures are being recommended. Capital expenditures include budget for a new fire truck (financed by the 2020 COP in the amount of \$572,000) and tire balancer for the garage (\$10,000). A distribution of accrued compensated absences is being requested in the amount of \$500,000. Additional material supplemental expenditures include budget for animal adoption (has an associated increase in revenue), vehicle maintenance for the Fire Department (\$80,000), heavy equipment maintenance (\$25,000), weed mowing and rubbish abatement (associated increase in revenue), completion of the comprehensive plan (\$60,000), and the cost of cyber liability insurance (\$40,000).

Total changes in revenue are \$1,464,200 for total revenue for the General Fund of \$22,947,712. Total expenditures also increased \$1,464,200 to \$22,947,712. This will result in a balanced budget for the General Fund and ending fund balance of \$4,104,453.

COMMUNITY CENTER AND PARK TAX FUND (Exhibit C & D)

Revenues for the Community Center and Park Tax Fund (CCPT) are derived from Charges for services (27%), sales tax (19%), transfers from other funds (15%), intergovernmental (14% from the NKC School District and 19% ARPA) and facility rental (5%). The fund realized a significant revenue reduction in both charges for services and facility rental due to the pandemic. These revenue streams have rebounded to pre-pandemic levels for the 2023 fiscal year. The decrease in fund balance for the 2022 fiscal year was due to the renovation of the bathhouse (financed by the 2020 COP).

At December 31, 2022, sales tax collections for the fund are 54% of projected budget and 6% over the same time last year. Charges for services and facility rental have increased \$135,000 from the previous year. In lieu of an equity transfer, the City is using ARPA funding of \$1,000,000 to meet the needs of the fund. See Exhibit C for final 2022, 2023 adopted, and 2023 midyear comparisons.

Total budgeted expenditures for the fund are in line with projections (50% of budgeted expenditures used at December 31, 2022). The majority of the adjustments requested for the CCPT fund (see Exhibit D) are to complete unbudgeted HVAC and building repairs. Recommended material adjustments for the fund include \$30,000 for additional maintenance and repairs for the Community Center division and \$60,000 in the natatorium division. Additional budget of \$49,660 to prep and paint the outdoor pool lap area, dive well and zero depth area, and \$27,000 for completion of the bathhouse project (financed from the 2020 COP) is being recommended.

Total projected revenues for the fund are estimated to be \$5,231,581, an increase of \$222,500 from the 2023 adopted revenues of \$5,009,081. Expenditures are projected to increase by \$184,453. Ending fund balance is expected to be \$637,258.

PUBLIC SAFETY SALES TAX FUND (Exhibit E)

Revenue for the Public Safety Sales Tax Fund are in line with budgeted projections. Sales tax collections are 6% over the same time last year. Additional revenue budget has been added to the fund due to increases in interest revenue. An increase in the equity transfer of \$200,000 is being requested to fund the remainder of the radio project (debt issued in FY 2022). Total revenues are projected to increase over original projections by \$222,000 to \$1,302,512.

Actual expenditures are less than budget expectations due to open positions throughout the fiscal year (30% of total expenditures used at December 31, 2022). Additional funding is being recommended to expend the lease proceeds (radios, console upgrades, and 911 voice recorder) and for the purchase of a computer voice stress analyzer (CVSA). Total budgeted expenditures are estimated to be \$1,302,512. Projected ending fund balance for PSST Fund is \$335,275.

CAPITAL IMPROVEMENT SALES TAX FUND (Exhibit F)

Changes in revenue for the CIST Fund are mainly due to interest revenue and additional ARPA funding. Sales tax received is 6% over the same time last year. Additional ARPA funding has been secured from participating entities for the build out of the co-located dispatch. Total revenues for the fund are projected to be \$6,665,000 or an increase of \$692,500.

Changes to the funds expenditures include adding budget for the completion of the Fire Station #2 (\$1,175,000), the remainder of the Police Headquarters (\$4,181,600), City Hall interior (\$200,000) and AJ Farm improvements (financed by the 2020 COP, project has not been determined at this time). Staff is recommending increasing budget authority for the fund from \$5,736,600 to \$19,344,300. Ending fund balance for the fund is projected to be \$340,274.

TRANSPORTATION SALES TAX FUND

There are no recommendations for budget changes for the Transportation Sales Tax Fund.

CAPITAL EQUIPMENT REPLACEMENT FUND (Exhibit G)

Revenue received for the Capital Equipment Replacement Fund are more than projected. Material changes to the funds revenue streams include an \$86,000 increase to Misc. revenue due to interest revenue, insurance settlements, and an increase in equity transfer. Total projected revenue for the fund is \$939,000.

Staff is recommending an increase in budget authority for the fund in the amount of \$300,000. The requested increase will fund the reclamation of the old fuel tanks and purchase of new fuel tanks at the Public Works facility. Total expenditures for the fund are projected to be \$939,000. Estimated ending fund balance will be \$540,342.

COMBINED WATERWORKS AND SEWERAGE SYSTEM (CWSS) FUND (Exhibit H & I)

Actual revenues for the CWSS Fund are in line with projected revenues. Water and sewer usage have been similar to the previous year. The increase in revenue is due to increases in rates. Significant revenue changes to the CWSS fund include an increase of intergovernmental revenue of \$800,000 (County ARPA funds to match City funds for water main replacements) and \$40,000 in Misc. revenue due to increases in interest revenue and the sale of assets. Revenues for the CWSS fund are projected to be \$14,528,296.

Expenditures for the CWSS Fund are \$289,092 over the previous year due to repairs at the secondary basin, chemicals, water and sewer line breaks and replacements, and increased fees from Kansas City for sewer treatment. Staff is recommending increases in budget for the Water Production division of \$304,000 (\$125,000 for chemicals, \$170,000 for the basin repair, and \$9,000 for utility increases). The increases in operations and maintenance include \$150,000 for water main repairs and \$25,000 for additional water meter registers. Recommendations for the sewer division are \$100,000 for an emergency sewer line replacement. Capital and supplemental recommendations include \$1,625,000 (cost of water main replacements financed by 2020 COP and Clay County ARPA) and \$12,500 to relocate an existing meter. Total expenditures for the CWSS fund are projected to be \$14,528,296. Projected ending fund balance for the fund will be \$2,443,953.

PARKS AND PLAYGROUND FUND

Staff is recommending budget of \$3,850 to be expended from the Parks and Playground Fund for signage and repairs for the fitness area at Hobby Hill Park West.

CONCLUSION

In conclusion, the General Fund, the Community Center Park Tax Fund, the Public Safety Sales Tax Fund, Capital Improvement Sales Tax Fund, Transportation Sales Tax Fund, Capital Equipment Replacement Fund, Combined Water and Sewer System Fund, and Parks and Playground Fund will end the fiscal year with a positive fund balance and within policy. These adjustments will assist staff in carrying out council goals and give the City the flexibility needed to continue and improve operations at the City.

Staff recommends changing budget authority for the General Fund to \$22,947,712, CCPT Fund to \$4,594,323, PSST Fund to \$1,302,512, CIST Fund to \$19,344,300, CERF to \$939,000, and CWSS Fund to \$14,528,296. A resolution to amend the 2023 Budget based on recommended budgets will be placed on the Council agenda for consideration on February 27, 2023. If you have any questions, please contact me at your convenience.

RESOLUTION NO. R-23-04

A RESOLUTION AMENDING OR REVISING THE 2023 GENERAL FUND, COMMUNITY CENTER AND PARKS SALES TAX FUND, PUBLIC SAFETY SALES TAX FUND, CAPITAL IMPROVEMENT SALES TAX FUND, CAPITAL EQUIPMENT REPLACEMENT FUND, COMBINED WATERWORKS & SEWER SYSTEM FUND, AND PARKS AND PLAYGROUND FUND FOR THE CITY OF GLADSTONE, MISSOURI, AND AUTHORIZING EXPENDITURES OF FUNDS.

WHEREAS, The Council of the City of Gladstone, Missouri has determined the need for additional appropriations in the above referenced funds.

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

THAT, the General Fund, Community Center Parks Sales Tax Fund, Public Safety Sales Tax Fund, Capital Improvement Sales Tax Fund, Capital Equipment Replacement Fund, Combined Waterworks & Sewer System Fund, and Parks & Playground Fund be adopted or amended as set forth below:

	FY22 BUDGET RESOLUTION NO. R-22-27	REVISING BUDGET RESOLUTION NO. R-23-XX	INCREASE (DECREASE)
<u>General Fund Expenditures</u>	\$21,483,512	\$22,947,712	\$1,464,200
<u>Community Center Parks Sales Tax Expenditures</u>	\$4,409,870	\$4,594,323	\$184,453
<u>Public Safety Sales Tax Fund Expenditures</u>	\$1,091,512	\$1,302,512	\$211,000
<u>Capital Improvement Sales Tax Expenditures</u>	\$13,607,700	\$19,344,300	\$5,736,600
<u>Transportation Sales Tax Expenditures</u>	\$3,712,145	\$3,712,145	\$0
<u>Capital Equipment Replacement Expenditures</u>	\$639,000	\$939,000	\$300,000
<u>Combined Water & Sewerage System Expenditures</u>	\$12,311,796	\$14,528,296	\$2,216,500
<u>Parks & Playground Fund Expenditures</u>	\$0	\$3,850	\$3,850

RESOLUTION NO. R-23-04

THAT, the City Manager of the City of Gladstone, Missouri is hereby authorized to expend the amounts as shown in the Revised Budgets.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 27TH DAY OF FEBRUARY, 2023.

Bill Garnos, Mayor

ATTEST:

Kris Keller, City Clerk



Request for Council Action

RES ☒ # 23-05

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 2/22/2023

Department: Parks & Recreation

Meeting Date Requested: 2/27/2023

Public Hearing: Yes ☐ Date: Click here to enter a date.

Subject: Outdoor Pool Painting

Background: The City's Municipal Pool needs to be repainted as the paint is chipping/failing.

Budget Discussion: Funds are budgeted in the amount of \$79,365 from the CCPT Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years' funding was \$0.

Public/Board/Staff Input: The City Municipal Pool is in need of being repainted. Due to many years of paint, it has been recommended that most of the pool floor be sandblasted down to bare concrete to provide a good surface for the paint to adhere to. Staff is recommending Insko Industries to prepare and paint the pool's surface and walls. Insko has painted pools for the City of Olathe and Nixa of which staff has checked references and the projects were completed on time and to satisfaction.

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

Justin Merkey
Department Director/Administrator

JM
City Attorney

SW
City Manager

RESOLUTION NO. R-23-05

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH INSCO INDUSTRIES, INCORPORATED, IN THE TOTAL AMOUNT NOT TO EXCEED \$79,365.00 FOR THE GLADSTONE MUNICIPAL POOL PAINTING PROJECT CC2353.

WHEREAS, six proposals were received for the Gladstone Municipal Pool Painting Project, and the proposal from Insko Industries, Incorporated, in the amount of \$79,365.00 has been determined by the Director of Parks, Recreation and Cultural Arts to be the best proposal.

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

THAT, the City Manager of the City of Gladstone, Missouri, is hereby authorized to execute a contract with Insko Industries, Incorporated, for work as outlined in the agreement for a total amount not to exceed \$79,365.00.

FURTHER THAT, funds for such purpose are authorized from the Community Center Park Tax Fund.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27TH DAY OF FEBRUARY, 2023.

Bill Garnos, Mayor

ATTEST:

Kris Keller, City Clerk



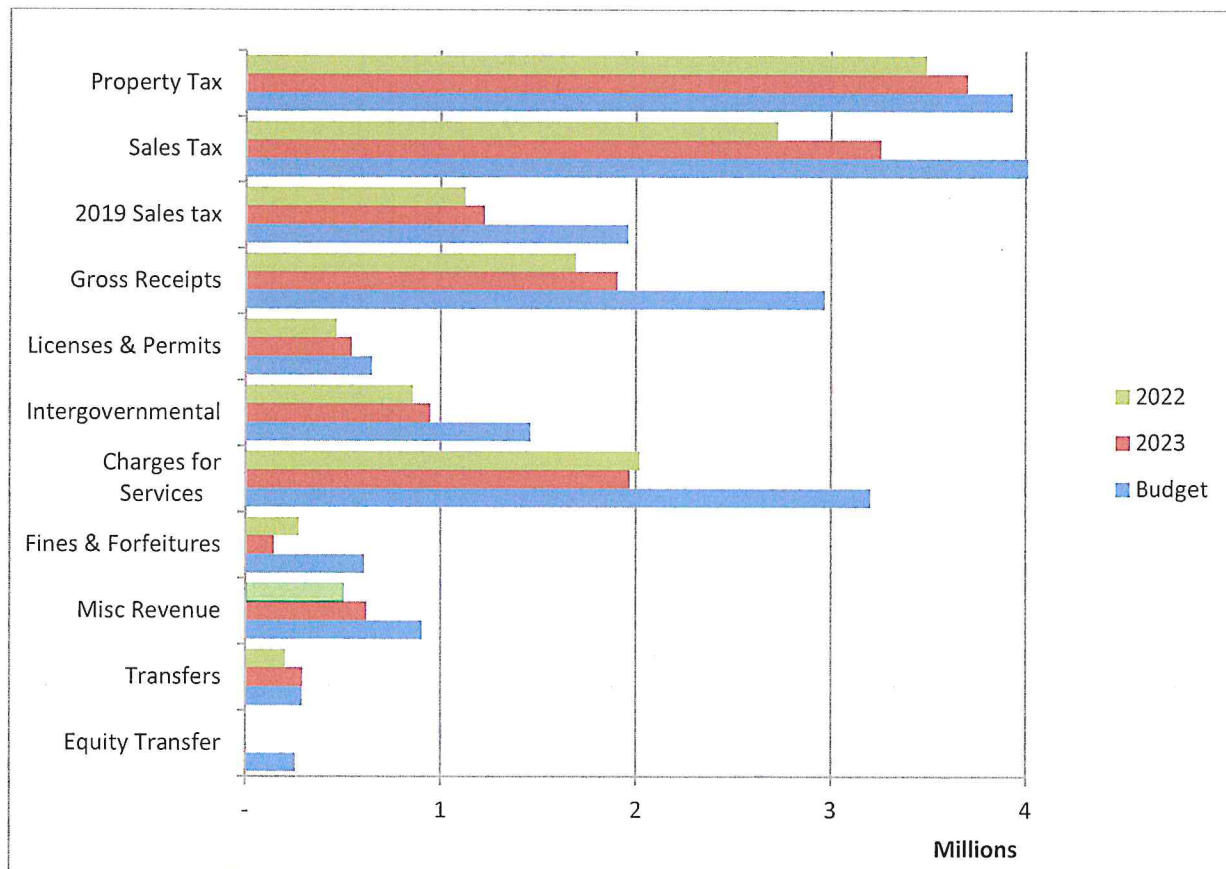
CITY OF GLADSTONE MISSOURI

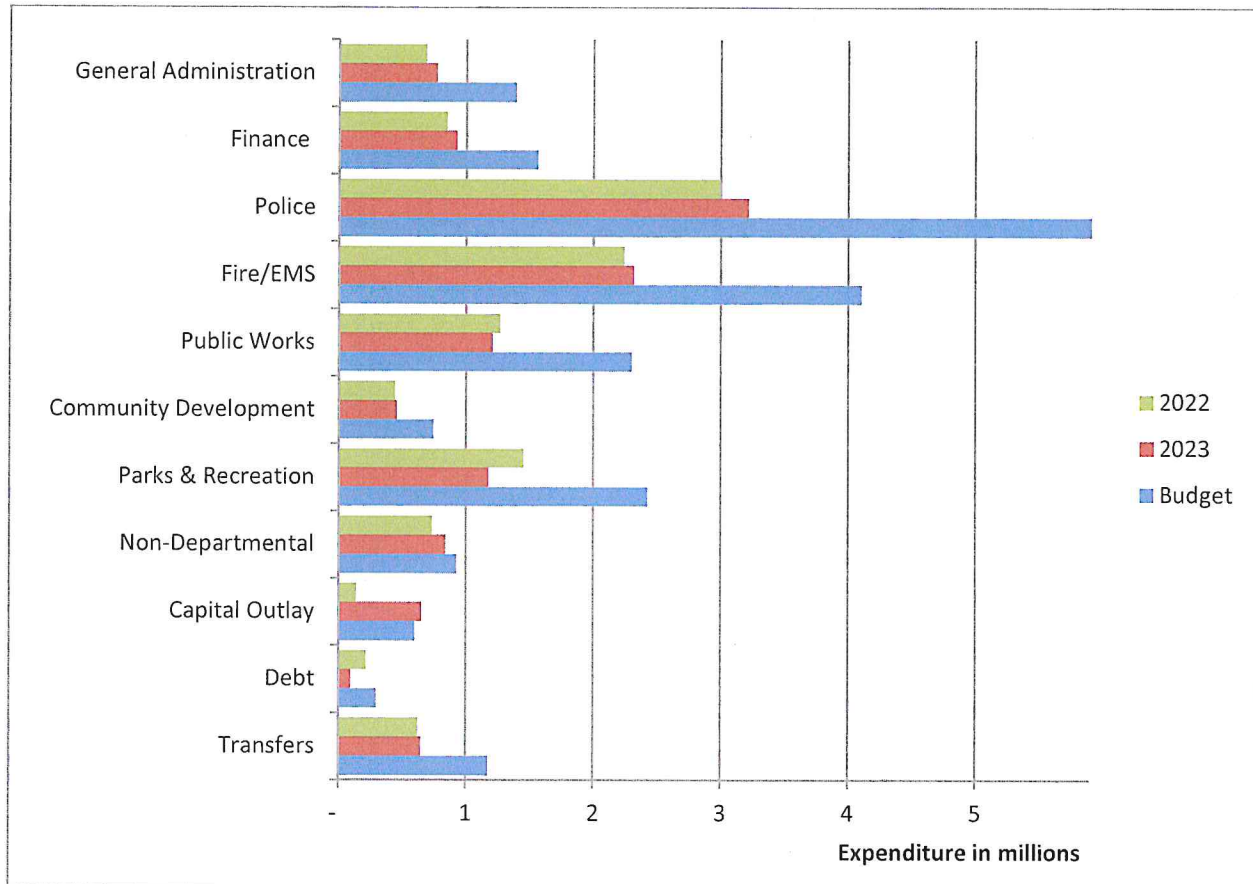
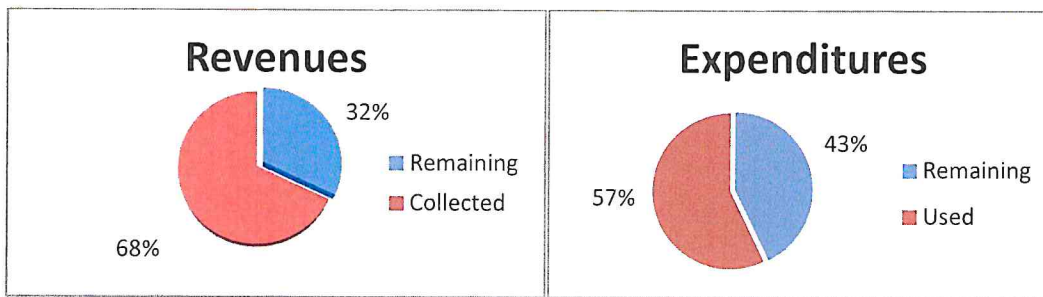
Financial Report for 7 Months Ending
January 31, 2023

GENERAL FUND

General Fund Revenues

Total revenues for the General Fund through 7 months or 58% of this fiscal year are \$14,599,060 compared to total budgeted revenues for the year of \$21,483,512 or 68% of budgeted revenue. Revenue from property tax is \$3,699,763 or an increase of 6% or \$207,987 from the same time last year. Sales tax on a cash basis is \$3,255,976 or \$528,686 (19%) over last year. The 2019 sales tax (1/2 cent sales tax passed in 2019) is \$1,221,908, an increase of 8%. Gross receipts taxes are \$1,904,665, an increase of \$212,528 or 13% from last year due to increases and timing in electricity gross receipts and the hotel tax. License and Permit revenues are \$542,846 or \$75,967 (16%) more than FY22 due to building and mechanical permits. Intergovernmental revenue is \$946,763 or \$87,453 (10%) over the previous year due to increased receipts from the state gas tax. Charges for Services are \$1,968,773 a decrease of 3% or \$52,201 compared to the previous year primarily due to senior activities. Fines and Forfeitures have decreased \$129,437 or 47% from the same time last year to \$144,731. Miscellaneous Revenue is \$620,635, an increase of \$113,519 due to interest revenue. Debt proceeds are not budgeted for the current fiscal year. Revenue from inter-fund transfers is \$293,000. An equity transfer of \$256,500 is budgeted for the General Fund.

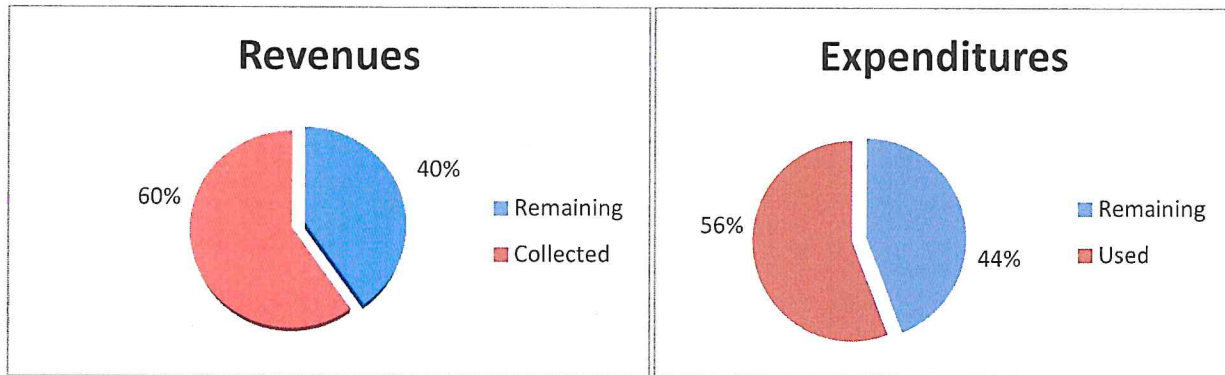
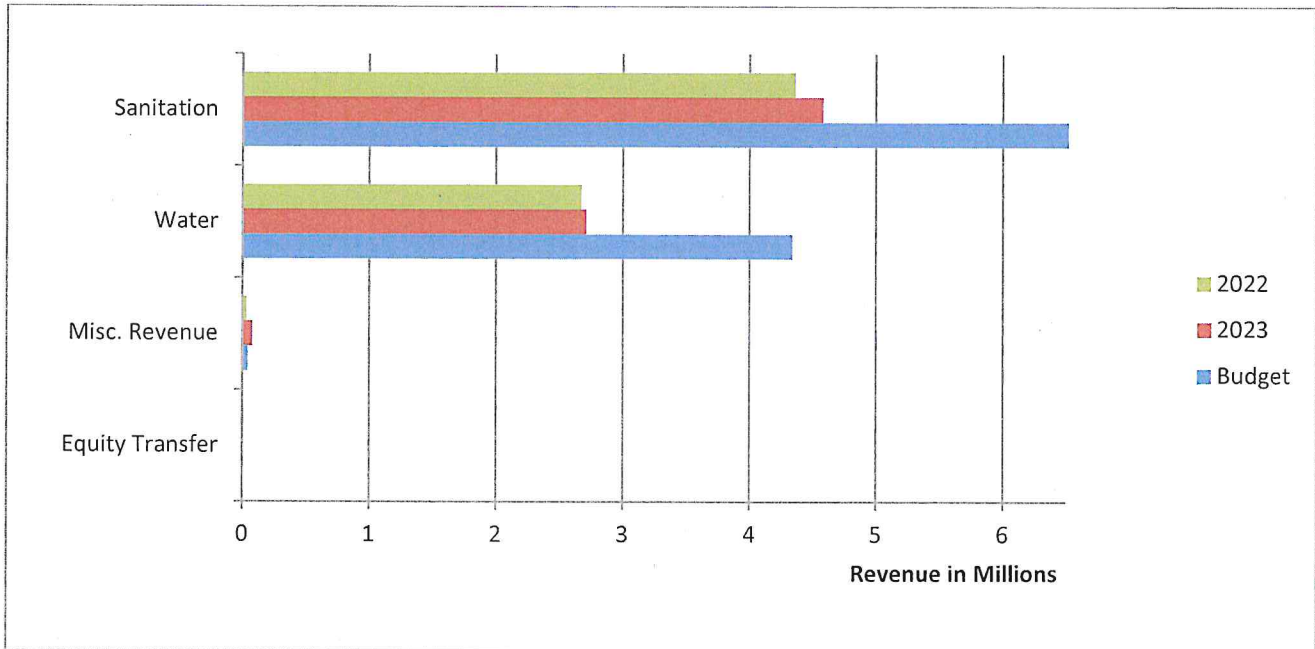




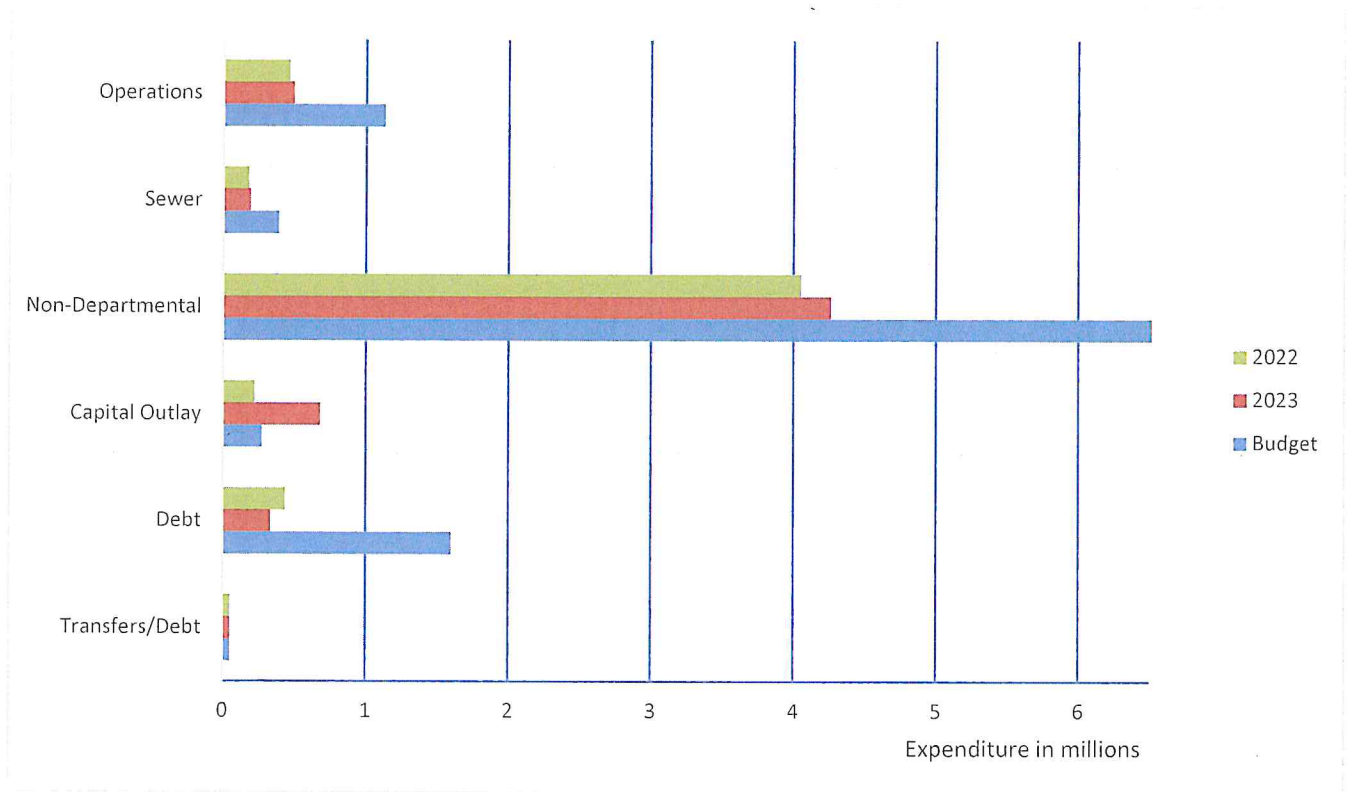
Expenditures through 7 months or 58% of this fiscal year amounted to \$12,284,912 or 57% of FY23 budgeted expenditures of \$21,483,512. This indicates that actual expenditures are 5% or \$635,438 more than last year's expenditures of \$11,649,474. General Administration expenditures are \$766,456, an increase of \$82,499 or 12% due to changes in staffing and contractual obligations. Finance expenditures have increased to \$925,150 due to changes in personnel and equipment maintenance. Police expenditures are \$3,215,317, an increase of \$223,113 or 7%. Fire/EMS expenditures have increased \$73,137 to \$2,316,862 due to increases in personnel and vehicle maintenance and repairs. Public Works expenditures are \$1,205,942, \$62,213 or 5% less than the prior year due to decreases in heavy equipment maintenance and timing of contractual obligations. Community Development expenditures are \$453,420, an increase of \$10,794. Parks & Recreation expenditures are \$1,174,790, down \$276,761 from the same time last year due to senior activities. Non-Departmental expenditures are \$838,633, an increase of \$103,600 due to liability and property insurance. Capital Outlay is \$649,378. Payments for debt are \$93,964, a decrease of \$121,907 due to lease purchases falling off the debt schedule. Transfers from the General Fund are \$645,000. Current revenues exceed current expenditures in the amount of \$2,314,148.

COMBINED WATER AND SEWERAGE SYSTEM FUND

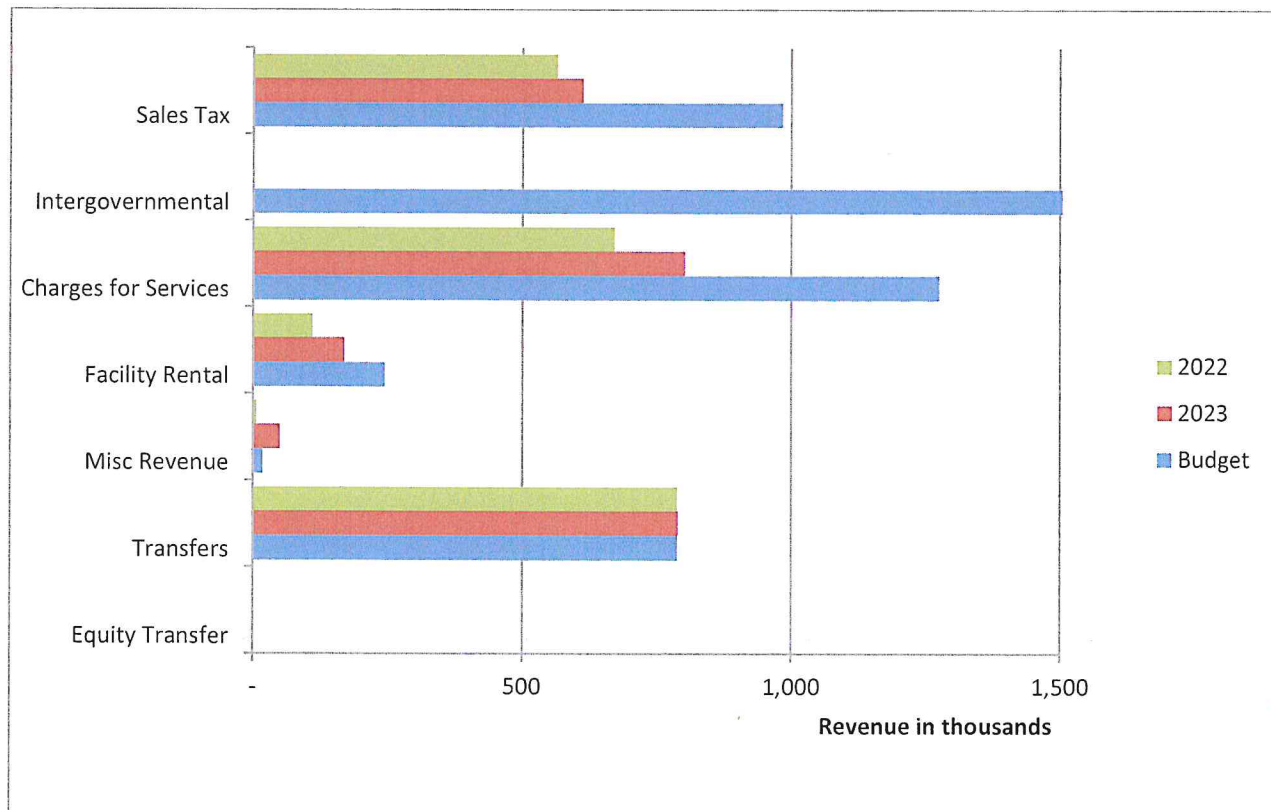
Total budgeted revenues for the fiscal year are \$12,324,296. Total revenues through 7 months or 58% of this fiscal year, amounted to \$7,366,001 or 60% of FY23 budgeted revenues. Charges for sanitation are \$4,579,455, an increase of \$216,287. Charges for water have increased to \$2,708,304. Miscellaneous revenue has increased \$46,728 to \$78,242 due to interest revenue.

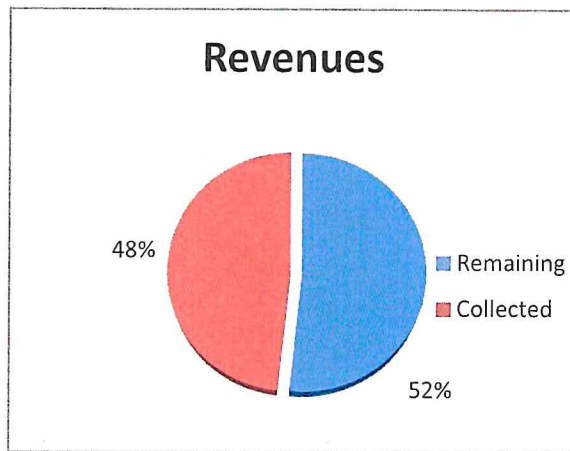


Total budgeted expenditures for the fiscal year are \$12,311,796. Total expenditures through 7 months or 58% of this fiscal year amounted to \$6,879,864 or 56% of FY23 budgeted expenditures. Production expenditures are \$873,910, an increase of \$244,650 due to increases in chemicals and repairs to the east secondary basin. Operations division expenditures are \$491,408, an increase of \$30,246. Sewer division expenditures are \$190,247. Non-departmental expenditures are \$4,261,672, an increase of \$208,824 due to increased sewer charges from Kansas City. Capital outlay is \$679,343, an increase of \$458,641 due to water main repairs and replacements. Payments for debt have decreased 23% or \$101,508 to \$333,284 due to lease purchases falling off the debt schedule. Current revenues exceed current expenditures by \$486,137.



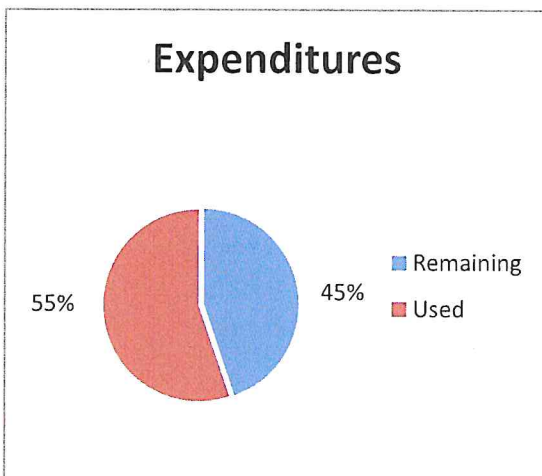
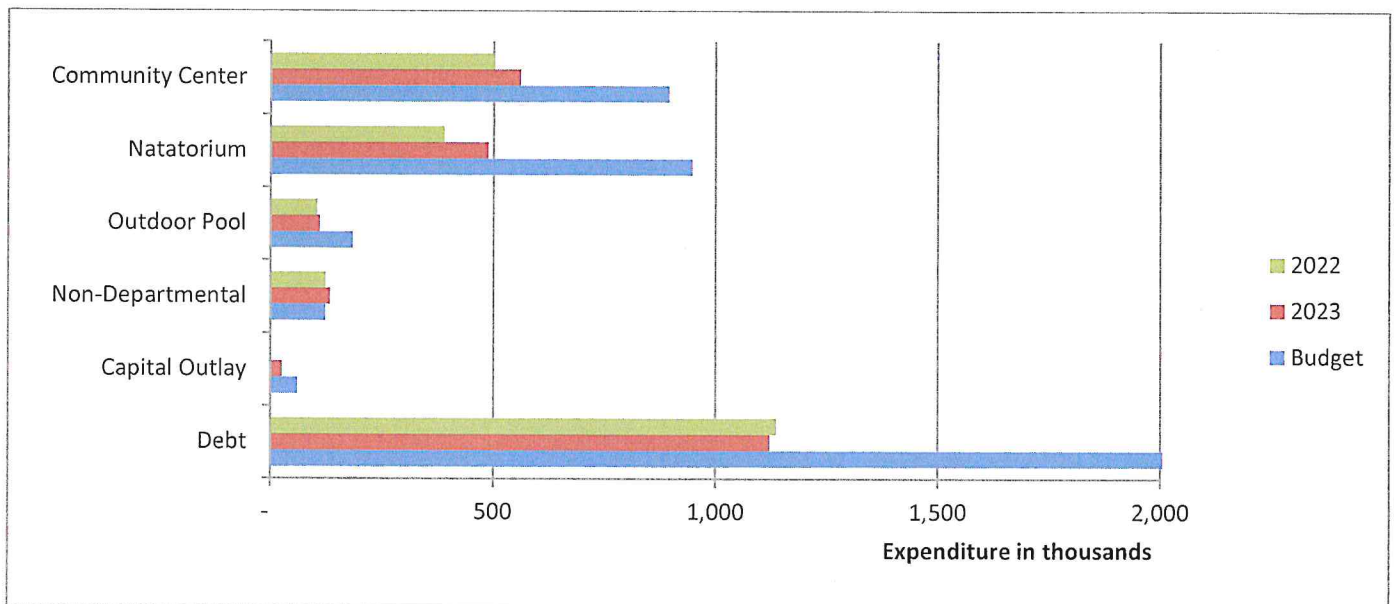
COMMUNITY CENTER AND PARKS TAX FUND





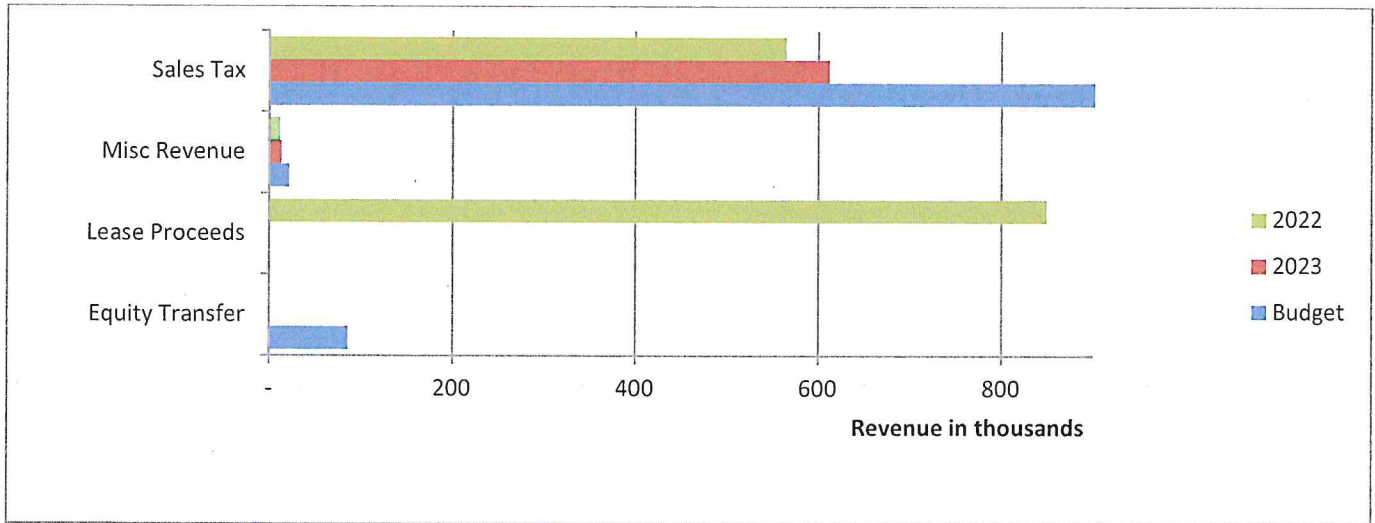
Total budgeted revenues for the fiscal year are \$5,009,081. Total revenues through 7 months or 58% of this fiscal year, amounted to \$2,421,848 or 48% of FY23 budgeted revenues. Sales tax received is \$611,684, an increase of \$46,813 (8%) from the previous year. Intergovernmental revenue consists of a charge to the North Kansas City School District for the natatorium \$700,000 and \$1,000,000 in ARPA funding (ARPA funding will be added at year end). Charges for services are \$801,753, an increase of \$130,404 (19%). Revenue from facility rental is \$169,828, an increase of \$59,777 (54%). Miscellaneous revenue is \$49,583. Transfers to the fund are \$789,000. There is no equity

transfer budgeted for the fiscal year.

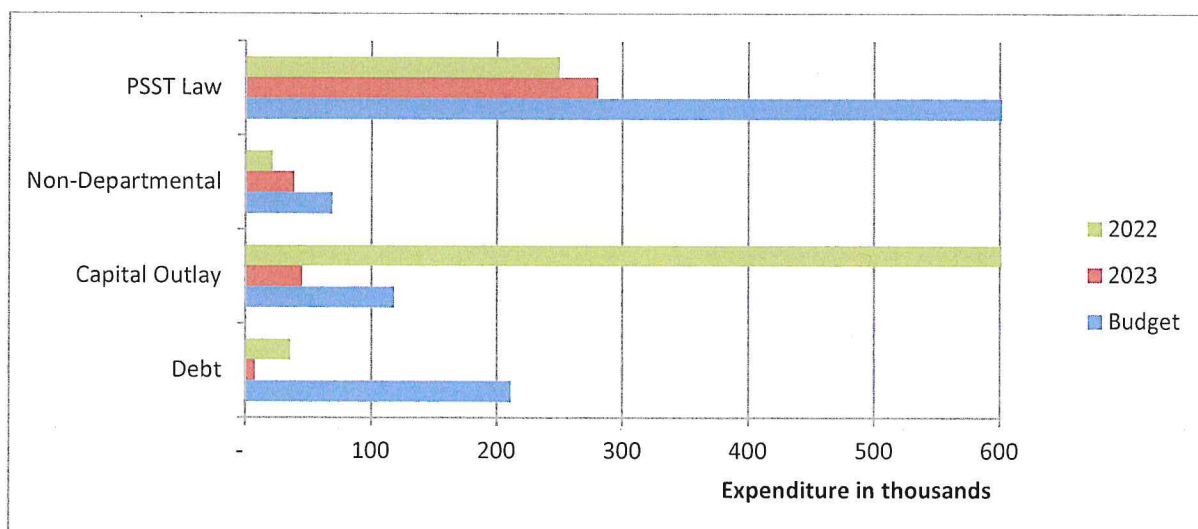
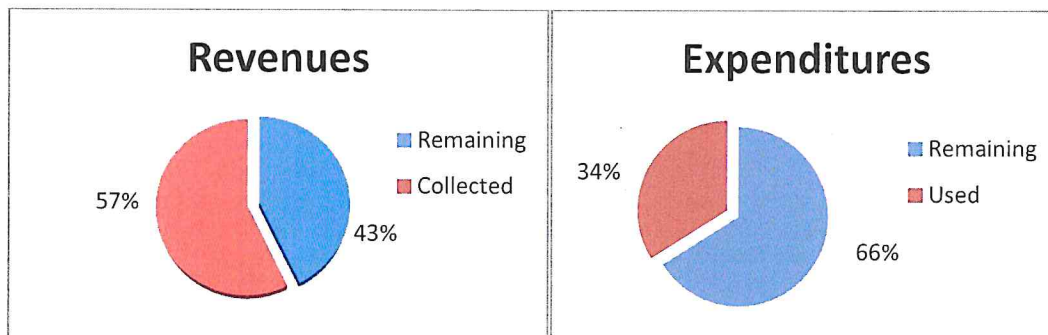


Total budgeted expenditures for the fiscal year are \$4,409,870. Total expenditures through 7 months or 58% of this fiscal year amounted to \$2,438,297 or 55% of FY23 budgeted expenditures. Community Center expenditures are \$560,234, an increase of \$58,132 (12%) due to changes in staffing and building maintenance. Natatorium expenditures are \$487,525, an increase of \$97,144 (25%) due to increases in building maintenance. Outdoor Pool expenditures are \$110,261, an increase of \$8,725 (7%) due to increases in part time personnel costs and chemicals. Non-departmental expenditures have increased \$8,725 to \$133,789 due to increases in property and liability insurance. Capital outlay for the fund is \$26,958. Payments for debt are comparable to the previous year at \$1,120,530. Current expenditures exceed current revenues by \$16,449.

PUBLIC SAFETY SALES TAX FUND



Total budgeted revenues for the fiscal year are \$1,091,512. Total revenues through 7 months or 58% of this fiscal year amounted to \$624,876 or 57% of FY23 budgeted revenues. Sales tax on a cash basis is \$611,674, or an increase of \$46,905 (8%). Miscellaneous revenue is \$13,202. No lease proceeds are budgeted for this fiscal year. An equity transfer of \$86,012 is budgeted for the fund.



Total budgeted expenditures for the fiscal year are \$1,091,512. Total expenditures through 7 months or 58% of this fiscal year are \$371,126 or 34% of the FY23 budgeted expenditures. Law division is \$280,123, an increase of \$30,554 from the same time last year. Non-Departmental is \$38,459, compared to \$21,443 during the previous year. Capital outlay is \$45,106. Payments for debt is \$7,438. The decrease is due to debt issuance cost from the radio project in the previous year. Current revenue over expense for the fund is \$253,750.

Respectfully submitted,

A handwritten signature in dark ink, reading "Dominic Accurso". The signature is written in a cursive style with a large, stylized initial "D".

Dominic Accurso
Director of Finance



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 23-05

ORD # 4.627

Date: 2/22/2023

Department: Public Works

Meeting Date Requested: 2/27/2023

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

Subject: Memorandum of Agreement, Mid-America Regional Council (MARC) Update to Stormwater Engineering Standards and Planning Guidelines

Background:

The American Public Works Association (APWA) – Kansas City Chapter Executive Committee voted in October 2021 to update regional engineering standards and criteria (“APWA 5600”) and planning guidelines (“MARC/APWA Manual”). The majority of local governments, including the City of Gladstone, have adopted these standards. MARC will serve as project manager for the update and will coordinate and facilitate community and stakeholder participation. The project leverages local resources from a variety of stakeholders including Gladstone. The City has verbally committed \$7,500 to help fund this endeavor.

Budget Discussion: Funds are available in the amount of \$7,500 from the General Fund.

Public/Board/Staff Input: Execution of this agreement and \$7,500 contribution will ensure that the City of Gladstone has a “seat at the table” during this process. Staff recommends approval of this agreement.

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

Timothy A. Nebergall
Department Director/Administrator

JM
City Attorney

SW
City Manager

MID-AMERICA REGIONAL COUNCIL
UPDATE TO STORMWATER ENGINEERING STANDARDS
AND PLANNING GUIDELINES

MEMORANDUM OF AGREEMENT

PARTIES: **City of Gladstone, Missouri and Mid-America Regional Council,
("MARC")**

R E C I T A L S:

1. The American Public Works Association (APWA) – Kansas City Chapter adopted significant updates to regional engineering standards and criteria ("APWA 5600") and planning guidelines ("MARC/APWA BMP Manual") in 2005. These documents were subsequently updated in December 2010 and October 2012, respectively.
2. The majority of local governments in the Kansas City metro area adopt APWA engineering standards, tailoring regional approaches to meet local needs and opportunities.
3. The APWA-Kansas City Chapter Executive Committee voted in October 2021 to update regional standards upon the recommendation of the Sustainable Stormwater Task Force and Water Resources Committee.
4. Committee recommendations to update stormwater management approaches were based on changes in technology, modeling, data, and community priorities. Support for new stormwater management approaches is undergirded by concepts of integrated watershed management, climate resilience, environmental justice, and environmental stewardship.
5. The Project leverages substantial resources from a variety of Stakeholders. The following cities, counties and agencies have agreed to participate in the Project:
 - American Public Works Association – Kansas City Chapter
 - Cities of Bonner Springs, Gardner, Leawood, Lenexa, Merriam, Mission, Westwood and Westwood Hills in Kansas
 - Cities of Blue Springs, Excelsior Springs, Gladstone, Grandview, Independence, Kansas City, Liberty, North Kansas City, Parkville and Riverside in Missouri
 - Johnson and Miami Counties in Kansas
 - The Unified Government of Wyandotte County and Kansas City, Kansas
 - Mid-America Regional Council.
6. APWA and community stakeholders have requested that MARC serve as the project manager for the study. MARC will coordinate and facilitate community and stakeholder participation in and contributions to the study. Further, MARC will manage procurement and contracting processes for consulting services for the study. Project technical and advisory groups will guide MARC activities including the development of a request for

proposals/qualifications, and consultant selection, and the development of a detailed scope of work, schedule, and budget, and subsequent project activities.

PURPOSE: The City of Gladstone, Missouri is interested in participating in a regional partnership to update regional stormwater management standards and planning approaches (“Project”).

PROJECT COST Total project cost is contingent upon contributions from participating communities and organizations, and upon the final scope of work agreed to by project stakeholders and consultants. The project is anticipated to be conducted from December 2022 – March 2025.

- Participating communities – Development of project scope, schedule, and budget and project consultants. Project contributions are estimated to be between \$740,000 - \$1 million.
- MARC – Management, facilitation, and administration cost - \$59,270.

EFFECTIVE The parties mutually agree to Articles I, II, and III in accordance with this Agreement from the date of execution until the 31st day of March 2024. This agreement may be renewed thereafter to provide continued funding for the Project as mutually determined by project partners.

ARTICLE I

City of Gladstone, Missouri AGREES:

1. To fund its portion of the Project not to exceed \$7,500, with payment to be made within thirty (30) days of execution by both Parties; and
2. To provide MARC at least sixty (60) day notice of its intent to no longer participate in the Project.

ARTICLE II

MARC AGREES:

1. To provide project management, administration, and facilitation under the guidance of the project technical and advisory committees.
2. To manage the procurement of consulting services and subsequent contracts to develop and implement a scope of work, schedule and budget.
3. MARC will collect funds from the city and other stakeholders, and disburse funds to selected consultants; and
4. MARC will retain \$59,270 to administer and facilitate the project during the life of the study.

ARTICLE III

BOTH PARTIES MUTUALLY AGREE:

1. That this Agreement and all contracts entered into under provisions of this Agreement shall be binding upon the City and MARC; and
2. That no third-party beneficiaries are intended to be created by this Agreement, nor do the parties herein authorize anyone not a party to this Agreement to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

IN WITNESS WHEREOF: the parties hereto have caused this Agreement to be signed by their authorized officers on the day and year first above written.

Mid-America Regional Council

City of Gladstone, Missouri

David Warm
Executive Director

Scott Wingerson
City Manager

Date

Date

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF GLADSTONE AND THE MID-AMERICA REGIONAL COUNCIL (MARC) TO UPDATE STORMWATER ENGINEERING STANDARDS AND PLANNING GUIDELINES.

LEGISLATIVE FINDINGS

1. The American Public Works Association (APWA) – Kansas City Chapter has developed regional engineering standards (“APWA 5600”) and planning guidelines (“MARC/APWA BMP Manual”) that have been adopted by a majority of local governments including Gladstone; and
2. The APWA – Kansas City Chapter Executive Committee voted in October 2021 to update these standards upon the recommendation of the Sustainable Stormwater Task Force and Water Resources Committee; and
3. The project leverages resources from a variety of stakeholders; and
4. MARC will serve as project manager and will coordinate and facilitate community and stakeholder participation.

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

SECTION 1. The City Manager of the City of Gladstone, Missouri, is hereby authorized to execute the Memorandum of Agreement with MARC.

SECTION 2. Funds for the program are budgeted in the City of Gladstone’s General Fund.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27TH DAY OF FEBRUARY, 2023.

ATTEST:

Bill Garnos, Mayor

Kris Keller, City Clerk

1st Reading: February 27, 2023

2nd Reading: February 27, 2023



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 23-06

ORD # 4.628

Date: 2/22/2023

Department: Community Development

Meeting Date Requested: 2/27/2023

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

Subject: Repeal – Chapter 2200 Erosion and Sediment Control Regulations
Adoption – Chapter 2200 Erosion and Sediment Control and Post-Construction Stormwater Regulations

Background:

The City operates a Phase II Municipal Separate Storm Sewer System (MS4) under the authority of Missouri State Operating Permit MOR04C046. This permit has been renewed in 5-year increments since April 2003 and requires the City to implement a Stormwater Management Plan to address the following six minimum control measures:

- Public Education and Outreach
- Public Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Control
- Post-Construction Stormwater Management
- Pollution Prevention/Good Housekeeping for Municipal Operations

On August 9, 2022, the Missouri Department of Natural Resources (MoDNR) completed an audit of the City's Stormwater Management Plan that focused on Public Education and Outreach, Construction Site Stormwater Control, and Post-Construction Stormwater Management. Although the majority of the plan was found to be in compliance, MoDNR issued a letter of warning for failing to adopt an Ordinance to address post-construction runoff.

Post-Construction Stormwater Management describes the design, construction, and maintenance of permanent stormwater retention and other Best Management Practices (BMPs) for both flood control and water quality. While the City has adopted policies and procedures for the design and construction of these facilities, MoDNR is requesting a local regulatory mechanism to ensure these facilities continue to operate as designed.

Staff has reviewed the City's existing Code of Ordinances and recommends repealing Title IX, Chapter 2200 from "Erosion and Sediment Control Regulations" and adopting "Erosion and Sediment Control and Post-Construction Stormwater Regulations." Highlights of the new Ordinance include:

- Preparation of a stormwater management study in accordance with the requirements of the Kansas City Metropolitan Chapter of the American Public Works Association as amended and Mid-America Regional Council Manual of Best Management for Stormwater Quality as amended.
- Development of a maintenance agreement and plan to be filed with the Clay County, Missouri Recorder of Deeds, that identifies the ongoing operation and maintenance responsibility of the property owner, in perpetuity, for all post-construction stormwater facilities.
- Requires the owner to inspect post-construction facilities no less than annually and to submit inspection reports to the City.

MoDNR has indicated that the proposed revisions to the Ordinance are acceptable. Furthermore, the revised Ordinance was presented to the Board of Zoning Adjustments (BZA) who voted unanimously in favor at the 2/21/23 meeting.

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

Public/Board/Staff Input: Staff recommends adoption of this ordinance to comply with Missouri Clean Water Law.

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

Alan D. Napoli, C.B.O.
Community Development Administrator | Building Official

JM
City Attorney

SW
City Manager

AN ORDINANCE AMENDING TITLE IX BUILDING AND CONSTRUCTION ORDINANCE OF THE CITY OF GLADSTONE, MISSOURI, CODE OF ORDINANCES BY REPEALING CERTAIN PROVISIONS CONTAINED THEREIN AND ENACTING IN LIEU THEREOF, NEW PROVISIONS DESIGNATED AS TITLE IX BUILDING AND CONSTRUCTION ORDINANCE RELATING TO THE EROSION AND SEDIMENT CONTROL AND POST-CONSTRUCTION STORMWATER REGULATIONS FOR THE CITY OF GLADSTONE, MISSOURI.

LEGISLATIVE FINDINGS:

1. The City operates a Phase II Municipal Separate Storm Sewer System (MS4) under the authority of Missouri State Operating Permit MOR04C046; and
2. The City is required to adopt certain regulations concerning erosion and sediment control pre and post-construction in accordance with Missouri Clean Water Law; and
3. The City has conducted a comprehensive review of Chapter 2200 in Title IX of the Code of Ordinances relating to Erosion and Sediment Control Regulations; and
4. Regulations concerning erosion and sediment control pre and post-construction stormwater within the City have been reviewed for compliance with Missouri Clean Water Law for incorporation by reference and such adoption is deemed advisable by the City Council for compliance and for the health, safety, and welfare of residents and businesses of the City; and
5. The City Council of the City of Gladstone, Missouri finds that it is in the best interest of the residents and businesses of the City of Gladstone, Missouri to enact the provisions of the Building and Construction Ordinance set forth herein;

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

Section 1. That the following Chapter of the Code of Ordinances of the City of Gladstone, Missouri, regarding Erosion and Sediment Control, is hereby repealed.

Chapter 2200 Erosion and Sediment Control Regulations

Section 2. That the following Chapter of the Code of Ordinances of the City of Gladstone, Missouri, is amended to read as set forth in Exhibit A, attached hereto and incorporated as part of this Ordinance by reference as if fully set forth herein.

Chapter 2200 Erosion and Sediment Control and Post-Construction Stormwater Regulations

Section 3. That the provisions of the Code of Ordinances of the City of Gladstone, Missouri repealed herein shall not be construed to revive any former Ordinances, clause or provisions of the Gladstone Code of Ordinances.

BILL NO. 23-06

ORDINANCE NO. 4.628

Section 4. That 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 this Ordinance.

Section 5. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27TH DAY OF FEBRUARY, 2023.

Bill Garnos, Mayor

ATTEST:

Kris Keller, City Clerk

1st Reading: February 27, 2023

2nd Reading: February 27, 2023

EXHIBIT A
CHAPTER 2200

CHAPTER 2200
EROSION AND SEDIMENT CONTROL AND POST-CONSTRUCTION
STORMWATER REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.2200.101
GENERAL PROVISIONS

9.2200.101.1 Title.

These regulations shall be known and cited as the *Erosion and Sediment Control and Post-Construction Stormwater Regulations* of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.2200.101.2 Scope.

The provisions of this chapter are to set forth procedures for controlling erosion and sediment caused by land disturbance activities and the installation, operation, and maintenance of *post-construction stormwater facilities*, in the City of Gladstone.

9.2200.101.3 Intent.

The purpose of this chapter is to provide minimum requirements to safeguard life, health, property, and public welfare, by regulating and controlling the design, construction, and use of development or other activities, which disturbs or breaks the topsoil or results in the movement of earth on land; and the installation, operation, and maintenance of *post-construction stormwater facilities* used for the control of stormwater quantity and quality, in the City of Gladstone.

SECTION 9.2200.102
APPLICABILITY

9.2200.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.2200.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.2200.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2200.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2200.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.2200.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2200.103.2 Applications and land disturbance permits.

The *building official* shall receive applications, review construction documents and issue *land disturbance permits* for the placement and use of *erosion and sediment control*, inspect the *premises* for which such land disturbance permits have been issued and enforce compliance with the provisions of this chapter.

9.2200.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2200.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2200.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2200.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official*

shall present credentials to the *premises* or private property *owner* and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2100.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2200.104
LAND DISTURBANCE PERMITS

9.2200.104.1 Land disturbance permit required.

Any *owner* or owner's authorized agent, who intends to do any activity that will cause *land disturbance* shall first make application to the *building official* and obtain a *land disturbance permit*.

9.2200.104.2 Exempt from land disturbance permit.

Exemption from *land disturbance permit* requirements of this chapter shall not be deemed to grant authorization from the use to be in violation of the provisions of this chapter or any other laws or ordinances of the jurisdiction. *Land disturbance permits* shall not be required for the following:

1. Disturbance of land two-hundred (200) square feet or less.
2. Emergency activity that is immediately necessary for the protection of life, property, or natural resources.

9.2200.104.3 Application for land disturbance permit.

To obtain a *land disturbance permit*, the applicant shall first file an application in writing on a form furnished by the Department for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.
2. Company's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date of delivery.

5. Be accompanied by construction documents and other information as required by Section 9.2200.105.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

9.2200.104.3.1 Action on application.

The *building official* shall examine or cause to be examined applications for *land disturbance permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *land disturbance permit* therefore as soon as practicable.

9.2200.104.3.2 Time limitation of application.

An application for a *land disturbance permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *land disturbance permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2200.104.4 Validity of land disturbance permit.

The issuance or granting of a *land disturbance permit* shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Land disturbance permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *land disturbance permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent use of *erosion and sediment control*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2200.104.5 Expiration.

Every *land disturbance permit* issued shall become invalid 180 days from the date of issuance. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2200.104.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *land disturbance permit* issued under the provisions of this chapter wherever the *land disturbance permit* is issued in error

or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

9.2200.104.7 Placement of land disturbance permit.

The *land disturbance permit* or copy shall be kept on the site of the work until the completion of the project.

9.2200.104.8 Responsibility.

It shall be the duty of every person who performs work for which this chapter is applicable, to comply with this chapter.

9.2200.104.9 Preliminary inspection.

Before issuing a *land disturbance permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**SECTION 9.2200.105
SUBMITTAL DOCUMENTS**

9.2200.105.1 Submittal documents.

Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a *land disturbance permit*. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The *building official* is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

9.2200.105.2 Construction documents.

Construction documents shall be in accordance with Sections 9.2200.105.2.1 through 9.2200.105.2.7.

9.2200.105.2.1 Information on construction documents.

Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

9.2200.105.2.2 Site plan.

The *construction documents* submitted with the application for a *land disturbance permit* shall be accompanied by a site plan showing to scale the size and location of

new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, *flood hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for *land disturbance permit* is for *alteration* or *repair* or where otherwise warranted.

9.2200.105.2.2.1 Design flood elevations.

Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1 if the International Building Code as adopted by the *jurisdiction*.

9.2200.105.2.3 Erosion and Sediment Control Plan.

Erosion and sediment control plan, special inspections and site observation programs, and other data shall be submitted in one or more sets with each application for a *land disturbance permit*. A *registered design professional* shall prepare the *erosion and sediment control plan*. Where special conditions exist, the *building official* is authorized to require additional construction documents to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of construction documents and other data not require to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this chapter.

9.2200.105.2.3.1 Information on erosion and sediment control plan

Erosion and sediment control plan shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted when approved by the *building official*. *Erosion and sediment control plan* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations, as determined by the *building official* and shall include the following:

1. A natural resources map identifying soils, forest cover, and resources protected under this chapter. (Map should be at a scale of no smaller than 1" = 100')
2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary

erosion and sediment control measures, and establishment of permanent vegetation.

3. All *erosion and sediment control* measures necessary to meet the objectives of this chapter throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilization application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

9.2200.105.2.3.2 Design requirements

Erosion and sediment control work for which a *land disturbance permit* has been issued shall be in accordance with approved plans and the following design requirements.

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria of this chapter and relevant laws, ordinances, rules and regulations, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the *building official*. Cut and fill slopes shall be no greater than 2:1.
2. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
3. Erosion control requirements shall include the following:
 - 3.1. Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.
 - 3.2. If seeding or another vegetative erosion control method is used, it shall become established within fourteen (14) days or the *building official* may require the site to be reseeded or a non-vegetative option employed.
 - 3.3. Soil stockpiles must be stabilized or covered at the end of each workday.
 - 3.4. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.

- 3.5. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- 3.6. Techniques that divert upland runoff past disturbed slopes shall be employed.
- 6. Sediment control requirements shall include:
 - 4.1. Settling basins, sediment traps, or tanks and perimeter controls.
 - 4.2. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.
- 7. Waterway and watercourse protection requirements shall include:
 - 5.1. A temporary stream crossing installed and approved by the building official if a wet watercourse will be crossed regularly during construction.
 - 5.2. Stabilization of the watercourse channel before, during, and after any in-channel work.
 - 5.3. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
- 8. Construction site access requirements shall include:
 - 6.1. A temporary access road provided at all sites.
 - 6.2. Other measures required by the *building official* in order to ensure that construction vehicles do not track sediment onto public streets or washed into storm drains.

9.2200.105.2.3.3 Site plan.

The *erosion and sediment control plan* submitted with the application for a *land disturbance permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from the lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazards areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

9.2200.105.2.3.4 Examination of documents.

The *building official* shall examine or cause to be examined the accompanying *erosion and sediment control plan* and shall ascertain by such examinations

whether the construction indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

9.2200.105.2.3.5 Amended erosion and sediment control plan.

Work shall be in accordance with the approved *erosion and sediment control plan*, and any changes made during construction that are not in compliance with the *approved erosion and sediment control plan* shall be resubmitted for approval as an amended set of erosion and sediment control plan.

9.2200.105.2.4 Stormwater management study. A stormwater management study shall be submitted in accordance with the requirements of the Kansas City Metropolitan Chapter of the American Public Works Association as amended and Mid-America Regional Council Manual of Best Management for Stormwater Quality as amended. The study shall include a summary of post-construction facilities and supporting design calculations. A *registered design professional* shall prepare the study.

9.2200.105.2.5 Maintenance agreement. A maintenance agreement and plan shall be prepared and filed with the Clay County, Missouri Recorder of Deeds, that identifies the ongoing operation and maintenance responsibility of the property owner, in perpetuity, for all *post-construction stormwater facilities*. Such maintenance shall include, but not limited to, keeping the facilities free and clear of weeds, brush, trash, debris, and any other waste material which might impede or hinder the facilities intended use; repair of erosion; removal of silt; and general maintenance of facilities as necessary to meet their intended purpose. The owner shall inspect, or cause to be inspected, said facilities no less than annually, or at the request of the *building official* or the Public Works Director, as outlined in the maintenance plan and shall maintain records and supply the City a copy of the maintenance record within thirty (30) days of inspection.

9.2200.105.2.6 Examination of documents.

The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

9.2200.105.2.7 Approval of construction documents.

When the *building official* issues a *land disturbance permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

SECTION 9.2200.106 FEES

9.2200.106.1 Payment of fees.

A *land disturbance permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *land disturbance permit* be released until the additional fees, if any, have been paid.

9.2200.106.2 Land disturbance permit fee.

Land disturbance permit fees shall be in accordance with the adopted schedule of fees and charges; and shall be paid at time *the land disturbance permit* is issued.

9.2200.106.2.1 Subdivision developments.

A deposit of \$50.00 per lot shall be paid to the jurisdiction prior to issuance of any *land disturbance permit*. Deposit of this type will be refunded after all lots have been sold in the subdivision and in which the *owner(s)* have paid their deposits as required by Section 9.2200.106.2.2. The refund must be requested in writing to the *building official* for approval and processing within twelve (12) months of approval of final inspection or the deposit is forfeited to the jurisdiction.

9.2200.106.2.2 Residential lots.

A deposit of \$500.00 per lot shall be paid to the jurisdiction prior to issuance of and *land disturbance permit*. Deposit of this type will be refunded after a certificate of occupancy and/or passing final inspection has been issued for all *permits* associated with said *lot*. The refund must be requested in writing to the *building official* for approval and processing within twelve (12) months of approval of the final inspection or the deposit is forfeited to the jurisdiction.

9.2200.106.2.3 Commercial developments.

A deposit of \$5,000.00 per lot/tract shall be paid to the jurisdiction prior to issuance of any *land disturbance permit*. Deposit of this type will be refunded after a certificate of occupancy and/or a passing final inspection has been issued for all *permits* associated with said lot/tract. The refund must be requested in writing to the *building official* for approval and processing within twelve (12) months of approval of final inspection or the deposit is forfeited to the jurisdiction.

9.2200.106.2.4 Forfeiture of deposit.

The deposit required by this section shall be forfeited to the jurisdiction upon the land disturbance permit holder not correcting any violations as prescribed in Section 9.2200.301 within prescribed time as set forth thereto.

9.2200.106.2.5 Subsequent violations fees.

The second and any subsequent violations of this chapter, the land disturbance permit holder shall forfeit \$100.00 of the required deposit to the jurisdiction for administrative fees and the deposit required, as set for in this section shall be forfeited to the

jurisdiction upon the land disturbance permit holder not correcting any violations as prescribed in Section 9.2200.301 within prescribed time as set forth thereto.

9.2200.106.3 Related fees.

The payment of the fee for the *land disturbance permit* shall not relieve the applicant or land disturbance permit holder from the payment of other fees that are prescribed by law.

**SECTION 9.2200.107
INSPECTIONS**

9.2200.107.1 Land disturbance inspections.

For on-site construction, from time to time the *building official*, upon notification from the land disturbance permit holder or their agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the land disturbance permit holder or their agent wherein the same fails to comply with this chapter.

1. Start of construction.
2. Installation of sediment and erosion measures.
3. Completion of site cleaning.
4. Completion of rough grading.
5. Completion of final grading.
6. Completion of final landscaping.

9.2200.107.1.1 Inspection requests.

It shall be the duty of the land disturbance permit holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work.

9.2200.107.1.2 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspection(s) and shall either indicate the portion of the construction that is satisfactory or completed, or shall notify the land disturbance permit holder or agent wherein the same fails to comply with this chapter. Any portion(s) that do not comply shall be corrected and such portion(s) shall not be covered or concealed until authorized by the *building Official*.

9.2200.107.1.3 Final inspection.

Final inspection shall be made after the permitted work is complete and prior to occupancy.

9.2200.107.2 Post-construction stormwater facilities inspections.

Post-construction stormwater facilities inspections shall be performed in accordance with the approved Post-Construction Stormwater Maintenance Agreement developed for the site.

9.2200.107.3 Inspection agencies.

The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

SECTION 9.2200.108

APPEALS

9.2200.108.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.2200.108.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.2200.108.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.2200.109

VIOLATIONS

9.2200.109.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2200.109.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2200.110.

9.2200.109.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2200.110, shall be deemed guilty of a misdemeanor or civil infraction as

determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2200.109.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2200.110 Notices and Orders

9.2200.110.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2200.110.2 and 9.2200.110.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2200.110.2 Form.

Such notice prescribed in Section 9.2200.110.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 9.2200.109.3.

9.2200.110.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2200.110.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2200.110.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2200.109.4.

9.2200.110.6 Transfer of ownership.

It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

DIVISION 2 DEFINITIONS

SECTION 9.2700.201 GENERAL

9.2200.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.2200.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2200.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council, the design standards and specifications of the Kansas City Metropolitan Chapter of the American Public Works Association as amended, and Mid-America Regional Council Manual of Best Management Practices for Storm Quality as amended.

9.2200.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.2200.202 GENERAL DEFINITIONS

ALLUVIAL SOIL. A fine-grained fertile soil deposited by water flowing over flood plains or in river beds.

ANCHOR TRENCH. A narrow ditch in which the edges of a material (e.g. silt fence, erosion control blanket or geotextile etc.) are buried to hold in place.

APPROVED. Acceptable to the *building Official*.

BEST MANAGEMENT PRACTICES (BMP) Stormwater management practice used to prevent or control the discharge of pollutants and minimize runoff to water of the U.S. BMPs may include structural or non-structural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC). A qualification indicating the holder has educational training and experience in controlling *erosion* and sedimentation and met certification standards.

CELLULAR CONFINEMENT SYSTEM (CCS) *Geocells* used in construction for erosion control, soil stabilization on flat ground and steep slopes, channel protection, and structural reinforcement for load support and earth retention.

CHANNEL STABILIZATION. The protection of the sides and bed of a channel from *erosion* by controlling flow velocities and directions or by lining the channel with vegetation, riprap, concrete or other material.

CHECK DAM. A small, sometimes temporary, dam constructed across a swale, drainage ditch or waterway to counter act *erosion* by reducing water flow velocity.

CLEARING. Activity, which removes the vegetative surface cover.

CONSTRUCTION DOCUMENTS. Written, graphic, and pictorial documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for obtaining a *land disturbance permit*. Construction drawings shall be to an appropriate scale.

DEPARTMENT OF NATURAL RESOURCES (DNR). The government of the U.S. state of Missouri consist of the Division of Environmental Quality, the Division of Geology and Land Survey, the Division of State Parks, the Environmental and Energy Resources Authority, and the Field Services Division.

DESIGN STANDARDS. Generally accepted uniform procedures, dimensions, materials, or parts that directly affect the design of a product or facility.

DRAINAGE WAY. A route or course along which water moves or may move to drain a region.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

ENVIRONMENTAL PROTECTION AGENCY (EPA). An independent agency of the United States federal government for environmental protection.

EROSION. The process, by which the surface of the earth is worn away by the action of water, glaciers, wind, waves, etc.

EROSION CONTROL. The practice of preventing or controlling wind or water *erosion* in agriculture, land development, coastal areas, river banks and construction.

EROSION CONTROL BLANKET (ECB). A blanket of synthetic or natural fibers to protect soil from the erosive impact of precipitation and overland flow, typically on slopes and in channels. ECBs also retain moisture and facilitate establishment of vegetation. ECBs are also sometimes referred to as Rolled Erosion Control Products (RECPs).

EROSION AND SEDIMENT CONTROL. A practice or device designed to keep eroded soil on a construction site, so that it does not wash off and cause water pollution to a nearby stream, river, lake or sea.

EROSION AND SEDIMENT CONTROL PLAN. A set of plans, prepared by or under the direction of a licensed professional engineer control plan indicating specific measures and sequencing to be used control sediment and erosion on a development site during and after construction.

GEOCELL. *Cellular confinement systems (CCS)* made from strips of welded high density polyethylene (HDPE) that form a honeycomb grid when expanded and are filled with aggregate or soil. Geocells provide reinforcement and protection for stabilization and erosion control applications including:

- Soil stabilization of unpaved roadways
- Slope erosion control
- Channel protection
- Retaining walls

GEOTEXTILE. Permeable fabrics which, when used in association with soil, have the ability to separate, filter, reinforce, protect, or drain.

GROUND COVER Any plant that grows over an area of ground.

GRADING. The excavation or fill of material, including the resulting conditions thereof.

JURISDICTION. The governmental unit that has adopted this chapter.

LAND DISTURBANCE. Any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause *erosion* or *sedimentation*.

LAND DISTURBANCE PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a *land disturbance* activity.

LANDSCAPING. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and

flowers. This treatment shall be permitted to include the use of logs, rocks, fountains, water features and contouring of the earth.

LOT. A portion or parcel of land considered as a unit.

OWNER. Any *person*, agent, operator, entity, firm or corporation having a legal or equitable interest in the property; or recorded in the official record of the state, county or municipality as holding interest or title to the property; or otherwise having possession or control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERMANENT SEEDING. Perennial vegetative cover, from seed, used to control runoff and erosion on disturbed area and to provide permanent stabilization.

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a specified activity.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

POST-CONSTRUCTION STORMWATER. Stormwater generated from a site that has been disturbed and is no longer in its pre-development state.

POST-CONSTRUCTION STORMWATER FACILITY. Any stormwater quantity and quality control facilities that exist following construction including, but not limited to, open drainage swales, channels, enclosed systems, detention/retention structures, and other stormwater best management practices.

PREMISES. A *lot*, plot or parcel of land, *easement* or public way, including any structures thereon.

REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

SCARIFY. To break up and loosen soil to a shallow depth.

SEDIMENT. A natural occurring material that is broken down by processes of weathering and erosion, and is subsequently transported by the action of wind, water, or ice or by the force of gravity acting on the particles.

SEDIMENTATION. The deposition or accumulation of *sediment*.

SHEET FLOW. An overland flow or downslope movement of water taken the form of a thin, continuous film over relatively smooth soil or rock surfaces and not concentrated into channels larger than rills.

SILT. Earthy matter, fine sand, or the like carried by moving or running water and deposited as a *sediment*.

SILT FENCE. A temporary *sediment* control device used on construction sites to protect water quality in nearby streams, rivers, lakes and seas from *sediment* in stormwater runoff.

SITE. A parcel of land bounded by a lot line or a designated portion of a public right-of-way.

STORMWATER MANAGEMENT. The effort to reduce runoff of rainwater or melted snow into streets, lawn and other sites and the improvement of water quality, according to the United States *Environmental Protection Agency (EPA)*.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TEMPORARY SEEDING. Earthen *sediment* control practices to protect and stabilize denuded areas that will not be brought into final grade for several weeks or months.

TURF REINFORCEMENT MAT (TRM). A rolled mat of non-degradable synthetic material that provides a matrix to greatly reinforce the root system of the desired vegetation for permanent erosion protection in high flow channels and on critical slopes.

VEGETATION. Plants considered collectively, especially those found in a particular area or habitat.

**DIVISION 3
VIOLATION OF CRITERIA**

**SECTION 9.2200.301
ENFORCEMENT**

9.2200.301.1 Stop work order; revocation of land disturbance permit. In the event that any *person* holding a *land disturbance permit* pursuant to this chapter violates the terms of this chapter or the *land disturbance permit*, implements, or maintains site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, and has not corrected such violation within 48 hours of notification, the *building official* may suspend or revoke the *land disturbance permit* and any or all other *permits* associated with the *site*; and will take measures to have the violations corrected at the expenses of the land disturbance permit holder. No work hereafter shall commence until the land disturbance permit holder complies with the following:

1. If the *erosion control* measures that the City took exceeds the required deposit, the land disturbance permit holder shall pay the difference.
2. The land disturbance permit holder shall pay a new deposit as set forth in Section 9.2200.106.2.

9.2200.301.2 Notification. Notification of violation shall be by one or more of the following:

1. Phone call (leaving message on an answering machine or voice mail shall be considered as if spoken to land disturbance permit holder).
2. Written notice mailed, faxed, e-mailed, or served.
3. Posting of property.
4. Verbal notification in person with land disturbance permit holder.

9.2200.301.3 Responsibility of jurisdiction. Upon inspection, if a violation is noticed, it is the responsibility of the jurisdiction to notify the land disturbance permit holder as soon as possible, take pictures of the violation(s), and create and maintain a written record of the violation(s).



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 23-07

ORD ☒ # 4.269

Date: 2/22/2023

Department: Community Development

Meeting Date Requested: 2/27/2023

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

Subject: Domesticated Fowl & Bee Ordinance

Background:

At the Monday, November 28, 2022, City Council meeting, City Council members considered a draft Ordinance to address domesticated hens and bees in the City of Gladstone. Through the public hearing process, there was a positive conversation between residents, City Council, and City Staff about the proposed Ordinance and possible additions.

City Council directed City Staff to work with the residents in attendance at that meeting to find adequate resolutions to their comments and questions. City Staff reached out to that community on multiple occasions and received minimal feedback.

The City Council also directed City Staff to work with the Planning Commission to hone in on the number of domesticated fowl for residents. City Staff and the Planning Commission held an open study session on this topic on February 6, 2023.

There were four (4) topics that emerged from that public hearing at the City Council meeting on November 28, 2022.

- Allow ducks to be included in the flock.
 - o City Staff has no issue with this request therefore changed the language to domesticated fowl. Depending on the number of domesticated fowl chosen, a duck would be included in that number count. For example, if the number of fowl chosen is six (6) then there could be any combination between hens and ducks to equal six (6) domesticated fowl.
- Allow for free roaming domesticated fowl.
 - o City Staff has no issue with this request and added section C. to the Ordinance that states the following: Fowl shall be kept in a secured enclosure or fenced area at all times. The fencing material must consist of wood, vinyl, composite, chain link and constructed in a manner to contain domesticated fowl.
- Size of the coop. This is a simple math equation once the number of domesticated fowl are decided. City Staff is using 10 sq. ft. per domesticated fowl with a maximum square footage of 100 sq. ft.
- The number of allowed domesticated fowl for residents and residents with documented medical conditions.

- City Staff has also incorporated section K. to the Ordinance to allow for more domesticated fowl (15) related to documented medical conditions.

Below, are examples of how many domesticated fowl other cities allow:

- Columbia, MO allows six (6)
- Springfield, MO allows six (6)
- Liberty, MO allows six (6)
- Independence, MO allows five (5)
- Prairie Village, KS allows six (6)
- KCMO allows fifteen (15)

On average, four (4) hens will lay approximately 24 eggs per week depending on the time of year.

Three (3) Planning Commissioners said they would be agreeable to staff's recommendations, which are six (6) domesticated fowl and twelve (12) domesticated fowl with a medical exemption.

As the conversation came to a close with the Planning Commission, six (6) Planning Commissioners voted to allow for fifteen (15) domesticated fowl and to remove the medical exemption. Three (3) Planning Commissioners voted against this motion.

After all of the discussion between City Staff, Planning Commissioners, and residents, City Staff believes that a compromise of allowing ten (10) domesticated fowl for those residents without a medical condition and allowing fifteen (15) domesticated fowl for those residents with a documented medical condition is reasonable.

Public/Board/Staff Input:

Public: Approximately 12-15 residents participated and voiced their support for an Ordinance allowing for domesticated fowl and bees. In summary, those residents are in favor of allowing 15 + domesticated fowl.

Board: The Planning Commission recommended allowing 15 domesticated fowl without a medical exemption. (6 Yes – 3 No)

Staff Input: Staff recommends approval.

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

Austin Greer
Department Director/Administrator

JM
City Attorney

SW
City Manager

PLANNING COMMISSION
GLADSTONE, MISSOURI
Gladstone City Hall
Monday, February 6th, 2023
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Brenda Lowe, Secretary
Kate Middleton
Bill Turnage
Mike Ebenroth, Chair
Jennifer McGee
Kim Murch
Chase Cookson, Vice Chair
Steve Beamer
Cameron Nave

Absent: James New
Spencer Davis
Gary Markenson

Council & Staff Present:

Austin Greer, Community Development Director
Angie Daugherty, Admin. Assistant
Jean B. Moore, Mayor Pro Tem
Alan Napoli, Building Official

Item 2 on the Agenda: Pledge of Allegiance.

Chair Ebenroth led the group in reciting the Pledge of Allegiance to the United States of America.

Item 3 on the Agenda: Approval of the December 19th, 2022 Minutes. Chair Ebenroth asked if there was a motion to approve the minutes from the December 19th, 2022.

Mr. Nave moved to approve the minutes; Mr. Turnage seconded. The minutes were approved, 9-0.

Item 4 on the Agenda: Open Study Session: Draft on Domesticated Fowl & Bee Ordinance.

Mr. Greer read the staff report,

At the Monday, November 28th City Council meeting, City Council members considered a draft ordinance to address domesticated hens and bees in the City of Gladstone. Through the public hearing process, there was a positive conversation between residents, City Council, and City Staff about the proposed ordinance and possible additions.

City Council directed City Staff to work with the residents in attendance at that meeting to find adequate resolutions to their comments and questions.

The City Council also directed City Staff to work with the Planning Commission to hone in on the number of domesticated fowl for residents.

There were four (4) topics that emerged from that public hearing at the City Council meeting.

- Allow ducks to be included into the flock.
 - o City Staff has no issue with this request therefore changed the language to domesticated fowl. Depending on the number of domesticated fowl chosen, a duck would be included in that number count. For example, if the number of fowl chosen is six (6) then there could be any combination between hens and ducks to equal six (6) domesticated fowl.
- Allow for free roaming domesticated fowl.
 - o City Staff has no issue with this request and added section C. to the ordinance that states the following: Fowl shall be kept in a secured enclosure or fenced area at all times. The fencing material must consist of wood, vinyl, composite, chain link and constructed in a manner to contain domesticated fowl.
- Size of the coop. This is a simple math equation once the number of domesticated fowl are decided. City Staff is using 10 sq. ft. per domesticated fowl.
- The number of allowed domesticated fowl for residents and residents with documented medical conditions. This is the primary feedback that City Council is looking for at Monday night's discussion. All other topics have been resolved.
 - o City Staff has also incorporated section K. to the ordinance to allow for more domesticated fowl due to documented medical conditions.

City Staff is still recommending to Planning Commission and City Council to allow for six (6) domesticated fowl. Below, are examples of how many domesticated fowl other cities allow:

- Columbia, MO allows six (6)
- Springfield, MO allows six (6)
- Liberty, MO allows six (6)
- Independence, MO allows five (5)
- Prairie Village, KS allows six (6)
- KCMO allows fifteen (15)

On average, four (4) hens will lay approximately 24 eggs per week.

Through discussion at Monday night's Planning Commission meeting, City Staff is hoping the Planning Commission can provide the following information:

- Recommend a number of domesticated fowl allowed for a resident residing on less than 3 acres.
- Recommend a number of domesticated fowl allowed for a resident with documented medical conditions residing on less than 3 acres.

There were residents that attended the meeting and spoke in favor of having domesticated fowl and bees. There were approximately 12-15 people in the audience.

The Planning Commissioners had much discussion in regard to the number of how many domesticated fowl they wanted to recommend to the City Council.

Three (3) Planning Commissioners said they would be agreeable to staff's recommendations which are six (6) domesticated fowl and twelve (12) domesticated fowl with a medical exemption.

As the conversation came to a close, six (6) Planning Commissioners voted to allow for fifteen (15) domesticated fowl and remove the medical exemption. Three (3) Planning Commissioners voted against this motion.

Item 5 on the Agenda: Communication from the Public

No communication

Item 6 on the Agenda: Communication from the City Council

Council Member Moore stated that she wanted to thank everyone for being part of this Planning Commission and providing their valuable input.

Item 7 on the Agenda: Communications from the City Staff

Mr. Greer stated that there are two new commissioners and asked them to introduce themselves.

Item 8 on the Agenda: Communications from the Planning Commission Members

No communication

Item 9 on the Agenda: Adjournment

Chair Ebenroth adjourned the meeting at 8:03 pm.

Respectfully submitted:

Mike Ebenroth, Chair

Approved as submitted _____

Angie Daugherty, Recording Secretary

Approved as corrected _____

BILL NO. 23 - 07

ORDINANCE NO. 4.629

AN ORDINANCE AMENDING CHAPTER 105 – ANIMAL REGULATIONS IN TITLE II – PUBLIC HEALTH, SAFETY, AND WELFARE IN THE GLADSTONE CITY CODE RELATING TO DOMESTICATED FOWL AND BEES.

WHEREAS, by its own motion, the City Council of the City of Gladstone has requested to amend Chapter 105. – Animal Regulations in Title II – Public Health, Safety, and Welfare in order to allow for the keeping of domesticated fowl and bees;

WHEREAS, a public hearing on said amendment was held by the Planning Commission of the City of Gladstone on the 7th day of November, 2022, pursuant to the required public notice; and

WHEREAS, the Planning Commission has submitted its recommendation to the City Council of the City of Gladstone to amend the Public Health, Safety, and Welfare Code as set forth herein; and

WHEREAS, the City Council held a public hearing on the 28th day of November, 2022 pursuant to the required notice; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Gladstone to enact the following use regulations within the City;

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

Section 1. That Chapter 105. – Animal Regulations of the Code be amended as follows:

Chapter 105. – Animal and Insect Regulations

Section 2. That Section 2.105.010. – Definitions of the Code be amended by adding a definition as follows:

Domesticated fowl means a bird, such as a chicken, duck, goose, or turkey, that is raised to produce eggs.

Section 3. That Section 2.105.160 of the Code be amended to read as follows:

Sec. 2.105.160. – Keeping horses and livestock

Horses and livestock must be kept on a lot containing at least three acres under the following conditions. Horses, ponies, cattle, hogs, pigs, mules, sheep, goats, and other similar animals shall be kept in a detached accessory building which shall be located not less than 100 feet from any street, and not less than 50 feet from any property line. Not more than one horse, pony, cattle, swine, mule, sheep, goat, and other similar animal shall be kept on each 10,000 square feet of land area.

Section 4. That Chapter 105 of Title II of the Code be amended by adding Sec. 2.105.161. – Keeping Domesticated Fowl to read as follows:

Sec. 2.105.161 – Keeping Domesticated Fowl

For single-family residential lots smaller than one hundred and thirty thousand and six hundred and eighty (130,680) square foot in an area (3 acres) may keep up to ten (10) domesticated fowl in accordance with the following provisions:

- a. Prior to keeping or housing fowl, a person shall first submit an application for a fowl permit to the City of Gladstone Community Development Department. Said permits are a one-time fee and non-transferable. Each applicant must submit information or evidence of the following for a permit:
 - i. All fowl must have access to a covered enclosure (or coop) that allows for the housing of fowl. In addition, all coops must have direct access to an enclosed run area. All coops and runs shall be located in the rear yard and be designed in a manner to minimize their visual impact. All coops and runs shall be at least ten (10) feet from any property line and at least fifty (50) feet from any residential structure, deck, or porch not owned by the permittee.
 - ii. The coop and run may not exceed one-hundred (100) square feet.
 - iii. The maximum height of the coop shall be eight (8) feet.
- b. The keeping of roosters, guinea hens, geese, and turkeys are prohibited.
- c. Fowl shall be kept in a secured enclosure or fenced area at all times. The fencing material must consist of wood, vinyl, composite, or chain link and constructed in a manner to contain the domestic fowl.
- d. All feed and other items associated with the keeping of fowl shall be kept clean and sanitary at all times and be protected so as to prevent the infestation of rats, mice, or other rodents.
- e. The fowl are not raised for the purpose of slaughtering.
- f. Individuals that wish to own or maintain domesticated fowl on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the permittee has permission to own or maintain hens on the subject property. Such written permission shall be supplied as part of the fowl license application.
- g. If an inspection is required as a result of a nuisance complaint, the Animal Control Officer and/or Code Enforcement Officer will inspect the property.
- h. Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and may prohibit the keeping of fowl as provided herein. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- i. If the requirements of this section are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.
- j. The Community Development Director and/or the Police Chief and/or their designee have the authority to order the removal of the fowl, coop, and run if a

nuisance is determined and/or there is a proven impact to the general safety, health, and welfare of the general public.

- k. Special exceptions for the increased number of domestic fowl up to fifteen (15) may be considered by the Chief of Police and/or the Community Development Director for medical conditions documented by a licensed medical physician for immediate family residing on the property. Any exception granted shall be for an initial period of one (1) year and shall be subject to annual inspection. Refusal to allow such inspection by the person who has been granted the exception shall void the exception

For single-family residential lots larger than one hundred and thirty thousand six hundred and eighty (130,680) square foot in area (3 acres) may keep up to fifteen (15) domestic fowl.

Section 5. That Chapter 105 of Title II of the Code be amended by adding Sec. 2.105.162. – Residential Bee Keeping to read as follows:

Sec. 2.105.162. – Residential Bee Keeping

For single-family residential lots smaller than one hundred and thirty thousand and six hundred and eighty (130,680) square foot in area (3 acres) may keep one (1) beehive in accordance with the following provisions:

- a. Prior to keeping or housing bees, a person shall first submit an application for a residential bee keeping permit to the City of Gladstone Community Development Department. Said permits are a one-time fee and are nontransferable. Each applicant must submit information or evidence of the following for a permit.
 - i. All bees must have a man-made hive (house, structure, etc.) that they call home. The hive shall be located in the rear yard and be designed in a manner to minimize their visual impact. All hives must be at least ten (10) feet from any property line and at least fifty (50) feet from any residential structure, deck, or porch not owned by the permittee.
 - ii. The beehive may not exceed 25 inches by 16 inches.
- b. Beekeepers that wish to own or maintain a beehive on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the beekeeper has permission to own or maintain a beehive on the subject property. Such written permission shall be supplied as part of the beekeeping application.
- c. Hives shall not be located within 50 feet of a pre-existing swimming pool or pre-existing kenneled animal.
- d. A supply of fresh water shall be maintained in a location readily accessible to the hive on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- e. If an inspection is required as a result of a nuisance complaint, the Animal Control Officer and/or Code Enforcement Officer will inspect the property only.
- f. It shall be unlawful for any beekeeper to keep a hive in such a manner as to cause any unhealthy condition or interfere with the normal use of adjoining properties.

- i. Hive placement and related bee movement such that bees, without provocation, interfere with the reasonable freedom of movement of persons in a public right-of-way, or the location of bees have a proven impact to the general safety, health, and welfare of the general public.
- g. Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and may prohibit the keeping of bees as provided herein. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- h. If the requirements of this section are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.
- i. The Community Development Director and/or the Police Chief and/or their designee have the authority to order the removal of the bees and hive if a nuisance is determined and/or there is a proven impact to the general safety, health, and welfare of the general public.

For single-family residential lots larger than one hundred and thirty thousand six hundred and eighty (130,680) square foot in area (3 acres) may keep a maximum of two (2) bee hives.

Section 6. Severability Clause. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the invalidity of any part.

Section 7. Effective Date. This ordinance shall become effective from and after its passage.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27TH DAY OF FEBRUARY, 2023.

Bill Garnos, Mayor

ATTEST:

Kris Keller, City Clerk

First Reading: February 27, 2023

Second Reading: February 27, 2023

File # 2023 -



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 23-08

ORD ☒ # 4.630

Date: 2/22/2022

Department: General Administration

Meeting Date Requested: 2/27/2023

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

Subject: Amendment to Section 1.115.020 of the Code of Ordinances

Background: Section 610.021, RSMo., of the Sunshine Law identifies meetings, records and votes that may be closed to the public. Pursuant to Section 1.115.020 of the City's Code of Ordinances, the City Council has designated certain meetings, records and votes as closed by the City. The Missouri General Assembly has amended state law including Section 610.021, RSMo., to include additional meetings, records and votes that may be closed to the public. As a result, it is necessary to amend Section 1.115.020 of the Code of Ordinances in order for it to be consistent with state law.

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

Public/Board/Staff Input:

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

Chris Williams
City Attorney

City Attorney

SW
City Manager

BILL NO. 23-08

ORDINANCE NO. 4.630

AN ORDINANCE AMENDING SECTION 1.115.020 OF THE CODE OF ORDINANCES OF THE CITY OF GLADSTONE, MISSOURI, PERTAINING TO CLOSED MEETINGS AND CLOSED RECORDS IN ACCORDANCE WITH THE OPEN MEETINGS AND RECORDS LAW IN CHAPTER 610 OF THE REVISED STATUTES OF MISSOURI.

WHEREAS, Section 610.021, RSMo., identifies meetings, records and votes that may be closed to the public; and

WHEREAS, pursuant to Section 1.115.020 of the Code of Ordinances of the City of Gladstone, Missouri (the "Code of Ordinances"), the City Council has designated certain meetings, records and votes as closed by the City; and

WHEREAS, the Missouri General Assembly has amended state law including Section 610.021, RSMo., to include additional meetings, records and votes that may be closed to the public; and

WHEREAS, the City Council desires to amend Section 1.115.020 of the Code of Ordinances to be consistent with state law.

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

Section 1. That Section 1.115.020 of the Code of Ordinances is hereby deleted in its entirety and replaced with the following:

Section 1.115.020 - Closed meetings and closed records authorized; exceptions.

Except to the extent disclosure is otherwise required by law, and subject to additional actions on the part of the city, all meetings, records and votes of the city or its governmental bodies, are closed to the public to the extent they relate to the following:

1. Legal actions, causes of action or litigation involving the city or any public governmental body of the city and any confidential or privileged communications between the city or its public governmental bodies or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving the city or its public governmental bodies or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of the city or its public governmental bodies as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, RSMo., however, the amount of any moneys paid by, or on

behalf of, the city or its public governmental bodies shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

2. Leasing, purchase or sale of real estate by the city or its public governmental bodies where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by the city or its public governmental bodies shall be made public upon execution of the lease, purchase or sale of the real estate;
3. Hiring, firing, disciplining or promoting of particular employees by the city or its public governmental bodies when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by the city or its public governmental bodies, to hire, fire, promote or discipline an employee of the city or its public governmental bodies shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;
4. The state militia or national guard or any part thereof;
5. Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;
6. Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;
7. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;
8. Welfare cases of identifiable individuals;
9. Preparation, including any discussions or work product, on behalf of the city or its public governmental bodies or its representatives for negotiations with employee groups;
10. Software codes for electronic data processing and documentation thereof;
11. Specifications for competitive bidding, until either the specifications are officially approved by the city or its public governmental bodies or the specifications are published for bid;

12. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;
13. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of the city or its public governmental bodies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;
14. Records which are protected from disclosure by law;
15. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
16. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;
17. Confidential or privileged communications between the city or its public governmental bodies and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;
18. Operational guidelines, policies and specific response plans developed, adopted, or maintained by the city or its public governmental bodies responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the city or its public governmental bodies shall affirmatively state in writing that disclosure would impair the city or its public governmental bodies' ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;
19. Existing or proposed security systems and structural plans of real property owned or leased by the city or its public governmental bodies, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to the city or its public governmental bodies for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:
 - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

- b. When seeking to close information pursuant to this exception, the city or its public governmental bodies shall affirmatively state in writing that disclosure would impair the city or its public governmental bodies' ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;
 - c. Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;
- 20. The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;
- 21. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of the city or its public governmental bodies. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, the city or its public governmental bodies for such computer, computer system, computer network, or telecommunications network shall be open;
- 22. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the city or its public governmental bodies and a person or entity doing business with the city or its public governmental bodies. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of the city or its public governmental bodies or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by the city or its public governmental bodies;
- 23. Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business;
- 24. Records relating to foster home or kinship placements of children in foster care under section 210.498, RSMo.;

25. Individually identifiable customer usage and billing records for customers of the city's municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, except that the city's municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account; and

26. Any records authorized by state law to be closed.

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

Section 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27TH DAY OF FEBRUARY, 2023.

Bill Garnos, Mayor

ATTEST:

Kris Keller, City Clerk

First Reading: February 27, 2023

Second Reading: February 27, 2023



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 23-09

ORD ☒ # 4.631

Date: 2/23/2023

Department: General Administration

Meeting Date Requested: 2/27/2023

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

Subject: Amendment to Title III, Chapter 130, to conform with Article XIV of the Missouri Constitution.

Background: In November of 2022, Missouri voters approved Amendment 3 which amended Article XIV of the Missouri Constitution to legalize recreational adult-use of marijuana. Generally, adults ages twenty-one or older may now purchase, possess, and use up to 3 ounces of marijuana. Article XIV does not allow for the public use of marijuana, driving while under the influence of marijuana, the use of marijuana in the workplace, or the use of marijuana by persons under twenty-one years of age. As a result, it is necessary to amend certain sections of the Code of Ordinances in order for it to be consistent with the State constitution.

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

Public/Board/Staff Input:

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

John Mullane
City Attorney

SW
City Manager

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF GLADSTONE, MISSOURI, TITLE III, OFFENSES, CHAPTER 130, OFFENSES AGAINST PUBLIC PEACE AND SAFETY, BY AMENDING CERTAIN SECTIONS AND ADDING CERTAIN SECTIONS TO CONFORM WITH ARTICLE XIV OF THE MISSOURI CONSTITUTION.

WHEREAS, the City Council desires to amend the Code of Ordinances, City of Gladstone, Missouri (“the Gladstone City Code”) to conform with Article XIV of the Missouri Constitution.

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

SECTION 1. Section 3.130.020 of the Gladstone City Code is hereby amended to read as follows:

Sec. 3.130.020. Drug paraphernalia—Definitions.

The following words, terms and phrases, when used in this section and section 3.130.030, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Controlled substance means a drug, substance, or immediate precursor as defined in RSMo 195.010.

Deliver or *delivery* means the actual, constructive or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale.

Drug means:

- (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; or
- (2) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;
- (3) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and
- (4) Substances intended for use as a component of any article specified in this definition. It does not include devices or their components, parts or accessories.

Drug paraphernalia.

- (1) All equipment, products and materials any kind of which are used or intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of RSMo Ch. 195.

- (2) The term "drug paraphernalia" includes, but is not limited to:
- a. Kits used or intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - b. Kits used or intended for use, or designed for use, in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;
 - c. Isomerization devices used or intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance or imitation controlled substances;
 - d. Testing equipment used or intended for use, or designed for use, in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
 - e. Scales and balances used or intended for use, or designed for use, in weighing or measuring controlled substances or imitation controlled substances;
 - f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use, or designed for use, in cutting controlled substances or imitation controlled substances;
 - g. Blenders, bowls, containers, spoons and mixing devices used or intended for use, or designed for use, in compounding controlled substances or imitation controlled substances;
 - h. Capsules, balloons, envelopes and other containers used or intended for use, or designed for use, in packaging small quantities of controlled substances or imitation controlled substances;
 - i. Containers and other objects used or intended for use, or designed for use, in storing or concealing controlled substances or imitation controlled substances;
 - j. Hypodermic syringes, needles and other objects used or intended for use, or designed for use, in parenterally injecting controlled substances or imitation controlled substances into the human body;
 - k. Objects used or intended for use, or designed for use, in ingesting, inhaling, or otherwise introducing cocaine, hashish, or hashish oil into the human body, except those designed or intended for use with marijuana, such as:
 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 2. Water pipes;
 3. Carburetion tubes and devices;
 4. Smoking and carburetion masks;
 5. Roach clips meaning objects used to hold burning material, except those designed or intended for use with marijuana, that has become too small or too short to be held in the hand;

6. Miniature cocaine spoons and cocaine vials;
 7. Chamber pipes;
 8. Carburetor pipes;
 9. Electric pipes;
 10. Air-driven pipes;
 11. Chillums;
 12. Bongs;
 13. Ice pipes or chillers.
- (3) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use;
 - b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substances;
 - c. The proximity of the object, in time and space, to a direct violation of this section and section 3.130.030;
 - d. The proximity of the object to controlled substances or imitation controlled substances;
 - e. The existence of any residue of controlled substances or imitation controlled substances on the object;
 - f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom such person knows intend to use the object to facilitate a violation of this act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this section and section 3.130.030 shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;
 - g. Instructions, oral or written, provided with the object concerning its use;
 - h. Descriptive materials accompanying the object which explain or depict its use;
 - i. National and local advertising concerning its use;
 - j. The manner in which the object is displayed for sale;
 - k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
 - m. The existence and scope of legitimate uses for the object in the community;
 - n. Expert testimony concerning its use.

Manufacture means the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term "manufacture" does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

- (1) By a practitioner as an incident to the practitioner administering or dispensing a controlled substance or an imitation controlled substance in the course of the practitioner's professional practice; or
- (2) By a practitioner or the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Practitioner means a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research.

SECTION 2. Section 3.130.030 of the Gladstone City Code is hereby amended to read as follows:

Sec. 3.130.030. – Unlawful possession of drug paraphernalia.

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of RSMo Ch. 579, or RSMo Ch. 195, except as authorized by Article XIV of the Missouri Constitution.

SECTION 3. Section 3.130.050 of the Gladstone City Code is hereby amended to read as follows:

Sec. 3.130.050. - Possession of marijuana; over 21.

Except as authorized by Article XIV of the Missouri Constitution, it is unlawful for a person at least twenty-one years of age to purchase, possess, consume, use, ingest, inhale, process, transport, deliver, or distribute, more than three ounces of marijuana, or its equivalent.

SECTION 4. Section 3.130.051 of the Gladstone City Code is hereby added to read as follows:

Sec. 3.130.051. – Public Consumption; Smoking.

- A. No person shall consume marijuana in a public place.
- B. No person shall smoke marijuana in a public place. Violation of Section 3.130.050(B) shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).
- C. No person shall smoke marijuana in any place the smoking of tobacco is prohibited.
- D. For purposes of this section, a public place means any public or private property, or portion thereof, that is open to the general public, including but not limited to, sidewalks, streets, bridges, parks, schools, and businesses.
 - 1. “Public place” shall not include:
 - a. The residence of the person smoking or consuming marijuana or the residence of another person when the person in control of the property has consented to the smoking or consumption of marijuana; or
 - b. Any area licensed for such activity by the City.

SECTION 6. Section 3.130.052 of the Gladstone City Code is hereby added to read as follows:

Sec. 3.130.052. – Sale to Persons Under Twenty-One.

- A. Except as authorized by Article XIV of the Missouri Constitution, no person shall deliver to, transfer to, or sell to persons under twenty-one years of age marijuana or marijuana accessories.
- B. For purposes of this Chapter, "Marijuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

SECTION 7. Section 3.130.053 of the Gladstone City Code is hereby added to read as follows:

Sec. 3.130.053. – Possession by Persons Under Twenty-One, Three Ounces or Less.

- A. Except as provided by Article XIV of the Missouri Constitution, no person under twenty-one years of age may possess, use, ingest, inhale, transport, deliver, or distribute marijuana or marijuana accessories.
- B. For offenses involving three ounces or less of marijuana, and no monetary consideration, violation of this Section shall be punishable by a fine not to exceed One Hundred Dollars

(\$100.00). Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the fine.

SECTION 8. Section 3.130.054 of the Gladstone City Code is hereby added to read as follows:

Sec. 3.130.054. – Possession; Less than Twice the Legal Limit.

- A. A person who possesses not more than twice the amount of marijuana allowed pursuant to Mo. Const., Article XIV, produces not more than twice the amount of marijuana allowed pursuant to Mo. Const., Article XIV, delivers without receiving any consideration or remuneration to a person who is at least twenty-one years of age not more than twice the amount of marijuana allowed by Mo. Const., Article XIV, or possesses with intent to deliver not more than twice the amount of marijuana allowed by Mo. Const., Article XIV:
1. For a first violation, is subject to a fine not exceeding two hundred and fifty dollars and forfeiture of the marijuana.
 2. For a second and subsequent violations, is subject to a fine not exceeding five hundred dollars and forfeiture of the marijuana.
 3. A person under twenty-one years of age is subject to a civil penalty not to exceed two hundred and fifty dollars. Any such person shall be provided the option of attending up to eight hours of drug education or counseling in lieu of the fine.
 4. In lieu of payment, penalties under this subsection may be satisfied by the performance of community service. The rate of pay-down associated with said service option will be the greater of \$15 or the minimum wage in effect at the time of judgment.

SECTION 9. Section 3.130.055 of the Gladstone City Code is hereby added to read as follows:

Sec. 3.130.055. – Motor Vehicle Offenses.

- A. It shall be unlawful for any person to:
1. Operate or be in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana. Notwithstanding the foregoing, a conviction of a person who is at least twenty-one years of age for any applicable offenses shall require evidence that the person was in fact under the influence of marijuana at the time the person was in physical control of the motorized form of transport and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system.
 2. Consume marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated.
 3. Smoke marijuana within a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated.

SECTION 10. Section 3.130.056 of the Gladstone City Code is hereby added to read as follows:

Sec. 3.130.056. – Possession or consumption on Certain Property; Prohibited.

No person shall possess or consume marijuana or possess marijuana accessories on the grounds of a public or private preschool, elementary or secondary school, institution of higher education, in a school bus, or on the grounds of any correction facility.

SECTION 11. Section 3.130.057 of the Gladstone City Code is hereby added to read as follows:

Sec. 3.130.057. – Illegal Growing.

1. The following acts by a person are unlawful:
 - A. **Illegal Growing.** Possessing, transporting, planting, cultivating, harvesting, drying, processing, or manufacturing i) more than six (6) flowering marijuana plants, ii) more than six (6) nonflowering marijuana plants, iii) more than six (6) clones, or iv) any lesser number of such plants or clones if the person is not registered with the department of health and senior services for cultivation of marijuana plants pursuant to Article XIV, Section 2.4(24).
 - B. **Illegal Growing; Registered Cultivator.** A person registered with the department of health and senior services pursuant to Article XIV, Section 2.4(24) for cultivation of marijuana plants within the limits of Article XIV, Section 2.10(1)(b) shall not keep the plants and any marijuana produced by the plants in excess of three ounces at more than one private residence, or in an unlocked space, or in a manner in which they are visible by normal, unaided vision from a public place; and further, shall not keep more than twice the number of allowable plants under Article XIV, Section 2.10(1)(b) in or on the grounds of a private residence at one time.
 - C. **Illegal Growing; Visibility; Unregistered Cultivator.** A person who is not registered pursuant to Article XIV, Section 2.4(24) and who cultivates marijuana plants that are visible by normal, unaided vision from a public place.
 - D. **Illegal Growing; Unsecured; Unregistered Cultivator.** A person who is not registered pursuant to Article XIV, Section 2.4(24) and who cultivates marijuana plants that are not kept in a locked space.
2. **Penalties.**
 - a. A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.
 - b. A person who cultivates marijuana plants that are not kept in a locked space is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.

SECTION 12. Section 3.130.110 of the Gladstone City Code is hereby added to read as follows:

Sec. 3.130.110. – Controlled Substances.

A person commits the offense of possession of a controlled substance if they knowingly possess any drug or substance included in Schedules I through V of the Uniform Controlled Substances Act found in Chapter 195 of the Missouri Revised Statutes within the City, except as authorized by Chapter 579, RSMo., or Chapter 195, RSMo., or Article XIV of the Missouri Constitution.

SECTION 13. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 14. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE
CITY OF GLADSTONE, MISSOURI, THIS 27TH DAY OF FEBRUARY, 2023.**

Bill Garnos, Mayor

ATTEST:

Kris Keller, City Clerk

First Reading: February 27, 2023

Second Reading: February 27, 2023