CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 14, 2023

The City Council will meet in Closed Executive Session at 6:45 pm, Monday, August 14, 2023, Gladstone City Hall, 7010 North Holmes, Gladstone, Missouri. The Closed Executive Session is closed pursuant to RSMo. Open Meeting Act 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2) Real Estate, 610.021(9) Employee Groups, and 610.021(12) Negotiated Contract.

OPEN STUDY SESSION 7:15 PM

1. **Public Official Liability Training-** City Attorney Chris Williams will provide annual training which includes potential areas of exposure that public officials face.

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 July 24, 2023, Closed City Council Meeting Minutes.**
6. **Approval of the July 24, 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 City Council.**

9. **Communications from the City Manager.**

10. **CONSENT AGENDA**

RESOLUTION R-23-47 A Resolution authorizing the City Manager to enter into a Fourth Amendment to the Antenna Site Lease with T-Mobile Central, LLC, at the Linden Water Tower.

RESOLUTION R-23-48 A Resolution authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt.

RESOLUTION R-23-49 A Resolution authorizing Change Order No. 1 in the amount of $140,000.00 to the contract with Lan-Tel Communications Services Incorporated, for the FY23 Curb, Gutter and Sidewalk Program – Phase 2 Project TP2305.

CONSIDER FINANCIAL REPORT FOR 12 MONTHS ENDING JUNE 30, 2023.

REGULAR AGENDA

11. **PUBLIC HEARING:** Zoning Change for 2320 NE 72nd Street, Gladstone, Missouri.

12. **FIRST READING BILL NO. 23-27** An Ordinance approving a zoning change for 2320 NE 72nd Street, Gladstone, Missouri.

13. **FIRST READING BILL NO. 23-28** An Ordinance approving the plat for 2320 NE 72nd Street, a subdivision in Gladstone, Clay County, Missouri and directing the appropriate officials to affix their signatures to said plat for recording.

14. **FIRST READING BILL NO. 23-29** An Ordinance approving a Sixth Amendment to the Cooperative Agreement for Sewer Service between the City of Kansas City, Missouri, and Gladstone, Missouri, revising the fee schedule associated with the disposal of lime sludge, and authorizing the City Manager to execute the agreement on behalf of the City.

15. **RESOLUTION R-23-50** A Resolution authorizing the City Manager to execute a contract with Infrastructure Solutions, LLC, in the total amount not to exceed $968,040.00 for the FY24 Water Main Replacements and Storm Drainage, Project WP2487.

16. **RESOLUTION R-23-51** A Resolution authorizing acceptance of a Sourcewell proposal from Red Equipment, LLC for the purchase of a RAVO 5 iSeries Street Sweeper in the total amount of $293,523.00.

17. **Other Business.**

18. **Adjournment.**

Representatives of the News Media may obtain copies of this notice by contacting:
Kris Keller, City Clerk Posted at: 3:15 pm
Date: August 10, 2023
City of Gladstone
7010 North Holmes
Gladstone, MO 64118
(816-423-4096

Department of General Administration
Memorandum

DATE: August 10, 2023

TO: Mayor and City Council

FROM: Chris Williams, City Attorney

RE: Public Officials Liablity Training

Attached is a Public Official Liability Risk Advisory from Midwest Public Risk (MPR). MPR asks that it be provided to the Mayor and City Council annually for review as a part of its risk prevention program. In addition, MPR requires that public official liability training be conducted every other year. During the August 14 Study Session, I will address land use law and establishing the record to support the Council's decisions with you to comply with this requirement.

Attachment

Cc: Bob Baer, City Manager

Risk Prevention Advisory

Midwest Public Risk
19400 East Valley View Parkway
Independence, MO 64055

MPR
MIDWEST PUBLIC RISK

Public Official Liability

The potential exposures for public officials are vast and can come from internal or external sources. Much of this increased exposure has been the result of various court decisions that have greatly expanded the area of civil rights litigation for elected and appointed officials.

Lawsuits may be filed against individual officials, a public entity, or both. Suits stem from both action and inaction. Injuries or property damage resulting from the careless actions or inaction of public officials, employees or agents often involve claims of negligence under state law. For Cities and Counties, claims resulting from land use regulation, emergency powers of law enforcement, limitations placed on a citizen or business may involve federal statutory or constitutional rights and are normally tried in federal court.

The potential list of areas of exposure for public officials is considerable. This advisory is offered as a guide to key issues that have occurred frequently or have resulted in significant losses. Some of the areas of exposure facing public officials include:

- Discrimination in the selection, promotion, discipline, or dismissal of employees.
- Improper training or supervision of employees.
- Administration of grants.
- Granting or denying franchises, permits, or licenses.
- Unequal provision of public services, or the failure to provide a service.
- Failure to protect public trust, including failure to attend meetings, or to examine documents.
- Use of inside information for personal benefit.
- Keeping silent about improper conduct of fellow officials.
- Making unauthorized payments.
- Failure to take advantage of legitimate financial opportunities presented to the public entity.
- Harassment of a business or employee.
- Failure to conduct inspections properly.
- Bidding and purchasing practices.
- Disclosure of personnel records.
- Denial of due process.
- Issues with implications for Cities and Counties include, but are not limited to:
    - Land use claims.
    - Assessment of taxes.
    - Improper treatment of suspects or criminals.

With all the exposure issues previously listed, it may seem quite a challenge to avoid liability. Some general but effective risk management practices to follow include:

- **Never hesitate to consult with your legal counsel.**
- Ensure your policies and practices regarding employment practices are effective, especially in areas related to employee selection, promotion, discipline and firing.
- The amount, topics and quality of training for your employees is a critical factor and should be a priority. This is a common area attacked by plaintiff attorneys.
- Ensure that your board complies with the Missouri Sunshine Law or the Kansas Open Meetings Act and the Kansas Open Records Act
- Avoid any issues that may be considered a conflict of interest. If the governing body discusses a conflicting issue, applicable individuals should refrain from voicing an opinion and abstain from voting on an issue of this nature.
- Assess past and potential public official liability exposures. Ensure that critical areas are addressed by an ordinance and/or policy when practical.
- Make every effort to ensure that all ordinances, practices and regulations are uniformly enforced and make sure they are Current, Clear, Comprehensive, Constitutional, and Consistent. Key terms should be defined.
- When speaking publicly, do not make assumptions, do not speculate, and make no empty promises.
- Try to ensure any ordinance, policy, or practice does not deprive a person of a "liberty" or "property" interest. If this is a possibility, make sure that any affected individual or group is given due process.
- When appropriate, ensure that any member of the public that may be affected by the outcome of a new ordinance, policy, or regulation is given adequate notice to ensure that such persons will be given the opportunity to be heard before implementation.
- Any time a potentially negative action or decision affects an individual or organization, a written statement containing reasons for the decision should be made available to the affected parties. This applies to both internal and external issues.
- Be very cautious if a request for a reference regarding a former employee is made – you should have a policy on this matter.
- Be sure any license or permit applicant has access to necessary information pertaining to all items required as part of the application process. Requirements and fees should be reasonable and consistently applied.
- Keep good minutes of board, commission or council meetings.
- Remember that documentation, both as a governing body and as an individual, can be very important.
- When applicable, Cities and Counties must:
    - Ensure your policies and practices regarding law enforcement liability are effective, especially in areas related to use of force, vehicle operations, search and seizure and the care, custody and control of prisoners
    - Have a comprehensive land use plan

MISSOURI LAND USE LAW

ESTABLISHING THE RECORD TO SUPPORT DECISIONS

Entities & Roles in Land Use Process

- City staff
- Planning Commission
- City Council
- Board of Zoning Adjustment

Types of Actions

- Planning
  - Plan (Comprehensive Plan, Land Use Plan, Master Plan, Area Plan)
    - Authority to adopt is given to the Planning Commission. §89.360 RSMo
      - Public hearing and notice prior to adoption
      - After adoption, certified to governing body and city clerk, and a copy filed in the recorder of deeds office
  - Zoning "shall be made in accordance with a comprehensive plan" §89.040 RSMo
    - In Missouri, a master plan is "a guide to development rather than an instrument to control land use." *State ex rel. Schaefer v. Cleveland*, 847 S.W.2d 867 (Mo.App.1992).
      - Exception: TIF statute requires redevelopment plan to be consistent with Comprehensive Plan
    - Establishes common expectations for the stakeholders
    - A factor in determining reasonableness of zoning decision

- Zoning

  - The power to zone property is an exercise of the state "police power", as that power is delegated to cities through the enactment of Statutes.

  - Section 89.040 states that the following items are proper considerations for a City when rezoning property:

    - Traffic – "lessen congestion in the streets"

    - Public Safety – "to secure safety from fire, panic and other dangers; to promote health and the general welfare"

    - Density – "to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population"

    - Historic Preservation – "to preserve features of historical significance"

    - Adequate Infrastructure – "to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements"

    - Suitability of the Use for the Zoning District – "such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses"

    - Property Values – "with a view to conserving the values of buildings" and

    - Appropriate Land Use – "encouraging the most appropriate use of land throughout such municipality."

- Special Use Permits (SUP)

  - Uses only allowed within certain zoning districts pursuant to a permit with specific conditions including time limits

- Subdivision Regulations (platting of property)

  - Subdivision regulations developed as a way to make it easier to convey property by eliminating metes and bounds legal descriptions

- ensure that adequate public infrastructure would be installed
- Subdivision regulations do not regulate the *uses* of land (that's the job of zoning)
- No statutory requirement to conduct a public hearing on the approval of a plat application
- Planning Commission makes recommendation to City Council
- City Council approves plat by ordinance. § 445.030 RSMo

- Variances
  - The Board of Zoning Adjustment may vary or modify "application" of a regulation to avoid "practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance." §89.090 RSMo. The Board must act only to carry out the "spirit" of the ordinance, and may not grant a variance without "competent and substantial evidence."
  - Types of Variances
    - Use variance = allowing a use that is otherwise prohibited (i.e., allowing use of two homes on a single lot)
    - Area variance = reducing a restriction on a use that is otherwise permitted (i.e., reducing a setback restriction).

Character of Actions

- Legislative actions
  - zoning of property
- Quasi-judicial/administrative actions
  - Special use permits
  - subdivision plat approvals
  - variances

Legal Standard of Review Used by Courts in Challenges to Actions

- Legislative actions (zoning)
  - a zoning ordinance is presumed valid and uncertainty about the reasonableness of a zoning regulation must be resolved in the government's favor
  - the party seeking a rezoning has the burden of proving that it is unreasonable to maintain the existing zoning
  - the property owner is entitled to a reasonable use of the property, consistent with the uses to which the surrounding properties are put
  - court will review evidence to determine whether the decision is reasonable and not arbitrary and capricious (i.e., no basis for the decision); inconsistent application of zoning regulations can lead a court to find that a decision is arbitrary
  - if a court determines that it is "fairly debatable" as to whether the decision is reasonable, the decision will be upheld
  - evidence presented to and considered by the court is not limited to evidence in the record presented at the public hearing; new evidence can be presented at trial
- Quasi-judicial/administrative actions (SUP, subdivision plats, variances)
  - court will review evidence to determine whether the decision is based on competent and substantial evidence
  - evidence presented to and considered by the court is limited to evidence in the record presented to the decision making body at the time of the decision; new evidence cannot be introduced at trial
  - court must be able to clearly tell from the record the rationale for the decision and that the decision was based on information properly presented to the decision making body
  - court will look at how the members of the decision making body assessed the credibility of the evidence
  - subdivision plats:
    - The decision to approve or deny a preliminary plat is an "administrative" decision, meaning that the role of the Planning

Commission is to determine whether the plat meets the requirements set forth in the subdivision ordinance.

- The authority of City authorities is limited in considering approval of plats. Once determined that a preliminary plat meets the requirements in the statutes and any applicable ordinances, the Board has no discretion to refuse to approve the proposed plat. *State ex rel. Schaefer v. Cleveland* , 847 S.W.2d 867, 873 (Mo.App.1992). However, the Commission and Council have considerable discretion in determining whether the subdivision plat meets the standards established by ordinance. *Id.*

- *Furlong Companies, Inc. v. City of Kansas City*, 189 S.W.3d 157 (Mo. banc 2006)

    - Proposed car wash & 2 fast food restaurants
    - Zoning was already in place
    - Just needed to subdivide for the outparcels
    - Preliminary Plat met subdivision regulations
    - Developer agreed to all approval conditions
    - City's attorney advised that the city could not legally deny the preliminary plat
    - City denied the plat anyway
    - Developer sued to get the plat approved and to recover damages under 42 U.S.C. § 1983
    - Developer won (no surprise)
    - In last 10 years, 196 out of 197 preliminary plats were approved, typically within 1 week of submission; exception was Furlong's plat
    - Trial court ruled that city's action was more than mere violation of state law, but instead rose to the level of "truly irrational"
    - Consequences?....$484,441.35 (damages, interest, attorney fees)

Suggestions for Establishing the Record to Support Decisions

- Make known views on credibility of evidence presented in the hearing

    - does not mean members of decision making bodies must specifically express on the record the basis for their vote in matters

    - can simply make views known regarding the credibility of evidence being presented during the course of the hearing

- for example, statements in record such as:
  - "I find that hard to believe ..."
  - "I am having trouble with the logic of this. Could you please explain how ..."
- this helps demonstrate in the record that will be viewed and considered by the court what members of the decision making body thought about the evidence being presented to them

- Relate evidence presented to approval criteria in zoning or subdivision ordinance
  - helpful to have relevant approval criteria from applicable ordinance (zoning or subdivision ordinance) in front of members of decision making body while they are considering an application
  - if decision is challenged, court will look closely at whether the relevant approval criteria was considered in the making of the decision
  - if quasi-judicial/administrative action, approval criteria must be clearly articulated in the applicable ordinance
  - comments on the record from members of the decision making body regarding how evidence that is being presented shows that one or more of the approval criteria is being met or not met is helpful

- Use of personal knowledge in land use decisions
  - case law is clear that a decision maker may rely on personal knowledge in deciding how to vote on a particular land use matter
  - case law is equally clear that in order to properly do so, the member must make that personal knowledge a matter of record at the hearing
  - should state what the personal knowledge is and why it is relevant to and being relied on in the individual's decision
  - provides others the opportunity to raise questions about or dispute the truth or relevancy of this personal knowledge that is being relied on

- Consideration of expert versus lay witness testimony

  - court will give more weight to testimony of an expert witness versus a lay witness

  - credentials of an expert should be submitted in writing as an exhibit and made a part of the record

  - for example, may want to include credentials of City's Community Development Director in the record at each hearing as a standard course of business to establish that he/she is an expert whose testimony is entitled to greater weight

  - also helpful if a member of the decision making body refers to the testimony as "expert opinion testimony" during the course of the hearing

- Demonstration of amount of weight decision makers give to evidence and testimony

  - in quasi-judicial/administrative matters in particular, it is helpful to have statements in the record regarding the weight the decision makers gave to the evidence and testimony in making their decision

  - decision maker does not have to state why he/she is voting a particular way or be overly critical of witnesses, which he/she may not be comfortable doing

  - for example, a question like "Do you really think that ..." or a comment like "It is my perception that ..." or "I understand your point but I don't think that information is relevant ..." help to demonstrate in the record how the members of the decision making body viewed the credibility of testimony and the weight it was given in their decision

  - if evidence is presented and a member of the decision making body does not understand why it is relevant or important, the decision maker should ask questions for clarification and then, if appropriate, comment on the credibility (i.e., what they think) of the evidence

- Ensuring required documents are in the record

  - all ordinances, plans, policies, etc., that are referred to in a public hearing should be made an exhibit to the hearing record

- courts may not take judicial notice of relevant city ordinances; they need to be included in the record as an exhibit

- for example, failure to include the zoning ordinance in the record as an exhibit can be fatal in the challenge to an action by the Board of Zoning Adjustment approving or denying a variance

- also a good idea to include information regarding all required notices to the public and property owners

    - State statutes require a public hearing (before Planning Commission and/or City Council) with at least 15 day newspaper publication notice for zoning actions

    - State statutes allow for protest by owners in the area being rezoned or within 185 feet of the are being rezoning; if owners of 30 percent or more of the area within 185 feet file a protest, requires 2/3 vote for approval by City Council; statutes do not require notice to be sent to these property owners but if City's zoning ordinance does require this or City has customarily provided such notice, City must provide notice

- Adoption of Findings of Fact and Conclusions of Law

    - in quasi-judicial/administrative matters, it is advisable for the decision making body to adopt findings of fact and conclusions of law, especially where decisions are controversial

    - helpful in clarifying for the court the basis for the decision, showing that the decision was based on competent and substantial evidence, and to show that the decision was not against the overwhelming weight of the evidence as a whole

    - the findings of fact and conclusions of law should refer back to evidence submitted as being in support of the decision making body's action; conclusory statements without reference to the evidence are not desirable

Things Not to Do

- Do not state that you are voting a particular way for reasons unrelated to the appropriate criteria

- Do not say things like "I'm always going to vote no on fast food restaurants because I don't like them."

- State the reasons for your decision in the public meeting, either during the public hearing or during the discussion following. It helps your fellow Commissioners or Council members know why you're making a particular decision.

  - Use the words you're given in the statute and say why you're making a particular decision.

    - If you want to be specific, do say, "I believe the rezoning will contribute to congestion in the streets. It will significantly increase traffic in this area. In addition, there is not sufficient public infrastructure to address the increased traffic."

    - If you want to be general, do say, "I've listened to both sides present their information tonight, and I believe it is at least fairly debatable whether this is a reasonable use of this land."

    - Don't say, "Well, I really have no basis to make a decision, but I'm ready for the vote."

- Do Not Base Your Decision Solely on the Fact that Adjoining Property Owners Don't Want It

  - The interests of a few neighboring property owners do not constitute the public interest as whole.

  - But, you can use the information the property owners give you to support valid reasons for a rezoning decision.

  - Examples:

    - Don't say, "I'm voting no because the neighbors really don't want this business there."

    - Do say, "I believe the neighbors have raised some valid points. I'm not sure the property owner has shown that he can't make a reasonable use of the land as it is currently zoned. I'm concerned about the impact to surrounding property values. I'm also not sure that this use is appropriate for the surrounding area."

- You Cannot Use the Zoning Authority as a Way to Regulate Competition

- Tribunals vested with the power and authority to implement zoning laws may not use such power and authority as a ruse to regulate business and restrict competition.

- Examples:

    - Don't say, "I'm voting against this rezoning because I think we've already got enough grocery stores in this town. Another just won't be able to survive."

    - Do say, "I'm voting against this rezoning because in my opinion, a grocery store should not be located in the middle of a residential area. It just not the best use of this land. It will be too loud, the traffic too much."

- In quasi-judicial/administrative matters, do not refuse to let witnesses be cross examined in public hearings

    - while the rules of evidence do not apply in these types of hearings, it is still a good idea for the decision making body to allow this to occur to remove any due process concerns

    - the decision making body can establish a procedure for cross examination of witnesses such as requiring the questions to be directed to the chair to be posed to the witness

Ethical Considerations

- Ex Parte communications

    - Ex parte means from one side only. Ex parte communications with those having an interest in quasi-judicial matters may result in the official receiving evidence – and thus in influencing the vote – that is not available to fellow decision-makers or the proponents/ opponents of the issue. Because it occurs outside the normal hearing/decision making process, others involved are not able to take the information into account or rebut it. Thus, the playing field is uneven.

    - All types of interaction with applicants or residents present opportunities for ex parte communications: telephone calls, dinners, etc. If the official has been involved in an ex parte communication, he/she should state the following on the record when the matter comes before him/her: to whom he/she talked; when the communication occurred; and what was communicated. This

ensures that everyone involved has the same information. Sometimes ex parte communications regarding a quasi-judicial matter are inevitable, especially in small communities. Here are some guidelines to assist officials in handling these situations:

- Limit the discussion as much as possible;
- Listen and ask questions, but do not express a preference for either side;
- Do not accept gratuities (i.e., meals, drinks, tickets, etc.) while an application is pending;
- Make written notes about what was discussed, how long it lasted, where, etc.;
- At the hearing, disclose, disclose, disclose any ex parte communication. If written communication was received, enter the document into the record; and
- State whether or not the official has made a decision and whether the official can fairly consider all the evidence presented.

- Procedural due process (notice and an opportunity for a meaningful hearing) does not apply to legislative actions. Indeed, we even have a term for ex parte communications on legislative matters – lobbying! While lobbying does not necessarily inspire public confidence that the process is open or that everyone has equal access to his representative, it is still lawful in relation to legislative actions.

• Prejudgment Bias

- The critical issue when facing a claim of prejudgment bias is whether the decision maker's mind is "irrevocably closed" on a disputed issue. "Familiarity with the adjudicative facts of a particular case, even to the point of having reached a tentative conclusion prior to the hearing, does not necessarily disqualify [the decision maker], in the absence of a showing that the decision maker is not capable of judging a particular controversy fairly on the basis of its own circumstances." Wagner v. Jackson County Board of Zoning Adjustment, 857 S.W.2d 285, 289 (Mo. App. W.D. 1993). The key to avoiding a claim for prejudgment bias is keeping an "open mind" and considering all the evidence presented at the hearing.

- Conflicts of Interest

  - State statutes generally prohibit elected and appointed officials of local governments from participating directly or indirectly in an action that would result in a direct financial benefit or gain to the official, spouse, or dependent children

  - Includes accepting payment for actions and attempting to influence decisions or participating directly or indirectly in a decision when it may result in a direct financial gain

  - Penalty under state law: class B misdemeanor

  - Recommendation: if you think you might have a conflict of interest but are not sure, take the safe route and ask the City Attorney's office for guidance

MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
JULY 24, 2023

PRESENT: Mayor Jean Moore
Mayor Pro Tem Tina Spallo
Councilman Bill Garnos
Councilman Les Smith

City Manager Bob Baer
Assistant City Manager Austin Greer
City Attorney Chris Williams
City Clerk Kris Keller

ABSENT: Councilman R.D. Mallams

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

Mayor Moore opened the Regular City Council Meeting Monday, July 24, 2023, at 7:39 pm.

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

Mayor Moore stated that Councilman R.D. Mallams was absent, but there was a quorum.

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

Mayor Moore asked all to join in the Pledge of Allegiance to the Flag of the United States of America and thanked the VFW Post 10906; Carla Gleaton and Jim Cox.

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 July 10, 2023, Closed City Council Meeting Minutes.

Mayor Pro Tem Spallo moved to approve the minutes of the July 10, 2023, Closed City Council Meeting as presented. **Councilman Smith** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Item No. 6. On the Agenda. Approval of the July 10, 2023, Regular City Council Meeting Minutes.

Mayor Pro Tem Spallo moved to approve the minutes of the July 10, 2023, Regular City Council Meeting as presented. **Councilman Smith** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

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.

Councilman Garnos reported that he found a number of comments during a recent televised news interview with a gentleman from the Kansas City Regional Transit Alliance regarding the Kansas City Area Transportation Authority (KCATA) bus service, offensive to Gladstone. Councilman Garnos reiterated that contrary to the claim that Kansas City, Missouri is subsidizing other cities costs, Gladstone has always contributed 100% to the cost of the bus service. He reported that Gladstone also paid annually for a property management services contract, required by KCATA, and that Council had made numerous complaints over the years about the ongoing cleanliness and maintenance of the bus stops. He expressed his displeasure that each year an additional bench was requested so riders had a place to sit, which was never provided by KCATA. He concluded that he hoped the IRIS program will fill the gap in transit services for Gladstone residents and that he remained deeply disappointed in KCATA and how it's dealt with the City of Gladstone.

Mayor Pro Tem Spallo agreed with the statements that Councilman Garnos made regarding the KCATA situation. She also acknowledged the Police Department for their hard work and for their part in the recent incident at the Ford Plant located in Claycomo, Missouri. She reported that she was glad it turned out with no injury or further incident. She added that she was appreciative of the training that the Police Department as well as the Fire Department conduct, because it prepares them for unexpected situations.

Mayor Moore announced and encouraged all to join in the Glad Green Team event, Wednesday, August 2, 2023 and Saturday, August 5, 2023 from 8:00 to 10:00 am. She reported that she had participated in the interviews for the Communications Specialist and then introduced and welcomed newly hired Nikki Lansford.

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

City Manager Bob Baer announced that Director Tim Nebergall worked diligently in collecting letters of support and had submitted the application for the funding of the final phase of the Vivion Trail Project that was discussed at the prior City Council meeting. He announced that the Household Hazardous Waste event will be held Saturday, August 5, 2023 at 8:00 am at Happy Rock West Park for residents to drop off items such as: paint, oil, gasoline, pesticides, and batteries.

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

Following the Clerks' reading:

Councilman Smith moved to approve the Consent Agenda as published. **Mayor Pro Tem Spallo** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Councilman Smith moved to approve **RESOLUTION R-23-40** A Resolution authorizing acceptance of work under contract with Ace Pipe Cleaning, Incorporated for the FY23 Sewer Cleaning and Televising Project, and authorizing final payment in the amount of $6,354.51 for Project SP2389. **Mayor Pro Tem Spallo** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Councilman Smith moved to approve **RESOLUTION R-23-41** A Resolution authorizing acceptance of a proposal from Inland Associates, for the purchase of eleven (11) Black Box KM Switches in the amount of $10,985.70 for use in the new Co-Located Emergency Services Communications Center. **Mayor Pro Tem Spallo** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Councilman Smith moved to approve **RESOLUTION R-23-42** A Resolution declaring the synthetic ice rink and associated equipment as surplus and authorizing the City Manager to accept a proposal from the City of Moberly, Missouri in the amount of $20,000.00 for the sale of such property. **Mayor Pro Tem Spallo** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Regular Agenda

Item No. 11. On the Agenda. **RESOLUTION R-23-43** A Resolution authorizing acceptance of work under contract with U.S. Toy Company, Incorporated, doing business as Constructive Playthings, for the Happy Rock Park Softball Complex Playground Surface Replacement Project, and authorizing final payment in the amount of $35,182.00 for Project CP2358B.

Councilman Garnos moved to approve **RESOLUTION R-23-43** A Resolution authorizing acceptance of work under contract with U.S. Toy Company, Incorporated, doing business as Constructive Playthings, for the Happy Rock Park Softball Complex Playground Surface Replacement Project, and authorizing final payment in the amount of $35,182.00 for Project CP2358B. **Mayor Pro Tem Spallo** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Item No. 12. On the Agenda. **RESOLUTION R-23-44** A Resolution authorizing acceptance of a Sourcewell proposal from VLP for the purchase of a Case TR370B Skid Steer loader in the total amount of $79,990.00.

Mayor Pro Tem Spallo moved to approve **RESOLUTION R-23-44** A Resolution authorizing acceptance of a Sourcewell proposal from VLP for the purchase of a Case TR370B Skid Steer loader in the total amount of $79,990.00. **Councilman Garnos** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Item No. 13. On the Agenda. **RESOLUTION R-23-45** A Resolution authorizing acceptance of a Sourcewell proposal from VLP for the purchase of a Case CX57C Mini Excavator in the total amount of $90,533.00.

Councilman Smith moved to approve **RESOLUTION R-23-45** A Resolution authorizing acceptance of a Sourcewell proposal from VLP for the purchase of a Case CX57C Mini Excavator in the total amount of $90,533.00. **Mayor Pro Tem Spallo** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Item No. 14. On the Agenda. **RESOLUTION R-23-46** A Resolution authorizing Change Order No. 3 in the amount of $184,580.00 to the contract with Orr Wyatt Streetscapes, for the 2022/23 Water Main Replacements Project WP2386. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Councilman Smith moved to approve **RESOLUTION R-23-46** A Resolution authorizing Change Order No. 3 in the amount of $184,580.00 to the contract with Orr Wyatt Streetscapes, for the 2022/23 Water Main Replacements Project WP2386. **Mayor Pro Tem Spallo** seconded. The Vote: "aye", Councilman Smith, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (4-0)

Item No. 15. On the Agenda. Other Business.

There was no other business.

Item No. 16. On the Agenda. Adjournment.

Mayor Moore adjourned the July 24, 2023, Regular City Council meeting at 7:57 pm.

Respectfully submitted:

_____
Kris Keller, City Clerk

Approved as presented: _____

Approved as modified: _____

_____
Jean B. Moore, Mayor

Request for Council Action

RES ☒ # R-23-47 **BILL ☐ # City Clerk Only** **ORD ☐ # City Clerk Only**

Date: 8/7/2023 Department: Finance

Meeting Date Requested: 8/14/2023

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

Subject: T-Mobile Linden Water Tower Lease Amendment

Background: The City has leased space on water towers and elevated buildings to telecommunications companies for decades. The leased space allows companies to utilize a portion of the water tower (or building) for antennas and associated equipment. The towers provide the citizens and businesses of the City improved connectivity and cell coverage.

Budget Discussion: N/A

Public/Board/Staff Input: The City and T-Mobile entered into a lease agreement in 1996 (Voice Stream was renamed T-Mobile in 2002), for the City to lease space on the Linden water tower for antennas and associated equipment. Since that time, there have been three amendments to this lease. The current lease does not expire until 2027, but T-Mobile is wanting to be proactive to secure the lease into future years. The proposed lease continues the conditions from the previous amendment. The agreement is for a term of 5 years with the option of five additional, five year terms, with an annual rent escalation of 3% per year.

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

Dominic Accurso	JM	BB
Department Director/Administrator	City Attorney	City Manager

RESOLUTION R-23-47

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FOURTH AMENDMENT TO THE ANTENNA SITE LEASE WITH T-MOBILE CENTRAL, LLC, AT THE LINDEN WATER TOWER.

WHEREAS, T-Mobile Central LLC ("Lessee"), currently maintains equipment at the City of Gladstone, Missouri ("City") Linden water tower pursuant to an Antenna Site Lease originally dated October 15, 1996 ("Lease"); and

WHEREAS, the term of the Lease expires on January 27, 2027; and

WHEREAS, the Tenant has requested that the term of the Lease be extended for a new initial term of five years commencing on January 28, 2027, and for up to five additional five year terms thereafter; and

WHEREAS, the City and Lessee have negotiated terms for said extensions including rent adjustments pursuant to the terms of a Fourth Amendment to the Antenna Site Lease at the Water Linden Water Tower; and

WHEREAS, the City Council desires for the City to enter into the Fourth Amendment to Antenna Site Lease at the Linden Water Tower with the Lessee.

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 is hereby authorized to execute the Fourth Amendment to Antenna Site Lease at the Linden Water Tower with T-Mobile Central, LLC.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 14TH DAY OF AUGUST 2023.

_____
Jean B. Moore, Mayor

ATTEST:

_____
Kris Keller, City Clerk

Request for Council Action

RES ☒# R-23-48 **BILL ☐# City Clerk Only** **ORD # City Clerk Only**

Date: 8/8/2023 Department: Public Works

Meeting Date Requested: 8/14/2023

Public Hearing: Yes ☐ Date: N/A

Subject: Award Road Salt Contract

Background: The City of Gladstone recently solicited bids for a cooperative salt contract. The Clay County Highway Department, the City of Liberty, and the City of Excelsior Springs participated in the request for bids. With additional entities, the amount of salt requested increases and subsequently is less expensive than each entity alone. Requests for bids were sent to five (5) suppliers and three (3) suppliers submitted bids.

Budget Discussion: Funds are budgeted in the amount of $ 60,000 from the General Fund. Ongoing costs are estimated to be $ 180,000 annually based on annual usage of 3,000 tons. Previous years' funding was $60,000.

Public/Board/Staff Input: Public Works staff has determined that the bid from Independent Salt Company in the amount of $60.78 per ton is the lowest and best bid received. The City's current contract, which expired at the end of August, is also with Independent Salt Company in the amount of $59.55 per ton.

Currently, the City has 2,500 tons of salt in storage.

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

Timothy A. Nebergall Department Director/Administrator	JM City Attorney	BB City Manager

RESOLUTION NO. R-23-48

A RESOLUTION AUTHORIZING ACCEPTANCE OF A PROPOSAL FROM INDEPENDENT SALT COMPANY FOR THE PURCHASE OF SNOW REMOVAL SALT.

WHEREAS, three (3) proposals were received for snow removal salt and the proposal of Independent Salt Company is recommended.

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, be and is hereby authorized to accept the proposal of Independent Salt Company for the purchase of snow removal salt on an as-needed basis at a cost of $60.78 per ton.

FURTHER, THAT, funds for such purpose are authorized from the General Fund.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 14TH DAY OF AUGUST 2023.

_____

Jean B. Moore, Mayor

ATTEST:

_____

Kris Keller, City Clerk

Request for Council Action

RES ☒# R-23-49 **BILL ☐# City Clerk Only** **ORD # City Clerk Only**

Date: 8/8/2023 Department: Public Works

Meeting Date Requested: 8/14/2023

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

Subject: Change Order 1 to the FY23 Curb, Gutter & Sidewalk - Phase 2 Project TP2305

Background: The contract for Project TP2305 was awarded to Lan-Tel Communications Services, Incorporated as authorized by Resolution R-23-13. Change Order 1 expands the scope of work to include:

- Additional curb, gutter and sidewalk replacement on N. Flora.
- Additional curb, gutter and sidewalk replacement on NE Brooktree Lane.
- Additional ADA ramp improvements in the vicinity of Chapel Hill Elementary School.
- Repair of a collapsed curb inlet on N. Flora.
- Replacement of the existing sidewalk on the east side of City Hall.
- Replacement of the existing curb and sidewalk on the north side of City Hall.
- Replacement of existing sidewalk on the east side of Linden Square.
- Installation of a ramp to improve bicycle access to the new trail improvements in Happy Rock Park.

Budget Discussion: A financial breakdown of the contract is as follows:

Original Contract Amount:	$ 369,085.00
Change Order 1	140,000.00
Revised Contract Amount:	509,085.00

Funds are available in CIST and TST.

Public/Board/Staff Input: Lan-Tel is currently completing curb, gutter and sidewalk as part of the annual street maintenance program. They plan to return later this fall to complete improvements in the vicinity of City Hall.

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

Timothy A. Nebergall	JM	BB
Department Director/Administrator	City Attorney	City Manager

RESOLUTION NO. R-23-49

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 IN THE AMOUNT OF $140,000.00 TO THE CONTRACT WITH LAN-TEL COMMUNICATIONS SERVICES INCORPORATED, FOR THE FY23 CURB, GUTTER AND SIDEWALK PROGRAM – PHASE 2 PROJECT TP2305.

WHEREAS, additional work under the FY23 Curb, Gutter and Sidewalk Program – Phase 2 Project has been determined necessary and is recommended by the Director of Public Works.

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

THAT, the City Manager of the City of Gladstone, Missouri, is hereby authorized to execute Change Order No. 1 to the FY23 Curb, Gutter and Sidewalk Program – Phase 2 Project TP2305 with Lan-Tel Communications Services, Incorporated, as follows:

Original Contract Amount:	$	369,085.00
Change Order 1		140,000.00
Revised Contract Amount:		509,085.00

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

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 14TH DAY OF AUGUST 2023.

Jean B. Moore, Mayor

ATTEST:

Kris Keller, City Clerk

CITY OF GLADSTONE MISSOURI

Financial Report for 12 Months Ending
June 30, 2023

Preface

Although the fiscal year officially ends at June 30, 2023, revenues and expenditures for the City of Gladstone will continue to change up until the financial audit in October. These statements are based on information known as of a certain date. The final audited financial statements or Annual Comprehensive Financial Report (ACFR) is reported on a modified accrual basis for Governmental Funds and full accrual basis for the enterprise fund (CWSS). The monthly interim financial report is compiled on a cash basis. Over the next couple of months, staff will be making final adjustments for receivables and payables for goods and services received during the fiscal year as well as prepaid expenses and deferred revenue for goods and services not received or performed during the fiscal year.

Equity transfers remain $0 for all funds, as it is not a revenue, but use of fund balance that provides for additional expenditures while keeping the budget balanced. Funds that have a substantial equity transfer in comparison to total revenue (Public Safety Sales Tax Fund and the Water Fund) may appear to have lagging revenue results. Both funds had a significant equity transfer due to the spend down of debt proceeds from a previous year's capital project.

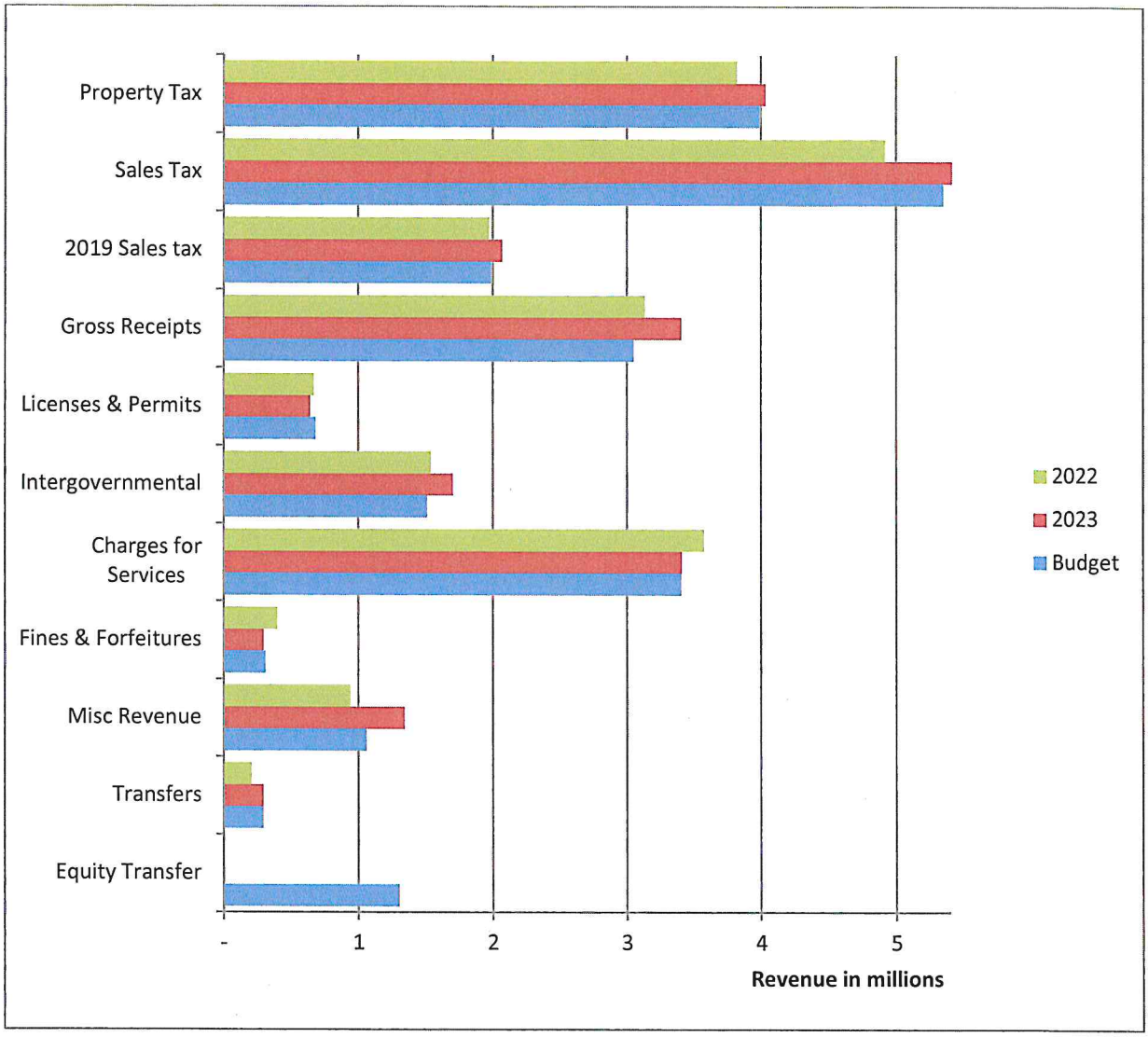
The year-end budget amendment has not been applied as of completion of the June 30, 2023 Financial Statement. A substantial part of the budget amendment needed at year end is to account for revenues expenditures for ARPA projects (many of which are ongoing at June 30). The General Fund will receive an equal amount of revenue and expenditure to transfer ARPA funding to the respective project funds. Both the Community Center and Water funds have significant ARPA projects. Since the ARPA revenue has not been recognized by the funds, revenues may appear to be lagging.

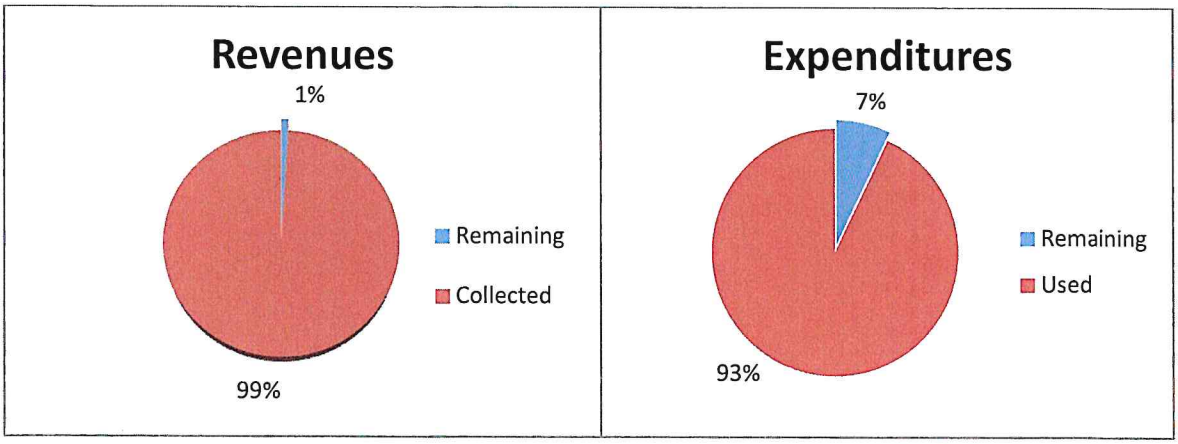
Additional information is in the narrative below.

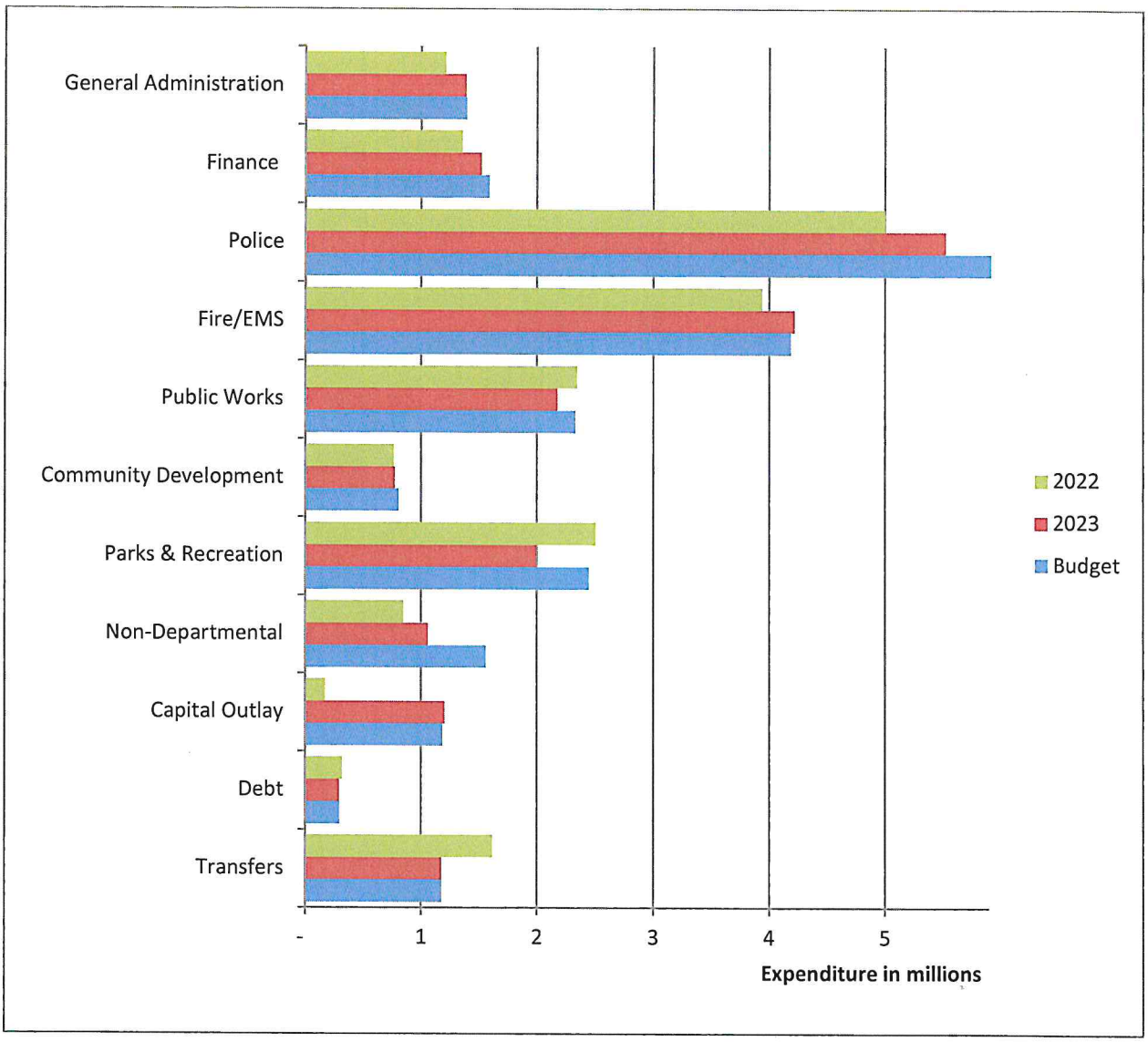
GENERAL FUND

General Fund Revenues

Total revenues for the General Fund through 12 months or 100% of this fiscal year are $22,717,088 compared to total budgeted revenues for the year of $22,947,712 or 99% of budgeted revenue. Revenue from property tax is $4,033,563 or an increase of 6% or $213,693 from the same time last year. Sales tax on a cash basis is $5,532,662 or $611,686 (12%) over last year. The 2019 sales tax (1/2 cent sales tax passed in 2019) is $2,068,981, an increase of 5%. Gross receipts taxes are $3,403,513, an increase of $270,804 or 9% from last year due to the hotel tax and timing of gross receipts. License and Permit revenues are $640,153, comparable to FY22. Intergovernmental revenue is $1,700,259 or $163,623 (11%) over the previous year due to increased receipts from the state gas tax. Charges for Services are $3,408,390, a decrease of 5% or $165,451 compared to the previous year primarily due to senior activities. Fines and Forfeitures have decreased $102,006 or 26% from the same time last year to $398,492. Miscellaneous Revenue is $1,340,081, an increase of $398,552 due to interest revenue and insurance proceeds. Debt proceeds are not budgeted for the current fiscal year. Revenue from inter-fund transfers is $293,000. An equity transfer of $1,303,500 is budgeted for the General Fund.


Property Tax
Sales Tax
2019 Sales tax
Gross Receipts
Licenses & Permits
Intergovernmental
Charges for Services
Fines & Forfeitures
Misc Revenue
Transfers
Equity Transfer
-
1
2
3
4
5
Revenue in millions
2022
2023
Budget

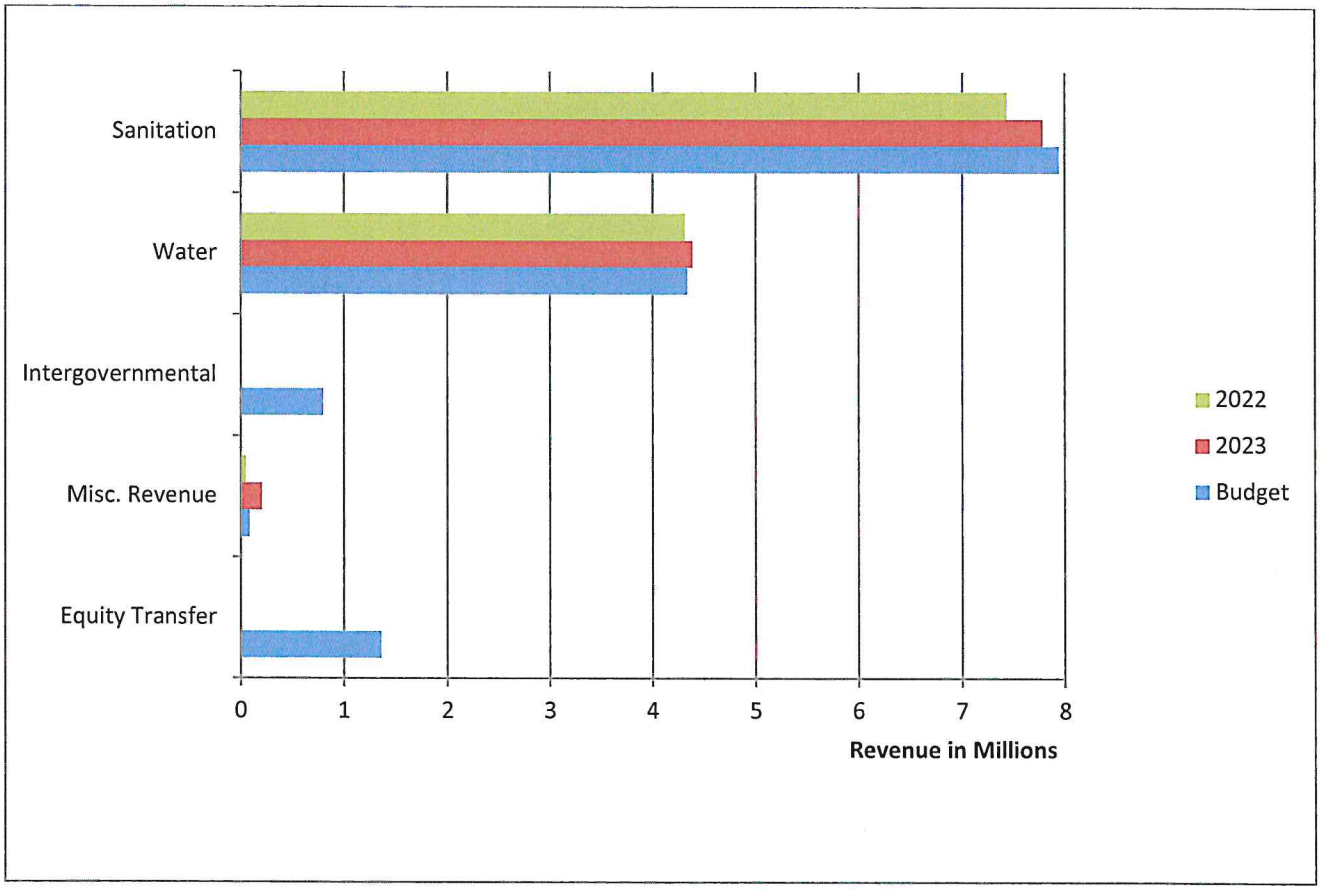

Revenues
1%
99%
Remaining
Collected
Expenditures
7%
93%
Remaining
Used

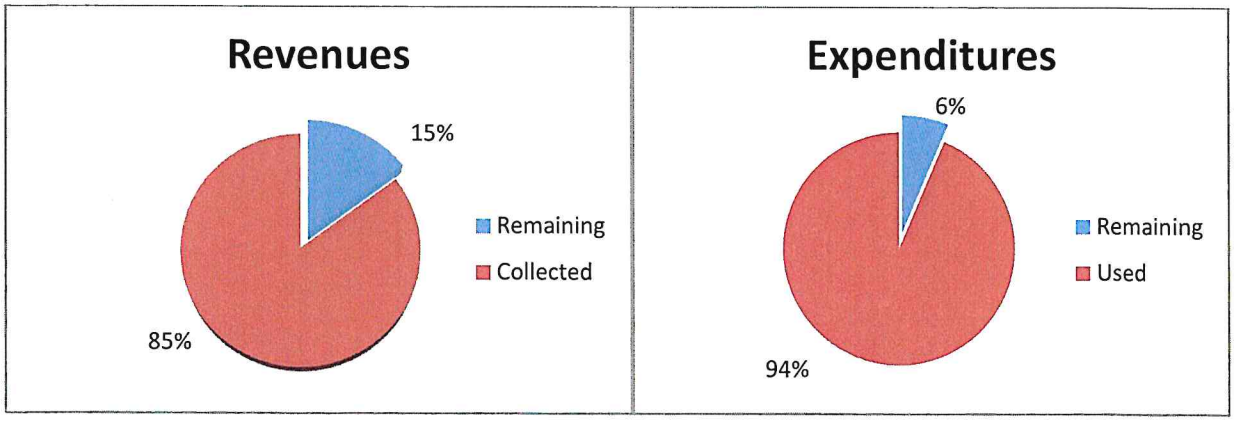


Expenditures through 12 months or 100% of this fiscal year amounted to $21,322,464 or 93% of FY23 budgeted expenditures of $22,947,712. This indicates that actual expenditures are 6% or $1,252,365 more than last year's expenditures of $20,070,099. General Administration expenditures are $1,388,360, an increase of $176,978 or 15% due to changes in staffing and contractual obligations. Finance expenditures have increased to $1,519,332 due to changes in personnel and equipment maintenance. Police expenditures are $5,525,999, an increase of $518,830 or 10% due to increased personnel costs. Fire/EMS expenditures have increased $277,576 to $4,217,128 due to increases in personnel and vehicle maintenance and repairs. Public Works expenditures are $2,175,847, $167,883 or 7% less than the prior year due to decreases in heavy equipment maintenance and timing of contractual obligations. Community Development expenditures are $771,163, an increase of $8,875. Parks & Recreation expenditures are $1,997,167, down $506,654 from the same time last year due to senior activities. Non-Departmental expenditures are $1,060,012, an increase of $211,995 due to liability and property insurance. Capital Outlay is $1,200,906. Payments for debt are $291,550, a decrease of $23,744 due to lease purchases falling off the debt schedule. Transfers from the General Fund are $1,175,000. Current revenues exceed current expenditures in the amount of $1,394,624.

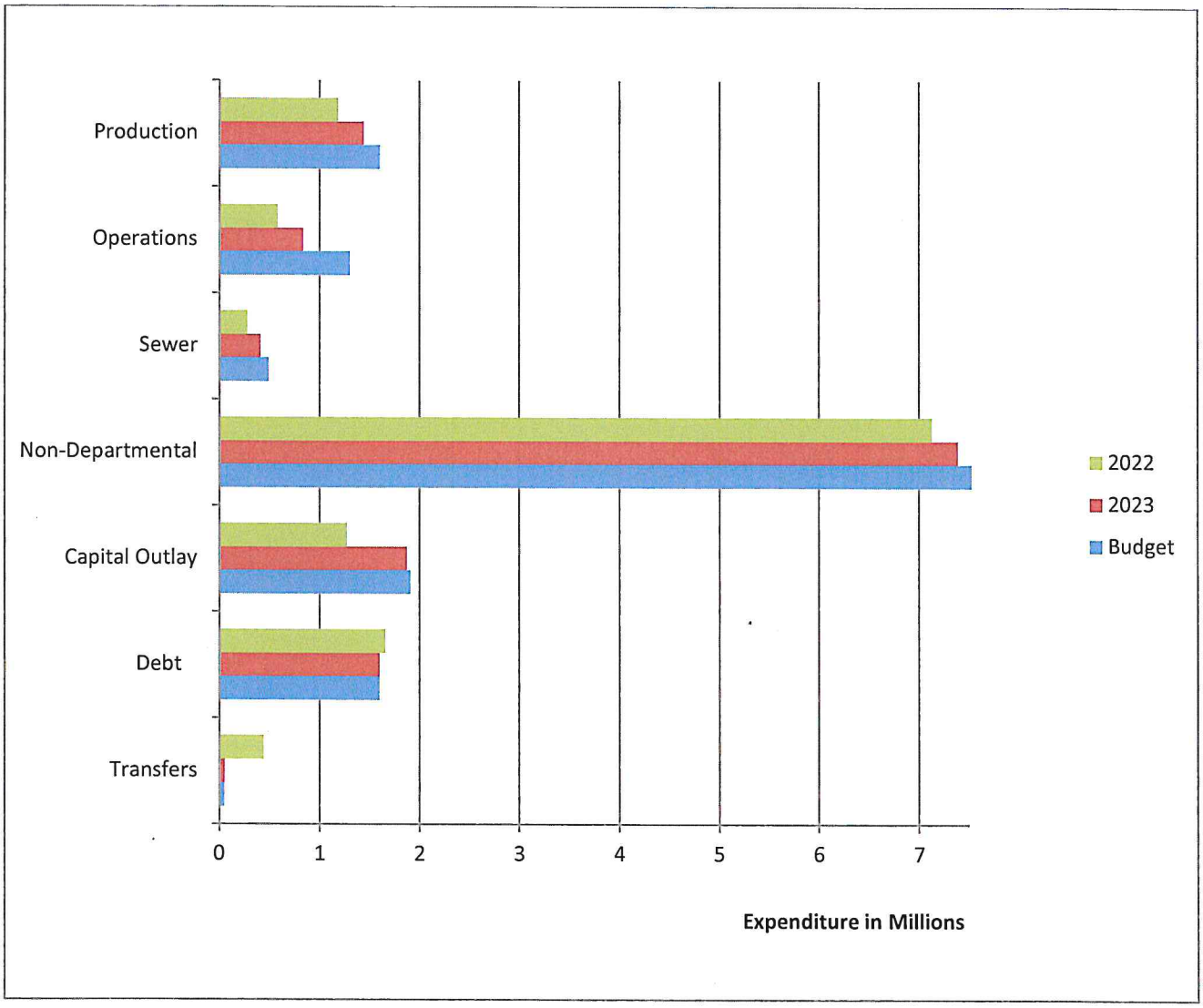
COMBINED WATER AND SEWERAGE SYSTEM FUND

Total budgeted revenues for the fiscal year are $14,528,296. Total revenues through 12 months or 100% of this fiscal year, amounted to $12,376,123 or 85% of FY23 budgeted revenues. Charges for sanitation are $7,788,016, an increase of $352,552. Charges for water have increased to $4,383,651. Intergovernmental revenue is budgeted at $800,000 and will be recognized at year end (Clay County ARPA contribution for water main replacements). Miscellaneous revenue has increased $151,508 to $204,456 due to interest revenue. An equity transfer of $1,364,000 was budgeted at midyear to fund additional water main replacements (2020 COP project).

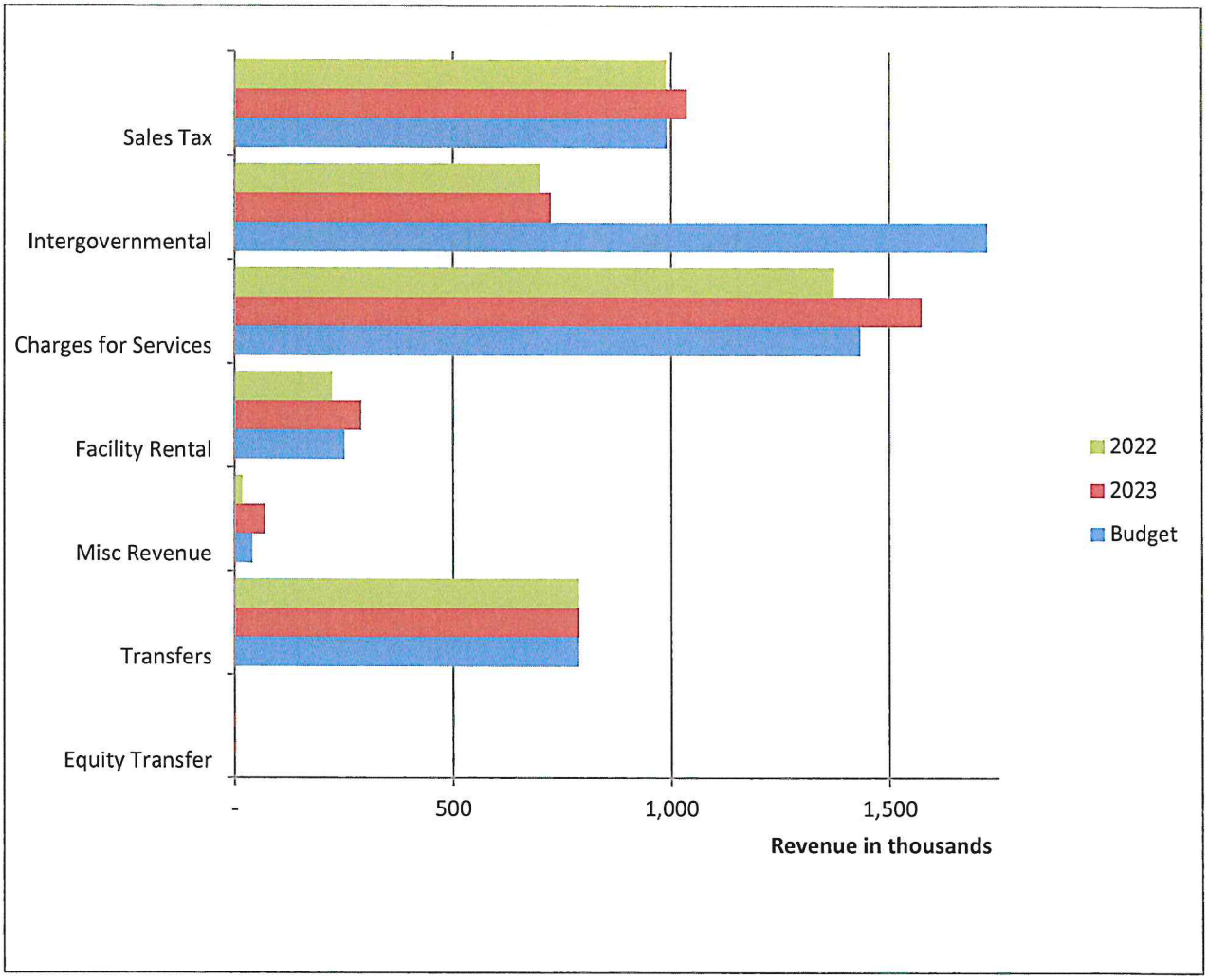


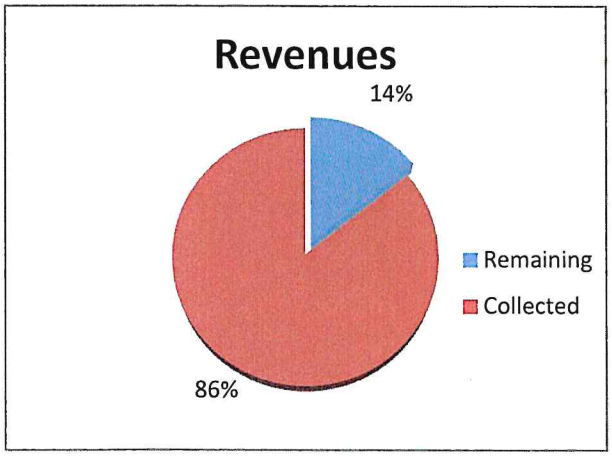


Total budgeted expenditures for the fiscal year are $14,528,296. Total expenditures through 12 months or 100% of this fiscal year amounted to $13,593,907 or 94% of FY23 budgeted expenditures. Production expenditures are $1,442,780, an increase of $257,100 due to increases in chemicals and repairs to the east secondary basin. Operations division expenditures are $834,221, an increase of $255,029 due to increases in personnel costs and supplies. Sewer division expenditures are $405,834. Non-departmental expenditures are $7,385,655, an increase of $257,811 due to increased sewer charges from Kansas City. Capital outlay is $1,873,086, an increase of $599,252 due to water main repairs and replacements. Payments for debt have decreased 3% or $55,355 to $1,602,301 due to lease purchases falling off the debt schedule. Current expenditures exceed current revenues by $1,217,784.

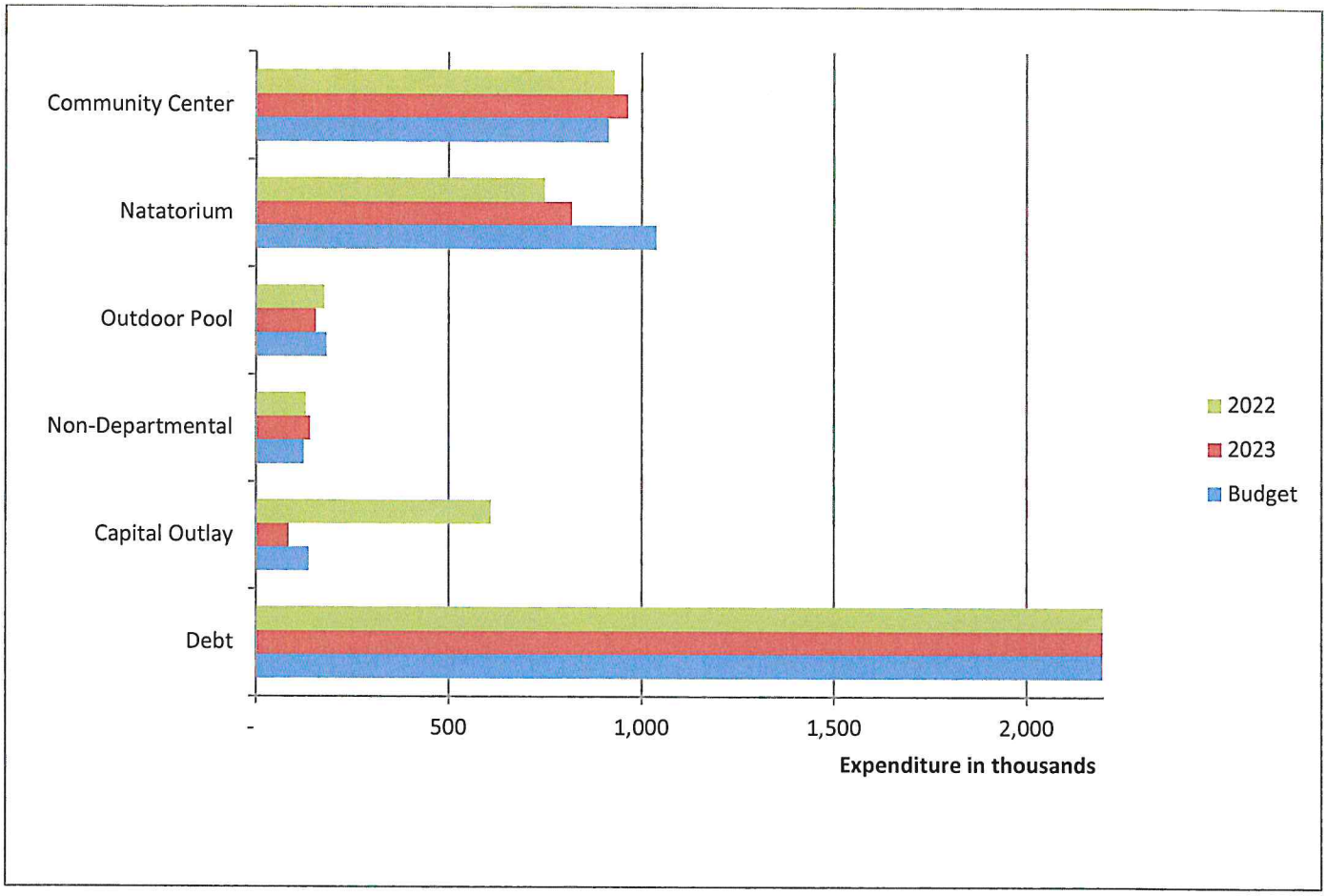


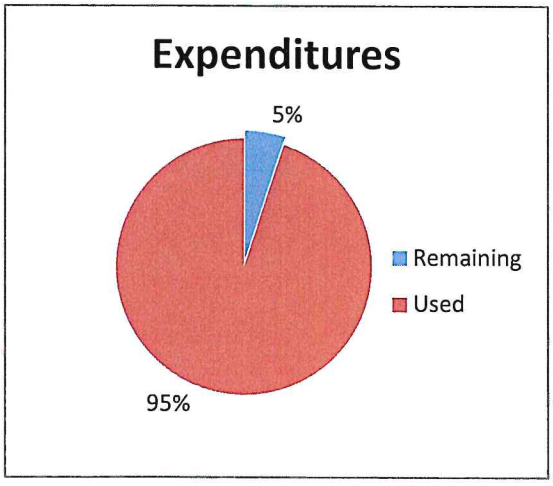
COMMUNITY CENTER AND PARKS TAX FUND





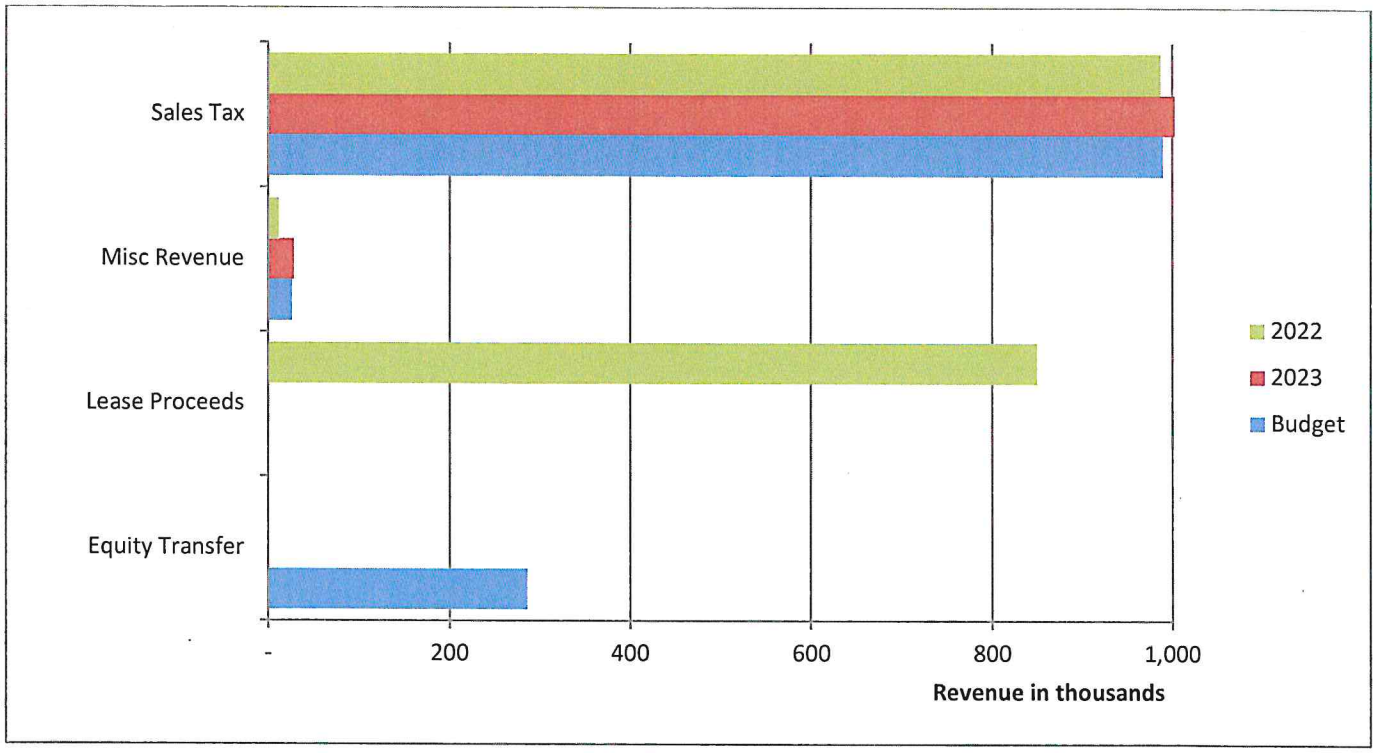
Total budgeted revenues for the fiscal year are $5,231,581. Total revenues through 12 months or 100% of this fiscal year, amounted to $4,484,919 or 86% of FY23 budgeted revenues. Sales tax received is $1,036,436, an increase of $49,199 (5%) from the previous year. Intergovernmental revenue consists of a charge to the North Kansas City School District for the natatorium $725,000 and $1,000,000 in ARPA funding (ARPA funding will be added at year end). Charges for services are $1,574,169, an increase of $200,378 (15%). Revenue from facility rental is $290,296, an increase of $66,844 (30%). Miscellaneous revenue is $70,018. Transfers to the fund are $789,000. There is no equity transfer budgeted for the fiscal year.



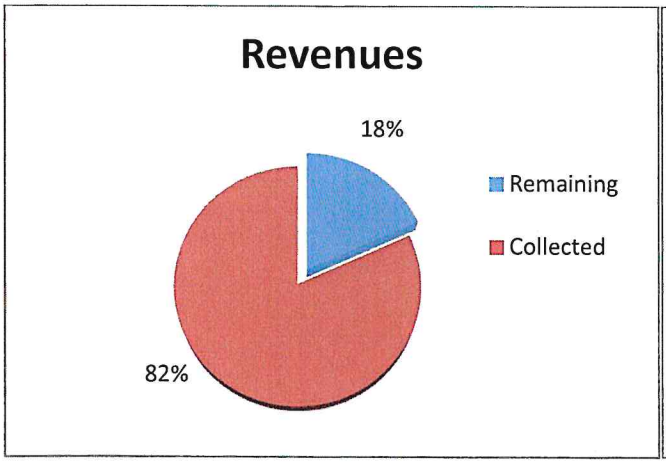


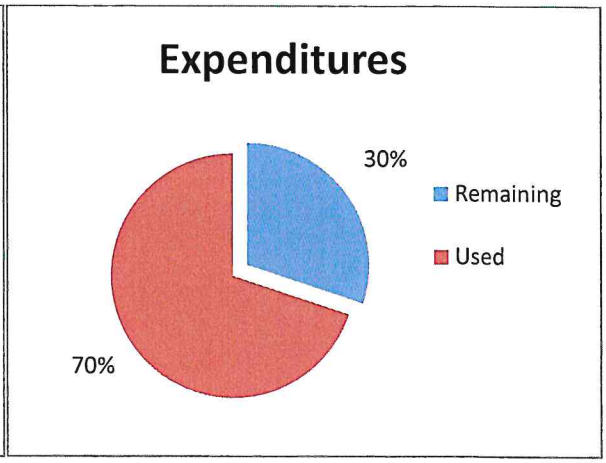
Total budgeted expenditures for the fiscal year are $4,594,323. Total expenditures through 12 months or 100% of this fiscal year amounted to $4,362,405 or 95% of FY23 budgeted expenditures. Community Center expenditures are $965,083, an increase of $35,807 (4%) due to changes in staffing and building maintenance. Natatorium expenditures are $819,989, an increase of $70,846 (9%) due to increases in building maintenance and personnel costs. Outdoor Pool expenditures are $154,812, a decrease of $22,432 (13%) due to outdoor pool maintenance during the previous year. Non-departmental expenditures have increased $10,959 to $140,276 due to increases in property and liability insurance. Capital outlay for the fund is $85,113. Payments for debt are comparable to the previous year at $2,197,134. Current expenditures exceed current revenues by $122,514.

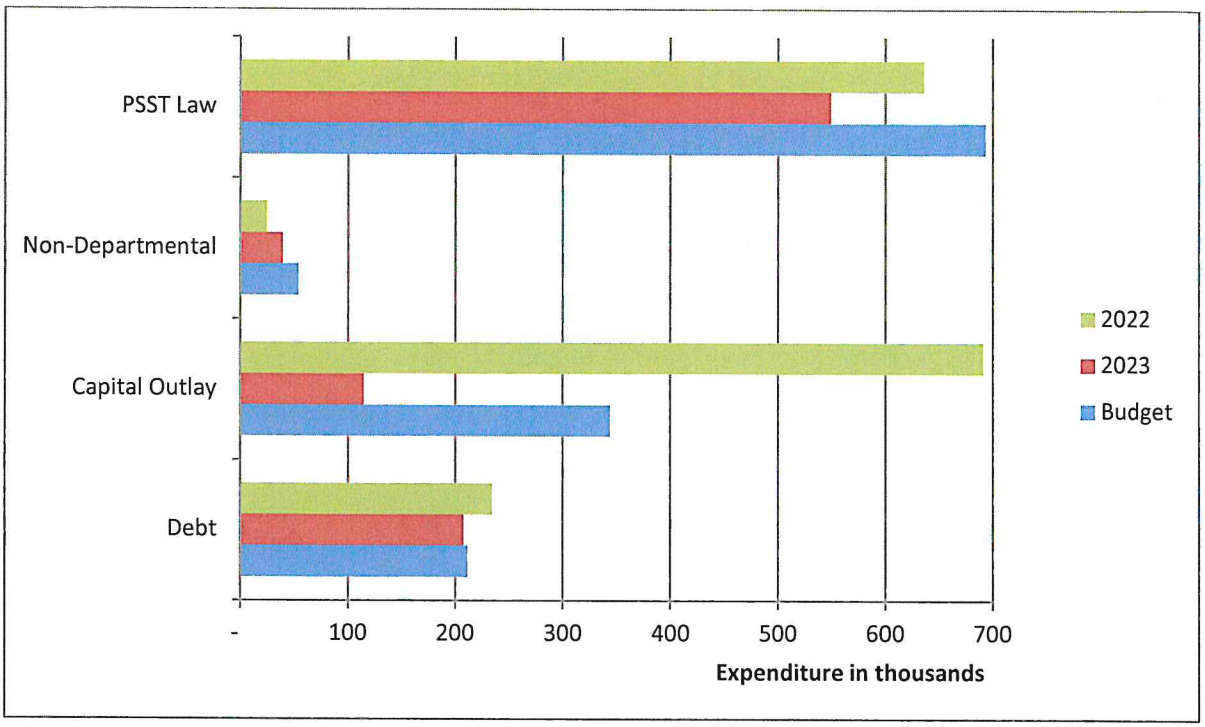
PUBLIC SAFETY SALES TAX FUND



Total budgeted revenues for the fiscal year are $1,305,512. Total revenues through 12 months or 100% of this fiscal year amounted to $1,064,432 or 82% of FY23 budgeted revenues. Sales tax on a cash basis is $1,036,407, or an increase of $49,190 (5%). Miscellaneous revenue is $28,025. No lease proceeds are budgeted for this fiscal year. An equity transfer of $286,012 is budgeted for the fund (completion of radio project from previous year).







Total budgeted expenditures for the fiscal year are $1,302,512. Total expenditures through 12 months or 100% of this fiscal year are $910,497 or 70% of the FY23 budgeted expenditures. Law division is $549,263, an increase of $86,475 from the same time last year. Non-Departmental is $39,250, compared to $24,635 during the previous year. Capital outlay is $114,510. Payments for debt is $207,474. The decrease is due to debt issuance cost from the radio project in the previous year. Current revenue over expense for the fund is $153,935.

Respectfully submitted,

Dominic Accurso
Director of Finance

Request for Council Action

RES ☐ # City Clerk Only | **BILL ☒ # 23-27** | **ORD ☒ # 4.646**
BILL ☒ # 23-28 | **ORD ☒ # 4.647**

Date: 8/1/2023 Department: Community Development

Meeting Date Requested: 8/14/2023

Public Hearing: Yes ☒ Date: 8/14/2023 for the Re-Zoning only

Subject: Re-Plat and Re-Zone – 2320 NE 72nd Street, Gladstone, MO. 64118

Background: The owner/applicant is requesting that the city approve a re-plat of 2320 NE 72nd St. in order to build two (2) single-family homes on two (2) separate lots. Currently, the piece of property is one large lot. In addition, the owner/applicant is requesting a zoning change from R-1 to RP-1 to reduce the side yard setback to five (5) feet. A "planned district" allows for flexibility in city standards and in this particular project minimum lot standards and setbacks.

Proposed Size of Lots:

- Lot 3 – 61.05 ft. wide by 125 ft. long
- Lot 4 – 61.05 ft. wide by 125 ft. long

In Gladstone, on average, you will see lot sizes between 65 – 80 ft. wide by 125 ft. long.

These proposed lot sizes do not meet city standards.

- Minimum single-family lot standards are no less than 8,400 square feet and each replated lot will be 7,631.25 square feet.
- Minimum single-family side yard setbacks are no less than nine (9) feet and each replated lot will be five (5) feet.

During the most recent Comprehensive Plan update, there were many discussions about Gladstone's ability to grow and the need for housing density. This project is an example of new quality housing that increases density by allowing flexibility with current code standards by using a "planned zoning district."

Budget Discussion: N/A

Public/Board/Staff Input:
Public: Mr. George Wages was in attendance and spoke in opposition to this project at the Planning Commission.
Board: The motion for the Re-Plat and Re-Zone carried 9 Yes – 1 No.
Staff Input: City Staff recommends approval.

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

Austin Greer	JM	BB
Department Director/Administrator	City Attorney	City Manager

AGENDA

PLANNING COMMISSION

GLADSTONE CITY HALL
COUNCIL CHAMBERS

Monday, July 17, 2023
7:00 PM

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1. Meeting called to order *(Roll Call Vote)*

2. Pledge of Allegiance to the United States of America

3. Approval of the Previous Meeting Minutes - June 20, 2023

4. **CONSIDERATION**: Re-Plat for single-family residential property located at Parcel number 13612001300900 (Not a Public Hearing)

   Applicant/Owner: Pars Properties of Missouri Jonathan Mirfasihi

   The City Council will consider this request on Monday, August 14, 2023. Call on city staff for the report. (Voice Vote)

5. **CONSIDERATION:** Re-Zone for single-family residential property located at parcel number 13612001300900 (Public Hearing)

   Applicant/Owner: Pars Properties of Missouri Jonathan Mirfasihi

   The City Council will consider this request on Monday, August 14, 2023. Open the public hearing. Close the public hearing when conversation comes to a close. (Roll Call Vote)

6. Communications from the City Council

7. Communications from the City Staff

8. Communications from the Planning Commission Members

9. Adjournment – Chairperson can close the meeting without making a motion

Community Development Department
Staff Report
Date: July 5, 2023
File #: Rezon23-00001
Plat23-00002
Requested Action: Zoning Change and Replat
Date of PC Consideration: July 17, 2023
Date of Council Consideration: August 14, 2023

Applicant/Owner: Jonathan Mirfasihi (Pars Properties)

Architect/
Engineer/Surveyor: Snyder & Associates

Address of Property: 2320 NE 72nd Street
Gladstone, MO. 64118

Planning Information

- Current Zoning: R-1 Single Family Dwelling Unit
- Zoning History: R-1 Single Family Dwelling Unit
- Planned Land Use: RP-1 Single Family Dwelling Unit
- Surrounding Uses: R-1 Single Family Dwelling Unit
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

Analysis

The owner/applicant is requesting that the city approve a re-plat of 2320 NE 72nd St. in order to build two (2) single-family homes on two (2) separate lots. Currently, the piece of property is one large lot. In addition, the owner/applicant is requesting a zoning change from R-1 to RP-1 to reduce the side yard setback to five (5) feet. A "planned district" allows for flexibility in city standards and in this particular project minimum lot standards and setbacks.

Proposed Size of Lots:

- Lot 3 – 61.05 ft. wide by 125 ft. long
- Lot 4 – 61.05 ft. wide by 125 ft. long

In Gladstone, on average, you will see lot sizes between 65 – 80 ft. wide by 125 ft. long.

These proposed lot sizes do not meet city standards.

- Minimum single-family lot standards are no less than 8,400 square feet and each replated lot will be 7,631.25 square feet.
- Minimum single-family side yard setbacks are no less than nine (9) feet and each replated lot will be five (5) feet.

During the most recent Comprehensive Plan update, there were many discussions about Gladstone's ability to grow and the need for housing density. This project is an example of new quality housing that increases density by allowing flexibility with current code standards by using a "planned zoning district."

Recommendation

City Staff recommends that the Planning Commission approve the final plat and re-zone as submitted.

DEVELOPMENT APPLICATION

CITY OF GLADSTONE
7010 N HOLMES STREET
GLADSTONE, MISSOURI 64118
PHONE: 436-4110 FAX: 436-2228

File #: Rezon23-0001
Date: 6-19-23
Plat23-0002

Application Type:

- ☐ Special Use Permit ($500)
- ☒ Zoning Change ($500)
- ☐ Site Plan Revision ($500)
- ☐ Right-of-Way Vacation ($200)
- ☐ Variance - BZA ($200)
- ☒ Final Plat/Replat ($75)

Address of Action: Parcel 13612.00 13.00 900
Legal Description: *Attach under separate cover if needed.* 2320 NE 72nd St.

Proposed Change: _____

Applicant/Property Owner Information:

☐ Applicant(s) same as Owner
Company _____
Address _____
Phone _____ Fax: _____ E-Mail: _____

☐ Property Owner (if different than applicant) Jonathan Ihmirfasihi
Company Pars Properties
Address 600 Admiral Blvd. KCMO 64106
Phone 913.645.6357 Fax: _____ E-Mail: Ihmirfasihi@yahoo.com

☐ Architect/Engineer _____
Company _____
Address _____
Phone _____ Fax: _____ E-Mail: _____

Please indicate in one box above which person is to be the contact.

Applicant's Signature Jonathan Ihmirfasihi Date 6/19/2023

'23"E 270.00'
122.10'
5' U/E
ZONING R-1
12' x 12' Deck
12
Deck
12
LOT 3
(15,260 S.F.)
S00°41'58"E 125.00'
40'
Lot 3
Lot 4
40'
5' U/E
S00°41'58"E 125.00'
35' B/L
5'
50'
5'
5'
50'
5'
10' U/E
9°41'23"W 268.10'
122.10'
POINT OF BEGINNING
OH
OH
UNPL

All-America City

TO: Property Owners Within 185' & Other Interested Parties

FROM: Community Development Department

DATE: June 30th, 2023

SUBJECT: Parcel 13612001300900– Plat and zoning change of parcel

PUBLIC HEARING

All persons are hereby notified that the Gladstone Planning Commission will conduct a public hearing on July 17th, 2023 at 7:00 PM in the Council Chamber of Gladstone City Hall on a request for a plat and zoning change at Parcel # 13612001300900. Legally described as PARSIAN RIDGE LT 3.

Applicant/Owner: Pars Properties LLC Johnathan Mirfasihi

Subsequently, at its regular meeting of August 14th, 2023, at 7:30 PM, the City Council will conduct a public hearing on the same request.

Summary:
The applicant/property owner would like to build four (4) single-family homes instead of the proposed three (3) single family homes that are already platted. The applicant/owner is requesting a zoning change from R-1 Single Family to RP-1 Single Family (Planned District) in order to receive flexibility on a slightly smaller lot size and side setbacks to build a fourth single-family home.

If you have any questions or concerns, please contact Austin Greer, Community Development Director & Assistant To the City Manager at austing@gladstone.mo.us and/or 816-423-4102.

PLANNING COMMISSION
GLADSTONE, MISSOURI
Gladstone City Hall
Monday, July 17th, 2023
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Gary Markenson
Kate Middleton
Bill Turnage
Mike Ebenroth, Chair
Steve Beamer
Jennifer McGee
Brenda Lowe, Secretary
Cameron Nave
Kim Murch
James New

Absent: Chase Cookson, Vice Chair
Spencer Davis

Council & Staff Present:
Austin Greer, Assistant City Manager | Community Development Director
Angie Daugherty, Admin. Assistant
Jean B. Moore, Mayor
Alan Napoli, Community Development Administrator | 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 June 20th, 2023 Minutes. Chair Ebenroth asked if there was a motion to approve the minutes from the June 20th meeting.

Mr. Beamer moved to approve the minutes; Ms. McGee seconded. The minutes were approved, 10-0.

Item 4 on the Agenda: Consideration: On a Re-Plat for property located at Parcel 13612001300900 Applicant/Owner Pars Properties of Missouri Jonathan Mirfasihi. *The City Council Consideration is scheduled for Monday, August 14, 2023.*

Mr. Napoli read from the staff report.

The owner/applicant is requesting that the city approve a replat of 2320 NE 72nd St. in order to build two (2) single-family homes on two (2) separate lots. Currently, the piece of property is one large lot. In addition, the owner/applicant is requesting a zoning change from R-1 to RP-1 to reduce

the side yard setback to five (5) feet. A "planned district" allows for flexibility in city standards and in this particular project minimum lot standards and setbacks.

Proposed Size of Lots:

- Lot 3 – 61.05 ft. wide by 125 ft. long
- Lot 4 – 61.05 ft. wide by 125 ft. long

In Gladstone, on average, you will see lot sizes between 65 – 80 ft. wide by 125 ft. long.

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- Minimum single-family lot standards are no less than 8,400 square feet and each replated lot will be 7,631.25 square feet.
- Minimum single-family side yard setbacks are no less than nine (9) feet and each replated lot will be five (5) feet.

During the most recent Comprehensive Plan update, there were many discussions about Gladstone's ability to grow and the need for housing density. This project is an example of new quality housing that increases density by allowing flexibility with current code standards by using a "planned zoning district."

City Staff recommends that the Planning Commission approve the plat and re-zone as submitted.

Ms. Middleton asked what the difference is between a re-plat and a re-zone.

Mr. Napoli stated that a re-plat is taking one lot and platting it into two lots on paper. A re-zone is what the individual can use the lot for.

Mr. Markenson asked if there were two houses there now and if they want to build a house on each side of them.

Mr. Napoli stated no, both houses being discussed tonight will be built to the East of the two new houses that are currently in place.

Mr. Murch asked if it doesn't meet current city standards, why is City Staff recommending it.

Mr. Napoli stated that the approval will be based on the property being re-zoned to a planned district, then the project would meet city standards with the administrative flexibility.

Mr. Murch stated that they approved the re-plat for the current two new homes that are there and the proposal would have three homes on that entire property.

Mr. Napoli stated that the property was re-platted from one piece of property to three pieces of property with the intent to build three new homes. Yes, three homes were approved by the Planning Commission and City Council previously.

Mr. Murch stated that this isn't what is on the table now.

Mr. Napoli stated no, what is on the table now is the third piece of property to the East. They would like a re-plat from one larger lot to two smaller lots. In summary, the property would be four lots instead of three lots that were previously approved.

Mr. Murch asked what the difference is from the two homes that are there now and how much space is between the two.

Mr. Napoli stated that those homes met the standard requirements with the nine-foot setback between the properties.

Mr. Murch asked if there will be another driveway that will be put in on 72nd St.

Mr. Napoli stated no, only one driveway per the two houses. There will be two total driveways just like the original plan that was approved. Two driveways total for the four single-family homes.

Mr. Turnage asked if there was any concern that this will be setting a precedent or is this the intent.

Mr. Napoli stated that the intent is to look at density and find quality ways for Gladstone to grow.

Ms. Middleton stated that the first time this came in front of them it was her understanding that there were three homes to be built. Why do they want to make it four now?

Mr. Napoli stated that their initial intent was to build three homes. Since then, they have decided that they would like to build four homes.

Mr. Beamer stated that is it not the trend in the suburbs to start moving towards higher density and reducing lot size to where we were in the 1960's or early 70's. He knows that other cities are reducing the size of their lot requirements, as well to accommodate housing like what is being proposed tonight.

Mr. Napoli stated yes, it is a trend depending on the style of homes and the developments they are proposing. Cities are adopting regulations to accommodate smaller side-yard setbacks similar to what was built postwar when homes were closer together.

Mr. Beamer asked if the developer has provided any plans for the houses he plans to build on these lots in terms of square footage.

Mr. Napoli stated that the square footage will likely be between 1,500 and 2,000 square feet finished. Similar to the two homes that are under construction now.

Mr. Murch stated they may have looked at this on paper or saw drawings when they approved this, but now that he sees it in person, he wishes he would have voted no even for the three homes. Now they are wanting to build two homes that are even closer together, which is almost the appearance of a townhome on one of our main East/West roads.

Ms. Lowe asked if during their research and in their discussions, did staff see any downsides to this.

Mr. Greer stated that a question was asked earlier about whether or not this is setting a precedent or is that the intent of accommodating set back requirements and density. I don't believe that we are setting a precedent because we evaluate these type of accommodations on a case by case basis, but this particular project is purposeful by staff because they are building quality single-family housing. When we updated the Comprehensive Plan recently, there were many discussions about how can Gladstone grow and quality density is a way that we can do that. The property is already zoned R-1 Single Family, and they are requesting some leeway in those setback requirements to build one extra home.

Ms. Middleton asked if they approve the re-plat, then they can have two lots. But if we don't approve the re-zone, then they cannot build what they want to build.

Mr. Greer stated yes, that is correct. If the rezone isn't approved, the builders will have to adhere by city standards, which by default, they would only be able to build the third house because it doesn't meet set back requirements. Approving the re-zone to a planned single-family district is vital to their project and building a fourth home.

Ms. Middleton asked what the asking price are for the two homes that are under construction.

Mr. Greer stated that the initial asking price was $399,000.00 but believes they are at $359,000 as of now.

MOTION: By Ms. Lowe, second by Mr. Beamer to approve a re-plat for the property located at Parcel number 13612001300900.

Vote:	**Mr. Murch**	**No**
	Mr. Markenson	**Yes**
	Mr. Turnage	**Yes**
	Ms. Middleton	**Yes**
	Chair Ebenroth	**Yes**
	Ms. McGee	**Yes**
	Mr. Beamer	**Yes**
	Mr. New	**Yes**
	Ms. Lowe	**Yes**
	Mr. Nave	**Yes**

The motion carried. (9-1)

Item 5 on the Agenda: **Consideration:** on a re-zone for single-family residential property located at Parcel number 13612001300900. Applicant/Owner Pars Properties of Missouri Jonathan Mirfasihi. *The City Council Public Hearing is scheduled for Monday, August 14, 2023.*

Mr. George Wages, address 7201 N. Park Avenue stated that he and his wife have lived at this address for 45 years. When this project started, it was only supposed to be three houses and now they want to build a fourth. In the notification he received in the mail, it only shows a big aerial photo and it does not show the new house at 2316, so they really don't know where the property lines are located. We have not seen what they are going to build and he doesn't understand why they are trying to squeeze two more homes on this small parcel. Right now, they have QuikTrip,

Walmart, and Hy-Vee and we already have a lot of traffic on 72nd St. I don't think we have enough information to get this passed. Will they be tearing up 72nd St. again to put in more water lines? He thinks it will be better to just stay with the original plan of three homes.

Mr. Napoli stated yes, the builders will have to install another water line.

Ms. Middleton asked how the neighbors knew about this hearing.

Mr. Napoli stated that everyone within 185 feet of the property are mailed notices and it was published in the Gladstone Dispatch per the required code. This is our standard practice for all projects that require a public hearing.

Ms. McGee asked with the building of the first two houses did the developer follow city rules in regard to opening up the street and installing water.

Mr. Napoli stated yes, the builder did what was required.

Ms. McGee asked if there were any problems other than the inconvenience of the road.

Mr. Napoli stated that there were a few issues with the construction process but the next dig will be conducted differently, which will be an improvement.

MOTION: By Mr. Beamer, second by Ms. McGee to approve a re-zone for the property located at Parcel number 13612001300900.

Vote:	**Mr. Murch**	**No**
	Mr. Markenson	**Yes**
	Mr. Turnage	**Yes**
	Ms. Middleton	**Yes**
	Chair Ebenroth	**Yes**
	Ms. McGee	**Yes**
	Mr. Beamer	**Yes**
	Mr. New	**Yes**
	Ms. Lowe	**Yes**
	Mr. Nave	**Yes**

The motion carried. (9-1)

Item 6 on the Agenda: Communications from the City Council

Mayor Jean Moore stated that she wanted to thank everyone for being here tonight. As the result of the recent severe storms, the brush drop-off at Public Works will be open and free all week. We recently learned that the Parkside at Hobby Hill project will be paving their parking lot in a couple of weeks and some individual units are ready except for counter tops, which they expect to receive soon. They are estimating that some residents will be able to move into parts of the complex in August. Also, the Vivion Road Trail has been a regional goal for a number of years. The last remaining segment to be finished would be from North Mulberry to North Oak Trafficway. If you recall driving in that part of the city, that is a very difficult road to navigate since there are not any sidewalks, and lots of people walk and bike along that road. It can be very dangerous. We have

been working together with Kansas City to get funding for this project and the estimated cost for this project is 5.8 million dollars. Right now, Gladstone and Kansas City have submitted a joint grant application to the Mid-America Regional Council for funding the final phase. There is an opportunity for people to give their viewpoint on this project and I have asked Angie if she would share that link with you all this week. You don't have to write a long comment, but if you feel this will be a good project for the city, please participate. I think the more positive comments we have from our citizens, the more likely we will gain funding for this project.

Item 7 on the Agenda: Communications from the City Staff

No communications from City Staff

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

Ms. Middleton stated that she would encourage Mr. Wages and his wife to attend the City Council meeting for this project and voice their concerns on August 14th.

Mr. Murch asked if they can have an update on the feedback on the discontinuation of the KCATA bus service.

Mr. Greer stated that the feedback hasn't been as negative as they anticipated. We have had phone calls, but I would say no more than 15 over the last couple of weeks. The people that I have personally spoken to are concerned about why the bus service is being discontinued and why the price has increased so drastically. After I explain to them the contract for bus service and the financial position this puts the city in they actually agree with the city and its stance on this subject. I also have explained to them how the KCATA has promoted the IRIS program and how it can be a great alternative to traditional bus service. The subject has certainly gained news media attention and himself, the Mayor, and City Manager Baer have been working together to answer any questions from the public.

Mr. Murch asked if Mr. Greer could explain how IRIS is supposed to work.

Mr. Greer stated that IRIS is an on-demand ride share service very similar to Uber or Lyft. The service isn't door to door, but in the future we would like it to be. Right now in Gladstone, riders struggle from a bus service perspective going East to West in the city. IRIS can be a really good alternative because it allows people to travel all directions instead of just north and south like the bus system.

Mr. Murch asked if IRIS would take people to the edges of Gladstone where there is a bus stop.

Mr. Greer stated yes, IRIS would. Inside the zone of Gladstone, if you want to go from Hy-Vee to the Community Center, the transportation is free. If you want to go from the Community Center to a bus stop that is right outside of Gladstone, that transportation would still be free. If someone wants transportation from the Community Center to North Kansas City Hospital, it may cost around four dollars because that is a different zone. When you cross zones there is a fee, but if you are just going to a bus stop right outside Gladstone in KCMO, then it would still be free.

Mr. Nave stated that he downloaded the app shortly after the conversation happened and scheduled a ride, and the app said a driver would be there to pick him up in 15 minutes and he would be at Hy-Vee in approximately 25 minutes.

Mr. Greer stated that staff has seen wait times anywhere between 10 to 20 minutes depending on the demand at that time. City leadership thinks this is a really solid transportation option for riders to get all over Gladstone and not just North and South. The City has currently signed a three-month trial with the KCATA and IRIS to see how the program works.

Mr. Murch asked if the KCATA ever came back with a different offer for Gladstone.

Mr. Greer stated that the KCATA has been firm with the contract that they have offered the city. Historically, the city has paid anywhere between $80,000 and $120,000. City staff certainly expected a dollar figure in that ballpark and we understand inflation has impacted all aspects of the economy, but city leadership did not expect a $340,000.00 contract. There wasn't much of a negotiation, and I know that the City of Kansas City and KCATA have their own budget challenges, but for us, it simply came down to affordability and being financially responsible. This KCATA contract is paid for by Transportation Sales Tax fund and if the city were to pay the requested amount then our street maintenance would certainly suffer.

Mr. Murch asked if we charged them a fee to drive through Gladstone.

Mr. Greer stated no, city leadership has not considered that option. Gladstone, the KCATA and the City of Kansas City have always been great partners and will continue to be.

Mr. Nave asked what are the other smaller communities doing.

Mr. Greer stated that North Kansas City's contract came up a couple of months before ours, so they saw their contract drastically increase before Gladstone did. They were certainly shocked as well, but eventually worked out a seven-month contract with the KCATA for slightly better pricing but didn't resolve their issues. Recently, all of the Northland city administrators got together and discussed this topic and everyone is feeling the drastic cost increase. We are actually working together with other cities to try and negotiate better pricing for the entire northland since there is strength in numbers.

Mr. Markenson stated that corn is for sale at the Atkins Johnson Farm & Museum, Westlake, and Gladstone Bowl. If you want corn, please stop by these locations. At the intersection of Missouri Highway 1 and NE 72nd St., it looks like a bomb went off and took out a forest. I understand that the church is going to pave a parking lot at this location. Do you have any idea on when they are going to do that? It looks terrible.

Mr. Napoli stated that the church is still working on their plans but yes, they do plan on paving a bigger parking lot. They do have future plans to expand the church and do some other things on the property. Staff has met with them a few times to discuss their future plans but nothing official has been submitted yet. Thank you.

Item 9 on the Agenda: Adjournment

Chair Ebenroth adjourned the meeting at 7:37 pm.

Respectfully submitted:

_____ Approved as submitted _____
Mike Ebenroth, Chair

_____ Approved as corrected _____
Angie Daugherty, Recording Secretary

BILL NO. 23-27 **ORDINANCE NO. 4.646**

AN ORDINANCE APPROVING A ZONING CHANGE FOR 2320 NE 72ND STREET, GLADSTONE, MISSOURI.

WHEREAS, pursuant to applicable City ordinances, a Petition has been submitted to the Gladstone City Council to rezone the following described property from R-1 Single Family Dwelling District to RP-1 Planned District, Single Family Dwelling: This property is described as 2320 NE 72nd Street, in the City of Gladstone, Clay County, Missouri;

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

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

THAT, the aforesaid land be rezoned from R-1 to RP-1.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 14TH DAY OF AUGUST 2023.

_____
Jean B. Moore, Mayor

ATTEST:

_____
Kris Keller, City Clerk

1st Reading: August 14, 2023

2nd Reading: August 14, 2023

File #REZON23-00001

BILL NO. 23-28 **ORDINANCE NO. 4.647**

AN ORDINANCE APPROVING THE PLAT FOR 2320 NE 72ND STREET, A SUBDIVISION IN GLADSTONE, CLAY COUNTY, MISSOURI AND DIRECTING THE APPROPRIATE OFFICIALS TO AFFIX THEIR SIGNATURES TO SAID PLAT FOR RECORDING.

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

SECTION 1. ACCEPTANCE. It appearing to the Council of the City of Gladstone, Missouri, from the Plat filed and exhibited to them that all parties having any right, title, or interest in or to said property described more particularly in the attached Exhibit "A", having signed said Plat, and it is in the best interests of the City of Gladstone to approve and accept the same; it is hereby ordained by the Council of the City of Gladstone, that the Plat described in the attached Exhibit "A" the plat of address 2320 NE 72nd Street is hereby accepted.

SECTION 2. SIGNATURES. The proper officials of the City of Gladstone, Missouri, are hereby authorized and directed to affix their signatures to said Plat in a manner suitable for recording.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 14TH DAY OF AUGUST 2023.

_____
Jean B. Moore, Mayor

ATTEST:

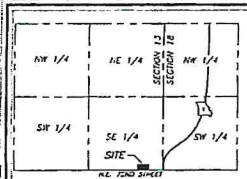
_____
Kris Keller, City Clerk

1st Reading: August 14, 2023 2nd Reading: August 14, 2023

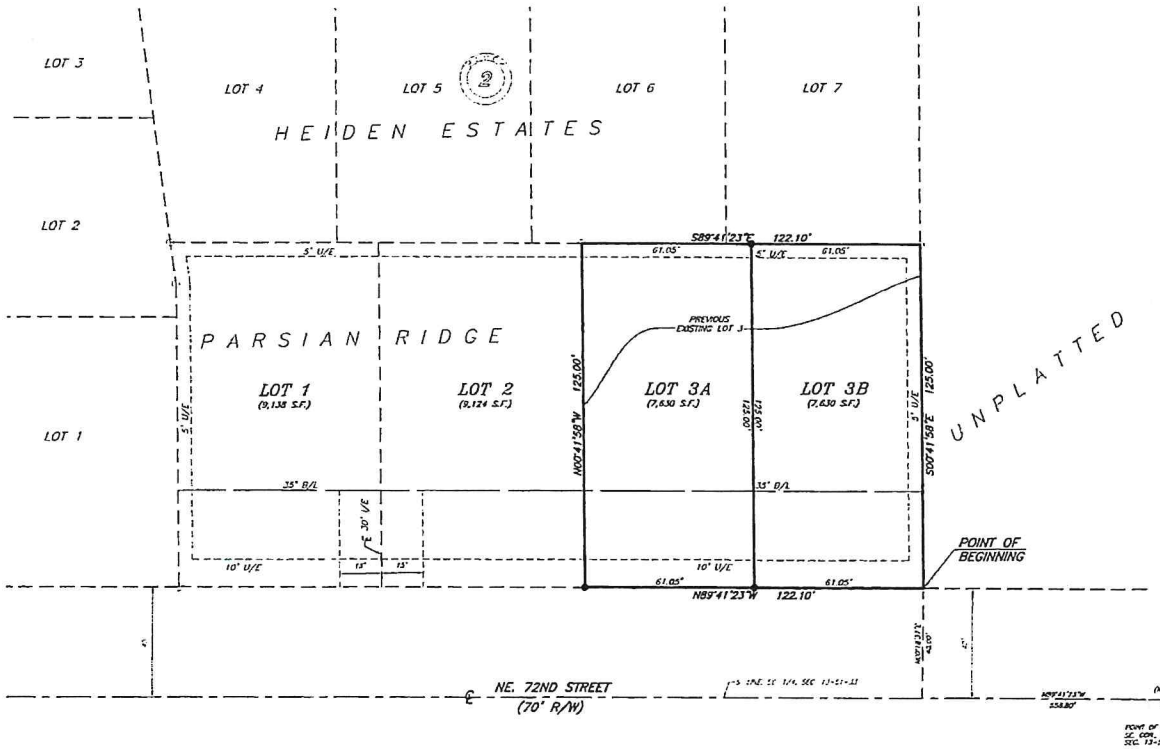
File #Plat23-00002

PARSIAN RIDGE, Replat LOT 3

A SUBDIVISION IN GLADSTONE
Clay County, Missouri



SE 1/4 Sec. 13-51-33
Location Map
NOT TO SCALE



DESCRIPTION:

All of LOT 3, PARSIAN RIDGE, a subdivision of land in the City of Gladstone, Clay County, Missouri.

DEDICATIONS

PLAT DEDICATION: The undersigned proprietors of the tract of land described hereon have caused the same to be subdivided in the manner as shown on the accompanying plat of PARSIAN RIDGE, Replat Lot 3.

STREETS DEDICATION: Streets and Right of Ways shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

EASEMENTS: An easement or license is hereby granted to the City of Gladstone, Missouri to locate, construct and maintain or to authorize the location, construction, maintenance and use of conduits for all and any purposes, water, gas, sewer mains, poles and wires for all and any of them over, under and along strips marked "Utility Easement" or "U/E" or "Drainage Easement" or "D/E", EXCEPT, where designated for special purposes.

BUILDING LINES: Building lines or setback lines are hereby established as shown on this plat and no building or portion thereof shall be built between this line and the street line.

ACKNOWLEDGMENTS

IN TESTIMONY WHEREOF: PARS PROPERTIES, LLC, a Missouri Limited Liability Company, has by the authority of its Members caused this instrument to be executed by its Member this _____ day of _____, 20____.

PARS PROPERTIES, LLC

_____
Jonathon Mahesh, Member

STATE OF MISSOURI }
COUNTY OF } s.s.

Be it remembered that on this _____ day of _____, 20____, before me the undersigned Notary Public in and for the County and State above mentioned, came Jonathon Mahesh, Member of PARS PROPERTIES, LLC, a Missouri Limited Liability Company, who is personally known to me and duly sworn did say that he executed this instrument as the free act and deed of said PARS PROPERTIES, LLC and was signed by its authority, in testimony whereof.

IN TESTIMONY WHEREOF: I have hereunto set my hand and affixed my notarial seal at my office in _____ County, Missouri, on the day and year last written.

My Commission Expires: _____

_____
NOTARY PUBLIC

CITY CERTIFICATIONS

This plat of PARSIAN RIDGE has been submitted to and approved by the City Planning Commission this _____ day of _____, 20____ and by the City Council this _____ day of _____, 20____.

_____
Mike Townsend, Planning Commission Chair

_____
Jean Moore, Mayor

_____
Kris Keller, Deputy City Clerk

I hereby state that the plat of PARSIAN RIDGE, Replat LOT 3 is based on an actual survey, made by me or under my direct supervision and that said survey meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as established by the Missouri Department of Agriculture, Division of Geological Survey and Resource Assessment, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. I further state that I have complied with all statutes, ordinances and regulations governing the practice of surveying and the platting of subdivisions to the best of my professional knowledge and belief.

DATE: _____

_____
ZACHARY A. BRINKER - LS 2016042019

GENERAL NOTES

1. No Title Report was provided for this survey. Therefore, all easements of record may not be shown.
2. Basis of Bearing: The South line of the Southeast Quarter of Section 13, Township 51, Range 33, having a bearing of N89°41'23"W.
3. Per FIRM Map Index Community-panel No. 29047C0020E, dated August 3, 2015, this tract of land does not lie within a regulatory floodplain.
4. This plat meets the accuracy requirements for a Urban Class of property.

BEFORE YOU DIG — DRILL — BLAST
Call 1-800-344-7483 (MISSOURI)

SCALE: 1" = 20'
20 10 0 20

LEGEND:
B/L = Building Line
U/E = Utility Easement
NTS = Not to Scale
○ Denotes Existing Monument 5/8" Rebar w/ Cap No. 2074
● Denotes Permanent Monument 5/8" Rebar w/ Cap No. 2016042019

EXHIBIT "A"

NO.	DATE	REVISIONS	BY	APPRD
1				
2				
3				
4				
5				
6				
7				

SNYDER & ASSOCIATES
1403 REMINGTON - (913) 1342 STRANG
DR. SUITE 230 - GLADSTONE, MO 64118
PH: (816) 436-6222 - FAX: (816) 436-6227

PARSIAN RIDGE
Replat Lot 3
Gladstone, Clay County, Missouri

SURVEYOR'S SEAL

Zachary A. Brinker, PLS 2016042019
CERTIFICATE OF ACCURACY AND AUTHORITY

PROJECT NO.: 123.0185.13
DRAWING DATE: June 16, 2023
CLIENT NAME: PARS PROPERTIES, LLC
CLIENT ADDRESS: 600 Armour Blvd, Apt. 1323
COUNTY: Clay | CITY: Gladstone
DRAWN BY: DJJ | CHKD. BY: ZAB

BOUNDARY SURVEY

SHEET NO.
01 OF 01

FILE INFORMATION
FILE NAME: ADAHAUC
PLOTTED: XX-XX-XX
TIME: XXXX X.M.

XREF FILES

Request for Council Action

RES ☐# City Clerk Only **BILL ☒# 23-29** **ORD # 4.648**

Date: 8/7/2023 Department: Public Works

Meeting Date Requested: 8/14/2023

Public Hearing: ☐Yes Date: N/A

Subject: KCMO Lime Sludge Agreement – Approval of Sixth Amendment.

Background: The City of Gladstone discharges lime sludge from the water treatment plant to the City of Kansas City, MO (KCMO) wastewater collection system. A study commissioned by the City in 2017 determined that the connection to KCMO is still the most cost effective and efficient method to dispose of lime solids. The original agreement went into effect on December 7, 2000 and was amended in 2005, 2010, 2016, 2018, and 2021. The City paid KCMO $152,440 for lime sludge disposal in FY23.

Budget Discussion: Funds are available in the amount of $180,500 in FY24 from the CWSS Fund. See below for estimated ongoing costs. Previous years' funding was $166,500, which includes the cost of the agreement and to clean the sewer line to KCMO twice per year.

The City's current agreement with KCMO expired on June 30, 2023 and staff has negotiated a five (5) year renewal with a 3% annual cost increase as summarized below:

On August 1, 2023: $78,507 for the period of July 1, 2023 to December 31, 2023.
On February 1, 2024: $78,507 for the period of January 1, 2024 to June 30, 2024.
On August 1, 2024: $80,862 for the period of July 1, 2024 to December 31, 2024.
On February 1, 2025: $80,862 for the period of January 1, 2025 to June 30, 2025.
On August 1, 2025: $83,288 for the period of July 1, 2025 to December 31, 2025.
On February 1, 2026: $83,288 for the period of January 1, 2026 to June 30, 2026.
On August 1, 2026: $85,786 for the period of July 1, 2026 to December 31, 2026.
On February 1, 2027: $85,786 for the period of January 1, 2027 to June 30, 2027.
On August 1, 2027: $88,360 for the period of July 1, 2027 to December 31, 2027.
On February 1, 2028: $88,360 for the period of January 1, 2028 to June 30, 2028.

Public/Board/Staff Input: Staff recommends approval of this amendment.

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

Timothy A. Nebergall	JM	BB
Department Director/Administrator	City Attorney	City Manager

BILL NO. 23-29 **ORDINANCE NO. 4.648**

AN ORDINANCE APPROVING A SIXTH AMENDMENT TO THE COOPERATIVE AGREEMENT FOR SEWER SERVICE BETWEEN THE CITY OF KANSAS CITY, MISSOURI, AND GLADSTONE, MISSOURI, REVISING THE FEE SCHEDULE ASSOCIATED WITH THE DISPOSAL OF LIME SLUDGE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

Legislative Findings

1. The City of Gladstone, Missouri entered into a Cooperative Agreement for Sewer Service with the City of Kansas City, Missouri on December 7, 2000 ("Cooperative Agreement"), which established a fee schedule for the acceptance of lime sludge from the Gladstone Water Treatment Plant for five (5) years; and

2. The City of Gladstone, Missouri and the City of Kansas City, Missouri entered into a First Amendment to the Cooperative Agreement on June 24, 2005 for an additional five (5) year period; and

3. The City of Gladstone, Missouri and the City of Kansas City, Missouri entered into a Second Amendment to the Cooperative Agreement on November 11, 2010 for an additional five (5) year period; and

4. The City of Gladstone, Missouri and the City of Kansas City, Missouri entered into a Third Amendment to the Cooperative Agreement on June 29, 2016 for an additional three (3) year period; and

5. The City of Gladstone, Missouri and the City of Kansas City, Missouri entered into a Fourth Amendment to the Cooperative Agreement on June 25, 2018 for an additional two (2) year period; and

6. The City of Gladstone, Missouri and the City of Kansas City, Missouri entered into a Fifth Amendment to the Cooperative Agreement on June 10, 2021 for an additional three (3) year period; and

7. The parties wish to enter into a Sixth Amendment to the Cooperative Agreement for an additional five (5) years.

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

THAT, the City of Gladstone hereby approves the Sixth Amendment to the Cooperative Agreement for Sewer Service Between the City of Kansas City, Missouri, and Gladstone, Missouri, which amends the terms of Article V, Section H regarding the fees associated with Kansas City's acceptance of lime sludge from the Gladstone Water Treatment Plant for an additional five (5) year period;

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FURTHER, THAT, the City Manager of the City of Gladstone, Missouri, is hereby authorized to execute the Sixth Amendment with the City of Kansas City, Missouri on behalf of the City.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 14TH DAY OF AUGUST 2023.

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Jean B. Moore, Mayor

ATTEST:

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Kris Keller, City Clerk

First Reading: August 14, 2023 Second Reading: August 14, 2023

Request for Council Action

RES ☒# R-23-50 **BILL ☐# City Clerk Only** **ORD # City Clerk Only**

Date: 8/8/2023 Department: Public Works

Meeting Date Requested: 8/14/2023

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

Subject: Contract Award, FY24 Water Main Replacements and Storm Drainage, Project WP2487

Background: Seven bids were received for this project. Infrastructure-Solutions, LLC was the low bidder with a bid of $968,040.00 including Bid Alternate A. This project includes the installation of 4,300 LF of 8" water main, 100 LF of 24" storm pipe in the vicinity of 2312 NE 75th Terrace, and the rehabilitation of approximately 500 LF of 42" and 48" storm pipe on NE Brooktree Lane that is failing.

Infrastructure-Solutions, LLC	$ 968,040.00
Orr Construction Management	$1,047,502.50
Linaweaver Construction Inc.	$1,308,895.00
Kissick Construction	$1,357,444.00
Leath & Sons, Inc.	$1,531,216.00
Havens Construction Co., Inc.	$1,547,039.50
SheDigs It LLC	$1,704,132.00

Budget Discussion: Funds are available in the amount of $ 1,200,000.00 from the CWSS fund and CIST fund. Ongoing costs are estimated to be $1,000,000 annually. Previous years' funding was $1,600,000.00.

Public/Board/Staff Input: City staff contacted references for Infrastructure-Solutions, LLC and all were positive. Staff recommends awarding this project, including bid alternate A, to Infrastructure-Solutions, LLC. Furthermore, the completion of work in the vicinity of 2312 NE 75th Terrace is contingent upon the property owner's execution of a letter agreement prepared with the assistance of the City Attorney that clearly defines the work to be performed by the City.

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

Timothy A. Nebergall	JM	BB
Department Director/Administrator	City Attorney	City Manager

RESOLUTION NO. R-23-50

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH INFRASTRUCTURE-SOLUTIONS, LLC, IN THE TOTAL AMOUNT NOT TO EXCEED $968,040.00 FOR THE FY24 WATER MAIN REPLACEMENTS AND STORM DRAINAGE, PROJECT WP2487.

WHEREAS, seven proposals were received for the FY24 Water Main Replacements and Storm Drainage, Project WP2487, and the proposal of Infrastructure-Solutions, LLC, in the amount of $968,040.00 has been determined by the Director of Public Works to be the lowest and 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 Infrastructure-Solutions, LLC for work as outlined in the contract for a total amount not to exceed $968,040.00.

FURTHER, THAT, funds for such purpose are authorized from the Combined Waterworks and Sewerage System Fund and Capital Improvement Sales Tax Fund.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 14TH DAY OF AUGUST 2023.

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Jean B. Moore, Mayor

ATTEST:

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Kris Keller, City Clerk

Request for Council Action

RES ☒# R-23-51 **BILL ☐# City Clerk Only** **ORD # City Clerk Only**

Date: 8/8/2023 Department: Public Works

Meeting Date Requested: 8/14/2023

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

Subject: Purchase of Ravo 5 iSeries Street Sweeper

Background: Staff requested Sourcewell proposals for the purchase of an Elgin Whirlwind Street Sweeper ($361,900) and a Ravo 5 iSeries Street Sweeper ($285,000). Sourcewell holds hundreds of competitively bid cooperative contracts for use by government, education, and non-profit organizations.

Budget Discussion: Funds are budgeted as part of the 2023 Equipment Lease Purchase.

Public/Board/Staff Input: Gladstone currently owns an Elgin Whirlwind street sweeper built on a Freightliner chassis. Staff recently operated a Ravo 5 iSeries Street Sweeper and was impressed by its performance. The Ravo is manufactured by the Fayat Group in the Netherlands with a four cylinder Cummins diesel engine. Red Equipment Company is their local representative and provides all product support locally. It is considered a mid-size sweeper and has a considerably smaller footprint than the Whirlwind. This smaller footprint is expected to provide a number of benefits including improved fuel efficiency and maneuverability in tight spaces. It is also significantly quieter than the Whirlwind which is anticipated to improve operator comfort. The Ravo includes an adjustable front broom for cleaning adjacent sidewalks and can be fitted with a weed-cutter brush to remove grass and weeds that may grow between the curb and sidewalk. Staff contacted several Cities that currently own and operate a Ravo including Blue Springs, Independence, Odessa, Sedalia, and Maryville. All of the references were pleased with the performance of the machine and its ability to perform both daily street sweeping and the additional functions previously mentioned. Furthermore, all references noted that the local representative, Red Equipment, LLC, was able to properly support them when an issue arose. The references also noted that even though the Ravo has a slightly smaller material hopper (6.5 cubic yards versus 8 cubic yards), it was their experience that it performed as well as larger machines due to its ability to "compress" collected material without impacting performance. Based upon all of the information, it is the recommendation of the Department of Public Works to accept a Sourcewell proposal from Red Equipment, LLC for the purchase of a Ravo 5 iSeries Street Sweeper and two pallets of replacement brooms for the total purchase price of $293,523.00. The unit will replace the current 2015 Elgin Whirlwind (Asset #1518) which will be sold at auction at a later date. Please note that this purchase is contingent upon an amendment to the original lease purchase agreement (if necessary) to substitute the Ravo 5 iSeries Street Sweeper for an Elgin Whirlwind as presented in the original documentation. Furthermore, the Ravo is available for immediate delivery.

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

Timothy A. Nebergall	JM	BB
Department Director/Administrator	City Attorney	City Manager

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RESOLUTION NO. R-23-51

A RESOLUTION AUTHORIZING ACCEPTANCE OF A SOURCEWELL PROPOSAL FROM RED EQUIPMENT, LLC FOR THE PURCHASE OF A RAVO 5 iSERIES STREET SWEEPER AND REPLACEMENT ATTACHMENTS IN THE TOTAL AMOUNT OF $293,523.00.

WHEREAS, Sourcewell holds hundreds of competitively bid cooperative contracts for use by government, education, and non-profit organizations; and

WHEREAS, the Department of Public Works recommends the acceptance of a Sourcewell proposal from Red Equipment, LLC for the purchase of a Ravo 5 iSeries Street Sweeper and replacement attachments in the total amount of $293,523.00.

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 accept the Sourcewell proposal of Red Equipment, LLC in the total amount of $293,523.00 contingent upon amending the 2023 Equipment Lease Purchase agreement as necessary.

FURTHER, THAT, funds for such purpose are budgeted as part of the 2023 Equipment Lease Purchase.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 14TH DAY OF AUGUST 2023.

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Jean B. Moore, Mayor

ATTEST:

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Kris Keller, City Clerk