

### CITY COUNCIL MEETING 7010 NORTH HOLMES GLADSTONE, MISSOURI MONDAY, SEPTEMBER 9, 2024

The City Council will meet in Closed Executive Session at 6:45 pm, Monday, September 9, 2024, Gladstone City Hall, 7010 North Holmes, Gladstone, Missouri. The Closed Executive Session is closed pursuant to RSMo. Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021 (2) Real Estate, and 610.021(3) Personnel.

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

- 1. Dog Park Representatives from Vireo Landscape Architects will present architectural design plans for the proposed dog park and answer any questions from Council.
- 2. Public Official Ethics and Conflicts of Interest Training City Counselor Chris Williams will provide this 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 August 26, 2024, Closed City Council Meeting Minutes.
- 6. Approval of the August 26, 2024, Regular City Council Meeting Minutes.
- **7. PROCLAMATION:** Daughters of the American Revolution Constitution Week.
- 8. 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.
- 9. Communications from City Council.
- 10. Communications from the City Manager.
- 11. CONSENT AGENDA

### **CONSIDER SPECIAL EVENT PERMITS:**

Seventh-Day Adventist Church will be hosting a Health and Wellness Expo, Gladstone Community Center, 6901 North Holmes, Sunday, September 29, 2024, 10:00 am to 3:00 pm.

**RESOLUTION R-24-59**, A Resolution authorizing the City Manager to enter into an agreement with Zoll Medical Corporation for the purchase of a three-year extended warranty and preventative maintenance plan for all six (6) Zoll X-Series Cardiac Monitors in service with the Gladstone Fire Department in the total amount of \$31,338.00

**RESOLUTION R-24-60**, A Resolution authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt.

### REGULAR AGENDA

- 12. FIRST READING BILL NO. 24-26, An Ordinance approving the Final Plat of a Minor Subdivision Replat of Part of Lot 3, Commissioners' Plat of Palmer Home in Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording.
- **13. PUBLIC HEARING:** Zoning Change for Lot 2 of Commissioners' Plat of Palmer Home in Gladstone, Clay County, Missouri.

- **14. FIRST READING BILL NO. 24-27,** An Ordinance approving a zoning change for Lot 2 of Commissioners' Plat of Palmer Home in Gladstone, Clay County, Missouri.
- 15. Other Business.
- 16. Adjournment.

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

City Clerk Kris Keller City of Gladstone 7010 North Holmes Gladstone, MO 64118 816-423-4096 Posted at 12:00 pm September 5, 2024



## Department of Parks, Recreation & Cultural Arts Memorandum

DATE:

September 4, 2024

TO:

Robert M. Baer, City Manager

FROM:

Justin Merkey, Director of Parks, Recreation, and Cultural Arts

RE:

Dog Park Design Recommendation

Over the past few months, staff has worked with Vireo Landscape Architects to design a dog park, which is slated to be located at the NE corner of NE 76th and NE Antioch Road, which is a city-owned vacant parcel. After developing a few plans, staff met with the Vireo Representatives and recommended two options be considered for public meeting presentations. On July 10<sup>th</sup>, an open house public meeting was held with approximately 40 individuals attending. The public overwhelmingly selected the plan that is attached. Further, Vireo attended the Dunkin' Dogs event at the outdoor pool on August 24<sup>th</sup>, where again, all individuals reviewing the plan provided positive feedback. As can be seen by the attached rendering, the park will consist of a parking lot with 29 parking spaces, three dog park areas consisting of 4.5+ acres, a connecting walkway to the Animal Shelter yard, and a temporary fence that will allow for turf regeneration if needed due to heavy use. Of particular note, the complete separation of the small dog from large dog areas by the parking lot was very popular among the public attending the meetings.

Representatives from Vireo will be at Monday night's City Council Open Study Session to present the plan and receive feedback in an effort to develop final construction bid documents. Please let me know should you have any questions.



DATE:

SEPTEMBER 9, 2024

TO:

MAYOR & CITY COUNCIL

FROM:

CHRIS WILLIAMS, CITY COUNSELOR

RE:

PUBLIC OFFICIALS LIABILITY 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 September 9th Study Session, I will address ethics and conflicts of interest with you to comply with this requirement.

Attachment

cc:

Bob Baer, City Manager



Midwest Public Risk 19400 E Valley View Parkway Independence, MO 64055 (816) 292-7500

### **Public Officials 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. Sovereign immunity as public entities we once knew no longer exists.

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 and filed in state court. Claims resulting from land use regulation, emergency powers of law enforcement, limitations placed on citizens 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 very long. This advisory but 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.
- ▶ Land use claims.
- ▶ Administration of federal grants.
- ▶ Granting or denying franchises, permits, or licenses.
- ► Assessment of taxes.
- ▶ 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.
- ▶ Denial of due process.

- ▶ Improper treatment of suspects or criminals.
- ► Harassment of either a business or employees.
- Conduct of inspections or the failure to inspect properly.
- ▶ Operation of health care facilities.
- ▶ Bidding and purchasing practices.
- ▶ Disclosure of personnel records.

With all the issues of exposure previously listed, it may seem quite a challenge to avoid liability. Some general but effective rules to follow that will help avoid potential problems include:

### ▶ Never hesitate to consult with your legal counsel.

- ▶ Honest, consistent performance, and common sense are often the most important practices to avoid legal problems. Remember that documentation, both as a governing body and as an individual, is very important.
- ▶ Ensure that your entity complies with the Sunshine Law.
- ▶ Always apply the following "five C's" for ordinances and policies: Current, Clear, Comprehensive, Constitutional, and Consistent.
- ▶ Avoid any conflict of interest. Do not introduce issues that would be considered a conflict. If they must be discussed, refrain from voicing an opinion and abstain from voting on an issue of this nature.
- ▶ During any quasi-judicial proceeding (such as land use deals), avoid engaging in ex parte communications with others about the proceeding. If any such communication takes place, the substance of the communication must be placed on the record. Also, a public announcement of the communication and the affected parties' right to rebut the substance of the communication must be made at each hearing where action is taken or considered on the subject.
- Assess past and potential public liability exposures. Ensure that critical areas are addressed by an ordinance and/or policy. These may include employment policies, license and permit procedures, zoning regulations, etc.
- ▶ Make every effort to ensure that all ordinances, practices and regulations are uniformly enforced and are in line with applicable state and federal constitutional or statutory provisions.
- ▶ When making zoning decisions, be sure that the regulation of property is consistently done with the intent of advancing legitimate goals.

- ▶ For zoning cases in which a property rezoning request originates from someone other than the property owner, ensure that the applicable property owner is given specific written notice of the hearing well in advance.
- ▶ Do not deny a zoning change solely to lessen competition for an existing local business.
- ▶ In controversial zoning cases, it may be wise to seek the assistance of an inhouse or external consulting planner.
- ▶ Any time a zoning variance is granted, be sure the full agreement is in writing.
- ▶ Be sure the key terms in a procedure or a law are defined and that the definition is adequate and not vague.
- ▶ The amount and quality of training for your employees, especially in certain key areas, is a critical factor. This is a common area attacked by prosecuting attorneys in many types of litigation.
- ▶When speaking publicly, do not make assumptions, do not speculate, and make no empty promises.
- ▶ Try to ensure that 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 anyone that may be affected by the outcome of an ordinance, policy, or action is given adequate notice and that such persons have been 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.
- ▶ Keep good meeting minutes of board, commissions, etc. Certain meetings may warrant the use of a stenographer.
- ▶ Ensure that ordinances and regulations are validly passed by the appropriate authorities.
- ▶ If your entity has rules of residency requirements for employees, be sure the requirements are easily understood.
- ▶ Be sure that all testing procedures for employment are conducted in a fair and non-discriminatory manner.
- ▶ Make sure that your employment policies clearly define what constitutes misconduct. A fair and consistent progressive discipline system should be in place.

- ▶ Be very cautious if a request for a reference for a former employee is made. Check to see if your entity has a policy on this matter. If not, one should be developed.
- ▶ Review your promotional system to ensure that it is administered in a fair and impartial manner.
- ▶ 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.



# MINUTES REGULAR CITY COUNCIL MEETING GLADSTONE, MISSOURI AUGUST 26, 2024

**PRESENT:** Mayor Tina Spallo

Mayor Pro Tem Les Smith Councilmember Jean Moore Councilman Bill Garnos Councilman Spencer Davis

City Manager Bob Baer

Assistant City Manager Austin Greer

City Attorney Chris Williams

City Clerk Kris Keller

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

Mayor Spallo opened the Regular City Council Meeting Monday, August 26, 2024 at 7:30 pm.

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

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

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

**Mayor Spallo** asked all to stand and join in the Pledge of Allegiance to the Flag of the United States of America. She thanked the VFW Post 10906 Color Guard: Carla Gleaton, Jim Cox, and Jim Zimmerman.

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

The agenda was approved as published.

<u>Item No. 5. On the Agenda.</u> Approval of the August 12, 2024, Closed City Council Meeting Minutes.

Councilmember Moore moved to approve the minutes of the August 12, 2024, Closed City Council meeting as presented. Mayor Pro Tem Smith seconded. The Vote: "aye", Councilman Davis, Councilman Garnos, Councilmember Moore, Mayor Pro Tem Smith, and Mayor Spallo. (5-0)

<u>Item No. 6. On the Agenda.</u> Approval of the August 12, 2024, Regular City Council Meeting Minutes.

Councilmember Moore moved to approve the minutes of the August 12, 2024, Regular City Council meeting as presented. Mayor Pro Tem Smith seconded. The Vote: "aye", Councilman Davis, Councilman Garnos, Councilmember Moore, Mayor Pro Tem Smith, and Mayor Spallo. (5-0)

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

Wanda George, 2411 NE 57th Terrace, reported that she was upset about what she described as a negative experience with a City Code Enforcement officer over her garage sale permit and a misunderstanding of days of operation. Ms. George felt there was miscommunication about rules and expectations, which led to unnecessary conflicts for those unfamiliar with the Ordinances. She expressed her frustration with the lack of clear communication and the enforcement of "vague rules" regarding yard sales, given the tensions with a neighbor who often complains. She expressed the City's need to provide clearer guidelines on the permit about signage and set up and believed it could help alleviate misunderstandings.

### <u>Item No. 8. On the Agenda.</u> Communications from City Council.

Councilman Davis expressed his thanks to Chief Farris and Captain Burris for addressing the traffic violations and speeding concerns raised by Mr. Comstock and Mr. Powell in the area of NE 76<sup>th</sup> and North Park during recent Council meetings. He stated that the department's challenges of being understaffed are understood and that he appreciated their proactive response that has led to numerous citations, demonstrating a commitment to community safety. He thanked them for listening to the residents, taking action on their concerns, and for their hard work and dedication.

**Councilman Garnos** reported the Board of Zoning Adjustment meeting was cancelled last week. He shared that the Parks and Recreation Advisory Board meeting was very productive, Director Merkey gave updates on several key projects, including Flora Park, the conversion of the tennis to pickle ball courts on 72<sup>nd</sup> Street, dog park, AJ Farm Barn, and the Community Center pool upgrades.

Councilmember Moore shared the tragic and unexpected loss of Beth Houlihan, a dedicated community member who, alongside her husband John, actively supported Gladstone for as long as many can remember. She stated that Beth played an essential role in various City initiatives, including the formation of the Glad Green Team and worked as the City gardener for over twelve years. She reflected on Beth's contributions as a Master Gardner and the lasting impact in the form of the beautiful plantings we continue to enjoy. Councilmember Moore added that Beth's absence will be profoundly felt by all who knew her and she extended her deepest sympathy to all of Beth's loved ones during this difficult time.

Mayor Pro Tem Smith expressed the profound impact Beth and John Houlihan had on the Gladstone community since the mid 1980's. He defined them as the meaning of a "community" due to their dedication of being good neighbors and quietly contributing to the City; notably, Beth was a kind and warm-hearted individual.

Mayor Spallo expressed that Beth will be missed. She extended her thanks to Jinny Kyle for hosting the Atkins-Johnson Sunflower 5K Run/Walk this past weekend that brought over 150 participants and successfully raised funds for both the farm and the North Kansas City School Foundation. She shared that it was a wonderful, well-organized occasion enjoyed by all, including Nevill Miller from Channel 9, as well as many students from the school district. She extended thanks on behalf of the Council to Ms. Kyle and the Friends of the Farm for all they do. Additionally, she thanked the Code Enforcement Officers for their diligent work in monitoring the City for violations, especially given the challenges they face with non-compliant property owners; she added that their efforts in maintaining community standards are highly appreciated.

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

City Manager Baer thanked participants in the successful alert test this month and shared his appreciation for the frontline staff who handled the inquiries about the legitimacy of the test messages. Additionally, he highlighted that residents can sign up for City alerts through the City's website. He announced that City Hall will be closed on Monday, September 2, 2024, in observance of Labor Day. He conveyed the important contributions that John and Beth Houlihan had made to the community and offered condolences to John and his family during this difficult time.

### Item No. 10. On the Agenda. CONSENT AGENDA.

Following the Clerks' reading:

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

Councilman Davis moved to approve RESOLUTION R-24-56, A Resolution authorizing acceptance of work under contract with Orr Wyatt Streetscapes, for the 2022/23 Water Main Replacements Project, and authorizing final payment in the amount of \$5,000.00 for Project WP2386. Councilmember Moore seconded. The Vote: "aye", Councilman Davis, Councilman Garnos, Councilmember Moore, Mayor Pro Tem Smith, and Mayor Spallo. (5-0)

Councilman Davis moved to approve RESOLUTION R-24-57, A Resolution authorizing payment of certain transportation project fees to the Mid-America Regional Council (MARC) in an amount not to exceed \$25,100.27. Councilmember Moore seconded. The Vote: "aye", Councilman Davis, Councilman Garnos, Councilmember Moore, Mayor Pro Tem Smith, and Mayor Spallo. (5-0)

Councilman Davis moved to approve FINANCIAL REPORT FOR ONE MONTH ENDING JULY 31, 2024. Councilmember Moore seconded. The Vote: "aye", Councilman Davis, Councilman Garnos, Councilmember Moore, Mayor Pro Tem Smith, and Mayor Spallo. (5-0)

#### REGULAR AGENDA.

<u>Item No. 11. On the Agenda.</u> RESOLUTION R-24-58, A Resolution authorizing the City Manager to execute a contract with Ace Pipe Cleaning, Incorporated, in the total amount not to exceed \$100,000.00 for FY25 Sewer Cleaning and Televising, Project SP2589.

Mayor Pro Tem Smith moved to approve RESOLUTION R-24-58, A Resolution authorizing the City Manager to execute a contract with Ace Pipe Cleaning, Incorporated, in the total amount not to exceed \$100,000.00 for FY25 Sewer Cleaning and Televising, Project SP2589. Councilmember Moore seconded. The Vote: "aye", Councilman Davis, Councilman Garnos, Councilmember Moore, Mayor Pro Tem Smith, and Mayor Spallo. (5-0)

#### Item No. 12. On the Agenda. Other Business.

There was no other business.

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

Mayor Spallo adjourned the August 26, 2024, Regular City Council meeting at 7:50 pm.

Regular City Council Meeting Minutes August 26, 2024 Page 4 of 4

Respectfully submitted:	
Kris Keller, City Clerk	Approved as presented:
	Approved as modified:
	Tina M. Spallo, Mayor

### **PROCLAMATION**

WHEREAS, September 2024 marks the two hundred thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a Proclamation each year by the President of the United States of America designating a Constitution Week in September.

**NOW, THEREFORE**, I, Tina M. Spallo, Mayor of the City of Gladstone, Missouri, on behalf of the members of the Gladstone City Council and all Gladstone residents, do hereby recognize the week of September 17 through September 23, 2024, as:

### **CONSTITUTION WEEK**

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Signed this 9<sup>th</sup> Day of September 2024



### Request for Council Action

RES □ # City Clerk Only	BILL □ # City Clerk Only	ORD □ # City Clerk Only
Date: 8/26/2024	Departm	ent: Community Development
Meeting Date Requested: 9/9/2024		
Public Hearing: Yes □ Date: Click l	here to enter a date.	
Subject: Special Event Permit		
Community Center. They are req	rentist Church will be holding a Heauesting a mobile food pantry (Real This will be for residents/visitors to was	enewed Hope Food Pantry -
-	will take place on Sunday, September : e in the east parking lot from 12:00 pm	157
Budget Discussion: N/A.		
Public/Board/Staff Input: See attached	d letter of transmittal.	
Provide Original Contracts, Leases, A	greements, etc. to: City Clerk and Ven	dor.
Alan Napoli Department Director/Administrator	JM City Attorney	BB City Manager

### LETTER OF TRANSMITTAL



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



To: CITY COUNCIL

FROM: COMMUNITY DEVELOPMENT

**DATE: AUGUST 26, 2024 PERMIT No.: SEP24-00073** 

RE: Type 4 Outdoor Special Event

NAME OF EVENT: SEVENTH-DAY ADVENTIST CHURCH HEALTH & WELLNESS

**EXPO** 

LOCATION OF EVENT: 6901 N HOLMES STREET

**COMMUNITY CENTER** 

DATE OF EVENT: SUNDAY, SEPTEMBER 29, 2024

TIME OF EVENT: 10:00 AM TO 3:00 PM

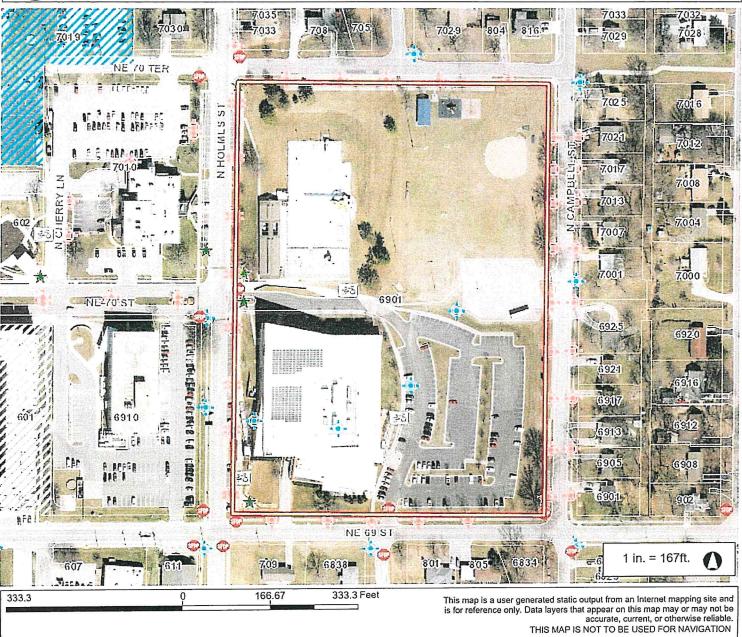
EST. ATTENDANCE: 50±

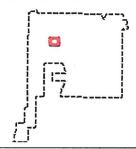
ATTACHMENT(S):

Rı	EQUESTED TEMPORARY VARIANCE:
	Section 2.100.250(1) Outdoor display, sale and storage.  Section 2.100.250(3) Sales transactions.  Section 2.120.050 Noise prohibited.  Section 2.130.010(2) Park rules and regulations (hours).  Section 2.130.010(13) Park rules and regulations (alcoholic beverages).  Section 2.135.040 Prohibition of smoking on or within all public park grounds.  Section 2.140.040 Public fireworks display prohibited, exceptions.  Section 3.100.060 Burning prohibited general; exceptions.  Section 5.110.1800 Drinking in public.  Section 5.160.230(a) Street use permit (street use permit allowed).  Section 9.1600.110 Temporary signs.
	EMARKS: City staff has reviewed the application and finds that the variance(s) requested appropriate for this venue.
Sí	gned:  Alan-D: Napoli-C:B.O:  Community Development Administrator   Building Official



### Gladstone, MO





#### Legend

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

Notes



### Request for Council Action

RES ⊠# R-24-59

BILL □# City Clerk Only

ORD # City Clerk Only

Date 08/26/2024

Department: Fire

Meeting Date Requested: 09/09/2024

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

<u>Subject:</u> A Resolution authorizing the City Manager to enter into an agreement with Zoll Medical Corporation for the purchase of a three year extended warranty and preventative maintenance plan for all Zoll X-Series cardiac monitors in service with the Gladstone Fire Department, in the total amount of \$31,338.00.

<u>Background</u>: Given the increasing cost of repairing and maintaining highly-specialized medical devices, Zoll provides an all-inclusive repair, preventative maintenance, and recertification program. This program provides no less than three (3) ZOLL-certified service technicians to examine and service each device. Ultimately, the device is recertified to factory specifications and returned to service at no additional expense to the department.

<u>Budget Discussion</u>: Funds are budgeted in the amount of \$31,338.00 from the CERF Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years' funding was \$0.

Public/Board/Staff Input: Staff recommends approval of the proposed Resolution.

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

Mike Desautels Fire / EMS Chief JM

BB

City Attorney

City Manager

#### **RESOLUTION NO. R-24-59**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ZOLL MEDICAL CORPORATION FOR THE PURCHASE OF A THREE-YEAR EXTENDED WARRANTY AND PREVENTATIVE MAINTENANCE PLAN, FOR ALL SIX (6) ZOLL X-SERIES CARDIAC MONITORS IN SERVICE WITH THE GLADSTONE FIRE DEPARTMENT, IN THE TOTAL AMOUNT OF \$31,338.00.

WHEREAS, given the increasing costs involved of repairing and maintaining highly-specialized medical devices, Zoll Medical Corporation provides an all-inclusive repair, preventative maintenance, and recertification program; and

WHEREAS, the devices are rigorously inspected, repaired, and recertified to factory specifications; and

**WHEREAS**, the Fire Chief has determined that Zoll's extended warranty plan is the best purchase option for the City of Gladstone; and

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

**THAT**, the City Manager is authorized to enter into a purchase agreement with Zoll Medical Corporation for the purchase of an Extended Warranty Program in the amount of \$31,338.00.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 9TH DAY OF SEPTEMBER 2024.

	Tina Spallo, Mayor
ATTEST:	
Kris Keller, City Clerk	



### Request for Council Action

RES ⊠# R-24-60

BILL □# City Clerk Only

ORD # City Clerk Only

Date: 9/3/2024

Department: Public Works

Meeting Date Requested: 9/9/2024

Public Hearing: Yes □ Date: N/A

Subject: Award Road Salt Contract

<u>Background</u>: 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 two (2) suppliers submitted bids.

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

<u>Public/Board/Staff Input:</u> Public Works staff has determined that the bid from Independent Salt Company in the amount of \$60.49 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 \$60.78 per ton.

Currently, the City has 1,800 tons of salt in storage.

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-24-60**

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

**WHEREAS**, two (2) 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, 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 \$60.49 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 9TH DAY OF SEPTEMBER 2024.

	Tina M. Spallo, Mayor
ATTEST:	
Kris Keller, City Clerk	



### Request for Council Action

**RES** □# City Clerk Only

BILL ⊠# 24-26 BILL ⊠# 24-27 ORD ⊠# 4.679 ORD ⊠# 4.680

Date: 9/3/2024

Department: Community Development

Meeting Date Requested: 9/9/2024

Public Hearing: Yes ■ Date: 9/9/2024

Subject: Re-Plat and Zoning Change located at 300 NE 58th Terrace

### Background:

Mr. Roger Wilson is requesting a re-plat and re-zone of 1.49 acres located at 300 NE 58<sup>th</sup> Terrace. Mr. Wilson plans to keep Lot 1 (1 acre) and sell Lot 2 (0.49 acres) which has an existing building, parking spaces and playground. Historically, the building located on Lot 2 has been operated as a private childcare facility in an existing non-conforming way, but is the incorrect zoning for this type of use. Since the property is being replatted and sold, City Staff and the applicant believe that this is an opportune time to remedy the split-zoning situation and bring the property into compliance with a private childcare and school type of use.

Mr. Wilson has shared with City Staff that Lot 2 is currently under contract to be sold to Alecia and Deron Jones who own Brighton Learning Center, which is a private childcare facility. Mr. and Mrs. Jones own and operate two (2) other child care facilities within the City of Gladstone and are looking to expand once again at this location.

Currently, this property is a split-zoning of R-3 Garden Apartment Residential and CP-0 Planned District, Non-Retail (Office). In order to legally operate a private school or childcare facility, Lot 2 will need to be rezoned to CP-1, Planned Local Business District.

Given the property's close proximity to the N. Oak Trafficway commercial corridor and its surrounding zoning designations and uses, it is City Staff's opinion that re-zoning this property from CP-0 to CP-1 is an adequate solution.

#### Public/Board/Staff Input:

Public: No comments

Board: Unanimous approval (10 Yes – 0 No)

Staff: Recommends approval

Austin Greer
Department Director/Administrator

JM

BB

City Attorney

City Manager

AN ORDINANCE APPROVING THE FINAL PLAT OF A MINOR SUBDIVISION REPLAT OF PART OF LOT 3, COMMISSIONERS' PLAT OF PALMER HOME 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 Final Plat described as "A Minor Subdivision Replat of Part of Lot 3, Commissioner's Plat of Palmer Home in Gladstone, Clay County, Missouri" 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 COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 9TH DAY OF SEPTEMBER 2024.

ATTEST:	Tina M. Spallo, Mayor
Kris Keller, City Clerk	

1st Reading: September 9, 2024 2nd Reading: September 9, 2024

File# Plat24-00003

AN ORDINANCE APPROVING A ZONING CHANGE FOR LOT 2 OF COMMISSIONERS' PLAT OF PALMER HOME IN GLADSTONE, CLAY COUNTY, MISSOURI.

**WHEREAS**, pursuant to applicable City ordinances, a Petition has been submitted to the Gladstone City Council to rezone the following described property from CP-0 Planned District, Non-Retail (Office) to CP-1 Planned District, Local Business: This property is described as Lot 2 of Commissioners' Plat of Palmer Home.

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 CP-0 to CP-1 as those district areas are set out in the applicable provision of Ordinance No. 3.973.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 9TH DAY OF SEPTEMBER 2024.

	Tina M. Spallo, Mayor
ATTEST:	
Kris Keller, City Clerk	
FIRST READING: September 9, 2024	SECOND READING: September 9, 2024

File #Rezone24-00001



### **Community Development Department**

Staff Report

Date: August 12, 2024

File #: Rezone24-00001 Plat24-00003 Requested Action: Rezoning/Replat

Date of PC Consideration: August 19, 2024

Date of Council Consideration: September 9, 2024

Applicant:

Roger Wilson

Firecore Investments, LLC 7026 N. Jarboe Street Kansas City, MO 64118 Phone: 816-935-9160 wilsonroger852@aol.com

Owner:

Same as Applicant

Address of Property: 300 NE 58th Terrace

### **Planning Information**

- <u>Current Zoning:</u> Split zoning of R-3 Garden Apartment Residential and CP-0 Planned District, Non-Retail (Office)
- <u>Planned Land Use:</u> Commercial (Comprehensive Plan)
- <u>Surrounding Uses:</u> C-1 Local Business District, C-2 General Business District, C-3 Commercial District, R-3 Garden Apartment Residential
- Applicable Regulations: Zoning and Subdivision Ordinance and Comprehensive Plan

#### Additional Information

- <u>Public Utility Availability:</u> Existing
- Ingress/Egress: Access on NE 58th Terrace from N. Oak Trafficway
  - o At this location, NE 58th Terrace is a dead end street.
- <u>Parking Provided:</u> Approximately 6-8 parking stalls located at the front of the building. There are parking opportunities in the back of the building as well but new parking stalls will need to be marked.

### **Analysis**

Mr. Roger Wilson is requesting a re-plat and re-zone of 1.49 acres located at 300 NE 58<sup>th</sup> Terrace. Mr. Wilson plans to keep Lot 1 (1 acre) and sell Lot 2 (0.49 acres) which has an existing building, parking spaces and playground. Historically, the building located on Lot 2 has been operated as a private childcare facility in an existing non-conforming way, but is the incorrect zoning for this

type of use. Since the property is being re-platted and sold, City Staff and the applicant believe that this is an opportune time to remedy the split-zoning situation and bring the property into compliance with a private childcare and school type of use.

Mr. Wilson has shared with City Staff that Lot 2 is currently under contract to be sold to Alecia and Deron Jones who own Brighton Learning Center, which is a private childcare facility. Mr. and Mrs. Jones own and operate two (2) other child care facilities within the City of Gladstone and are looking to expand once again at this location.

Currently, this property is a split-zoning of R-3 Garden Apartment Residential and CP-0 Planned District, Non-Retail (Office). In order to legally operate a private school or childcare facility, Lot 2 will need to be re-zoned to CP-1, Planned Local Business District.

Given the property's close proximity to the N. Oak Trafficway commercial corridor and its surrounding zoning designations and uses, it is City Staff's opinion that re-zoning this property from CP-0 to CP-1 is an adequate solution.

#### Recommendation

City Staff recommends that the request be **APPROVED.** 

### PLANNING COMMISSION GLADSTONE, MISSOURI Gladstone City Hall Monday, August 19<sup>th</sup>, 2024 7:00 p.m.

#### Item 1 on the Agenda: Roll Call.

**Present:** Chase Cookson

Bill Turnage Jennifer McGee

Cameron Nave, Vice-Chair

Robert Wilson

Steve Beamer, Chair Brenda Lowe, Secretary

Kim Murch Mike Ebenroth Joseph Brancato

Absent:

Katie Middleton

#### **Council & Staff Present:**

Austin Greer, Assistant City Manager | Community Development Director Alan Napoli, Community Development Administrator & Building Official Angie Daugherty, Admin. Assistant Jean B. Moore, Councilmember

### Item 2 on the Agenda: Pledge of Allegiance.

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

<u>Item 3 on the Agenda:</u> Approval of the July 15<sup>th</sup>, 2024 Minutes. Chair Beamer asked if there was a motion to approve the minutes from the July 15<sup>th</sup> meeting.

Mr. Turnage moved to approve the minutes; Mr. Nave seconded. The minutes were approved, 10-0.

Item 4 on the Agenda: Consideration: On a Re-Plat for address 300 NE 58th Ter.

Applicant/Owner: Roger Wilson

City Council consideration for this project is scheduled for Monday, September 9, 2024.

Mr. Greer read from the staff report:

Mr. Roger Wilson is requesting a re-plat and re-zone of 1.49 acres located at 300 NE 58<sup>th</sup> Terrace. Mr. Wilson plans to keep Lot 1 (1 acre) and sell Lot 2 (0.49 acres) which has an existing building,

parking spaces and playground. Historically, the building located on Lot 2 has been operated as a private childcare facility in an existing non-conforming way, but is the incorrect zoning for this type of use. Since the property is being re-platted and sold, City Staff and the applicant believe that this is an opportune time to remedy the split-zoning situation and bring the property into compliance with a private childcare and school type of use.

Mr. Wilson has shared with City Staff that Lot 2 is currently under contract to be sold to Alecia and Deron Jones who own Brighton Learning Center, which is a private childcare facility. Mr. and Mrs. Jones own and operate two (2) other child care facilities within the City of Gladstone and are looking to expand once again at this location.

Currently, this property is a split-zoning of R-3 Garden Apartment Residential and CP-0 Planned District, Non-Retail (Office). In order to legally operate a private school or childcare facility, Lot 2 will need to be re-zoned to CP-1, Planned Local Business District.

Given the property's close proximity to the N. Oak Trafficway commercial corridor and its surrounding zoning designations and uses, it is City Staff's opinion that re-zoning this property from CP-0 to CP-1 is an adequate solution.

City Staff recommends that the request be approved.

### MOTION: By Ms. McGee, second by Mr. Ebenroth to consider a Re-Plat located at 300 NE 58th Ter.

Vote:	Mr. Wilson	Yes
	Mr. Turnage	Yes
	Mr. Cookson	Yes
	Chair Beamer	Yes
	Ms. McGee	Yes
	Mr. Nave	Yes
	Mr. Murch	Yes
	Ms. Lowe	Yes
	Mr. Ebenroth	Yes
	Mr. Brancato	Yes

The motion carried. (10-0)

Item 5 on the Agenda: Consideration: Zoning change for property located at 300 NE 58th Ter

MOTION: By Ms. Lowe, second by Mr. Cookson to consider a zoning change located at 300 NE 58th Ter.

Vote:	Mr. Wilson	Yes
	Mr. Turnage	Yes
	Mr. Cookson	Yes
	Chair Beamer	Yes
	Ms. McGee	Yes

Mr. Nave	Yes	
Mr. Murch	Yes	
Ms. Lowe	Yes	
Mr. Ebenroth	Yes	
Mr. Brancato	Yes	
The motion carried. (10-0)		
Item 6 on the Agenda: Communi	cations from the City Council	
No communication from City Cour	neil.	
Item 7 on the Agenda: Communi	cations from the City Staff	
No communication from the City S	taff	
Item 8 on the Agenda: Communi	cations from the Planning Commission Members	
Ms. McGee stated that school starts this week so please watch out for the kids.		
Item 9 on the Agenda: Adjournm	nent	
Chair Beamer adjourned the meeting	ng at 7:07 p.m.	
Respectfully submitted:		
Steve Beamer, Chair	Approved as submitted	
Angie Daugherty, Recording Secre	Approved as corrected	

### DEVELOPMENT APPLICATION



### CITY OF GLADSTONE

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

File #: Plate 24-0003

Date: 7-1524

Date: 17-1529
Application Type:  Right-of-Way Vacation (\$200)
Special Use Permit (\$500)  Zoning Change (\$500)  Site Plan Revision (\$500)  Right-of-Way Vacation (\$200)  Final Plat/Replat (\$75)
Address of Action: Sub d.v.de Property  Legal Description:  Attach under separate cover if  peeded.  See attached
Proposed Change: Sub d.v.de Property  Zoning Change from CPO to CP-I  SCO NE DE The Terr.
Applicant/Property Owner Information:
Company Fire core Investments, LLC  Address TODG N Jarboe St 12 cmo Could Phone 8 10 935-9 100 Fax: N/A E-Mail: Wilson roger 852 @ aoli
Property Owner (if different than applicant)  Company  Address  Phone Fax: E-Mail:
□ Architect/Engineer  Company  Address
Address Fax: E-Mail:
Please indicate in one box above which person is to be the contact.
Applicant's Signature Mulson Date 7-1-24

#### DEVELOPMENT APPLICATION

Office Use Only: **Publication Dates:** Planning Commission City Council **BZA Public Hearing Dates:** Planning Commission City Council **BZA Planning Commission** Date ☐ Approval ☐ Denial ☐ Withdrawn City Council Date ☐ Approval ☐ Denial ☐ Withdrawn **BZA** Date ☐ Approval ☐ Denial ☐ Withdrawn Deposit: Charges: Office Fee Certified Mail ( PC Legal Notice CC Legal Notice Other Sub-total Balance Amount Overpaid \$ \_\_\_\_\_ Check Requested Amount Underpaid \$ \_\_\_\_\_ Invoice Requested

### DEVELOPMENT APPLICATION

### OWNER'S AUTHORIZATION

I, Roge- Wilson, do hereby authorize Roge-Wilson (Applicant's name)
to apply for the following action on my property at 300 NE 58Th Terr.
Gladstone Mo
a. Rezone from CP-O to CP-I
b. Site Plan Revision
c. Special Use Permit
d. Variance
e. Plat/Replat
Date: 7-1-24 Owner's Signature: W
NOTARIZATION
State of Missouri County of Clay
County of Class
(/
Subscribed and sworn before me this day of
0
Notary's Signature:
Krista arias
My Commission expires: 17/2028
(seal)  KRISTA ARIAS Notary Public, Notary Seal State of Missouri Clay County Commission # 24853077

### RECOMMENDED DESCRIPTION

All that part of Lot 3, of the COMMISSIONERS' PLAT OF PALMER HOME, a Subdivision of Land in Gladstone, Clay County, Missouri; Described as follows: Commencing at the Northeast Corner of the Southwest Quarter of Section 26, Township 51, Range 33 in the City of Gladstone, Clay County, Missouri; thence South 00 Degrees 47 Minutes 31 Seconds West along the East Line of said Southwest Quarter, a distance of 659.70 feet; thence North 89 Degrees 09 Minutes 21 Seconds West, a distance of 208.00 feet to the Point of Beginning of the tract of land herein to be described; thence South 00 Degrees 47 Minutes 31 Seconds West, a distance of 145.00 feet; thence North 89 Degrees 09 Minutes 21 Seconds East, a distance of 447.34 feet; thence, North 00 Degrees, 46 Minutes, 34 Seconds East, a distance of 145.00 feet to the North line of said Lot 3; thence South 89 Degrees 09 Minutes 21 Seconds East, along the said North line a distance of 447.38 feet to the Point of Beginning. Said tract contains 64,867.0019 square feet or 1.49 acres more or less and is subject to that part in Road Rights of Way if Any.



TO:

Property Owners Within 185' & Other Interested Parties

FROM:

Community Development Department

DATE:

July 26th, 2024

SUBJECT:

Address: 300 NE 58th Terrace-Plat and zoning change consideration

#### **PUBLIC HEARING**

All persons are hereby notified that the Gladstone Planning Commission will conduct a public hearing on August 19, 2024 at 7:00 PM in the Council Chamber of Gladstone City Hall on a request for a plat and zoning change at address 300 NE 58<sup>th</sup> Ter. Legally described as 000300 NE 58TH TERR COMM PLAT PALMER HOME W447.83' OF E625.83' OF N145' LT 3.

Applicant/Owner: Roger Wilson, Firecore Investments, LLC

Subsequently, at its regular meeting on September 9, 2024, at 7:30 PM, the City Council will conduct a public hearing on the same request.

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