



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 9, 2012**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
5:00 PM**

Mayor Barry McCullough opened the City Council Meeting to adjourn to a Closed Executive Session on January 9, 2012, at 5:00 PM. Councilmember Jean Moore made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Brian Hill seconded.

Roll Call Vote: All “aye” – Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (3-0).

Mayor Pro Tem Carol Suter and Councilman Bill Garnos were also present at the Closed Executive Session.

Mayor Barry McCullough adjourned the Closed Executive Session.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Barry McCullough  
Mayor Pro Tem Carol Suter  
Councilmember Jean Moore  
Councilman Brian Hill  
Councilman Bill Garnos  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor Randall Thompson  
City Clerk Cathy Swenson

**Item 2. on the Agenda.**      **ROLL CALL.**

Mayor Barry McCullough opened the Regular January 9, 2012, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all Council members were present.

**Item 3. on the Agenda.**      **PLEDGE OF ALLEGIANCE.**

Mayor Barry McCullough led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR DECEMBER 12, 2011, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Suter moved to approve the **REGULAR DECEMBER 12, 2011, CITY COUNCIL MEETING MINUTES** as presented. Councilman Brian Hill seconded.

The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

**Item 5. on the Agenda.**      **PRESENTATION OF BOARDS AND COMMISSIONS APPRECIATION PLAQUES.**

Mayor McCullough said he did not believe the recipients were present, but he would like to recognize them. Mayor McCullough recognized Linda Smith for her service on the Arts Commission, and said he believed that Ms. Smith had moved out of state. Mayor McCullough recognized Arlene Segal for her service on the Environmental Management Advisory Committee, and Jenny Scott for her service on the Tax Increment Financing Commission. Mayor McCullough offered appreciation for the service of these former Boards and Commissions members, and said he was sorry their schedules did not allow them to attend the meeting this evening.

**Item 6. on the Agenda.**      **CONSENT AGENDA**

Following the Clerk’s reading, Councilman Bill Garnos moved to accept the Consent Agenda as presented. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Councilman Bill Garnos moved to adopt **RESOLUTION R-12-1**, authorizing the City Manager to execute an agreement with the Northridge Neighborhood Group, in the form of a sign use agreement, for the use of existing street signs within the Northridge Neighborhood Group neighborhood; and authorizing the execution of all necessary requirements by the City of Gladstone to be carried out in conjunction with the sign use agreement. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Councilman Bill Garnos moved to adopt **RESOLUTION R-12-2**, authorizing acceptance of a proposal from Joe Machens Ford-Lincoln Dealership, Columbia, Missouri, for the purchase of two (2) Ford Police Interceptor All Wheel Drive Utility Vehicles and emergency vehicle equipment for the total purchase amount of \$57,274.00. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Councilman Bill Garnos moved to adopt **RESOLUTION R-12-3**, authorizing execution of a contract with Blue Nile Contractors, Incorporated in the total amount not to exceed \$330,026.00 for the Sewer Manhole Rehabilitation Project. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Councilman Bill Garnos moved to adopt **RESOLUTION R-12-4**, authorizing acceptance of work under contract with Rand Construction Company, for the Water Plant Efficiency Upgrades; and authorizing final payment in the amount of \$15,599.25. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Councilman Bill Garnos moved to adopt **RESOLUTION R-12-5**, declaring certain City property as surplus and authorizing the sale of such property held by the City to the highest bidder at auction or by sealed bid; and authorizing the donation of surplus items to the Surplus Exchange, and the “Secure the Call Foundation”. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Councilman Bill Garnos moved to adopt **RESOLUTION R-12-6**, authorizing the City Manager to amend the 457 Deferred Compensation Plan and Trust Agreement to include the associated HEART Plan amendments (including the Increased Benefit Accrual provision) through ICMA Retirement Corporation. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Councilman Bill Garnos moved to adopt **RESOLUTION R-12-7**, authorizing the City Manager to execute an amendment to the Antenna Site Lease with T-Mobile Central LLC, for the Linden Water Tower Site. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Councilman Bill Garnos moved to approve the **NOVEMBER 2011 FINANCIAL REPORT**. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE AUDIENCE.**

**Leann King, 516 NW 80<sup>th</sup> Terrace, Kansas City, Missouri**, stated in June 2010, her son was present at the City Hall meeting as a Boy Scout for Troop 495. He led the Pledge of Allegiance, and talked about the North Broadway Construction Project. At that time, he was informed that there would be a voting in August 2010 for a bond to fund North Broadway. It since has been done. Ms. King says she feels like she lives in Johnson County. Her boys came home and told her the project was done. The road is asphalted, the lines are down, and there is even a bike lane, and the barricades are pulled back. Ms. King said she drove through on December 6, 2011, and when she got to the bottom of the hill, where there are only two homes in that area, a farmer and an elderly woman at the top of the hill, a Gladstone policeman met her. Ms. King said she was issued a ticket for \$127.00, and the officer said several complaints had been received regarding people speeding through that area. Ms. King said she asked if she were speeding, and the officer said no, but she did drive around the barricades. Ms. King told the officer the barricades were pulled apart, and the officer replied that the road was closed.

Ms. King said she lives on the Kansas City side and was heading south into Gladstone, and was issued a ticket right at the line. Ms. King said one can drive all around in Kansas City and see signs still up, even after the projects are done. Ms. King said the City of Gladstone issued a notice to the public that the road would be closed through November 2011, and she has a picture of the sign at the project that shows the anticipated date of November 2011. Ms. King said the City of Gladstone also posted on Facebook that the project would be done the first week in December. Ms. King said the officer informed her she was not speeding, and he was sorry, but he just doing his job, and the road would be open the next week. Ms. King stated according to Gladstone, once a road is asphalted, within 24 hours, one is allowed to drive on it. Ms. King said, according to the State of Missouri, a barricade is designed for protection, and it is a road closed, no through street. The barricades should have been closed, and have been closed during the entire time of the project. Ms. King says she knows this, because she has had the pain and the agony of either driving around on North Oak or down 1-69 Highway.

Ms. King stated that according to the contractor there were over 30 tickets issued in one hour at \$127.00 each. That is over \$3,000 of revenue generated in a poor economy, and at Christmas time. Ms. King said she understands that traffic tickets are issued to generate revenue – that is obvious – but she feels there are more appropriate places to give out tickets. That was an easy target. According to neighbors, friends and on Facebook, in order to issue over 30 tickets in an hour, there was more than one policeman there. Why not close the barricade and say you cannot go through? There was nothing unsafe about it at all. Ms. King said she was at this meeting for a purpose and a meaning, and could care less that she has to pay the ticket. It is not about the ticket.

Mayor McCullough thanked Ms. King for bringing this to the Council's attention, and said he would like to have one of the City's staff follow up with her, especially regarding the process and procedures relative to keeping road closure signs in place as appropriate and would be

necessary to indicate to people to stay off the road, and work through if there was a problem, and that it will be taken into consideration.

Ms. King said her concern was not over the road being closed – it was finished. Her concern is that there over 30 tickets issued, and according to her State Representative's office, if that is true, and she tried to contact someone with the Police Department to get a number of tickets that were issued, it would be a class action lawsuit.

Mayor McCullough said the issue would be looked into to try and obtain additional information.

**Pat Muldoon, 7005 North Agnes,** Mr. Muldoon said he and his wife have lived at this address for the past 18 ½ years. Mr. Muldoon said he would like to commend the Water Department for their outstanding public policy statement on the website, which, after his discussion with members of the Water Department last Monday, was revised slightly to bring it more in line with actuality. It did read, in part, "during the summer months, the City bills your sewer charges based upon your average usage from the month of December through March". Mr. Muldoon stated he discovered that is not actually what happens. It has been changed to what actually happens, and now reads in part, "during the summer months, the City bills your sewer charges based on the average usage billed in the months of December and March". Mr. Muldoon said another paragraph was added to further clarify that says in part, "these are the bills that are due in January through April".

Mr. Muldoon stated it goes on to say as before in part, "no matter how much water you consume by watering your lawns or washing your car, your sewer rate will not be affected". Mr. Muldoon said this is still misleading. Just before New Year's, he received his bill that will be withdrawn from his account in January. It was for usage from October 7 through December 7. It is true the billing date was December 23, but the water used was mostly for October and November. With the droughty weather, they used a little bit more water in October; in fact, they used 35,000 gallons of water during that period. As explained by the Water Department staff, the bill date is December, so that's a new winter average, and his sewer charge is based on the 35,000 gallons, and amounted to a couple of hundred dollars for just the two of them.

Mr. Muldoon continued by saying that his records show average usage for December 2010 through March 2011 was 8,000 gallons; so apparently, they put 27,000 gallons of water on their lawn in October. It is bad enough to be charged for that for that period, but since it starts a new billing cycle, they will be charged the 27,000 gallons for the rest of the year, every billing period. In total, Kansas City will get a windfall sewer charge of 162,000 gallons from just him and his wife. This never entered the sewer system. Mr. Muldoon said that the current wording is clearer, and with some effort on the part of constituents, they can figure out when they should water and when they should not water.

Mr. Muldoon said he had the perfect solution for making it really clear. The message he suggested would begin mostly like it did before: "What is the winter average rate for sewer billing?" Mr. Muldoon would suggest the message would continue with: "Since flows through the sewer are not metered, sanitary sewer rates are based upon water usage. The City recognizes that during the summer months, residents commonly use water that does not flow back into the

sanitary sewer. The City has defined the summer usage months as February through September. For these months, the City bills your sewer charges based upon your water usage for the months of October through January. To prevent the water you use on your yard from being included in the sewer charge, **do not water your yard during the October through January period.** Watering your yard during the rest of the months of the year will not affect your sewer charge.” Mr. Muldoon said you cannot get it any clearer than that. Mr. Muldoon continued by saying that, he and the rest of the constituents who watered their yards in October through November would really appreciate that yard water be backed out of our sewer bills that will be paid this January, March, May, July, September, and November.

Mayor McCullough thanked Mr. Muldoon for bringing forward this potential misunderstanding that has obviously created some confusion. The City is trying to make certain to accommodate all the changes that are to face our City with the sewer rate changes. We certainly don’t want it to be any more disruptive than it already is, as a natural state. Mayor McCullough said he would appreciate it if City staff could help clarify this and perhaps correct anything that created the problem.

**Terry Sharp, 3101 NE 70<sup>th</sup> Terrace**, stated he was the President of the Northaven Homeowners’ Association. Mr. Sharp said he was at this meeting to discuss the trees that border North Prospect and 70<sup>th</sup> Street. Many of the homeowners in his area believe that the Homeowners’ Association owns the trees. They have explained to everyone that they do not own the trees – the pine trees that are dying along the intersection. There are 166 homes in their neighborhood, and 116 that are currently members of the Homeowners’ Association. They have been working with the City for the last 16 months about trying to get the trees removed or taken care of in one manner or another. They did find out that notices were sent out across the City to multiple homeowners that their trees need to be taken care of. Mr. Sharp said he found out that is good until April of this year. Mr. Sharp said their concern is, according to City Ordinance, when homeowners have a notice, it should be taken care of in 60 days. After 16 months of working with the City to try to get this, they have many homeowners who are frustrated because they see that their trees will be affected as well, and the trees are dying very fast. Mr. Sharp said they would like to see the City Council push this issue more aggressively than waiting for April to come up, and then give the homeowners a 30-day notice to take care of them after that point. Mr. Sharp said he feels that is more than lenient, but it affects many of the homes in the Gladstone area. Mr. Sharp said he feels that certain individuals are allowed to prolong without taking care of this issue, and he feels this is one of those cases where the issue is being prolonged, and it affects everyone’s homes and trees.

Mayor McCullough thanked Mr. Sharp, and said he had discussed this issue with Mr. Sharp a few times. Mayor McCullough asked Assistant City Manager Scott Wingerson to explain the process for this issue.

Assistant City Manager Wingerson replied that on the property adjacent to Northaven Gardens and south of Hy-Vee, there are several pine trees affected by the disease that is affecting over 300 trees in the nine square miles of Gladstone. When the magnitude of the problem was realized, as well as the impact on the overall urban landscape of Gladstone, the removal of 300 pine trees from our community is very significant. Staff thought it was important to eradicate the

disease that was affecting the pine trees, and the only way to do that is to make sure which ones are dead. It is important to go through the winter period to see how many trees are affected so that they can be removed in the spring and summer in an effort to get rid of the disease itself in perpetuity so it does not happen again. At the same time, there is a significant cost impact, not so much to Northaven Gardens, which is part of the scenario, but to the private property owners faced with a \$500 to \$1,500 bill to remove the tree and stump, and to properly dispose of it, so it does not affect other communities. It is a scale issue, which is the reason it is taking so long. As it relates to Northaven Gardens, staff worked with that property owner to donate the land to the Homeowners' Association. The property owner did agree to do that, and for whatever reason, which we respect, the Homeowners' Association chose not to accept the property, probably because of the cost of removing the pine trees and long-term maintenance into perpetuity. Part of the time frame is trying to achieve an agreeable solution, and after that failed, we then went back and understood the magnitude of the pine tree situation, and that is what took extra time. So, it is not the property owner getting extra time, it's the community getting extra time to cope with this bigger problem.

Mayor McCullough asked if there is a period of dormancy with the disease, that, perhaps, with the winter and going into spring, the disease has slowed down or is not spreading?

Building Official Alan Napoli replied that was correct. It is mostly active in June, July and August. After July, the trees begin to die. During the winter months they are dormant and there is not much going on. It is in the summer months that it becomes active, according to all the reading he has done on this issue.

Mayor McCullough asked for clarification if the disease was dormant and not spreading throughout the community.

Mr. Napoli replied that was correct. That is why this is being readdressed in April. This is not to say this will take care of everything. We may still need to reassess the entire City again next fall to see if more trees have been affected.

Mayor McCullough said as wide spread as this is, he feels that Mr. Sharp has a valid point in that we do need to be proactive in making sure that we are addressing this problem so it doesn't continue to spread at the rate that it has.

Mr. Sharp stated that pine trees really do not go dormant in the winter months, so if they are dead, they are dead, and will not come back in the spring.

Mayor McCullough thanked Mr. Sharp and explained that he was referring to the disease being dormant.

Mr. Sharp thanked the Mayor and City Council.

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Bill Garnos** had no comments at this time.

**Councilman Brian Hill** stated in response to the comments about the water/sewer bills, and since we are looking at revising the verbiage, maybe one way to address the entire issue would be to revise the verbiage that the sewer rates would apply to an average on winter usage, and instead of using the billing date for the usage, use that the meter readings from the months of December through February or March, so it is not including any time in October when residents may be watering their lawns. That may be one way to resolve this – the key is not the billing date, but the usage dates.

Finance Director Debra Daily stated when discussing addressing the usage months, that can be done, but there are two different sides of the City when billing, and so the usage months will be different for each side of the City. We do bill every month for water – one side of the City one month and the other side of the City the next month. It is not as simple as usage in one month, because it depends on when the customer is billed. There is a month lag time between each one of them.

Councilman Hill asked if the verbiage could then be that the average is based on the billing period that covers usage in two of the four months of, say, December, January, February and March. That way, both sides of the City would be covered, and we would not have to worry about one-half of the City being able to water their lawns and not the other side of the City.

Director Daily explained that the City is not doing anything differently than has been done over the last ten to twenty years. The fact that the rates have changed, gives this issue a lot more scrutiny. Director Daily said she totally understands the consternation of people. Director Daily said staff has been looking at how to approach this from a billing perspective, and meetings have been held over the last two to three weeks regarding concerns of the citizens. Staff works with individuals every day in relation to this issue. This is the average of two billings over four months. It is not just a single billing that would be considered in the average. If staff knows that the water customer has watered excessively, has new sod or so forth, that is taken into consideration and staff works with the customers. Director Daily said she apologized that this was not worded in detail; however, language is always included to please contact the City for more detailed information. Director Daily said she would definitely look at making that information more clear in the future.

Mayor McCullough asked if the burden might be eased as the City moves toward a monthly billing.

Director Daily replied that a monthly billing would definitely improve this issue, because with the bi-monthly billing, everyone is being billed for a specific month. With the two different sides of the City, there are two different billing cycles, so everyone is not the same, which is a concern with people, because they don't feel that they are being treated the same, depending on where they live. This was a dryer summer and people did water later, and with the new sewer cost, it came into play more prevalently than it might have in the past.

Mayor McCullough asked for clarification if we do have the ability to work through an instance where the billing was unfortunately high and try to take some corrective measures on that.



Director Daily replied yes.

City Manager Kirk Davis asked Mayor McCullough if by “corrective measures” he meant correcting the language or adjusting the billing cycles?

Mayor McCullough replied that he did not believe it is practical to anticipate the billing being corrected as long as we are on the bi-monthly billing, but on a case-by-case basis, assess if the usage was for watering the lawn, and possibly review the usage on an individual basis. Mayor McCullough suggested he did not know how practical that would be, as he does not know how widespread watering the lawns was in October and November.

Director Daily stated that what is excessive for one may not be for another – the ruler does not necessarily apply equally to the next person, which is why we have a standard to which we adhere. There are always exceptions to every rule, but we need to be very careful how those are applied, because someone’s horrible water bill may be \$20 over what it usually is, and someone else may have a water bill that is \$300 over what it usually is.

Mayor McCullough replied that he understood that where to make that determination gets complicated.

**Councilmember Jean Moore** had no comments at this time.

**Mayor Pro Tem Carol Suter** offered kudos to the Community Center staff. Mayor Pro Tem Suter said she always loves to report that almost every time she has direct contact with the front-line staff for the City, it is a wonderful experience. Mayor Pro Tem Suter said she was at the Community Center to swim, and she had a question about the on-line schedule. The front desk person did not know the answer, but she found out, and a young man came out to the swimming pool to tell her the answer before she even finished her swim. Mayor Pro Tem Suter said this was superb customer service, which she very much appreciated.

**Mayor Barry McCullough** welcomed everyone back after a month’s span since the last City Council meeting, and he wished everyone a Happy New Year!

**Item 9. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that City Hall would be closed Monday for the Martin Luther King holiday, and City Hall will be open for business as usual on Tuesday morning.

**Item 10. on the Agenda.**      **RESOLUTION R-12-8**, authorizing execution of a contract with Site Rite Construction Company, of Kansas City, Missouri, for the emergency installation of stormwater system improvements, in the total amount not to exceed \$33,080.00, for the Old Pike Stormwater Improvements Project CP1250.

Councilman Brian Hill moved to adopt **RESOLUTION R-12-8**, authorizing execution of a contract with Site Rite Construction Company, of Kansas City, Missouri, for the emergency

installation of stormwater system improvements, in the total amount not to exceed \$33,080.00, for the Old Pike Stormwater Improvements Project CP1250. Councilmember Jean Moore

seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

**Item 11. on the Agenda.**      **RESOLUTION R-12-9**, ratifying and approving the purchase of a tract of land located at 605 Northeast 70<sup>th</sup> Street.

Councilman Brian Hill moved to adopt **RESOLUTION R-12-9**, ratifying and approving the purchase of a tract of land located at 605 Northeast 70<sup>th</sup> Street. Mayor Pro Tem Carol Suter seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

**Item 12. on the Agenda.**      **RESOLUTION R-12-10**, approving the settlement agreement with Clay County, Missouri, for payment of Road and Bridge Fund arrearages for calendar years 2008, 2009, 2010, and 2011, and prospective payments of Road and Bridge revenues beginning in January of 2013.

Mayor Pro Tem Carol Suter said she gleefully wished to make a motion to adopt **RESOLUTION R-12-10**, approving the settlement agreement with Clay County, Missouri, for payment of Road and Bridge Fund arrearages for calendar years 2008, 2009, 2010, and 2011, and prospective payments of Road and Bridge revenues beginning in January of 2013.

Mayor Pro Tem Suter said this issue has been on the agenda since day one, when she took her seat on the City Council, and she is glad to finally see it resolved.

Councilmember Jean Moore seconded.

Mayor McCullough said he wished to echo Mayor Pro Tem Suter’s remarks, and said he has babysat this issue for two and one years and will be glad to see it done.

The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

**Item 13. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

**Item 14. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no members of the media present.

**Item 15. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the January 9, 2012, Gladstone Regular City Council Meeting, Mayor Barry McCullough adjourned the meeting.

Respectfully submitted:

\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: \_\_\_\_  
Approved as corrected/amended: \_\_\_\_

\_\_\_\_\_  
Mayor Barry McCullough