



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MARCH 12, 2012**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION
5:45 PM**

Mayor Barry McCullough opened the City Council Meeting to adjourn to a Closed Executive Session on March 12, 2012, at 5:45 PM. Mayor Pro Tem Carol Suter 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 Bill Garnos seconded.

Roll Call Vote: All “aye” – Councilman Bill Garnos, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (3-0).

Councilman Brian Hill and Councilmember Jean Moore 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 March 12, 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 FEBRUARY 27, 2012, CITY COUNCIL MEETING MINUTES.**

Councilman Brian Hill moved to approve the **REGULAR FEBRUARY 27, 2012, CITY COUNCIL MEETING MINUTES** as presented. Councilmember Jean Moore seconded.

Mayor Pro Tem Carol Suter stated she would be abstaining from this vote as she was absent from the February 27, 2012, City Council meeting.

The vote: “Aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. “Abstain” – Mayor Pro Tem Carol Suter. (4-0-1)

Item 5. on the Agenda. **CONSENT AGENDA**

Following the Clerk’s reading, Mayor Pro Tem Carol Suter moved to accept the Consent Agenda 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)

Mayor Pro Tem Carol Suter moved to adopt **RESOLUTION R-12-25**, authorizing execution of a contract with Lan-Tel, in the total amount not to exceed \$245,260.70 for the 2012 Curb, Gutter and Sidewalk Program. 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)

Mayor Pro Tem Carol Suter moved to adopt **RESOLUTION R-12-26**, authorizing acceptance of work under contract with Site Rite Construction Company, for the Old Pike Stormwater Improvements; and authorizing final payment in the amount of \$3,659.84. 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)

Mayor Pro Tem Carol Suter moved to adopt **RESOLUTION R-12-27**, authorizing acceptance of work under contract with Mega Industries Corporation, for the Shoal Creek Trail Segment 5; and authorizing final payment in the amount of \$10,000.00. 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)

Mayor Pro Tem Carol Suter moved to adopt **RESOLUTION R-12-28**, authorizing an agreement between the City of Gladstone and Brungardt Honomichl & Company, PA for design services in the amount of \$90,822.00 relating to the Mill Creek Stormwater Improvements. 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)

Mayor Pro Tem Carol Suter moved to approve **PARK FESTIVAL USE PERMITS** for the 16th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 8-9, 2012, including approval of designated smoking areas; and the 33rd Annual Gladfest Celebration on Friday, Saturday and Sunday, October 5-7, 2012, in the Gladstone Central Park area, near 69th & N. Holmes, under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. 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)

Mayor Pro Tem Carol Suter moved to approve a **SIX-DAY RESTAURANT BAR (A-R) LIQUOR BY THE DRINK LICENSE** for RNB, LLC dba MOJO, 316 NE 72nd Street. Managing Officer: Roy Newman. 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 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

There were no communications from the audience.

Item 7. on the Agenda. **COMMUNICATIONS FROM THE CITY COUNCIL.**

Councilman Bill Garnos began by saying, as the Planning Commission did not meet last week, he did not have a meeting report. The City Council had decided to report on activities and assignments outside of Monday night City Council meetings. The City Council will not be able to talk a lot about things that happened at the Planning Commission, because a lot of their issues end up with the City Council at the next meeting. Councilman Garnos reported that there was another Coffee with Council last Wednesday afternoon, at Perkins. Attendance was a little sparse, but it was very well received, and the people who were there really appreciated the chance to talk about some of the City issues. The next Coffee with Council is March 21st, at 10:00 AM, at StarPoint Café, if anyone would like to chat with City Council members about any City issues.

Councilman Brian Hill had no comments at this time.

Councilmember Jean Moore stated she was delighted to see the purple Ripple container on Antioch Road. Finally, we have a place for Gladstone residents to go in Gladstone for their glass recycling. Councilmember Moore offered her thanks for this addition to our City.

Mayor Pro Tem Carol Suter stated she wished to pass along some information she received at an interesting session at the Northland Regional Chamber last week. The Kansas City Water Services Department did an overview of the overflow project, which is a \$2 billion project. Mayor Pro Tem Suter said in her experience there has not been much specific information out there about exactly what's going on and when, so they are beginning to reveal some of this information. Sewer rates have been discussed recently, and she learned that their whole plan is to do the capital improvements at the back end of the 20-year project, and raise the rates at the front end, so they do not have to borrow as much money at the end to do the capital projects. Mayor Pro Tem Suter said she thought the major capital projects would be south of the river, and a large number of projects are there, but the Northland is going to be the place of the beginning of the capital projects. They are doing a huge 11-foot diameter pipeline from the Line Creek Basin, which is along the south edge of Gladstone, and it will be 11 miles long, all the way to the Burlington Treatment Plant. They will divert all of that flow across from east to west. This will go through Gladstone, so Mayor Pro Tem Suter said she is curious as to how much we know about it, and how much have we been involved in the planning. Mayor Pro Tem Suter said when she thinks about all the investment our City has been making at the south end of Gladstone, she is concerned about what might be disrupted. One of the first projects at the end of the ten years will be here in the Northland. There will be boring equipment sitting around for years boring the 11-foot pipeline for 11 miles. This certainly brings it much closer to home the impact the project can have here in Gladstone.

City Manager Kirk Davis said that is one of the reasons we hired Bartlett and West and Raftelis to get into that detail in the overflow control plan, because we did not know what it was and how they were going to manage it; although, we had some ideas. Those activities are currently ongoing. City Manager Davis said, to his knowledge, we have not had discussions with them relative to the 11-foot pipe, but how that whole program is managed is still subject for discussion, in his opinion. Certainly, the part that affects us is still subject to discussion, and that is why Bartlett and Raftelis were hired to look at their rate studies and look at their flow control plan so we understand what it is and why it is, because there are a lot of meetings coming up in the future relative to that plan. It is a lot of money and we need to have an understanding of what is going on, and, until recently, we have been kept in the dark.

Mayor Pro Tem Suter said that is the sense she got for the whole project and that it is a work in progress. They are hoping that things will change even in terms of loosening regulations in the first ten years that might save them from some of the projects in the last ten years. Hoping things would change as they go along, was part of the expression. Mayor Pro Tem Suter said they did own or claim that in response to Gladstone and Liberty's issues they did a rate of service study.

Mayor Barry McCullough reported that the Building Commission is coming together after a lot of planning and organizing, and the initial training should be in April. Mayor McCullough announced the appointments as follows:

Shawn Hartman will represent the Planning Commission; Dan Young will represent the Board of Zoning Adjustment; Kathy Timmerman will represent the Code Board of

Appeals; Dan Green will represent the Neighborhood Commission; Brenda Lowe will serve at large; and alternates at large will be John Garner and Shari Poindexter.

Mayor McCullough said the Council looks forward to getting this started and making some progress, and they appreciate all these folks volunteering to help out the City.

Mayor McCullough invited everyone to attend a neat event to be held tomorrow at 10:30 AM, at 1904 NE 57 Street, which is going to be the Neighborhood Stabilization Program ground breaking for building a new house. The house previously there was demolished about five years ago. Working with the Builders Development Corporation, BDC, instead of just rehabbing houses like they have in prior projects, this will be a new construction. Congressman Cleaver will be in attendance, along with Chairperson Sutley, who is with the Obama administration. Mayor McCullough said it will be a nice event, and he hoped that folks would attend this event.

Item 8. on the Agenda. COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis stated to follow up on the Ripple Glass discussion, there is one in town located at the Suzie Q's Smokehouse, which is the former Tommy's restaurant. It is located in the parking lot, for people who wish to recycle glass. City Manager Davis said staff is excited about tomorrow's event that Mayor McCullough mentioned, and the attendance of Congressman Cleaver, Ms. Sutley, and some members of the Housing and Urban Development Department from the State of Missouri, who will be participating with us in the ground breaking tomorrow on an energy efficient home. Staff is excited about the partnerships this has brought to our City, and the fact that we can get that kind of investment in our City's neighborhoods.

Item 9. on the Agenda. PUBLIC HEARING: for consideration of a Sign Variance to allow installation of a Pole Sign on property located at 90 Northwest Vivion Road, commonly known as Van Subaru. Owner/Applicant: Van Chevrolet-Cadillac, Inc.

Mayor McCullough opened the Public Hearing, and said that comments would first be heard from staff members, then comments would be heard from the applicant, followed with comments from anyone in favor of the application and finally, comments from anyone opposed to the application.

Staff Report

Assistant City Manager Scott Wingerson began by saying that Van Chevrolet is the applicant this evening, and, as the City Council knows, they are building a new Subaru building on the Van Chevrolet property at Vivion Road and Old Pike Road. The applicant comes before the City Council this evening with a Sign Variance to allow construction of a free-standing pylon sign very close to where the new Subaru building is being located. There are lots of options for this, but, ultimately, the applicant is requesting that the Council approve their Sign Variance to provide highway visibility to Van Chevrolet and the new Subaru dealership that is on the property. Assistant City Manager Wingerson stated that the applicant was present, and a representative would like to give a brief presentation.

Applicant Presentation

David Ramsay began by saying he was the attorney for Van Chevrolet-Cadillac in this instance. Mr. Ramsay said this was a site that has had the retail auto sales facility since 1978. It encompasses over 20 acres, and there currently exists on the site two pole signs; one advertising Cadillacs and one advertising Chevrolets. The Van Company has arranged to obtain a Subaru dealership, and they are in the process of completing the building for that project. Subaru has approved the location of a pole sign, which is going to be moved from North Kansas City to up here. It is about 25 feet high, which is some 20 feet shorter than the other two signs. It will be near the building, and it will be oriented the way the other two signs are, east and west, so there would not be a direct view of it from residential areas to the north. Mr. Ramsay shared with the City Council a photograph of the area. The façade will be a soft gray to match the Chevrolet building.

Mr. Ramsay pointed out on the photograph that at the front, near the parking lot, there is a pile of what appears to be gravel – that will be the location for the sign. The sign probably is a little shorter than the light pole in the picture. Mr. Ramsay said in this Vivion Road commercial strip area, which is located in the city limits of Kansas City, are pole signs for Home Depot, the Lincoln Mercury dealership, and a used car dealership where Jack Miller used to be. Pole signs in this area are consistent with the commercial development that has arisen there. Mr. Ramsay said the applicant is simply asking to be allowed to add one more to the two that already exist, and they do not believe that it will interfere with anyone's use of their property or sight lines from residential areas. Mr. Ramsay reported that Jim Marshall, the architect who designed the building and did the work on the sign location, was present this evening, and he and Mr. Ramsay would be happy to answer any questions from the City Council.

Mayor Pro Tem Suter pointed out that it appeared in the photograph that there was a monument sign on the Old Pike Road entrance, asked if that was correct, and asked if that would be changed.

Mr. Ramsay replied that would not be changed. It is an entrance identifier for the property.

Mayor McCullough thanked Mr. Ramsay and said it was good to have him at the meeting this evening.

Mayor McCullough asked if there was anyone who wished to speak in favor of the application. There being none, Mayor McCullough asked if there was anyone who wished to speak in opposition of the application. As there were no comments in Favor or in Opposition to the application, Mayor McCullough closed the Public Hearing.

Item 10. on the Agenda. **MOTION BY CITY COUNCIL:** for a Sign Variance to allow installation of a Pole Sign on property located at 90 Northwest Vivion Road, commonly known as Van Subaru. Owner/Applicant: Van Chevrolet-Cadillac, Inc.

Mayor Pro Tem Carol Suter moved to approve a Sign Variance to allow installation of a Pole Sign on property located at 90 Northwest Vivion Road, commonly known as Van Subaru. Owner/Applicant: Van Chevrolet-Cadillac, Inc. Councilman Bill Garnos seconded.

Mayor McCullough said he did have concerns with the sign; although he does feel it is appropriate, but he certainly would not want to see such a sign placement any further to the north in the future. This is a new building and a new location, and it fits in well for the area, but we are encroaching a residential area, and he would hope that the applicant would keep that in mind in the future that this is as far north as such signage should go.

Councilman Hill said he wished to echo the Mayor's sentiments, and also questioned given the size of the sign and the location, what it really adds to the site over signage that probably will be going on the building anyway. However, given the location and the pole signs up and down Vivion Road and all the auto dealerships there and the visibility of the highway, he does not find it that objectionable, but he does not know what the added value is to the applicant, but the sign is about the same height of the building.

Mayor Pro Tem Suter said she has expressed similar sentiments, and she would not want to see pole sign variances any further north, and her question, too, is that it is a car dealership and one can see the cars, so we don't really need to tell people they can buy cars there. The building will say Subaru, so she also questions the need for additional signage, but given that it is in an area that is mostly Kansas City and not Gladstone, it seems to fit there. Mayor Pro Tem Suter said she would be less amenable to something that was further north in Gladstone.

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-12-29**, authorizing execution of a takeover agreement with the Guarantee Company of North America USA to complete the 2011 Small Water Main Replacement Project WB1194 due to the default of Wilson Plumbing Company.

Councilman Brian Hill moved to adopt **RESOLUTION R-12-29**, authorizing execution of a takeover agreement with the Guarantee Company of North America USA to complete the 2011 Small Water Main Replacement Project WB1194 due to the default of Wilson Plumbing Company. Councilmember Jean Moore seconded.

Mayor McCullough asked Public Works Director Tim Nebergall about the outstanding portion of this project.

Director Nebergall replied that there is about \$300,000 outstanding on this contract. The project included 13 sites, and there are 6 sites that have not been touched, and about 3 sites that need surface restoration.

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-12-30**, authorizing the City Manager to execute an agreement with the University of Iowa Emergency Medical Services Learning Resource Center to provide clinical field experience training for students in the college's paramedic program.

Councilmember Jean Moore moved to adopt **RESOLUTION R-12-30**, authorizing the City Manager to execute an agreement with the University of Iowa Emergency Medical Services Learning Resource Center to provide clinical field experience training for students in the college's paramedic program. 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 13. on the Agenda. **OTHER BUSINESS.**

There was no other business.

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

There were no questions from the News Media.

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

There being no further business to come before the March 12, 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