



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MARCH 25, 2013**

Mayor Carol Suter opened the City Council Meeting to adjourn to a Closed Executive Session on March 25, 2013, at 6:15 PM. Councilman Barry McCullough 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. Mayor Pro Tem Jean Moore seconded.

Roll Call Vote: All “aye” – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0).

Councilman Brian Hill was absent from the meeting.

Mayor Carol Suter adjourned the Closed Executive Session.

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

PRESENT: Mayor Carol Suter
Mayor Pro Tem Jean Moore
Councilman Barry McCullough
Councilman Bill Garnos

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor Randall Thompson
City Clerk Cathy Swenson

ABSENT: Councilman Brian Hill

Item 2. on the Agenda. ROLL CALL.

Mayor Carol Suter opened the Regular March 25, 2013, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present, except for Councilman Brian Hill. Mayor Suter welcomed everyone in the audience, and also those people joining the meeting live, on-line. Mayor Suter said the City Council appreciates everyone's interest in City government.

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

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

Item 4. on the Agenda. **APPROVAL OF THE MARCH 11, 2013, REGULAR CITY COUNCIL MEETING MINUTES.**

Councilman Barry McCullough moved to approve the **MARCH 11, 2013, REGULAR CITY COUNCIL MEETING MINUTES** as presented. Mayor Pro Tem Jean Moore seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Item 5. on the Agenda. **PROCLAMATION:** designating April 5, 2013, as **ARBOR DAY** in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees.

Mayor Suter read and presented the Proclamation to Parks and Recreation Director Sheila Lillis, who thanked the Mayor and City Council.

Director Lillis invited everyone to the Arbor Day celebration at 10:00 AM, Friday, April 5, in Meadowbrook Park. It will hopefully be our City's eleventh year as a designated Tree City USA city. The Parks and Recreation Advisory Board serve as the Tree Board.

Item 6. on the Agenda. **PROCLAMATION:** recognizing April 7-13, 2013, as **GLADSTONE ANIMAL CONTROL OFFICER APPRECIATION WEEK** and encouraging the community to express their appreciation to these dedicated professionals for their many hours of outstanding and valuable service to our City.

Mayor Suter read and presented the Proclamation to Animal Control Supervisor Angie Deras, who thanked the Mayor and City Council.

Ms. Deras said she and her staff were very excited because they would be moving dogs into the new kennel area tomorrow. They were very excited and appreciative of the support of the City Council, and the Animal Control Officers invite the Mayor and Council to stop by to visit the new renovations at the Animal Control facility.

Mayor Suter said she appreciated the Animal Control officers who reported to her house to remove a giant unidentified snake from her yard.

Item 7. on the Agenda. **PROCLAMATION:** recognizing **MARCH FOR MEALS** and the generous work of **SENIOR NUTRITION PROGRAMS** in providing nutritious meals for our community's senior citizens.

Mayor Suter read and presented the Proclamation to Patte Bahl, of Northland Meals on Wheels, who thanked the Mayor and City Council.

Ms. Bahl stated that when we talk about aging in place, this is exactly what this program does, it assists people who wish to age in place in their own home. Ms. Bahl said she wished to remain in her home as she aged, if she can. Having people in their homes is good for the community, and it leaves homes occupied. There have been studies that have shown that people, who volunteer, live longer and are happier and healthier. The volunteers often say they get more out of their work than they feel they are giving. Ms. Bahl said that Meals on Wheels is a great organization, and she has been with them as an unpaid volunteer for 18 years.

Mayor Suter thanked Ms. Bahl for her service to the community.

Item 8. on the Agenda. **CONSENT AGENDA**

Following the Clerk's reading, Councilman Barry McCullough moved to approve the Consent Agenda as presented. Councilman Bill Garnos seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Councilman Barry McCullough moved to adopt **RESOLUTION R-13-13**, adopting a Public Art Acquisition, Funding, and Placement Policy for the City of Gladstone, Missouri. Councilman Bill Garnos seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Councilman Barry McCullough moved to adopt **RESOLUTION R-13-14**, authorizing acceptance of work under contract with SAK Construction LLC, for the 2011 Sanitary Sewer Rehabilitation – Cured-In-Place Pipe Project; and authorizing final payment in the amount of \$500.00 for Project SB1189. Councilman Bill Garnos seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Councilman Barry McCullough moved to adopt **RESOLUTION R-13-15**, granting Permanent Easements to Kansas City Power & Light to operate and maintain buried electrical lines in the vicinity of Linden Square and Northeast 70th Street. Councilman Bill Garnos seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Councilman Barry McCullough moved to adopt **RESOLUTION R-13-16**, vacating a Water Line Easement previously used to carry raw water through property now owned by the Briarcliff Development Company. Councilman Bill Garnos seconded. The vote: All "aye" –

Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Councilman Barry McCullough moved to adopt **RESOLUTION R-13-17**, authorizing Change Order No. 7 in the amount of \$350,767.90 to the contract with Lan-tel, for addition of the 2013 quantities, as part of the 2012 Curb, Gutter and Sidewalk project. Councilman Bill Garnos seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Councilman Barry McCullough moved to adopt **RESOLUTION R-13-18**, authorizing the City Manager to amend the 457 Deferred Compensation Plan and Trust Agreement to include the associated Roth Amendments through ICMA Retirement Corporation. Councilman Bill Garnos seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Councilman Barry McCullough moved to approve a **TEMPORARY CATERING LICENSE** for Embrace the Grape Beverage Catering, 616 SW 3rd; Lee’s Summit, Missouri 64063, for a wedding reception event to be held June 22, 2013, from 6:00 PM to 11:30 PM, in the Gladstone Community Center. Managing Officer: Jane Monroe. Councilman Bill Garnos seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Councilman Barry McCullough moved to approve the **FEBRUARY 2013 FINANCIAL REPORT**. Councilman Bill Garnos seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

REGULAR AGENDA

Item 9. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

John Garner, 111 North Heatherton Court, stated that this morning he noticed between 64th Street and Englewood Road (on North Oak Trafficway) that there were four people walking in the street against traffic, because the sidewalks had not been cleared of snow. Mr. Garner said he noticed this evening that there were three people walking in the street, with the traffic, between 64th Street and 70th Street, on North Oak Trafficway. Mr. Garner said the same thing does happen on Antioch Road. Mr. Garner suggested an Ordinance making the businesses clean their sidewalks of snow, on at least North Oak Trafficway and Northeast Antioch Road, and including their parking lots. During the last two snowstorms, sidewalks were blocked with piles of snow. Mr. Garner said he did not feel such an Ordinance would hurt the businesses, but the Ordinance should say that if a business does not have their snow cleared within about 12 hours after a snowfall, then the City would either fine the business, or step in, clean it, and charge them big bucks.

Mayor Suter replied that the Council appreciates Mr. Garner's concern, and it is shared by others. Kansas City said in the last storm that they were going to begin citing people, but they did not actually cite anyone, but the threat of the citing may have helped.

Mr. Garner suggested that Gladstone should pass such an Ordinance, maybe not for all the citizens who live on the side streets, but at least those on major thoroughfares or any new development, like the new apartment complex being developed.

Mayor Suter thanked Mr. Garner for his comments.

Item 10. on the Agenda. COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Bill Garnos thanked Public Works Director Tim Nebergall for the snow plowing. It was even better this time. The crews were able to do curb to curb snow removal this time much quicker. Councilman Garnos said he had a plow go through his area faster than last time, and he was well pleased.

Councilman Barry McCullough stated that although he did have to use the four-wheel drive to get out of his cul-de-sac, it was still a wonderful job of snow removal. Councilman McCullough thanked Director Nebergall and Parks and Recreation Director Lillis for their crews' hard work. It is a lot of work in a short period of time.

Mayor Pro Tem Jean Moore stated, "hear, hear" to the comments from Councilmen Garnos and McCullough.

Mayor Carol Suter said Directors Nebergall and Lillis and the snow removal crews have the Council's deepest sympathy and great appreciation. They are thought of every time there is a storm, and all the long hours of work involved. The Council may joke, but they know that at the end of the day, our City has the best streets anywhere around, and our citizens always appreciate that.

Mayor Suter reported that the Gladstone Area Chamber of Commerce business meeting would be held at the Gladstone Community Center on March 28, and said the City is always pleased to host them in the Community Center. Mayor Suter encouraged everyone to vote in the City election on April 2, 2013. There is one open seat on the City Council and it is a contested race.

Mayor Suter stated that if Agenda Items 12, 13, and 14 are approved tonight, it is planned for the City to hold a press conference on April 2, to announce the details of the Linden Heights project. Fanfare on the Square, the dedication and grand opening of Linden Square, will be held April 5, 6, and 7. A really big shindig is planned. Mayor Suter encouraged everyone to tell everyone they know to be sure to arrive early, because it is not known how big of a crowd to expect, but it is expected to exceed the capacity of the facility, so parking may be a challenge. In order to be on time for the dedication and for the concert, people should allow extra time. Mayor Suter said she is looking forward to a really fun event. The dedication will

begin at 6:30 PM, on Friday, April 5. There will be a plaque dedicated and appreciation extended to all the people who participated in the construction of the facility. The group "Liverpool" will be in concert at 7:00 PM. On Saturday night, beginning at 7:30 PM, Ida McBeth will be in concert. During the day on Saturday, April 6 and Sunday, April 7, there will be all kinds of family activities.

Mayor Suter reported that Arbor Day will be held on April 5, and the Atkins-Johnson Farm open house will also be in April. It is certainly a busy time.

Item 11. on the Agenda. COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis had no comments at this time.

Mayor Suter addressed Agenda Items 12, 13 and 14, by saying at the last meeting Bill Nos. 13-10, 13-11, and 13-12 were all introduced, approved for their first reading, first readings were accepted, and a motion was made to place the Bills on their second and final reading, those were read, and there was a motion to approve the second and final reading, and to enact the Bills as Ordinances, and then a motion was made to postpone the vote. Mayor Suter stated tonight, action on the Bills would be picked up after the motion to approve the second and final reading, and to enact the Ordinance.

Item 12. on the Agenda. ROLL CALL VOTE FOR BILL NO. 13-10, vacating that section of North Cherry Street from Northeast 70th Street on the north, to Northeast 69th Street to the south, located in Gladstone, Clay County, Missouri.

Mayor Suter asked if there was any discussion on Bill No. 13-10.

As there was no discussion, Mayor Suter called for a Roll Call Vote to consider enacting **Bill No. 13-10 as Ordinance No. 4.232.**

Roll call vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0).

Item 13. on the Agenda. ROLL CALL VOTE FOR BILL NO. 13-11, approving the Final Plat of The Heights at Linden Square, Lot 1, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant: Flaherty & Collins Properties. Owner: City of Gladstone. File No. 1378.

Mayor Suter asked if there was any discussion on Bill No. 13-11.

Mayor Suter stated this is one of the most exciting things to happen in Gladstone in a long time, and she was very pleased that our City Council had the opportunity to support this project tonight, and she trusts that is what the Council will do. As there was no further discussion, Mayor Suter called for a Roll Call Vote to consider enacting **Bill No. 13-11 as Ordinance No. 4.233.**

Roll call vote: All “aye” – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0).

Item 14. on the Agenda. **ROLL CALL VOTE FOR BILL NO. 13-12**, amending Ordinance No. 3.973 and being an Ordinance and Final Development Plan relating to Zoning Ordinance regulations and the establishment of Use Districts within the City of Gladstone, Missouri, for property located in the area commonly known as The Downtown Village Center. Applicant: Flaherty & Collins Properties. Owner: City of Gladstone. File No. 1377.

Mayor Suter asked if there was any discussion on Bill No. 13-12.

Councilman Garnos offered his appreciation to City staff for all their work that went into getting the City to this place. Councilman Garnos said he, too, was very excited about the prospect of the re-development of the area. Councilman Garnos thanked Flaherty and Collins for bringing a quality product to the City Council, consistent with the vision held for the Village Center. This development is a very good fit, and Flaherty and Collins deserve credit for the product they brought forth. Councilman Garnos thanked the Planning Commission. Many of the Council members had served on the Planning Commission. There has been years worth of work with the Village Center concept, all the land use planning, the many hours discussing the Comprehensive Plan, the mixed use zoning regulations, and when this development was brought to the Planning Commission recently, the citizens on the Planning Commission did a super job and had very good questions. They had all done their homework, and they also deserve credit for getting this project to this place.

Mayor Suter said she, too, was excited that this project is our City’s first mixed use project. It was interesting to hear the report from the Senior Study saying that Seniors want the same thing as the younger demographics, which is what this project is aimed at, and that is to live in walkable communities, which are street front, and with things to do within walking distance. The mixed use zoning concept has been tested with citizen group after citizen group for as long as she has been on the City Council. It is really exciting to see something that the community wants and has made a priority come to fruition, and right here in the downtown center area.

As there was no further discussion, Mayor Suter called for a Roll Call Vote to consider enacting **Bill No. 13-12 as Ordinance No. 4.234.**

Roll call vote: All “aye” – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0).

Item 15. on the Agenda. **FIRST READING BILL NO. 13-13**, to maintain the Business License Tax on gross receipts of utility corporations notwithstanding tariff increases by the Public Service Commission.

Mayor Suter asked City Counselor Randall Thompson to provide background on this action.

Counselor Thompson stated a little bit of background was all he could provide, but in instances where the Public Service Commission sees fit to increase a utility rate greater than seven percent, the Public Service Commission has to notify all municipalities that would be affected by the rate hike. By Statute, the municipalities can roll back their gross receipts tax to equal what it was the previous twelve months, the ensuing twelve months, or the municipality can vote to not roll back and accept whatever increase in revenues might come from the Public Service Commission's rate hike. If we decide not to roll back, which is what the Ordinance tonight would do, we would not roll back, but we would accept any increase in rates as a result of the Public Service Commission's action. If we do that, it is not just with respect to this one rate hike, it would affect all future rate hikes by any other utility from which we collect a gross receipts sales tax.

Mayor Suter said this is extremely important to the ongoing viability of the City, and it is a very volatile funding environment nationally and state-wide, because when everything changes above us it makes it so much more important that we are able to deliver more services in the future as State and Federal governments cut back, so this is an important source of revenue for us.

Mayor Pro Tem Jean Moore moved to place **BILL NO. 13-13** on its First Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0). The Clerk read the Bill.

Mayor Pro Tem Jean Moore moved to accept the First Reading of **BILL NO. 13-13**, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0). The Clerk read the Bill.

Mayor Pro Tem Jean Moore moved to accept the Second and Final Reading of **BILL NO. 13-13**, and to enact the Bill as **Ordinance 4.235**. Councilman Barry McCullough seconded.

Roll call vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0).

Item 16. on the Agenda. **RESOLUTION R-13-19**, authorizing execution of a contract with Margaritas North, Inc. for food and alcohol concessions for 2013 at Linden Square.

Councilman Barry McCullough moved to adopt **RESOLUTION R-13-19**, authorizing execution of a contract with Margaritas North, Inc. for food and alcohol concessions for 2013 at Linden Square. Mayor Pro Tem Jean Moore seconded. The vote: All "aye" – Councilman Bill Garnos, Councilman Barry McCullough, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (4-0)

Item 17. on the Agenda. **OTHER BUSINESS.**

There was no other business.

Item 18. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Mayor Suter thanked the News Media who were present, and said their participation was appreciated.

Item 19. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the March 25, 2013, Gladstone Regular City Council Meeting, Mayor Carol Suter adjourned the meeting.

Respectfully submitted:

Cathy Swenson, City Clerk

Approved as submitted: ____
Approved as corrected/amended: ____

Mayor Carol Suter