



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 26, 2018**

PRESENT: Mayor Bill Garnos
Mayor Pro Tem Carol Suter
Councilmember Jean Moore
Councilman R.D. Mallams
Councilman Kyle Yarber

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Clerk Ruth Bocchino
City Counselor Chris Williams

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

Mayor Garnos opened the Regular City Council Meeting Monday, November 26, 2018, at 7:30 pm in the Gladstone City Council Chambers.

Item No. 2. On the Agenda. ROLL CALL.

All Councilmembers were present.

Item No. 3. On the Agenda. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mayor Garnos asked all to join in the Pledge of Allegiance to the Flag of the United States of America, and thanked VFW Post 10906: Bill Softka, Bill Driscoll, Joe Liles and Charlie Cram.

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

The agenda was approved as published.

Item No. 5. On the Agenda. Approval of the November 12, 2018, Closed City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the November 12, 2018, Closed City Council meeting as presented. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Item No. 6. On the Agenda. Approval of the November 12, 2018, Regular City Council Meeting Minutes.

Councilmember Moore moved to approve the minutes of the November 12, 2018, Regular City Council meeting as presented. **Mayor Pro Tem Suter** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Item No. 7. On the Agenda. Approval of the November 19, 2018, Special City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the November 19, 2018, Special City Council meeting as presented. **Councilmember Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

REGULAR AGENDA.

Item No. 8. On the Agenda. Communications from the Audience.

Larry Newport, 2002 NE 69th Terrace, approached Council and stated: *"Thank you for the good snow removal. Our street is a dead end and it was cleared, one lane at least, which you know, that's good, that's very nice."*

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

Councilman Yarber stated: *"Certainly to follow up on that, hats off to our Public Works Department for doing the job that everybody has come to expect here in Gladstone. We had canceled classes at the theater and I was already heading home yesterday, and saw crews already out working before the snow had really started coming down. Again, the fantastic job everybody repeatedly talks about how they know when they are in Gladstone and they know when they are in Kansas City based on where the streets are clear. I also wanted to mention on December 8 we will have a visit. We had an earlier visit from Santa Claus at the Mayor's Christmas Tree Lighting. Mr. and Mrs. Claus will visit again on December 8 at the Atkins-Johnson Farm. There will be pictures and cookies with Santa. It's always a fun time to bring kids out to find out what they are hoping to get for Christmas."*

Councilman Mallams stated: *"Thanks, Mayor. To begin, I would just like to reiterate what has already been said about the members of Public Works and also Public Safety for their response to the Sunday snow storm. Also, the newest addition to the Gladstone magazine is excellent. Pats on the back to Alexia Lange, the editor of the community magazine. There are articles that highlighted not only public but private schools within the Gladstone community and the quality of education provided to the kids of the Gladstone city. Chief Hasty, excellent article on professional development, the training that Public Safety goes through to fine tune the skills that they have, the Patrol Officers, the EMT's, and the Firefighters. Thank you."*

Mayor Pro Tem Suter stated: *"I just wanted to say KUDOS and thanks to the staff and volunteers who produced a wonderful Mayor's Christmas Tree Lighting ceremony again and the weather was pretty good."*

Mayor Garnos stated: *"I, too, wanted to thank City staff. That part got cut out by Joe Lauria on the program that night but I did want to thank everybody from Parks and Recreation, and Public Works that worked so hard on the holiday decorations as well as the Mayor's Christmas Tree. I think it all looks great this year. Director Merkey, Linda Borders, Michael Lee, Parks and Rec staff, and staff from Public Works all did a great job on the holiday decorations. I wanted to thank the Chamber for the nice luncheon at the Elks Club. It's always a terrific way to start the holiday season. I don't know that I could start the Thanksgiving and Christmas Holidays without that anymore! I wanted to thank City Council for coming in last week for the Special Session and for participating in Board and Commission interviews and other opportunities to get together with all day goal setting. This is what we get paid the big money for this week. Looking ahead, we've got more Board and Commission interviews coming up. We have goal setting, we have the Chamber's Annual Awards banquet, so a lot of fun stuff to look forward to."*

Item No. 10. On the Agenda. Communications from the City Manager.

City Manager Wingerson stated: *"Thank you, Mayor. Just following up on your comments about the Chamber's Annual Award celebration, it's this Tuesday, December 4th, and starts around 6:00 at the Community Center. I hope to see you all there. I would like to announce the 2019 schedule for the Future Leader's Academy: it begins on February 13. Applications can be found on-line at our website, Gladstone.mo.us."*

Item No. 11. On the Agenda. RESOLUTION R-18-68 A Resolution authorizing the City Manager to execute a contract with Blue Nile Contractors, Incorporated, in the total amount not to exceed \$85,320.00 for the 2018 Sanitary Sewer Cleaning and Televising Project.

Councilman Mallams moved to approve **RESOLUTION R-18-68** A Resolution authorizing the City Manager to execute a contract with Blue Nile Contractors, Incorporated, in the total amount not to exceed \$85,320.00 for the 2018 Sanitary Sewer Cleaning and Televising Project.

Councilmember Moore seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Item No. 12. On the Agenda. APPROVAL OF MONTH END OCTOBER 2018 FINANCIAL REPORT.

Mayor Pro Tem Suter moved to approve the **MONTH END OCTOBER 2018 FINANCIAL REPORT**. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Mayor Garnos stated: *"This and the next item were two items carried over and continued from our last Regular meeting on November 12 at the request of the applicant. The first is that we will reopen and continue the Public Hearing."*

Item No. 13. On the Agenda. CONTINUED FROM NOVEMBER 12, 2018: PUBLIC HEARING: Special Use Permit to Sara & Kenny Boyer for operation of a Meridian Stress Assessment testing and retail supplement sales operation on property located at 101 Northeast 62nd Terrace.

Mayor Garnos opened the Public Hearing at 7:40 pm.

Austin Greer approached Council and stated: *"Good evening, Mayor and members of the City Council. The applicant tonight is Sara & Kenny Boyer, primarily Mrs. Boyer. Sara is applying for a Special Use Permit for the purpose of having a Home Meridian Stress Assessment testing and the pick-up of natural supplements business at her residential address of 101 NE 62nd Terrace. I'd like to clear up the definition of retail that is being used in the title of this requested action. Mrs. Boyer's natural supplements business is primarily conducted on-line and over the phone and pick-ups would be scheduled ahead of time so that no shopping in the traditional sense would occur. It is simply buy on-line or over the phone and then pick-up of the products would be scheduled. This is also for just a handful of customers. City staff recommends the approval of a one year Special Use Permit for Mrs. Boyer contingent upon compliance with the recommended conditions: No. 1: this Special Use Permit is issued to Sara & Kenny Boyer to be used at the above noted address. No. 2: this Special Use Permit shall be non-transferrable to any other person or company or to any other location. No. 3: any changes in operation of the business by Sara and Kenny Boyer, or change in ownership, shall render the Special Use Permit null and void. No. 4: no persons other than Sara & Kenny Boyer shall be employed at this location in association with MSA Testing and supplement sales by Sara and Kenny Boyer. No. 5: Hours of operation shall be limited to Mondays, Thursdays, and Fridays from 9:30 am to 3:30 pm. No. 6: Sara and Kenny Boyer must reside at this residence for this permit to be valid. No. 7: Sara and Kenny Boyer shall apply for and maintain all applicable state and city businesses and home occupational licenses, copies of such business and occupational licenses shall be supplied to the Community Development Department of the City of Gladstone. No. 8: no outdoor storage of products or materials. No. 9: no parking of commercial vehicles or of commercial deliveries. No. 10: no more than two customers per hour during the allowed hours of operation. No. 11: no signage of the business shall be displayed on the premises. Given my conversations with Mrs. Boyer, she understands the importance of no on street parking and no signage in an effort to keep the neighborhood environment residential. The Planning Commission voted 9-2 in favor of the Special Use Permit, and again, city staff recommends that this Special Use Permit be approved for one year. Also, Mrs. Boyer is in the audience tonight to answer any questions you have."*

Mayor Garnos asked if there were any questions for staff.

There were none.

Mayor Garnos invited the applicant to speak on their behalf.

Sara Boyer approached Council and stated: *"Good evening, I'm Sara Boyer, and I live at 101 NE 62nd Terrace, Gladstone. He covered all of it so I don't know if you have any questions for me or, I agree with everything he said, like I said, primarily I try to keep everything internet, over the phone, because I have several kids at home so my purpose is to hopefully do it after they go to bed, not necessarily during the day when I have a bunch of other stuff going on. It was just one of those, I was just trying to get ahead of the ball in case I had people coming by and wanted to pick up stuff locally."*

Councilman Yarber stated: *"A quick comment. I had read a petition that mentioned a car that had been parked in the street and I drove by earlier and I noticed that you had moved it into the driveway."*

Mrs. Boyer replied: *"Yeah, I wrote a letter to the neighbors addressing some of the things that were in that petition because I didn't realize the car was an issue. My son, the reason I even got into this, my son, a little over a year and a half ago, started having seizures out of nowhere, a month before he turned 18. Long story short, my mom, when my dad passed away a few months ago, wound up living with me. She took over my son's car and his car payments so he wouldn't have his car parked in the street because he can't drive for six months until he is seizure free. So the car had been sitting there, waiting for him to be able to drive which hopefully the end of next month he will start driving again, fingers crossed. My daughter just got her permit the other day so the car had been hanging out just because we didn't really need the car at the time. I didn't realize it was an issue so obviously I moved it and we have made sure it's legally tagged, there is nothing wrong with it. We just had moved it out of the street. My driveway holds eight cars. We are moving my mom into an over 55 community soon so that will be one less car in my driveway. We have a lot of shuffling going on just with circumstances, but yeah, I've tried to make sure I addressed that issue because I didn't want that to be a problem."*

Councilman Yarber stated: *"And we certainly wish the best for your son."*

Councilmember Moore stated: *"Mrs. Boyer have you had other conversations with any of your neighbors? I know there were some people at the Planning Commission who raised issues so I'm just curious how those conversations between those neighbors and yourself have happened."*

Mrs. Boyer stated: *"Yeah, I've talked to six of the seven that were on there and for the most part once I explained stuff they seemed fairly favorable. A couple of them, I just had a brief conversation and left them with a letter that I had wrote because they were busy and didn't have much time to talk and obviously they don't know me as well as I, you know, but they seemed to be OK with it. Mr. O'Brian and Mr. Meyerkort of course those are my neighbors. I'm sure they will tell you one way or the other. It seemed to be OK. Like I said, there was only one that I couldn't get a hold of to talk to, the rest of them I did."*

Councilmember Moore stated: *"Thank you for reaching out to those neighbors."*

Mayor Garnos asked if there was anyone else to speak in favor of the Special Use Permit.

There were none.

Mayor Garnos asked if there was anyone else to speak in opposition of the Special Use Permit.

Ron Myerkort, 50 NE 62nd Terrace approached Council and stated: *"It's not so much that I am against what is being stated, but I'd like to ask the Council a question. What happens at the end of one year? Does the rezoning go in or do we just keep using the Special Permit? What if somebody else comes up, down the street somewhere, and wants to start selling candy in their basement and they are only going to have three customers a day, is that going to be allowed too?"*

Mayor Garnos stated: *"It does not automatically renew at the end of the year or trigger a zoning change. At the end of the year, typically the Planning Commission will take another look at the Special Use Permit, see if there has been compliance with the conditions that they set forth and then they can make another recommendation to City Council, typically to extend the Special Use Permit for a longer period."*

Mr. Myerkort stated: *"I guess I'm asking because before long, if we keep extending or keep giving, what will happen to our neighborhood."*

Mayor Garnos stated: *"I understand that and that is one of the reasons why we have to run all those things through Planning Commission to protect the neighborhood."*

Mr. Meyerkort stated: *"I was at the Planning Commission and one of the Commissioners didn't give me a good answer. I didn't give the answer when they were approving it, she lives behind the house so it didn't bother her."*

Mayor Garnos stated: *"And I think that is one of the reasons why we are seeing a recommendation just for a one year Special Use Permit and not five or ten years as is sometimes the case."*

Mr. Meyerkort stated: *"But if they decide to add to or extend we will have another meeting?"*

Mayor Garnos stated: *"Yes, absolutely. Thank you."*

Mayor Garnos asked if there was anyone else to speak in opposition to the Special Use Permit.

There were none.

Mayor Garnos asked if there were any other questions or comments from Council or city staff.

There were none.

Mayor Garnos closed the Public Hearing at 7:40 pm.

Item No. 14. On the Agenda. **FIRST READING BILL NO. 18-41** An Ordinance granting a Special Use Permit subject to certain conditions to Sara & Kenny Boyer for operation of a Meridian Stress Assessment testing and retail supplement sales operation on property at 101 Northeast 62nd Terrace.

Councilman Mallams moved Bill No. 18-41 be placed on its First Reading. **Mayor Pro Tem Suter** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0). The Clerk read the Bill.

Councilman Mallams moved to accept the First Reading of Bill No. 18-41, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Suter** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0). The Clerk read the Bill.

Councilman Mallams moved to accept the Second and Final Reading of Bill No. 18-41, and enact the Bill as **Ordinance 4.448**. **Mayor Pro Tem Suter** seconded.

Mayor Pro Tem Suter stated: *“Mayor, I would just say Special Use Permits are always a balancing act for the city, obviously to rezone a whole area is a huge process and we don’t do that very often or very lightly. We do often give citizens the opportunity to work from home in some capacity or another and I think as America changes, a lot more people are working from home in one capacity or another and need to. We always do it in a way that preserves the nature of the community and of the neighborhood without any signage and we are very sensitive to traffic issues and all those related issues. Property values, we are all concerned about in all of our neighborhoods, I think pretty much all of us have people working from home in our neighborhoods and so it has not proven over time to be on the face negative for property values or for quality of life. What I like is that we always start with a one year so if there are issues and it doesn’t work out, we know about it and it won’t get continued. It does give someone the opportunity to try and the neighbors and opportunity to see how it can work and to figure out any cooperation that is required to make sure that everybody’s needs are met. So I am in favor of this application.”*

The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0).

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

There was no other business to come before the Council.

Item No. 16. On the Agenda. Adjournment.

Mayor Garnos adjourned the November 26, 2018, Regular City Council meeting at 7:53 pm.

Respectfully submitted:

Ruth E. Bocchino
Ruth E. Bocchino, City Clerk

Approved as presented: X

Approved as modified: _____

Bill Garnos

Mayor Bill Garnos