



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
JUNE 12, 2023**

PRESENT: Mayor Jean Moore
Mayor Pro Tem Tina Spallo
Councilman Bill Garnos
Councilman R.D. Mallams
Councilman Les Smith

City Manager Bob Baer
City Attorney Chris Williams
City Clerk Kris Keller
Deputy City Clerk Becky Jarrett

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

Mayor Moore opened the Regular City Council Meeting Monday, June 12, 2023 at 7:35 pm.

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

Mayor Moore stated that all Councilmembers were present.

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

Mayor Moore asked all to join in the Pledge of Allegiance to the Flag of the United States of America.

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

The agenda was approved as published.

Item No. 5. On the Agenda. Approval of the May 22, 2023, Closed City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the May 22, 2023, Closed City Council Meeting as presented. **Councilman Smith** seconded. The Vote: "aye", Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0)

Item No. 6. On the Agenda. Approval of the May 22, 2023, Regular City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the May 22, 2023, Regular City Council meeting as presented. **Councilman Smith** seconded. The Vote: "aye", Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0)

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

There were no communications from the audience.

Item No. 8. On the Agenda. Communications from City Council.

Councilman Smith shared that the corner of NW 72nd Street and N. Broadway was purchased by a local businessman, Larry Gromer, and he has made tremendous improvements to the property.

Councilman Garnos stated that he had a conflict on June 20, 2023 and would not be able to attend both the rescheduled BZA meeting and the Parks and Recreation Advisory Board meeting. Councilman Smith volunteered to attend one of the meetings in his place.

Mayor Pro Tem Spallo shared that she had the honor and privilege to represent Gladstone in the PRIDE parade along with two other local government entities, Kansas City and Jackson County. She congratulated Finance Director Accurso, for implementing the new online water billing process and reported that it was a seamless process to register her account.

Mayor Moore thanked Mayor Pro Tem Spallo for representing Gladstone in the parade. She reported there were fourteen (14) volunteers on Saturday, June 3, 2023 for Glad Green Team trash pick-up day on North Oak Trafficway. She thanked all participants that have joined the team. The Mayor expressed her thanks to Director Merkey, his staff, and the vendors for their efforts at the Food-Art-Drink festival. She also reported that a group of staff members from the City joined her and Councilman Smith at the MARC luncheon last Friday.

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

City Manager Baer thanked the friends of the AJ Farm and Geocatchers who participated in the clean-up of the Big Shoal Cemetery. He announced that the Municipal Pool successfully opened May 27, 2023 and there were 1,700 people in attendance the first day and over 5,000 people within the first week. He thanked all the park staff that prepared the pool for the summer season.

Item No. 10. On the Agenda. Consent Agenda.

Following the Clerks' reading:

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

Councilman Mallams moved to approve the following **SPECIAL EVENT PERMITS**:

Theatre in the Park Run/Walk Fundraiser, Oak Grove Park, Saturday, June 24, 2023, 8:00 am to 12:00 pm.

Good Shepherd Church (GS Disc Golf), Professional Disc Golf Association (PDGA) Flex Start (Disc Golf) Tournament, Hobby Hill Park, Sunday, August 13, 2023, 1:00 to 5:00 pm, Sunday, October 8, 2023, 8:00 am to 6:00 pm, and Sunday, December 10, 2023, 12:00 to 4:00 pm.

Councilman Smith seconded. The Vote: "aye", Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-23-20** A Resolution declaring certain City property surplus and authorizing the sales and/or disposal of such property held by the City to the highest bidder via online auction, sealed bid, and/or otherwise disposed of as approved by the City Manager. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-23-21** A Resolution authorizing acceptance of work under contract with Nationwide Turf Installation for the Happy Rock Park Trail Replacement, Project CP2358C, and authorizing final payment in the amount of \$500.00. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0)

Councilman Mallams moved to approve **RESOLUTION R-23-22** A Resolution authorizing the City Manager to execute a Professional Engineering Services Agreement with VSM Engineering, LLC, in the total amount not to exceed \$65,080.00 for the Northeast 68th Terrace and North Bellefontaine Storm Drainage Project Design, Project CP2331. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0)

Councilman Mallams moved to approve the **FINANCIAL REPORT FOR 10 MONTHS ENDING APRIL 30, 2023**. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0)

REGULAR AGENDA

Item No. 11. On the Agenda. **RESOLUTION R-23-23** A Resolution authorizing the City Manager to execute a contract with Metro Asphalt, Incorporated, in the total amount not to exceed \$848,965.00 for the FY24 Mill and Overlay Program, Project TP2406.

Councilman Smith moved to approve **RESOLUTION R-23-23** A Resolution authorizing the City Manager to execute a contract with Metro Asphalt, Incorporated, in the total amount not to exceed \$848,965.00 for the FY24 Mill and Overlay Program, Project TP2406. **Mayor Pro Tem Spallo** seconded. The Vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0)

Item No. 12. On the Agenda. **RESOLUTION R-23-24** A Resolution adopting the 2024 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing the expenditures of funds for Municipal Services.

Mayor Pro Tem Spallo moved to approve **RESOLUTION R-23-24** A Resolution adopting the 2024 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing the expenditures of funds for Municipal Services. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0)

Item No. 13. On the Agenda. **PUBLIC HEARING:** Special Use Permit for Wireless Communications Facility, 710 A Northeast 76th Street.

Mayor Moore opened the Public Hearing at 7:45 pm.

Community Development Director Austin Greer provided the staff report for the Wireless Communications Facility. He explained the current and past zoning history, planned and surrounding

plan uses, and the applicable zoning and subdivision Ordinance, as well as the Comprehensive Plan. Director Greer provided the following analysis: the applicant is proposing to build a wireless support structure that will expand service for Gladstone and Clay County residents on property located at 710 A NE 76th Street and that the monopole will be approximately 115' tall. He continued to explain the surrounding uses of the proposed location; M-1 Light Industrial (primarily auto related type businesses), R-1 Single Family Dwelling Unit (Oak Grove park, Oak Park High School, and Linden Mobile Home & RV Park), C-4 Small Warehouse, and Storage District (Public Mini Storage). He proceeded to report that currently, the property is undeveloped, commercial, and industrial in nature. The wireless support structure will have the capacity to accommodate up to four (4) different carriers. The facility will have a six (6) foot decorative masonry wall with landscaping in accordance with City Code, since the facility is visible from the Northeast corner of the Linden Mobile Home and RV Park. He shared that the proposed wireless support structure is a leasehold space on the private property of Thomas Sims.

Director Greer continued with the City Staff recommendations of the following conditions, if the City Council chooses to approve the project request:

1. Tillman Infrastructure, LLC shall apply for and maintain all applicable State and City business, professional, and occupational licenses.
2. Detailed construction plans shall be submitted to the City for permit consideration by the City Council.
3. Photometric documentation of existing conditions of all parts of the development site shall be submitted prior to issuance of permits. Any damage shall be repaired at the applicant's expense.
4. Adhere to all set back requirements in accordance with Gladstone city code.
5. Install and maintain in perpetuity tree screening on all sides of the facility.
6. The proposed 6 ft. tall wall will be maintained free of defects in perpetuity.
7. The tower height shall be a limited to 150 feet.
8. The tower compound shall be limited to 50' X 50'.
9. No commercial signage is allowed.
10. Any construction, wiring, or other such work to the wireless support structure, other relates structures on the site, or the site generally shall require the appropriate permit(s) from the City of Gladstone.
11. All fire safety and building inspection requirements for the structure made by the City of Gladstone in addition to all fire safety requirements for such State license shall be installed and maintained as required within 30 days after the issuance of this permit.
12. The applicant shall submit a detailed lighting plan for consideration prior to permit approval.
13. Any violation of these conditions may result in the cancellation of this Special Use Permit.

Director Greer reported that City Staff recommends the request be approved, contingent upon the conditions listed above. He also conveyed that the Planning Commission voted unanimously in favor of the project. He then reported that the applicant, Mr. Patrick Erwin was present and would introduce himself.

Mayor Pro Tem Spallo inquired about the lease and if the property can be sold with the 20-year Special Use Permit. Director Greer responded that was a legal question and not able to answer it and referred that question to the applicant.

Mayor Moore requested Director Greer to clarify the length of the 20-year Special Use Permit. Director Greer reported that 20 years is rather standard, due to the investment being made, nature of the project,

and that a telecommunications tower is outside the normal Special Use Permits that comes before the Council.

Applicant Patrick Erwin approached the Council and reported that they would accept all of the conditions of the Special Use Permit. He stated that the project is to establish better service for the FirstNet Communications system; an all first responder personal communications system designed for public safety that is built with AT&T. He continued to share that AT&T will utilize the structure for its commercial purposes, which is a secondary benefit. He explained that one of the primary goals is to provide service that covers Oak Park High School and its property. He reported that they meet all City Staff requirements and they had been working on this project for over a year and a half. He concluded that this property was the best location.

Mayor Moore inquired if FirstNet and AT&T is considered one carrier and if the tower will service four different companies. Mr. Erwin clarified that it was considered one carrier and confirmed the tower should be able to accommodate every carrier operating within the Gladstone and Clay County area. She also requested the predicted time frame for construction if approved. Mr. Erwin stated that it would be early 2024.

Councilman Garnos inquired if the significant restrictions that state legislature previously placed on municipalities on what could be imposed on cell phone towers would be met with the conditions of the Special Use Permit. Mr. Erwin reported that he had his outside counsel present and responded that the limitation to the Special Use Permit may be in conflict with the Missouri Statutes, but none others were mentioned. He also declared that he submitted a supplemental narrative with his application.

Mayor Moore asked if there was anyone who desired to address the Council in favor of the application.

There were none.

Mayor Moore asked if there was anyone who desired to address the Council in opposition of the application.

There were none.

Mayor Moore closed the Public Hearing at 7:55 pm.

Item No. 14. On the Agenda. FIRST READING BILL NO. 23-20 An Ordinance granting a Special Use Permit subject to certain conditions to Tillman Infrastructure, LLC., to operate a wireless communications facility at 710 A Northeast 76th Street.

Mayor Pro Tem Spallo moved **BILL NO. 23-20** be placed on its First Reading. **Councilman Mallams** seconded. The Vote: "aye", Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0) The Clerk read the Bill.

Mayor Pro Tem Spallo moved to accept the First Reading of **BILL NO. 23-20**, waive the rule and place the Bill on its Second and Final Reading. **Councilman Mallams** seconded. The Vote: "aye", Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0) The Clerk read the Bill.

Mayor Pro Tem Spallo moved to accept the Second and Final Reading of **BILL NO. 23-20** and enact the Bill as **Ordinance 4.639**. **Councilman Mallams** seconded.

Roll Call vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0) Mayor Moore stated **BILL NO. 23-20** stands enacted as **Ordinance Number 4.639**

Item No. 15. On the Agenda. **FIRST READING BILL NO. 23-21** An Ordinance directing the City Manager to execute a Cooperative Agreement with the North Kansas City School District for providing a School Resource Officer at Antioch Middle School.

Councilman Mallams moved **BILL NO. 23-21** be placed on its First Reading. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0) The Clerk read the Bill.

Councilman Mallams moved to accept the First Reading of **BILL NO. 23-21**, waive the rule and place the Bill on its Second and Final Reading. **Councilman Smith** seconded. The Vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0) The Clerk read the Bill.

Councilman Mallams moved to accept the Second and Final Reading of **BILL NO. 23-21** and enact the Bill as **Ordinance 4.640**. **Councilman Smith** seconded.

Roll Call vote: “aye”, Councilman Smith, Councilman Mallams, Councilman Garnos, Mayor Pro Tem Spallo, and Mayor Moore. (5-0) **Mayor Moore** stated **BILL NO. 23-21** stands enacted as **Ordinance Number 4.640**.

Item No. 16. On the Agenda. Other Business.

There was no other business.


Item No. 17. On the Agenda. Adjournment.

Mayor Moore adjourned the June 12, 2023, Regular City Council meeting at 8:00 pm.

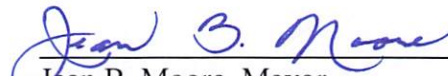
Respectfully submitted:



Kris Keller, City Clerk

Approved as presented:  _____

Approved as modified: _____


Jean B. Moore, Mayor